



TOGOLESE REPUBLIC

Travail-Liberté-Patrie



**AGENCY FOR PROMOTION AND
DEVELOPMENT OF AGROPOLES IN TOGO**

STAPLE CROPS PROCESSING ZONES (SCPZ) PROGRAMME: PROMOTING SUSTAINABLE AGRICULTURAL VALUE CHAINS

TOGO

RESETTLEMENT POLICY FRAMEWORK (RPF)

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LIST OF ACRONYMS AND ABBREVIATIONS

AAP	:Area Affected by the Project
AfDB	: African Development Bank
ANDF	: National Estate and Land Agency
ANGE	: National Environment Management Agency
APC	: Agricultural Processing Centre
APRODAT	: Agency for the Promotion and Development of Agropoles in Togo
ATCs	:Agricultural Transformation Centres
AWP	:Annual Work Programme
CCDs	:Cantonal Development Committees
CcGP	: Cantonal Complaints Management Committee
CCPG	: Communal Complaints Management Committee
CII	: Inter-ministerial Compensation Committee
CIRFDD	: Interministerial Commission for Land and State Reform
CoGeF	: Commission de Gestion Foncière (Property Management Commission)
COMEX	: Expropriation Commission
CPGP	: Prefectorial Committee for the management of complaints
CRP	: Complete Relocation Plan
CSOS	: Civil society organisation
CSP	: Country Strategy Paper
CVD	: Village Development Committee
EAPs	:Economically Affected Persons
ESIA	: Environmental and Social Impact Assessment
ESMP	: Environmental and Social Management Plan
FCFA	: Franc of the African Financial Community
GCF	:Green Climate Fund
GIS	: Gender and Social Inclusion
ICAT	: Institute for Technical Advice and Support
IFC	:International Finance Corporation
IGAs	:Income Generating Activities
MERF	: Ministry of the Environment and Forest Resources
MFI	: Microfinance Institution
MGP	:Complaint management mechanism
NGO	: Non Governmental Organisation
OS2	:Operational Safeguard 2
PAP	:Person Affected by a Project
PAP	: People affected by the Project
PRMS	: Livelihood Restoration Plan
PTA-Kara	: Kara Staple Crops Processing Zone Project
RAPs	:Resettlement Action Plans
RPF	: Resettlement Policy Framework
SCPZ	:Staple Crops Processing Zones
SMIG	: Guaranteed minimum interprofessional wage
SRP	:Short Resettlement Plans
SSI	: Integrated Backup System
SSS	: Specialist in Social Safeguards

ToR : Terms of Reference
VDCs : Village Development Committees

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DEFINITION OF CONCEPTS

Land Acquisition	The process by which a person is obliged by a public agency to transfer all or part of the land he owns to the ownership and possession of that agency, for public utility purposes in return for payment. Ref #4
Resettlement Assistance	Support provided to people whose projects result in physical displacement. This may include transport, food, housing and social services provided to affected people as part of their relocation. This support may also include amounts allocated to affected persons as compensation for the inconvenience caused by their relocation and to cover costs related to their relocation (moving expenses, lost work days, etc.). Ref #1
Moving Allowance	Compensation provided to eligible persons who have been displaced from their homes, whether they are homeowners or tenants. The moving allowance is a lump sum. Ref #1
Resettlement Policy Framework (RPF)	Document defining resettlement guidelines prior to project implementation. The RPF is presented to the public in the affected areas to determine the resettlement and compensation policy, organisational arrangements and to set the criteria that will be applied to meet the needs of the people who will be affected by the project. This framework is necessary for projects with sub-projects or multiple components that cannot be identified in detail before construction begins. The policy framework should be consistent with the principles and objectives of the International Finance Corporation (IFC) and Resettlement Action Plans (RAPs) should be prepared to be consistent with the provisions of this RPF. Ref #1
Replacement Cost	<p>The rate of compensation for lost goods should be calculated on the basis of the full replacement cost, i.e. the market value of the goods in question, plus transaction costs. For land and structures, the IFC defines "replacement costs" as follows: In calculating the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, and the value of benefits to be generated by the project is not deducted from the estimate of the assets affected by the project.</p> <p>Agricultural land: the market value (market rate) of land of equivalent capacity or production potential in the vicinity of the land in question, plus the cost of preparation to bring the land up to similar or better levels, plus the cost of any registration and transfer duties.</p> <p>Urban land: the market value of land of equivalent size and use, benefiting from a similar or improved level of infrastructure and public services and preferably located in the vicinity of the land in question, plus the cost of any registration and transfer duties.</p> <p>Structures occupied by households and public facilities: cost of acquiring or constructing a new structure of similar or better dimensions and quality to the structure in question, or of repairing a structure. Ref #1</p>
Deadline Date	Date of completion of the census and inventory of assets of those affected by the project. Persons occupying the project area after the deadline are not entitled to compensation and/or resettlement assistance. Similarly, fixed assets (buildings, crops, fruit trees, wooded plots, etc.) established after the date of completion of the inventory of assets, or another mutually agreed date, will not be eligible for compensation. Ref #1
Economic Travel	Displacement of people due to loss of income or livelihood streams resulting from requisition of land, loss of access to resources (land, water or forests) or trade

	resulting from the construction or operation of a project or its related facilities. Ref #1
Physical Movement	Displacement of people due to loss of housing and property, or access to resources resulting from the requisition of land by a project that requires the affected person(s) to move elsewhere or relocate to access new resources. Ref #1
Involuntary Displacement	Displacement is considered involuntary when affected persons or populations are unable to refuse the acquisition of land or restrictions on its use that caused the displacement. Ref #2
Expropriation of Land	The process by which a public authority, usually in return for compensation, causes an individual, household or community group to relinquish rights to the land it occupies or otherwise uses. Ref #1
Vulnerable Groups	Persons who, because of their gender, ethnicity, age, physical or mental disability, economic disadvantage or social status, are likely to be more affected than others by resettlement and may not be fully able to access or benefit from resettlement assistance and related development benefits. Ref #1
Compensation/ Indemnification	Payment in cash or in kind for a good or resource affected by a project, or acquired in the course of a project, at the time when its replacement proves necessary. Ref #1
Household affected by a Project	All members of a household, whether related or not, who function as a single economic unit and who are affected by a project. Ref #1
Livelihood / livelihood	Refers to the full range of means that individuals, families and communities use to live, such as wage-based income, agriculture, fishing, food-seeking, other resource-based livelihoods, petty trade, and barter. Ref #14
Informal Occupant	Occupant not being able to claim any right of ownership over land, either under land law or under customary land law as defined by the Land and State Code of the Togolese Republic. In other words, a person illegally occupying land, whether rural or urban. Ref #5
Stakeholders	Any entity (person, group, organisation, institution) concerned and potentially affected by a project or in a position to influence a project. Ref #1
Person Affected by a Project (PAP)	<p>Anyone who is negatively affected by a project. This includes the total or partial loss, temporarily or permanently, of goods, means of production, uses, resources used, or access to these resources. There are two types of PAPs:</p> <ul style="list-style-type: none"> — The physically affected person is a person who loses his or her home due to the project's land acquisition and has to move elsewhere to rebuild his or her home. A person who has to move to find or access new resources is also considered physically affected. — The economically affected person is a person whose sources of income or livelihood are affected by the project (loss of agricultural land, loss of business). This person will not be forced to be physically displaced because of the project, but is likely to move on his or her own initiative. Ref #1
Resettlement Action Plan (RAP)	A document in which a project proponent or other responsible entity defines the procedures and measures that it intends to follow and take in order to mitigate adverse effects, compensate losses and provide development benefits to people and communities affected by its project. Ref #1
Host Population	People living in or around areas ("host site") to which populations physically displaced by a project will be resettled and who may also be affected by the resettlement of PAPs. Ref #1

Customary Landowners	In Togolese legislation, notably the Land Code, custom is defined as a rule which is not enacted in the form of a command by the public authorities, but which stems from general and prolonged use and from the belief that there is a sanction for failure to observe this use. According to the Land Code, customary law is the law based on custom that recognises the original owner of land, which is defined by the Land Code as the person who can invoke a right derived from the land; i.e. the first occupant, and customary land law is the unwritten legal rules that apply to land. A customary owner of land is a person who can claim ownership of land under customary land law recognised by the Land and State Land Code of the Togolese Republic. Ref #3
Involuntary Resettlement	Resettlement that takes place without the informed consent of the displaced persons or without the possibility for the displaced persons, assuming they give their consent, to refuse to be resettled. It should be noted that the term "involuntary displacement" is also used. Ref #1
Home Page	Site to which physically affected PAPs are relocated as a result of the project. Ref #5
Security of Tenure	Guarantee offered to individuals or communities resettled on a site that they can legally occupy it without risk of expropriation. Ref #2
Squatter	A person who has no recognizable legal rights to the land he or she occupies or claims. Ref #1
Area affected by the Project (AAP)	Any area that is subject to change (negative or positive) as a result of the construction or operation of the project. Ref #5

1- Sources :

Ref#1: Manual for Developing Resettlement Action Plans, International Finance Corporation (IFC), Environmental and Social Development Department. (2012)

Ref #2: Performance Standards for Environmental and Social Sustainability, IFC, 2012

Ref #3: Land and State Code of the Togolese Republic

Ref #4: Environmental and social framework for REIT operations. NES

Ref #5: Land acquisition, land use restrictions and involuntary resettlement. Guidance Note for Borrowers, World Bank. 2018.

These definitions, in essence, are consistent with World Bank definitions.

EXECUTIVE SUMMARY

Context and justification

The Togolese agricultural sector is full of enormous opportunities, the development of which faces constraints and challenges that require the identification and implementation of innovative strategies.

Togo's Vision for 2030 is based on the structural transformation of agriculture and the economy to position the country on the path to emergence. The materialization of this vision requires innovative approaches and mechanisms at the conceptual, operational and financing levels.

To meet these challenges, the Ministry of Agriculture has renewed its agricultural policy note for the period 2016-2030. This new agricultural policy identifies as a strategic transformation approach of the agricultural sector, the implementation of agropoles within the next fifteen (15) years. This option is supported by the AfDB which in its Country Strategy Paper (CSP) 2016-2020 has chosen to support the development of agropoles in Togo. As a pilot project, the development of the first agropole, located in the Kara region, is envisaged from 2018.

The Staple Crops Processing Zone Project (PTA-Kara) is therefore part of Togo's new agricultural development strategy, which aims to create added value in agricultural sectors with a prominent place in the value chain, through production, processing and marketing, while ensuring social inclusion and environmental protection. In order to achieve these objectives, PTA-Kara intends to promote areas of concentration or agropoles, at the level of which all the factors of primary production (water, energy, transport, etc.), valorisation and production support (agro-industrial units, development of services (IT, finance, etc.) will gradually be made available to the stakeholder communities. It comprises four components : (A) support to policies and institutions in charge of promoting agro-food processing areas; (B) infrastructure development, (C) capacity building of stakeholders, (D) project coordination and management.

As the specific sites where some sub-projects will be carried out have not yet been selected, the appropriate safeguard instrument to be prepared to comply with national requirements and AfDB operational safeguard policies is a Resettlement Policy Framework (RPF). It is expected that resettlement activities should be minimal. These include the following sub-projects under Component B on Infrastructure Development: These include, among others, the following sub-projects of component B relating to infrastructure development: *i) small dams construction in the extension part of the Agropoles basin (northern part); ii) the development of irrigated perimeters and lowlands in the extension part of the Agropole basin (northern part); iii) the installation, in the agro-park, of 4,302 kW of solar energy for lighting, processing, drying and processing of staple food crops; iv) the establishment of basic infrastructure for the 11 agricultural processing centers (APCs) spread across the 19 cantons of the Agropoles; vi) support for the creation and management of at least 10,000 ha of community forests including 11,810 ha for use in climate resilient agriculture (CRA) practices, in order to generate income for the communities and its members. These sub-projects are to be financed by both AfDB and the GCF.*

The Resettlement Policy Framework (RPF), which is this document, is an instrument for mitigating the effects of resettlement. It aims to clarify the rules applicable in the event of resettlement and the criteria for the various sub-projects by specifying the compensation procedure to avoid impoverishment of populations whose loss, ruin of cultural identity, traditional authority and opportunities for self-help could jeopardize their stability or social and cultural well-being. It prescribes the preparation, review and approval process for the implementation of sub-projects that will ensure that the requirements of all the African Development Bank's operational safeguards and Togo's relevant policy and legal frameworks are duly taken into account.

Potential negative social impacts

As the sites are not yet defined for the implementation of the infrastructure foreseen under these sub-projects/actions, the potential negative social impacts that may result from these actions remain generic. The implementation of these actions points to significant effects related to population displacement and involuntary resettlement. In the case of small dam construction and electricity supply works, the land surfaces on which the works will be located and the corridor route in which the line and substations will be located are likely to require the involuntary displacement of populations. In connection with the development of blocks of market gardening sites in the 19 cantons of the agropole housing the APCs, the acquisition of land could induce risks of involuntary population movements. The same applies to the creation of community forests.

Legal and institutional framework for resettlement

With regard to land, the Ministry of Economy and Finance manages land and expropriations for public utility purposes through Law n°2018-005 of June 14, 2018 on the Land and State Code. This new land code gives primacy to modern law with regard to land acquisition, without totally calling into question customary land acquisition methods. This text sets out the conditions and procedure for expropriation for public utility purposes in the context of project implementation. In particular, it specifies: the cases in which expropriation may be pronounced; the formalities preceding expropriation, i.e. amicable transfer; the expropriation judgment and the setting of compensation; exceptional provisions. Law no. 2018-005 of 14 June 2018 states that no one may be forced to sell their property, except for the implementation of development policies or for reasons of public utility, and subject in both cases to fair and prior compensation. Article 359 stipulates that "expropriation for reasons of public utility shall be ordered by the courts, failing an amicable agreement, subject to the payment of fair and prior compensation". As for Article 361, it specifies that "the right of expropriation is open to the State, local authorities, public law legal persons and private law legal or natural persons to whom the public authorities delegate rights in order to undertake works or operations declared to be in the public interest". "In the latter case, the rights of these legal or natural persons of private law are specified by decree in the Council of Ministers. »

The expropriation of land is subject to compliance with a very rigorous procedure, the purpose of which is to guarantee the rights of the expropriated persons both in the administrative and judicial phases. Those affected by the resettlement measure will have at their disposal a clear and transparent complaints and conflict management mechanism: local mechanisms for amicable resolution; referral to local bodies; referral to the courts as a last resort.

There is convergence on a number of points between Togolese legislation and the AfDB's SO2 Safeguard Policy on resettlement. These points of convergence relate in particular to : (i) eligibility for compensation; (ii) date of eligibility; and (iii) type of payment. There are also points of divergence, the most important being : (i) monitoring and evaluation; (ii) economic rehabilitation; (iii) resettlement costs to be paid by the expropriating party and the cost of relocating PAPs, where applicable; (iv) occupants without formal rights; (v) treatment of vulnerable groups; and (vi) alternative compensation. It appears that these points not addressed in national legislation are not in contradiction with the AfDB SO2 guidelines. In fact, these points of divergence rather demonstrate the inadequacies of Togolese national legislation. As far as the AfDB is concerned, where there is a divergence between SO2 and Togolese legislation, it is SO2 that will prevail and its principles that will be applied. In such cases, national provisions contrary to SO2 are rendered inoperative. As such, the AfDB safeguard policy (SO2) will prevail and its principles will be applied to the involuntary resettlement process, linked to the Kara PTA.

A precise estimate of the number of people who will be affected is not a priori feasible. However, socio-economic studies will be carried out for further details. In the context of the present project, in order to ensure that the risks associated with the project are properly managed, arrangements are being made to inform, consult and give the opportunity for affected people to participate constructively at all stages of the process.

Preparation, review and approval of RAPs or RPFs

The following main steps are to be followed in the development, review and approval of a RAP or RPF: i) preparation and validation of ToRs; ii) recruitment by the promoter of a consultancy firm, individual consultant or NGO to carry out consultations, the socio-economic survey of PAPs, the identification of affected properties and the drafting of the RAP or RPF; iii) identification of affected populations and the impacts on their standard of living and livelihoods as a result of the project activities; iv) the census of affected populations and an exhaustive inventory of affected material and land assets per household in order to define compensation per household; v) validation of the RAP or RPF by ANGE; vi) implementation of the RAP or RPF through the official expropriation process (declaration of public utility, survey, decree of transferability and negotiation of compensation); vii) approval of the RPF by the AfDB; viii) publication of the RAP or RPF in the country and on the Bank's website.

Resettlement measures

In order to define income and develop livelihood recovery strategies, the involvement of PAPs should be encouraged from the outset of the sub-project or action. They should be involved in the definition of the measures so that they are best suited to their needs. Assistance will be particularly important for the individual who has to be moved a significant distance away because of the reconstruction costs that could otherwise be avoided. Different livelihood restoration programmes will be required for each of the different categories of PAPs and will depend on the type and extent of loss suffered, the level of vulnerability of the household, the stated preferences associated with their family characteristics and other relevant circumstances.

If resettlement is contemplated, the expropriation and payment of land and other assets, the relocation of PAPs and their resettlement (either temporary or permanent), and any economic rehabilitation assistance, must be completed in full before project work begins. Displacement of affected populations will take place after a phase of investigation of property and persons, collection and examination of complaints. It is at the end of the investigation and examination of complaints that compensation to people will be made. Once all affected persons have been compensated, they will be relocated and resettled in accordance with the resettlement plan.

Eligibility criteria for resettlement

Those affected by the activities resulting from the implementation of the Kara PTA will receive compensation/assistance for the loss/damage incurred. As described in the eligibility matrix, eligible persons are those who will suffer loss/damage that may take the following forms: i) loss of buildings or other structures, such as houses/dwelling houses, economic activity shelters, fences, sheds, shops, sacred objects or places; ii) loss of income, especially in relation to businesses (shops, stalls, etc.); iii) loss of income, especially in relation to the construction of buildings or other structures, such as houses, houses or other structures; iv) loss of income, especially in relation to businesses (shops, stalls, etc.); v) loss of income, especially in relation to businesses (shops, stalls, etc.), traders and vendors (markets, etc.) and relates to the period of inactivity of the enterprise during the relocation period; iii) loss of agricultural land and/or access to land; iv) loss of crops and/or pasture. With regard to the eligibility deadline, the deadline is that of: i) the start of the census operations (intended to determine the households and losses eligible for compensation); ii) after which households arriving to occupy the housing estates will not be eligible.

Valuation methods for the affected assets and determination of compensation costs

Valuation of assets (physical assets and land) will be undertaken in accordance with the following guidelines and on the eligibility matrix: i) assets (buildings, crops, loss of income, etc.) will be valued according to the following guidelines and on the eligibility matrix) will be valued in accordance with the methodology presented in the CPR; ii) compensation values will be based on replacement costs at the date the asset inventory was completed and will take into account inflation; iii) crop replacement costs will be based on values determined by the agricultural services or any other authorised structure

(e.g. agricultural economists) as well as on market prices in the area; iv) PAPs that lose land (with formal or informal title) will receive an equivalent parcel in terms of production and/or area.

Stakeholder consultation

The public stakeholder consultations took place from 8 to 14 September 2020 in the 19 cantons of the agropole through a participatory and inclusive approach. The methodological approach of these consultations consisted of involving grassroots stakeholders, including ICAT's technical advisers, local authorities, civil society organisations, populations through village and canton chiefs, village development committees (VDCs), cantonal development committees (CCDs) and representatives of cooperatives and groupings. All these actors participated in the various public consultation meetings held in the agropole zone.

These public consultations allowed these stakeholders to learn about the additional project activities, to give their support to additional projects and to express their opinions on the availability of land. Stakeholders also gave their assessments and expressed their concerns about the potential negative impacts and possible risks that these activities could generate. At the same time, they identified the various impacts and generic risks and formulated measures to mitigate negative impacts and prevent generic risks.

In general, the stakeholders involved in the consultations carried out stressed that the positive effects and benefits of the different actions outweigh the negative effects. However, the risks of involuntary population displacement must be considered and addressed appropriately, in accordance with the provisions of national legislation and AfDB operational safeguard policies.

During the consultation, participants called for particular attention to be paid to the following aspects: i) focus on awareness-raising and dialogue when implementing projects involving involuntary population movements; ii) raise awareness among the population and the authorities not to illegally occupy sites and rights-of-way, sub-projects and actions; iii) sensitise stakeholders on the measures of the new land code in order to facilitate its application; iv) ensure collaboration and coordination of all local stakeholders (traditional chiefs, local elected officials, landowners, technical services, civil society organisations) before carrying out displacement interventions; v) create and use territorial planning tools (ex: v) create and use territorial planning tools (e.g. Geographic Information Systems) in projects involving involuntary population movements.

Grievance management and complaint resolution mechanisms

A complaints management mechanism that does not limit access to formal redress mechanisms (such as courts, including traditional courts), and does not give rise to fears of negative consequences for users in the event of recourse must be developed. Affected individuals and households should be made aware of the existence of a recourse mechanism. General information on the existence of such mechanisms should be made public through community consultations.

The objective of the proposed mechanism is to respond quickly and transparently to complaints from affected stakeholders and to ensure that they have the means to present and address their complaints. The table below sets out the provisions relating to the receipt, registration and processing/resolution of complaints.

Tasks, responsibilities and timeframes for step-by-step complaint resolution

N°	Tasks	Persons in Charge (Conciliation Committees)	Number of Days
1	Reception and registration of complaints	Secretariats (chief-canton, ICAT, APRODAT)	Immediate
2	Acknowledgement of receipt	Secretaries of CcGP, CCGP of CPGP and SSS of APRODAT	5 Working days
3	Analysis/Classification and Treatment	MGP Committees (CcGP, CCGP, CPGP)	21 Calendar days
4	Reply/Communication of the reply	Secretaries of the CcGP, CCGP, CPGP and SSS of APRODAT	2 Calendar days following treatment
5	Implementation of the response	MGP Committees (CcGP, CCGP, CPGP) and complainants	-
6	Closing	MGP Committees (of the CcGP, CCGP, CPGP) and Complainants	30 Calendar days from receipt of complaint
7	Monitoring and documentation of the implementation of resolutions	MGP Committees (CcGP, CCGP, CPGP) and complainants	-

Institutional responsibilities for the implementation of the par

The success of a resettlement operation depends on an organisational structure with competent staff and the necessary resources. The roles and responsibilities of the different actors in the implementation of resettlement activities must be clearly defined and well coordinated, as shown in the table below.

Institutional Arrangements for Implementation - Charter of Responsibilities

Institutional players	Responsibilities
Ministry of Agriculture, Livestock and Rural Development	Designation and implementation of APRODAT as the coordinator for the implementation of the CPR. Referral to the Interministerial Compensation Committee if necessary
Agency for the Promotion and Development of Agropoles in Togo (APRODAT)	Coordinate collaboration with stakeholders, communities or other implementing bodies Recruitment of Consultant/Bureau d'Etudes to carry out social assessments and development of RAPs Development of potential RAPs (report review, consultation, validation, approval and publication) Dissemination of RAPs Resolution of complaints
National Environmental Management Agency (ANGE)	Consultation with affected persons as part of the monitoring of the resettlement process National validation and dissemination of RAPs in co-responsibility with APRODAT Oversight of the RAP implementation process Preparation of monitoring reports on the implementation of the RAP and sending a copy to APRODAT

Ministry of Finance Expropriation Commission (COMEX)	Consultation of affected persons in the evaluation of affected property Assessment of affected assets (participatory process with PAPs, communities, traditional chiefs, etc.). Treatment according to the dispute resolution procedure (paying compensation)
	Management of allocated financial resources Payment of compensation
Ministry of Territorial Administration, Decentralization and Local Authorities (Canton and village chiefs)	Dissemination of RAPs Monitoring of resettlement and compensation Registration of complaints and claims Contribution to the amicable resolution of conflicts Amicable conflict resolution Expropriation Participation in local monitoring
Ministry of Justice (Courts)	Judicial processing of complaints
Civil Society	Active collaboration in the process of developing and monitoring-evaluating RPPs Participates in the information/awareness raising of PAPs

Timetable for the implementation of the RPF

The implementation of a RAP or RPF should follow the following timetable:

ACTIVITIES	PERIOD
Recruitment of the specialist in social safeguards (SSS)	First year
Social selection of projects and implementation	
- Screening	Year 1 to year 3
- Carrying out RAPs or RPFs	Year 1 to year 3
- Implementation of RAPs or RPFs	Year 2 to year 3
Training and awareness-raising	
- Training and awareness-raising of stakeholders in the development of RAPs or RPFs	Year 2 to year 3
- Training and awareness-raising of stakeholders in monitoring and evaluation of the RAP or RPFs	Year 2 to year 3
Monitoring and evaluation	
- Monitoring of implementation	Year 2 to year 4
- Final evaluation of the resettlement	Year 4

Arrangements for monitoring and evaluating the implementation of the RAP or RPF

Monitoring and evaluation will be carried out to ensure that all PAPs are compensated, relocated and resettled in the shortest possible time and without negative impact.

Then the monitoring and evaluation of the implementation of the RAP or RPF will make it possible to monitor and report periodically on the maintenance or improvement of the living standards and conditions of the people affected by the project.

The evaluation of compensation and possible resettlement actions will be carried out by competent auditors chosen on the basis of objective criteria. This evaluation will be undertaken in three stages: (i) immediately after completion of the resettlement operations; (ii) at the mid-term of the project; (iii) at the end of the project.

Estimated budget for the implementation of the RAP or RPF

The estimate of the overall cost of resettlement and compensation will be determined during the socio-economic studies as part of the establishment of the RAPs or RPFs. However, an estimate has been made below to allow for the provision of potential funding related to resettlement. The overall costs of resettlement will include: the costs of carrying out the eventual RAPs; the costs of compensating for losses (agricultural, forestry, habitat, etc.); the costs of public awareness and consultation; and the costs of monitoring/evaluation. The State, through APRODAT and COMEX, will be responsible for the implementation of the RAPs or RPFs of this CPR; APRODAT will ensure that the financial requirements related to the eventual acquisition of land are met.

The AfDB will finance the implementation of RAPs, capacity building, monitoring/evaluation and resettlement assistance including assistance measures for vulnerable groups and measures for the social and environmental sustainability of new resettlement sites.

In total, on a comparative basis, the initial financial provision for resettlement can be estimated at three hundred and five million three hundred thousand (305,300,000) CFA francs.

1. INTRODUCTION

1.1. Context and justification

The Staple Crops Processing Zone Project (PTA-Kara) is part of Togo's new Agricultural Development Strategy, which aims to create added value in agricultural sectors with a prominent place in the value chain, through production, processing and marketing, while ensuring social inclusion and environmental protection.

The PTA-Kara will be composed of an agro-park, of 46,000 ha, intended for industrial units and a peripheral zone, place of agricultural production of the main sectors by the different actors present in the project's area of influence estimated at 165,000 ha.

1.2. Objectives of the project

The objectives of the PTA-Kara are to :

- promote private investment by setting up the Kara agropole and taking attractive measures and incentives to develop industrial processing activities;
- promote value-added chains by strengthening the capacities of actors and infrastructures supporting production and processing.

To achieve these objectives, PTA-Kara intends to promote areas of concentration or agropoles, where all the factors of primary production (water, energy, transport, etc.), valorisation and production support (agro-industrial units, development of services (IT, finance, etc.) will gradually be made available to the communities of actors.

1.3. Project components and actions

The PTA-Kara consists of four components: (A) support to policies and institutions in charge of promoting agri-food processing zones; (B) infrastructure development, (C) capacity building of actors, (D) project coordination and management.

As the specific sites where some sub-projects will be carried out have not yet been selected, the appropriate safeguard instrument to be prepared to comply with national requirements and AfDB operational safeguard policies is a Resettlement Policy Framework (RPF). It is expected that resettlement activities should be minimal. These include the following sub-projects under Component B (infrastructure development) :

- Construction of small dams at the extension part of the basin's agropole (northern part) which has not yet been the subject of detailed studies
- Development of irrigated perimeters and lowlands in the extension part of the basin's agropole (northern part), which has not yet been the subject of a detailed study.
- The works for the supply of electricity in the agro-park and fibre optic telecommunications. In this framework, the installation of 4,302 kW of solar energy for the lighting, processing, drying and processing of staple food crops is planned. These actions fall under sub-component B1 (Infrastructure for the development of the agro-park).
- The establishment of basic infrastructure for the 11 agricultural processing centres (APCs) spread across the 19 cantons of the agropole. Through these actions, the aim is to support small farmers' access to finance to invest in drip irrigation technology powered by solar pumps (installed capacity of 1,018.25 kW). The final objective is to support horticulture and market gardening of vegetables and fruits, including other cash crops, on at least 15,428 ha. They are included in sub-component B2 (Infrastructure for aggregation and access to agricultural inputs and services);
- Support for the creation and management of at least 10,000 ha of community forests with associated IGAs to generate income for communities. These actions fall under sub-component

B4 (Climate Resilient Agricultural Practices, Technologies and Adoption of Innovation by Smallholder Farmers).

An overview of how APCs operate is provided in Annex 6.

This RPF provides the necessary context to ensure that all sub-projects that may involve land acquisition and/or resettlement and loss of livelihood will comply with both national regulations and AfDB requirements. It defines the process by which the potential impacts of resettlement of sub-projects leading to the preparation of an Abridged Resettlement Plan (ARP) will be examined and impact assessment and compensation measures developed and implemented.

It prescribes the preparation, review and approval process for the implementation of sub-projects that will ensure that the requirements of all the African Development Bank's operational safeguards and Togo's relevant policy and legal frameworks are duly taken into account.

As only projects falling under categories 2 and 3 of the AfDB ISS categorisation are eligible, Full Resettlement Plans (FRPs) or Short Resettlement Plans (SRPs), where applicable, in line with the guidelines prescribed in this RPF, will be submitted to the AfDB for approval once specific information is available. The RPF describes the design criteria for the resettlement of affected persons during project implementation, the legal context, the process for preparing a RPF or RAP, the content of a plan, the implementation process and organisation.

1.4. Sites for the installation of infrastructures

For the sub-projects/actions covered by this RPF, complementary hydro-agricultural infrastructures (small dams, irrigated perimeters) will be implemented in the agropole area, particularly in the northern part located north of Broukou (between Agbassa and Atalotè). The operating infrastructures of the APCs (warehouses, drying areas, storage silos and infrastructures for pre-processing of agricultural products, etc.) will be installed at the level of the APCs; however, for the time being, the exact location is not yet defined. Once the specific sites and beneficiary communities have been clearly defined, all sub-projects and activities will be reviewed and appropriate mitigation tools such as ESIA/SEA and RPF (Comprehensive Resettlement Plan) or national regulatory provisions and AfDB safeguards will be taken.

1.5. Operational Safeguards of the African Development Bank (ADB)

The AfDB is committed to ensuring the social and environmental sustainability of the projects it supports. The AfDB's new Integrated Safeguard System (ISS) is designed to promote the sustainability of project outcomes by protecting the environment and people from potential negative project impacts.

The African Development Bank (AfDB) has a set of operational safeguards that provide mechanisms for integrating environmental and social concerns into development decision-making. They not only provide guidance on measures to be taken to improve and sustain operations in specific areas, but also ensure that :

- potentially negative environmental impacts on the physical and human environment such as ecosystem functions and human health, physical cultural heritage as well as specific social impacts on the living conditions of individuals and groups are identified and assessed at an early stage of the project cycle;
- unavoidable negative impacts are minimised or mitigated to the extent possible;
- information is provided in a timely manner to stakeholders who are given the opportunity to comment on the nature and extent of impacts and proposed mitigation measures;
- People Affected by the Project (PAPs) are consulted and actively participate in the identification and implementation of measures to manage risks and demonstrable negative impacts;

- the organisational implementation modalities, monitoring-evaluation arrangements, an implementation schedule and an estimated budget are clearly defined in the negative impact mitigation plans; and,
- a participatory grievance management system is agreed, implemented and functional.

The Integrated Safeguards Policy Statement sets out the key principles that underpin the Bank's approach to safeguards. Accordingly, the Bank has adopted five Operational Safeguards (OS), limiting their number to the minimum necessary to achieve its objectives and ensure the optimal functioning of the ISS.

The objectives of the AfDB's safeguards are to :

- avoid, as far as possible, the negative impacts of projects on the environment and the people concerned, while optimising the potential benefits of development;
- minimise, mitigate and/or compensate for the negative impacts of the projects on the environment and the people affected, if they are not avoided; and
- helping borrowers/clients to strengthen their safeguard systems and develop their capacity to manage environmental and social risks. The Bank requires borrowers/clients to comply with these safeguards during project preparation and implementation.

Operational Safeguard 2 - OS2 (Involuntary Resettlement - Land Acquisition, Displacement and Compensation) of the African Development Bank (ADB) recommends that appropriate and planned measures be taken to avoid long-term damaging consequences, impoverishment and social damage. This safeguard consolidates the conditions and policy commitments set out in the Bank's Involuntary Resettlement Policy and also incorporates improvements to increase their operational effectiveness. In particular, the operational safeguard encompasses comprehensive and forward-looking notions of livelihoods and resources, to account for their social and cultural dimensions, as well as their economic aspects.

It also adopts a progressive vision of community and common property that emphasises the crucial need to maintain social cohesion, community structures and social interactions of the ties that common property provides. Finally, SO2 highlights the fundamental principles of the Bank's Involuntary Resettlement Policy, namely (i) the need to provide compensation for full replacement cost, (ii) the importance of achieving resettlement that improves living standards, income-generating capacity and overall livelihoods, and (iii) the need to ensure that potential aspects of social considerations such as gender and age do not disadvantage those particularly affected by the project.

1.6. Purpose and objectives of the Resettlement Policy Framework (RPF)

• Purpose of the RPF

Involuntary resettlement involves the displacement of people as a result of development projects that encroach on their means of production, cultural sites and sources of income (land, pasture, other assets, etc.). These people are displaced against their will, as they are often not the initiators of their movement.

The implementation of the sub-project activities indicated in 1.3 may trigger the policy of involuntary resettlement, as minimal displacement is possible when land is acquired for these activities and affected persons will need to be compensated for loss of land, crops, housing and other structures and livelihoods. This RPF has therefore been prepared to adequately address issues such as the need for land acquisition, compensation and resettlement of people affected by the implementation of certain sub-projects in the agropole.

• Objectives of the CPR

The objective of the Resettlement Policy Framework (RPF) is to provide appropriate guidance to those responsible for planning and conducting resettlement and compensation activities in order to ensure effective, consistent and fair compensation to the populations directly affected by the PTA-Kara sub-projects/actions. Prior to the implementation of these sub-projects/actions, it is important to ensure that (i) resettlement is the only possible alternative; (ii) the livelihoods of the affected people are restored or are better than before their physical and/or economic resettlement.

This RPF therefore establishes the principles, procedures, categories of rights, eligibility criteria and organisational arrangements that will govern land acquisition and compensation. It also provides strategies to promote gender equity and support for vulnerable groups through the resettlement process.

Specifically, this RPF aims to :

- provide an initial and coherent framework for the development of Comprehensive Resettlement Plans (PCR) or Short Resettlement Plans (SRP) related to the following sub-projects/actions; **i)** construction works of small dams and development of irrigated perimeters and lowlands; **ii)** works for the supply of electricity in the agro-park and fibre optic telecommunications; **iii)** the development of 15,428 ha of sites for market gardening, horticulture and other speculation through the establishment of basic infrastructure (drip irrigation technology powered by solar pumps). These developments will be carried out in the 11 APCs distributed in the 19 cantons of the agropole; **iv)** support for the creation of at least 10,000 ha of community forests including IGAs in order to generate income for the communities of the agropole;
- Establish general principles, policies, procedures, rights, eligibility criteria and arrangements for managing land access/acquisition and resettlement to ensure equitable compensation for men and women, populations, households and communities;
- provide an overview of the land access process and describe how eligibility and compensation should be determined and paid;
- present guidelines for the development of restoration/livelihood improvement activities;
- identify the process for defining the deadline after which compensation for resettlement will no longer be accepted;
- Define the notion of vulnerable groups, households and individuals in the project areas;
- Address key issues related to the regulations governing involuntary resettlement and the gaps between national regulations and AfDB principles;
- Introduce a monitoring and evaluation system to ensure that resettlement activities are carried out as agreed and that objectives are met;
- Present a management system and a formal, documented process for receiving, assessing, recording and resolving complaints arising from the activities of the promoter, its contractors and employees.

The principles and procedures described in this document will apply to the agropole's sub-projects whose execution sites have not yet been precisely determined and which will result in the displacement and resettlement of populations within the meaning of AfDB Operational Safeguard 2.

1.7. Methodological approach

The methodological approach used in the development of this RPF includes the following tasks:

- Review of legal and regulatory requirements: national requirements and those of the partner, the AfDB. They were clarified and compared to identify gaps and formulate proposals to meet the highest standards. The revised requirements relate to eligibility criteria, compensation and livelihood support measures, requirements for stakeholder information and participation, conflict management, protection of vulnerable people, etc.
- Documentary review: this is a review of the RAPs and RPFs already carried out in Togo, which made it possible to adapt this RPF to the Togolese context.
- Integration of Gender and Social Inclusion Analysis (GIS). Analyses relevant to the situation of women and vulnerable groups are integrated into the GIS, in the form of identification of potentially problematic situations for these vulnerable groups in the context of resettlement activities and appropriate avoidance, mitigation and compensation measures.
- Impact assessment: As the sites where the infrastructures will be located are not yet precisely defined, general potential negative social impacts have been determined according to the nature of the action and the activities to be carried out. Various management measures are also proposed in order to avoid or minimise the anticipated negative impacts.
- Carrying out a mission that takes into account social inclusion. Consultation and participation of stakeholders in the CPR, i.e.: relevant public and private administrative services, technical services, environmental and community development NGOs, vulnerable people, representatives of women's organisations, traditional chiefs and youth representatives at APC level.

The RPF will be disseminated to key stakeholders who may play a role in resettlement activities, including local authorities and traditional authorities should such cases arise during the implementation of sub-project activities.

2. NEGATIVE SOCIAL IMPACTS, POTENTIAL RISKS AND POTENTIALLY AFFECTED PEOPLE

2.1. Negative social impacts and social risks

As the sites are not yet defined for the implementation of the infrastructure foreseen under these sub-projects/actions, the potential negative social impacts that may result from these actions remain generic. The implementation of these actions points to negative social impacts and risks related to population displacement and involuntary resettlement.

In the case of small dam construction and electricity supply works, the land surfaces on which the works will be located and the corridor route in which the line and substations will be located are likely to require the involuntary displacement of populations. In connection with the development of blocks of market gardening sites in the 19 cantons of the agropole housing the APCs, the acquisition of land could induce risks of involuntary population movements. The same applies to the creation of community forests.

A generic summary of the negative social effects and social risks associated with involuntary resettlement is presented in Table 1.

2.2. Estimates of population to be displaced and categories and assets affected

As the precise locations of the infrastructures have not yet been clearly defined in the agropole area, estimates of the number of people who will be affected and the real land needs are not known at the moment. These data will be obtained during the ESIA studies when the sites are known.

2.3. Efforts to minimise relocation impacts

The reduction of social impacts, and particularly resettlement, should be taken into account when developing ESIA. The characterization of the environment and the evaluation of impacts will have to be carried out by involving stakeholders from the beginning of the process and throughout the process. Stakeholder consultation and participation will be essential from the planning stage of activities. In order to carry out the analysis of the issues and impacts, data can be collected, in particular concerning the use of the area, the communities and populations affected, the density of the built environment, and cultural resources, using the participatory research method. Field campaigns may also be carried out to validate certain information.

Table 1: Summary of negative social impacts and social risks arising from involuntary resettlement

Sub-projects / Actions	Generic impacts and risks	Causes of involuntary resettlement	General measures for mitigating negative impacts and preventing risks
Sub-component B1: Agro-park development infrastructure			
Electricity supply works in the agro-park and fibre optic telecommunications/Installation of 4,302 kW of solar energy for lighting, processing, drying and processing of staple food crops	<ul style="list-style-type: none"> - Conflicts related to the release of prisoners - Risks of land conflicts - Risk of electric shock - Frustration if the criteria for electrification of localities are not objective. 	<ul style="list-style-type: none"> - Acquisition/expropriation of land for the corridor and the construction of the posts. - Restricted access to resources - Loss of cultivable plots for the installation of fibre optics 	<ul style="list-style-type: none"> - Social evaluation and development of RAPs or RPFs - Development of a communication plan that includes awareness-raising activities
Construction of one or two additional small dams in the northern part of the agropole of the Kara basin	<ul style="list-style-type: none"> - Conflicts related to the release of prisoners - Land conflicts related to the loss of land due to expropriation (setting up infrastructure in APCs) - Risks of involuntary displacement of populations - Permanent loss of agricultural land - Permanent loss of dwellings - Definitive loss of agricultural speculation - Permanent loss of pasture - Permanent loss or displacement of religious property 	<ul style="list-style-type: none"> - Acquisition/expropriation of land for the construction of the works - Restricted access to resources 	<ul style="list-style-type: none"> - Social evaluation and development of RAPs or RPFs - Development of a communication plan that includes awareness-raising activities
Development works for additional irrigated perimeters and lowlands in the northern part of the agropole of the Kara basin	<ul style="list-style-type: none"> - Conflicts related to the release of prisoners - Definitive loss of agricultural speculation - Permanent loss or displacement of religious property 	<ul style="list-style-type: none"> - Temporary restriction of access to resources 	<ul style="list-style-type: none"> - Social evaluation and development of RAPs or RPFs - Development of a communication plan that includes awareness-raising activities - Social assessment and, if necessary, development of resettlement plans for affected populations - Development of a communication plan that includes awareness-raising activities - Develop and secure transhumance corridors to allow livestock access to grazing areas. - Encourage the population to sell bales of hay.

			<ul style="list-style-type: none"> - Raise awareness among transhumants about respecting the corridors and the transhumance period. - Establishment of a management committee for the developed block (at least 30% of the members are women) - Provide for emphyteutic leases between landowners and operators to secure land and protect investments. - Preparation of land-use plans (POS) - Elaboration and implementation of the Pest Management Plan (PMP) - Elaboration and implementation of the procedural framework - Development and implementation of a complaints management mechanism (CMP)
Sub-component B2: Infrastructure for aggregation and access to agricultural inputs and services.			
Construction of APC operating infrastructure in the 19 cantons, i.e. 11 APCs	<ul style="list-style-type: none"> - Conflicts related to the release of prisoners - Permanent loss of agricultural land - Permanent loss of dwellings - Definitive loss of agricultural speculation - Permanent loss of pasture - Permanent loss or displacement of religious property 	<ul style="list-style-type: none"> - Acquisition/expropriation of land for the construction of the works - Restricted access to resources 	<ul style="list-style-type: none"> - Social evaluation and development of RAPs or RPFs - Development of a communication plan that includes awareness-raising activities
Development of blocks for horticulture and market gardening of vegetables and fruit and other cash crops on at least 15,428 ha in the 19 cantons of the agropole/ Drip irrigation technology powered by solar pumps (installed capacity of 1,018.25 kW)	<ul style="list-style-type: none"> - Land conflicts related to the loss of land due to expropriation (setting up infrastructure in APCs) - Risks of involuntary displacement of populations - Risks of social conflicts (compensation for PAPs) - Risks of conflict around developed sites (sharing of plots for exploitation, failure to respect contractual commitments) - Risks of exclusion of vulnerable groups (women, young people, people with disabilities) in access to developed plots of land 	<p>Acquisition/expropriation of land for infrastructure development in the 11 APCs (about 02 ha per APC).</p> <p>For the development of the horticulture and market gardening blocks, there will be no expropriation within the framework of the project, and consequently no compensation. The sites that will be developed will always remain the property of the landowners/communities that will exploit them and/or will sign long-term leases with farmers, under the</p>	<ul style="list-style-type: none"> - Social assessment and, if necessary, development of resettlement plans for affected populations - Development of a communication plan that includes awareness-raising activities - Develop and secure transhumance corridors to allow livestock access to grazing areas. - Encourage the population to sell bales of hay. - Raise awareness among transhumants about respecting the corridors and the transhumance period. - Establishment of a management committee for the developed block (at least 30% of the members are women)

		guidance and supervision of the project.	<ul style="list-style-type: none"> - Provide for emphyteutic leases between landowners and operators to secure land and protect investments. - Preparation of land-use plans (POS) - Elaboration and implementation of the Pest Management Plan (PMP) - Elaboration and implementation of the Environmental and Social Management Framework integrating the environmental and social management plan, the capacity building plan and the cultural heritage management framework. - Elaboration and implementation of the procedural framework - Development and implementation of a complaints management mechanism (CMP)
Sub-component B4: Climate Resilient Agricultural Practices, Technologies and Smallholder Farmer Adoption of Innovation)			
Creation and management of community forests (10,000ha) associated with income-generating activities	Land conflicts related to land loss Restriction of cultivable space Risks of population displacement	There will be no acquisition of land, no expropriation for public utility by the project: thus no compensation within the framework of this action, even if it would lead to a physical or economic displacement of the populations. In this case, it is up to the community to find fair and equitable compensation in arable land for those who would be affected in accordance with customary land management law.	<ul style="list-style-type: none"> - Raising public awareness of the importance of trees and forests, particularly in the community. - Identification and consensual delimitation of sites dedicated to community forests/Establishment of donation certificates co-signed by all landowners - Establishment of a management committee for each community forest involving all stakeholders (at least 30% women members)

2.4. Cumulative relocation impacts

It is important in the implementation of these actions to analyse the cumulative impacts (positive and negative, direct and indirect, long and short term). Indeed, each individual effect of an action may not be significant if taken in isolation; but by taking a more comprehensive view of the overall project actions, it is possible to analyse the cumulative impacts of multiple investments (constant, planned or simply envisaged) as well as the impacts of relevant policies.

Ultimately, the implementation of all the planned actions simultaneously will require significant behavioural changes on the part of the local communities involved: modification of agricultural practices and livestock breeding habits, adoption of sustainable production methods, integration of agroforestry practices, adaptation of traditional lifestyles, change of habits in the production and consumption of wood energy, use of renewable energy sources, increase of the forest heritage through the creation of community forests. In this context, the accumulation of these changes in a short period of time could have certain repercussions from a social point of view. These repercussions could take several forms: resistance to change, a negative effect on the social acceptability of certain activities, a negative effect on social cohesion due to conflicts and/or the possible displacement of population or the presence of workers from outside.

Taking these various risk factors into account calls for the establishment of an environmental management framework and a RPF covering all aspects, and for an information and social dialogue strategy that allows for the sustained involvement of local communities in management and development efforts.

2.5. Risks related to relocation operations

These are the risks and difficulties associated with resettlement that mainly concern households whose homes and/or businesses or other economic activities are displaced as a result of the implementation of project activities. These risks are indeed more serious and require more involvement on the part of the PAPs (management, negotiations, relocation, etc.). Resettlement operations can affect their family and economic activities and lead to stress and burnout. Income restoration and support measures, particularly for vulnerable populations, must therefore be implemented.

The implementation of activities can also face "opportunistic" phenomena (attempts to invade the rights-of-way of potential infrastructure sites in the hope of obtaining compensation). In addition, some people may insist on the authorities and contractors in order to obtain employment. Finally, there may also be anarchic occupation of the area in order to provide services to workers (small businesses). Claims for compensation for occupations in the right-of-way after the deadline are not admissible.

In the context of each targeted action, it will be necessary to assess these risks by taking into account the characteristics of that action and proposing appropriate management measures. In particular, it must be ensured that :

0. the widest possible publication of the official deadline;
1. raising community awareness of these potential risks and the mitigation measures to be put in place;
2. a strategy for recruiting workers for the project;
3. the finalisation and implementation of the Full Resettlement Plan (FRP) or the Short Resettlement Plan (SRP), the release of land rights of way followed by the setting up of the planned infrastructures;
4. an appropriate monitoring and control system for the sites identified for the installation of infrastructures in order to avoid occupation after the event.

Finally, if negotiations are spread out over time and/or if several grievances need to be resolved, this could result in delays in the project work. In order to mitigate such risks, it is essential that the management of complaints and conflicts is carried out properly. In particular, to avoid or minimise such delays, it will be necessary to ensure that

1. a high degree of transparency in the compensation scales and eligibility criteria used;
2. monitoring the proper implementation of the Full Resettlement Plan (FRP) or the Short Resettlement Plan (SRP);
3. the establishment of an accessible, transparent and inclusive complaints management mechanism.

Risks foreseeable at the implementation stage of activities, such as little or no employment for vulnerable groups (women, youth, people with disabilities), can be mitigated by adopting specific measures to be included in tender documents, such as: i) prioritising PAPs and local enterprises for employment opportunities and procurement; ii) the involvement of PAPs able to work on their land (clearing of the right-of-way, reconstruction work, etc.). Such measures will help economically vulnerable households to increase their income. A Livelihood Restoration Plan (PRMS) can be prepared and implemented to support these vulnerable people until their economic situation is restored.

3. LEGAL AND INSTITUTIONAL FRAMEWORK OF RESETTLEMENT

3.1. Legal framework

3.1.1. National legal framework

3.1.1.1. Basic law: the Constitution of the Togolese Republic

Article 27 of the Constitution of the Fourth Republic, adopted by referendum on 27 September, then promulgated on 14 October 1992 and amended by constitutional law N°2002-029 of 31 December 2002, states that "The right of ownership is guaranteed by law. It may only be infringed on the basis of a legally established public interest and after fair and prior compensation. This constitutional right can only be definitively altered in the general interest and by judicial means, which is what follows from the following paragraph, which is worded as follows: "No one may be seized of his property except by virtue of a decision taken by a judicial authority".

3.1.1.2. Law no. 2018-005 of 14 June 2018 on the Land and State Code

With regard to land, the Ministry of Economy and Finance manages land and expropriations for public utility purposes through Law n°2018-005 of June 14, 2018 on the Land and State Code.

In practice, land conflicts are enormous and mainly concern the phenomenon of double, triple or quadruple sales of rural land, recurrent disputes, and the preference of customary law over modern law due to long, complicated and costly procedures.

In order to put an end to all these setbacks, the Togolese government has been engaged in the land reform process since 2009, which led to the adoption of a land and state land code on 5 June 2018 by the National Assembly. This new land code gives primacy to modern law with regard to land acquisition, without totally calling into question customary modes of land acquisition.

Law No. 2018-005 of 14 June 2018 on the Land and State Code includes 724 articles in eleven (11) titles.

Article 3 of Title 1 - General Provisions - states that: "The purpose of this Code is to determine the fundamental rules and principles applicable to land and state-owned property and to govern the organisation and functioning of the land and state-owned property regime in the Togolese Republic.

Article 5 specifies that "The land tenure system in force in the Togolese Republic is that of property registration, determined by the provisions of Title III of this Code. It governs all rural, peri-urban and urban land and is based on publication in land registers.

In other words, this means that any acquisition of land for a project will no longer have to be done arbitrarily as it used to be, but will have to be done in strict compliance with the law.

Article 6 emphasises that: "In the Togolese Republic, the State holds the national territory in sight:

- the preservation of its integrity ;
- the guarantee of the right of ownership of the State and local authorities, natural persons and legal persons under private law acquired in accordance with laws and regulations;
- the guarantee of property rights of individuals and communities acquired according to customary rules;
- the guarantee of its sustainable use and development".

Article 7 reinforces the above-mentioned provisions in the following terms: "No one may be compelled to transfer his property or real property rights, except for the implementation of development policies or for reasons of public utility, and in any case subject to fair and prior compensation".

Article 560 of Law n°2018-005 of 14 June 2018 on the Land and State Land Code stipulates that "The national land estate includes all land that cannot be classified either in the category of land held by customary communities and individuals on the basis of a land title or by virtue of customary land law,

or in the category of land constituting the public and private domains of the State and local authorities. Its management is under the authority of the State, which can carry out redistribution in all forms. »

It should be noted that the law establishing the Land and State Code adopted on 5 June 2018 provides for a new institutional framework, namely :

3. The Interministerial Commission for Land and State Reform (CIRFD), whose mission is to prepare all draft legislative and regulatory texts relating to land and state policy in urban and rural areas in application of the new code and to monitor the application of the land and state legislation in force. It is consulted on major land and state-owned issues.
4. The Agence Nationale du Domaine et du Foncier (ANDF): placed under the technical supervision of the Ministry in charge of land and state affairs and under the financial supervision of the Ministry in charge of finance, is responsible for securing and coordinating land and state management at the national level. It is also responsible for the implementation of State policies, strategies, programmes and projects in the area of land and State-owned property.
5. The Conseil Consultatif Foncier (Land Advisory Council): is responsible for providing a forum for exchange and consultation on the actions to be taken to implement the Land and State Code.
6. The Commission de Gestion Foncière (CoGeF): was created by decree by the Council of Ministers in each commune. The CoGeF is an advisory body that assists the mayor in managing land issues at the local level.

3.1.1.3. *Other texts relating to land law*

Ordinance No. 12 of February 6, 1974 "fixing the land and state land tenure system" is today the reference text in land matters. This ordinance classifies land throughout the national territory into three categories, namely :

- 1- "land held by customary communities and individuals on the basis of a land title or by virtue of customary land law and this within the limits established according to general principles (...);
- 2- land in the public and private domains of the State and local authorities;
- 3- the national land estate made up of all land that cannot be classified in one or other of the above categories".

Land in the first category is privately owned land, that is, land on which individuals or groups of individuals can claim a private property right.

Ordinance No. 12 of 6 February 1974 provides in Chapter III - Public and private domains of the State and public authorities - Section I - Public domain, "the natural or artificial public domain (Article 14). According to article 15, "Are part of the natural public domain, the maritime public domain and the river public domain". According to the same article, "The public domain of rivers includes ...":

- a) watercourses, their beds and their free boards within the limits determined by the heights of the water flowing at full banks before overflow and a zone 3 metres wide from these limits;
- b) springs and watercourses that are neither navigable nor buoyant within the limits determined by the height of the water flowing at its full edge before overflowing; the residents of these watercourses are subject to a right of way over an area 10 metres wide on each bank.
- c) lakes, ponds, lagoons within the limits determined by the highest water levels before overflow with a protection zone 100 metres wide from these limits on each outer shore and on each of the edges of the islands.

3.1.1.4. *Legislation on expropriation in the public interest*

On Togolese territory, the regulation of expropriation for public utility purposes is now governed by Law No. 2018-005 of 14 June 2018 on the Land and State Code. This text sets out the conditions and procedure for expropriation for reasons of public utility in the context of project implementation. In

particular, it specifies: the cases in which expropriation may be pronounced; the formalities preceding expropriation, i.e. amicable transfer; the expropriation judgment and the setting of compensation; exceptional provisions. Law no. 2018-005 of 14 June 2018 states that no one may be forced to sell their property, except for the implementation of development policies or for reasons of public utility, and in both cases subject to fair and prior compensation.

Article 359 stipulates that "expropriation for reasons of public utility is pronounced in the absence of an amicable agreement, by the courts, subject to the payment of fair and prior compensation".

As for Article 361, it specifies that "the right of expropriation is open to the State, local authorities, public law legal persons and private law legal or natural persons to whom the public authorities delegate rights in order to undertake works or operations declared to be in the public interest". "In the latter case, the rights of these legal or natural persons of private law are specified by decree in the Council of Ministers. »

However, "the expropriation of all or part of an immovable, or of real property rights, may only be pronounced if it has been preceded by a declaration of public utility following a public enquiry. "The terms and conditions of the preliminary public enquiry are defined by decree in the Council of Ministers (Article 362).

According to article 364, "the public utility of operations or works is expressly declared by an administrative act. A decree in the Council of Ministers determines the different categories of administrative acts that may declare the public utility of a property according to the nature of the planned expropriation operation. The act declaring the public utility is accompanied by a document that sets out the reasons justifying the public utility nature of the expropriation operation".

In order to set the amount of expropriation, Article 371 emphasises that "within three months of notification of the deed of transferability, the expropriator shall notify the interested parties by order of the amount of the proposed compensation and shall invite them to make known the compensation requested". "This order is equivalent to a summons to appear before the expropriation commission to set the amount of compensation on an amicable basis. Article 372 states that "the expropriation commission shall record the agreement of the parties on the amount of compensation. In the event of disagreement, it shall attempt to reach an agreement on the amount of compensation by any means of conciliation. Minutes of this agreement shall be drawn up and signed by the chairman and each of the members of the commission as well as by the parties".

The article emphasizes that "the parties may agree on compensation by way of exchange of an immovable belonging to the expropriating authority, of equivalent value".

At the request of the most diligent party, the court of first instance shall pronounce the homologation of the amicable agreement, ensuring the reality and integrity of the exchange of the parties' consents.

"In the absence of an amicable agreement, the court of first instance of the place where the property is located shall have sole jurisdiction to rule on the date of transfer of ownership and to set the amount of compensation. The court of first instance shall be seized by the most diligent party by means of a writ of summons" (Article 373).

"The expropriation compensation shall be determined by judicial proceedings in accordance with the rules set out below:

- the expropriation compensation must only include the current and certain damage directly caused by the expropriation; it cannot extend to possible uncertain or indirect damage ;
- it is fixed according to the value of the property on the day of the decision pronouncing the expropriation without it being possible to take into account, for the determination of this value, the constructions, plantations and improvements made, without the agreement of the expropriator, since the publication of the deed declaring the public utility;

- the compensation thus calculated may not exceed the value of the property on the day of publication of the deed of transfer or notification of the deed declaring the property to be in the public interest and designating the properties subject to expropriation. In determining this value, no account shall be taken of any speculative increase in value which may have occurred since the deed declaring the property to be in the public interest;
- where applicable, the compensation is modified in consideration of the capital gain or loss resulting from the planned transaction for the part of the property not expropriated;
- each of the elements referred to in points 2, 3 and 4 above gives rise to the fixing of an amount to determine the applicable compensation;
- an expertise will have to be ordered if requested by one of the parties. It must be conducted by three approved experts appointed by the court of first instance, unless the parties agree on the choice of a single expert" (article 374).

In addition, the law lays down the conditions for the exploitation or development of rural land and other provisions for the settlement of land disputes.

According to article 655, "the development of rural land is the result either of a rural development operation or of any other operation carried out to preserve the environment in accordance with the laws and regulations in force, with the aim of satisfying individual or collective, public or private needs. »

"Rural development actions include but are not limited to the following:

- the establishment and operation of perennial, annual or seasonal crops;
- the breeding of domestic or wild animals ;
- the maintenance, enrichment or establishment of forests;
- fishing ;
- aquaculture ;
- infrastructures and facilities for irrigated crops ;
- the creation of botanical gardens and zoological parks ;
- the construction and operation of establishments for the storage, processing and marketing of agricultural products, livestock, forestry, fisheries and any other activity of a rural nature.

With regard to the settlement of land disputes, Article 673 stipulates that "the State shall take and implement all necessary measures to effectively prevent and reduce rural land conflicts. In the context of preventing rural land disputes, the State shall draw up and implement, in consultation with all the actors concerned, appropriate measures for the rational development and management of rural areas.

Disputes over access to rural land and natural resources are settled in accordance with existing legal provisions. However, the referral to the courts must be preceded by an attempt to reach an amicable settlement with a traditional authority with territorial jurisdiction (Article 675). The parties must each be assisted by at least one witness during the course of the attempt at amicable settlement (Article 677) and the amicable settlement gives rise to the drawing up of a report (Article 678).

According to this law, the different stages of the expropriation procedure for reasons of public utility are as follows:

- Declaration of Public Utility

The expropriation of real estate can only be pronounced on condition that the public utility has been declared and established in the forms prescribed by the Land Code (art 360). The public utility of the works or operations is expressly declared by an administrative act (art. 364). According to article 365, the act declaring the public utility designates the area subject to the expropriation procedure and specifies the time limit within which the expropriation must be carried out. In addition, the deed declaring the public interest designates the area subject to the expropriation procedure and specifies the

time limit within which the expropriation must be carried out. This declaration is preceded by a public enquiry (art. 362).

- Public enquiries

The purpose of the survey is to inform the population about the project's implementation and to enable them to make observations within a given period of time. The terms and conditions of the preliminary public enquiry are defined by decree of the Council of Ministers (art. 362). However, as an exception to Article 362, and according to a simplified procedure, certain operations in the general interest or of an emergency nature, in particular those relating to the reduction of substandard housing or for buildings threatening ruin and endangering safety, are exempt from the public enquiry. The public are exempt from the preliminary investigation under ordinary law (art. 363).

- Deed of transferability indicating the properties to be expropriated

The act of transferability designates by name the persons concerned by the expropriation. An order designates the properties to which the expropriation applies.

- Parcel survey

The parcel survey is distinct from the public enquiry prior to the declaration of public utility. The land survey provides a project with a plan showing the properties affected. This draft must be submitted to the office of the municipality, prefecture, court and the land registry office of the property in question so that interested parties can read it and submit their comments. This stage lasts one month from the date of the notice of deposit of the project (Article 368). The terms and conditions for its implementation are set by the Council of Ministers.

- Publication of the deed of transferability

The deed of transferability is published in the Official Gazette of the Togolese Republic and posted in the offices of the commune, prefecture or court of the place where the area subject to expropriation proceedings is located (Article 369). The purpose of this act is to pave the way for the setting of compensation. It is notified without delay to the interested owners, occupants and users notaries.

- Amicable transfer

As from the notification of the deed of transferability, a period of one month is granted to the owners concerned to inform the expropriator of the farmers, tenants or holders of real rights on their buildings. Failing this, these owners alone will be responsible for settling any compensation they may claim. All other interested parties must make themselves known to the expropriator, failing which they will forfeit their right to compensation (art. 370). The expropriator, after notification of the deed of transferability, shall notify the interested parties of the amount of the proposed compensation within three months by decree and shall invite them to make known the compensation requested. Pursuant to Article 371 of the Land Code, this order is equivalent to a summons to appear before the expropriation commission created by Act no. 2014-014 of 22nd October 2014 to set the amount of compensation on an amicable basis. The new Land Code specifies that in the event of disagreement, the expropriation commission must try to reach an agreement on the amount of compensation by any means of conciliation (Article 372). In the event of agreement, minutes of the agreement are drawn up and signed by the chairman and each of the members of the commission and the parties. The agreement may relate to compensation by way of exchange of a building belonging to the expropriating authority of equivalent value. In the latter case, the court of first instance approves the amicable agreement, ensuring the reality and integrity of the exchange of the parties' consents following the request of the most diligent party (art. 372).

- Referral to the court in the event of failure to reach an amicable agreement on the setting of compensation

In the event of disagreement on the amount set for the affected property, the court of first instance of the place where the property is located shall have sole jurisdiction to rule on the date of transfer of ownership and to set the amount of compensation. This court is seized in this case by the most diligent party by way of a writ of summons (art. 373).

- Expropriation judgment and determination of compensation

The court of first instance of the place where the building is located determines the expropriation compensation by referring to the rules set out in Article 374. An expertise is necessary with three (3) experts unless the parties agree on the choice of a single expert. Such expertise shall be requested by one of the parties. The decisions of the Court of First Instance are subject to appeal (art. 379). However, the judgment of the court of first instance is provisionally enforceable despite the appeal. In this case, the amount of compensation determined by the court is recorded.

- Payment of compensation to beneficiaries

As soon as the minutes of the amicable transfer have been signed or as soon as the judgment fixing the amount of the expropriation compensation has been finalized or ruling on the exchange proposed by the expropriating authority (art. 382), the fixed compensation must be paid to the interested party. In the event of refusal, opposition or appeal against the judgment of the court of first instance, the administration is obliged to deposit the compensation last in the treasury or with a competent body. This deposit may also be made in the event that documentary evidence of ownership is not produced or is deemed insufficient. If the compensation is not paid or consigned within three months of the minutes of the settlement or the judgment, interest at the legal rate in civil matters is automatically payable to the owner at the end of this period (art. 384).

- Possession of the property

As soon as the compensation is paid or as soon as it is deposited in the treasury, the Administration may take possession of the expropriated property. The claim of the said property can only be possible if it is not actually used for public utility works.

3.1.1.5. Regulations for the implementation of Resettlement Action Plans

Decree No. 2017-040/PR establishing the procedure for environmental and social impact assessments requires that the people affected by a project be taken into account in paragraph 5 in its section2 (On the methodology, procedure and content of the ESIA). To this end, Article 32 states: "Any development project involving the involuntary displacement of persons shall specify the principles and modalities of their resettlement in the ESIA report". Article 33 specifies that: "Any development project, which affects more than fifty (50) persons, shall be the subject of a RAP separate from the ESIA report. ».

"In any case, the project specifies the identity of the affected persons and the eligibility criteria for resettlement. It shall identify the property affected, indicate the site and the resettlement period" (Article 34), because "Any damage caused by the advent of a development project shall be repaired at its fair value." (Article 35) and "Compensation or resettlement of affected persons shall be made prior to the commencement of the project." (Article 36).

3.1.1.6. Public participation regulations

- Law No. 2008-005 of 30 May 2008 on the Environment Framework Law

The Framework Law on the Environment is the basic text for environmental management and protection in Togo. Article 1 of the general provisions of the said law declares that it "sets the general legal framework for environmental management in Togo", and aims, among others, to :

- To preserve and sustainably manage the environment ;
- To guarantee an ecologically sound and balanced living environment for all citizens;
- To create the conditions for rational and sustainable management of natural resources for present and future generations;
- Sustainably improve the living conditions of the population while respecting the balance with the surrounding environment. »

Of general interest, the Framework Law on the Environment is built on fundamental principles which are based on those of Agenda 21 and Article 41 of the Constitution of the Togolese Republic.

- **Order N° 0150/MERF/CAB/ANGE of 22 December 2017**

Order No. 0150/MERF/CAB/ANGE of 22 December 2017 setting the terms and conditions for public participation in environmental and social impact assessments (ESIAs) specifies the procedures for public participation in an ESIA. This decree comprises 3 chapters and 34 articles, the first of which "sets the terms and conditions for public participation in environmental and social impact studies (ESIA) in accordance with the provisions of Decree No. 2017-040/PR of 23 March 2017 setting out the procedure for environmental and social impact studies".

Article 2 of the said decree defines participation as "any involvement of the public in the environmental and social impact study process aimed at obtaining its opinion on the project in order to provide the necessary elements for decision-making". "Its purpose is to inform the public about the existence of the project and to obtain its opinion on the various aspects of the design and execution of the said project. »

As for Article 3, it defines the term "public", which "under the terms of this decree, is the :

- whose interests are affected by decisions taken in the implementation of the project or ;
- who has interests to defend or assert in the decision-making process leading to the issuance of the environmental compliance certificate".

The different phases and forms of public participation are listed in Article 4 and are "consultation of the population concerned or its representatives on the project and consultation by public hearing ...".

3.1.2. African Development Bank's Integrated Safeguards System

The adoption of the Operational Safeguards (OS) of the Integrated Safeguard System (ISS) aims to strengthen the capacity of the Bank and borrowers or clients to :

- Better integrate environmental and social impact considerations into the Bank's operations in order to promote long-term sustainability and development effectiveness in Africa;
- Avoiding projects from harming the environment and local communities and, failing this, minimising, mitigating and/or compensating for their negative effects, and maximising the benefits of development;
- Systematically examine the impact of climate change on the viability of investment projects and the contribution of projects to global greenhouse gas emissions;
- Delineating the roles and responsibilities of the Bank and its borrowers/clients in implementing projects, achieving sustainable results and promoting local participation; and Assisting regional member countries and borrowers/clients to strengthen their own safeguard systems and capacity to manage environmental and social risks.

Among the ISS Operational Safeguards, SO 2 is triggered by projects requiring land acquisition and involuntary resettlement.

SO 2: Involuntary Resettlement: Land Acquisition, Displacement and Compensation consolidates the policy commitments and conditions set out in the Bank's Involuntary Resettlement Policy, and incorporates a number of improvements aimed at increasing the operational effectiveness of these conditions. In particular, operational safeguard encompasses comprehensive and innovative notions of livelihoods and resources, in their social, cultural and economic dimensions. It also adopts a definition of community and common property that emphasises the crucial need to maintain social cohesion, community structures and the social interrelationships inherent in the notion of common property.

SO confirms the need to ensure compensation at full replacement cost, the importance of implementing resettlement that improves living standards, income generation capacity, and overall livelihoods, and the need to ensure that social considerations - such as gender, age, and issues related to project outcomes - do not disenfranchise specific individuals affected by the project.

Within the framework of the implementation of the RPF and RAP, SO 2: Involuntary Resettlement will be implemented.

The objective of this SO is to facilitate the operationalisation of the Bank's Involuntary Resettlement Policy, as part of the conditions for the implementation of the SO and, in so doing, to integrate resettlement factors into the Bank's operations.

This SO concerns Bank-financed projects that result in the involuntary resettlement of persons. It aims to ensure that those who are to be displaced are treated in a fair and equitable manner and in a socially and culturally acceptable manner, that they receive compensation and resettlement assistance so that their standard of living, capacity to generate income, levels of production and overall livelihoods are improved, and that they are able to enjoy the benefits of the project that leads to their resettlement.

Poorly planned or poorly implemented involuntary resettlement represents a significant additional cost to the main project and can have adverse consequences - in particular severe long-term risks of impoverishment for affected individuals and communities in the surrounding region. Assets or sources of income may disappear, people may be resettled in environments where their productive capacities are less useful, competition for education, natural resources and other services may increase - leading to social unrest - community institutions and social networks may be weakened, related groups may be dispersed and cultural identity, traditional authority and the potential for mutual social responsibility, support, cooperation and cohesion may also be diminished.

The purpose of this SO is, with the support of the Bank's competent staff, to help borrowers or clients address the potential costs and risks associated with involuntary resettlement and, in so doing, to facilitate sustainable development.

The specific objectives of this SO reflect the objectives of the Involuntary Resettlement Policy:

- Avoid involuntary resettlement as much as possible, or minimise its impacts where involuntary resettlement is unavoidable, after all alternative project designs have been considered;
- Ensure that IDPs are genuinely consulted and have the opportunity to participate in the planning and implementation of resettlement programmes;
- Ensure that IDPs receive substantial resettlement assistance under the project, so that their standard of living, income generation capacity, productive capacity, and overall livelihoods are improved beyond what they were before the project;

- Provide borrowers with clear guidelines on the conditions that must be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement, actively facilitate social development and build a viable economy and society; and
- Establish a mechanism to monitor the performance of involuntary resettlement programmes in Bank operations and find solutions to problems as they arise, to guard against poorly prepared and poorly implemented resettlement plans.

SO 2 applies to all lending operations of the Bank, both public and private sector, and to project activities financed by other financing instruments managed by the Bank.

Its applicability is established during the environmental and social assessment process - specifically during the project selection phase of the project cycle when the scope, strategy and timing of resettlement will need to be determined. It covers all components of a project, including activities resulting from involuntary resettlement that are directly and significantly related to a Bank supported project and necessary for the achievement of its objectives - whether the resettlement is carried out by the government or a private promoter or both, and carried out or planned to be carried out concurrently with the project.

Consistent with the framework of the Involuntary Resettlement Policy, this SO addresses the economic, social and cultural impacts associated with Bank-financed projects that involve the involuntary loss of land, the involuntary loss of other assets, or restrictions on land use and access to local natural resources that result :

- Relocation or loss of housing by people living within the project's area of influence;
- Loss of assets (including loss of structures and assets of cultural, spiritual and social importance) or restriction of access to assets such as national parks and protected areas or natural resources; or,
- The loss of sources of income or livelihood as a result of the project, whether or not the affected people are expected to move.

Where a project requires the temporary relocation of people, resettlement activities should be consistent with this SO, taking into account the temporary nature of the displacement.

This SO does not apply to refugees or victims of natural disasters or to resettlement resulting from voluntary land transactions, i.e. market-based land transactions in which the seller is not obliged to sell and the buyer cannot resort to expropriation or other compulsory procedures in the event of negotiations.

3.1.3. Comparative analysis and matrix of convergence and divergence and applicable provisions

A comparative analysis of Togolese legislation on land management and expropriation for public utility purposes with SO 2 of the ISS of the AfDB shows certain convergences and divergences (Table 2).

The points of convergence mainly concern the calculation and payment of compensation. Other elements are also dealt with in a less detailed or less demanding manner in Togolese legislation compared to SO 2. These points concern Payment of compensation, customary land ownership, compensation alternatives, and so on.

Finally, some World Bank requirements are not reflected in national legislation. For example: vulnerable groups, informal occupants, resettlement assistance, economic rehabilitation, host communities, monitoring and evaluation.

The elements presented in Table 2 are detailed in subsequent chapters.

Theme	National legislation	SO 2 of the ADB Integrated Backup System	Compliance analysis and recommendation
Deadline for eligibility	National legislation (Law n°2018-005 of 14 June 2018 on the Land and State Code, Article 362) deals with the opening of public enquiries for a declaration of public interest. It defines eligibility criteria for compensation for expropriation (Article 368 of Title III relating to the deed of transferability) without clarifying whether this is the date of eligibility for compensation.	The borrower or client will, as a minimum, comply with the procedures of the host country government. In addition, or in the absence of host country government procedures, the borrower or client will set a deadline for eligibility acceptable to the Bank. The borrower or client will document the deadline and widely disseminate information regarding the deadline, which must be well documented and disseminated in the project's area of influence, in a culturally appropriate and accessible manner, before undertaking any action to clear or restrict local communities' access to land. Persons encroaching on the project area after the deadline are not entitled to any form of resettlement assistance.	<u>Analysis:</u> The AfDB's Integrated Safeguard System calls for a deadline for eligibility while Togolese legislation speaks of "commodo and incommodo" surveys, but it is not indicated that the starting date of these surveys is at the same time the eligibility date. In this respect, there is a fundamental discrepancy between the indications of <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.
Payment of compensation	As soon as the minutes of the amicable agreement between the expropriation commission, the expropriated person and the expropriating authority are signed, or as soon as the judgment setting the amount of the expropriation compensation in denarius or ruling on the exchange proposed by the expropriating authority is issued, the compensation must be paid to the person concerned. (Article 382 of Title III).	Those affected will be compensated for their losses at full replacement cost. The payment procedure should be simple, and payment should be made before expropriation or at least immediately afterwards.	<u>Analysis:</u> There is a partial concordance between the two procedures. <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.
Travel	Upon payment or deposit of the compensation, the administration takes possession of the expropriated property. (Article 385 of Title III). The duration granted for displacement is six (6) months (Article 693 of the Land Code).	Affected persons will be compensated prior to their actual relocation, prior to the taking of land and related assets, or prior to the commencement of project activities where the project is implemented in phases.	<u>Analysis:</u> Compliance between the Togolese law and the Integrated Safeguard System of the AfDB <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.

Table 2: Comparative analysis of the national legal framework and the African Development Bank's Integrated Safeguard System on involuntary displacement of populations

Type of payment	Financial compensation in the event of settlement by judicial means (expropriation compensation fixed by the Court of First Instance, Articles 373 and 374 of Title III).	A wide range of different options for compensation schemes, resettlement assistance and livelihood improvement are available to affected people, as well as options for managing measures at different levels (e.g. family, household and individual). The borrower or client should give preference to land-based resettlement strategies and, as a priority, offer land in return for lost land or in-kind rather than cash compensation, where possible; in addition, the borrower or client should make it clear to those affected that cash compensation very often leads to rapid impoverishment.	<u>Analysis:</u> The bank's provisions are broader and offer more possibilities for compensation. <u>Recommendation:</u> Apply the guidelines of SO 2 of the AfDB's Integrated Safeguard System.
Calculation of compensation	The compensation thus calculated may not exceed the value of the property on the day of publication of the deed of transfer or notification of the deed declaring the property to be in the public interest and designating the properties subject to expropriation. In the determination of this value, no account is taken of any speculative increase that may have occurred since the deed declaring the property to be in the public interest; where appropriate, the compensation is modified to take into consideration the capital gain or loss resulting from the planned transaction for the part of the property not expropriated; each of the elements referred to in the above-mentioned points gives rise to the determination of an amount to determine the applicable compensation: an expert appraisal must be ordered if requested by one of the parties. It must be conducted by three approved experts appointed by the court of first instance, unless the parties agree on the choice of a single expert (Articles 374 and 375 of Title III).	Affected persons will be compensated for their losses at full replacement cost, which should take into account the loss of livelihood and earning opportunities by affected persons. This attempt to calculate the "full economic cost" must also take into account the social, health, environmental and psychological consequences of the project.	<u>Analysis:</u> Partial compliance between Togolese law and the ADB Integrated Safeguard System. On the other hand, national legislation does not take into account the social, health, environmental and psychological consequences of the project the calculation of the "total economic cost" of compensation. <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.

Customary landowners	Article 646: No one may be compelled to transfer a customary land tenure real estate fund, except for the implementation of development policies or for reasons of public utility, and in all cases subject to fair and prior compensation. Article 647: For an equal surface area, the compensation due in accordance with the preceding article is equal to that due in the event of expropriation of a building registered in the land register, unless the registration fees are deducted. Title VIII.	Owners with formal or informal rights to land must be compensated The resettlement programme will give priority to compensation options based on the provision of land in exchange for other land for affected people whose livelihoods are based on the land.	<u>Analysis:</u> Partial concordance. <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.
Informal Occupants	These irregular occupants are not recognised by national legislation. Article 376 - The Court of First Instance shall, if necessary, and in the same forms, grant separate compensation to farmers, tenants or holders of real rights over their buildings, as well as to any other interested party who has made himself known to the expropriator in accordance with Article 370 of this Code. Where there is a right of usufruct, use, dwelling or other similar rights or rights of the same nature, a single compensation shall be fixed by the court of first instance having regard to the total value of the property.	In general, in compensation arrangements, subsistence resettlement support measures, such as vocational training, are equitably accessible to all social groups and tailored to their specific needs, even in cases where the land is owned by the State or communal communities and the persons occupying the land have no title to it. Persons who do not have legal or other rights that can be recognized over the land they occupy will be entitled to resettlement assistance, in lieu of compensation, to enable them to improve their living conditions (compensation for loss of livelihood activities, ownership of common resources, crops, etc.),.	<u>Analysis:</u> There is a significant discrepancy <u>Recommendation:</u> Apply the guidelines of SO 2 of the AfDB's Integrated Safeguard System.
Resettlement assistance	There are no specific resettlement assistance measures.	IDPs are provided with targeted resettlement assistance to ensure that their standard of living, income-generating capacity, production levels and livelihoods are generally improved beyond their pre-project standard of living. Affected persons and host communities receive support, both pre-resettlement and post-resettlement, for a transitional period that covers a reasonable period of time, necessary to enable them to resettle and improve their standard of living, income-generating capacity, production levels and overall livelihoods.	<u>Analysis:</u> Significant discrepancy <u>Recommendation:</u> Apply the guidelines of SO 2 of the AfDB's Integrated Safeguard System.

Compensation alternatives	The legislation provides for compensation in kind Togolese legislation does not provide, apart from compensation, for the granting of employment or work as an alternative form of compensation.	Affected people themselves have the opportunity to express their preferences. However, the borrower or client will make it clear to the affected people that cash compensation very often leads to rapid impoverishment.	<u>Analysis:</u> Partial agreement <u>Recommendation:</u> Apply the guidelines of SO 2 of the AfDB's Integrated Safeguard System.
Vulnerable groups	Togolese legislation does not provide for specific measures for vulnerable groups.	Member countries and other borrowers and clients are responsible for the protection of the physical, social and economic integrity of vulnerable groups, as well as for paying special attention to health needs, especially for women, including their access to health care providers and women's services such as reproductive health care and, where appropriate, counselling for abuse and other sexual abuse.	<u>Analysis:</u> Significant discrepancy <u>Recommendation:</u> Apply the guidelines of SO 2 of the AfDB's Integrated Safeguard System.
Complaints	Article 387: The State shall make every effort to set the amount of compensation amicably. Article 388: In the event of failure of the attempt at conciliation, the assignees are summoned in summary proceedings within one month before the court of first instance. Title III.	As early as possible in the relocation process, the borrower/client will work with informal local committees comprised of representatives of key partners to establish a culturally appropriate and accessible grievance and redress mechanism to impartially and expeditiously resolve disputes arising from the relocation and compensation processes in an impartial and timely manner. The grievance and redress mechanism, which is monitored by an independent third party, shall not impede access to judicial or administrative remedies, but shall inform affected persons of the existence of the Bank's Independent Review Mechanism (IRM). Dispute resolution procedures should be sufficiently agile to resolve evaluation-related disputes quickly. To this end, appropriate and accessible grievance mechanisms should be established to resolve any disputes arising during the compensation procedures.	<u>Analysis:</u> <u>There</u> is a more or less partial concordance between the national text and the guidelines of the AfDB's Integrated Safeguard System, which urge the partner authorities to provide for appropriate grievance mechanisms: it should be noted that the national procedure favours the least litigation with all forms of conciliation in case of disagreement. <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.

Consultation	Once the expropriation procedure has been launched, information and consultation of the PAPs is essentially carried out through public enquiries aimed at informing the population of the project's implementation and collecting their comments; information posters are put up for this purpose in the usual places.	There should be open, inclusive and effective consultation with local communities. Where displacement cannot be avoided, the borrower must meaningfully consult all stakeholders, particularly affected persons and host communities and involve them in a clear and transparent manner at all stages of the project cycle in the design, planning, implementation, monitoring and evaluation of the resettlement action plan (RAP).	<u>Analysis:</u> There is a certain concordance between the two legislations in the information process. On the other hand, the national legislation has made no provision for the options available to PAPs. <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.
Economic rehabilitation	It is not taken into account in national legislation.	Consistent with the framework of the Involuntary Resettlement Policy, this SO 2 addresses the economic, social and cultural impacts associated with Bank-financed projects that involve the involuntary loss of land, the involuntary loss of other assets, or restrictions on land use and access to local natural resources that result in, among other things, the loss of sources of income or livelihood as a result of the project, whether or not the affected people are expected to move.	<u>Analysis:</u> Significant discrepancy <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.
Host communities	They are not taken into account in national legislation.	The borrower or client will conduct an in-depth analysis of the host communities to identify potential problems associated with receiving IDPs and to address these problems so that adverse effects on host communities are minimized and they are able to share the development opportunities offered through the resettlement process.	<u>Analysis:</u> Significant discrepancy <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.
Monitoring and evaluation	National legislation does not do so	The Borrower/Client is responsible for implementing, monitoring and evaluating the activities outlined in the Resettlement Action Plan and keeps the Bank informed of progress.	<u>Analysis:</u> Significant discrepancy <u>Recommendation:</u> Apply either Togolese law or the guidelines of SO 2 of the Integrated Safeguard System of the AfDB.

3.2. Institutional framework for resettlement

The ministries involved in land management are :

- the Ministry of Economy and Finance, which is in charge of cadastre and conservation, domain and land services and ensures that administrative reserves are respected;
- the Ministry of Justice, in charge of relations with the institutions of the Republic, which oversees the settlement of land disputes, compliance with the various land contracts, the independence of the judiciary and the proper functioning of the judicial system;
- the Ministry of Agriculture, Livestock and Rural Development, which is involved in the management of land at the national level through the approval and visa of rural land by its agro-land service, through the realization of rural tracks, agricultural development and infrastructure;
- The Ministry of Environment and Forest Resources, through the management, conservation and exploitation of protected areas and forest plantations of the State and private individuals, is involved in land management at the national level, especially at the local and community levels;
- the Ministry of Territorial Administration, Decentralisation and Territorial Development, which implements State policy on the administration and management of local authorities (regions, prefectures, municipalities), decentralisation and local community development; this department manages traditional chiefs and local and devolved authorities involved in land management at local and community level and resolves related disputes.

3.2.1. Ministry of Economy and Finance

As the institution in charge of implementing and monitoring the country's short- and medium-term economic and financial policy, the Ministry of Economy and Finance will actively intervene in the expropriation of land for public utility works for the various activities of the Kara Basin Agropole Project, which will require the acquisition of land that could lead to involuntary resettlement.

In 2014, the law n° 2014-014 of October 22, 2014 on the modernisation of the State's public action in favour of the economy in its article 78, creates the Expropriation Commission (COMEX). In 2019, decree no. 2019-189/PR of 05 December 2019 formalises the creation of the Expropriation Commission (COMEX). This new entity, which replaces the Interministerial Compensation Committee (CII) created by Order no. 168 /MEF/SG of 10 August 2009 amended by Order no. 073 /MEF/SG of 24 April 2010, is responsible for negotiating with those affected by development projects, making proposals for their compensation and releasing sites or rights-of-way before work is carried out.

Within the framework of the Kara Basin agropole project, the Ministry will have to make available funds that will be allocated to the affected people who must be compensated in accordance with the provisions of the laws and procedures in force. The compensation of those affected by the project is done through the Expropriation Commission (COMEX) housed within it.

3.2.2. Ministry of Justice

The role of the Ministry of Justice and relations with the institutions of the Republic is to ensure the settlement of disputes, the establishment and rectification of various acts, criminal records, legal information, advice and assistance on Togolese territory.

It is the body to which the matter is referred in the event of disagreement between the expropriator and the expropriated party in the event of expropriation for public utility works.

Article 373 of the Land and State Property Code stipulates that "Failing an amicable agreement, the court of first instance of the place where the property is located has sole jurisdiction to rule on the date of transfer of ownership and to set the amount of compensation. The court of first instance shall be seized by the most diligent party by means of a writ of summons".

Within the framework of the Kara basin agropole project, the Ministry of Justice will be able to be contacted by any citizen who feels aggrieved in the context of compensation for these lands that will be expropriated for public utility.

3.2.3. Ministry of Agriculture, Livestock and Rural Development

The Ministry of Agriculture, Livestock and Rural Development is responsible for the country's agricultural, pastoral and fisheries policy. The Ministry of Agriculture, Livestock and Rural Development is decentralised throughout the country into Regional Directorates of Agriculture, Livestock and Fisheries. It assists the population in their daily activities in the field of agriculture, livestock and fisheries.

It is the promoter of agropoles in Togo and the main expropriator of land in order to set up all the infrastructures that could allow the development of the agropole of the Kara basin.

3.2.4. Ministry of Environment and Forest Resources

The Ministry of Environment and Forest Resources (MERF) is the centrepiece of government action in environmental management and natural resource conservation.

It is in this spirit that one can envisage its role under Article 10 of the Framework Law on the Environment according to which the implementation of national environmental policy is the responsibility of the Ministry in charge of the environment. This is precisely what is stated more explicitly in its paragraph 2: "the Minister in charge of the environment shall monitor the results of government policy on the environment and sustainable development and ensure that the international commitments relating to the environment to which Togo has subscribed, are integrated into national legislation and regulations".

This involvement of the Minister of the Environment at the central level is accentuated by the legislator, who designates his department as the institution responsible for preparing and disseminating periodic reports on the state of the environment, including in this case, environmental assessments (Article 32 of the Framework Law on the Environment).

3.2.5. Ministry of Territorial Administration, Decentralization and Territorial Development

The Ministry of Territorial Administration, Decentralization and Territorial Development implements the State's policy on general territorial administration, decentralization and territorial development. It ensures that the division of competences between the State and local authorities is respected and works to safeguard the general interest and legality. It monitors the application of the law on decentralisation and supports these authorities in their mission of training, consolidation and promotion of citizenship.

The Ministry in charge of Territorial Administration, Decentralisation and Local Government is responsible for the organisation and administration of administrative districts and units as well as the coordination and supervision of the activities of state representatives on the national territory. It ensures that the status and powers of traditional chieftainship are respected.

Through the local authorities (Prefectures and municipalities), it has a look at the projects that are being carried out throughout the territory and works to harmonise them with the development plans of the communities.

3.2.6. Institutional capacity analysis and capacity building programme proposal

In case of involuntary resettlement, Technical Assistance may be required to build the capacity of APRODAT and COMEX implementing structures) to support the coordination of resettlement activities.

It is suggested that APRODAT should recruit a Social Safeguards Specialist (SSS) who will also be responsible for disseminating information to local authorities on social aspects, including resettlement issues. The information campaigns will address the following main themes: the terminology of SO 2, the content of a CPR, a RPF and a RAP, the stages of the elaboration of a RPF and a RAP, the care of vulnerable groups, the legal framework of resettlement, the organisational responsibility for implementation, etc. The SSS will also assist APRODAT in the wide dissemination of this RPF at the level of Local Authorities (Communes, Canton), at the level of the APCs, Non-Governmental Organisations (NGOs) and potential PAPs for a better understanding of the principles governing resettlement.

In addition, it is necessary that the capacities of all institutional actors involved in the implementation of resettlement be strengthened on resettlement tools, procedures and content (CPR, RPF, RAP). A training workshop should be organised to bring together the other technical structures involved in the implementation of the CPR and RAP. The training will have to be provided by appropriate resource persons.

4. PREPARATION, REVIEW AND APPROVAL AND IMPLEMENTATION OF THE PAR

This RPF is triggered because the implementation of certain sub-projects that may require the involuntary taking of land, other assets or economic benefits. As the specific locations of these interventions are not known at this stage, the preparation of this RPF is essential. Once the areas are identified, land may be acquired and people may be affected. At this stage, the RPF calls for the preparation of RAPs which must comply with the guidelines below. The preparation of RAPs or RPFs must be done in accordance with the legislative requirements of Togo and the AfDB.

The preparation of the RAP will be coordinated and supervised by APRODAT. All sub-projects will be reviewed to determine the nature of the relocation and the compensation required. However, the purpose of the RRP is to establish the mechanisms by which appropriate tools, screening checklists and RAPs or RPFs will be implemented to mitigate potential resettlement impacts once the sub-project sites have been identified.

This chapter presents the main steps to follow in developing a RAP or RPF in accordance with AfDB requirements and Togolese legislation.

Among these main steps are :

- the recruitment by the promoter of a consultancy firm, individual consultant or NGO to carry out the consultations, the socio-economic survey of the PAPs, the inventory of affected assets and the drafting of the RAP or RPF;
- identification of affected populations and the impacts on their standard of living and livelihoods as a result of Project activities;
- a census of the affected population and an exhaustive household inventory of the material and land assets affected in order to define the compensation per household;
- validation of RAPs or RPFs by ANGE ;
- the implementation of RAPs or RPFs through the official expropriation process (declaration of public utility, investigation, decree of transferability and negotiation of compensation).

4.1. Principles and objectives of resettlement

Operational Safeguard (SO.2) is triggered, for the AfDB, by :

- the acquisition of land or other assets, such as constructed real estate, loss of agricultural production, loss of income-generating activities, etc. ;
- restrictions on access to physical resources and assets (pasture, water, forest products).

In terms of resettlement, the overriding aim of any project for a public utility investment that involves resettlement is to have the necessary space at its disposal that constitutes its right of way. Inevitably, there will above all be some risk of expropriation of agricultural land and of losses linked to these activities, particularly during the construction of certain infrastructures. In such cases, natural or legal persons who lose rights, even if only temporarily, must be compensated and assisted at the appropriate time. However, resettlement should be the last alternative in the framework of these activities. The PTA - Kara should be based on a logic of "affecting" as few people as possible.

Within the framework of the principles and objectives of the resettlement process, the following rules are to be applied:

- avoid or minimise losses and possible displacement by studying all possible alternatives with the participation of the populations affected by the future project site and its resources / provide affected people with opportunities for participation and choice among feasible options;
- provide assistance to IDPs regardless of their legitimacy in relation to land occupation;
- provide assistance to IDPs before, during and after resettlement to enable them to improve their incomes and living standards, or at least to rebuild them;

- treat resettlements as development programmes;
- pay compensation for the assets allocated at their replacement value ;
- finalise compensation and all support to PAPs prior to expropriation.

4.2. Steps in preparing an RAP

Prior to the preparation of a RAP, actions are identified and a social selection or screening process is carried out to determine the social work to be done. The main steps of the social selection process are described here:

4.2.1. *Identification and social selection of the sub-project/action subject to the development of the RAP or RPF*

The first stage of the selection process involves identifying and determining the social work to be carried out in the context of each action requiring the implementation of the RAP or RPF, in order to be able to assess its social impacts, particularly in terms of population displacement and resettlement. The social selection is carried out by the APRODAT agency and provides a clear understanding of the action and the associated issues that need to be anticipated. This stage mainly serves as a scoping phase to determine whether social studies are necessary. The results of the social selection process will specify the additional work required :

- No impacts or very minor and reversible impacts: specific prescriptions or measures will be formulated and reviewed in the environmental and social management plan of the action or sub-project, for consideration during the works phase.
- Moderate and reversible impacts: a thorough social assessment with a resettlement plan is required. APRODAT will prepare the ToRs to be reviewed and validated by the AfDB prior to the recruitment of the contractor to carry out the mission. The evaluation report of the recruitment process is also reviewed by the Bank to ensure the consultant's skills and qualifications in accordance with the requirements of the ToRs prior to contracting.
- Major and irreversible impacts: arrangements are made to change the site of implementation or simply the action; if necessary, the sub-project is rejected.

A social selection form is attached as an annex to this document (Annex 2).

The consultation should be part of a participatory approach. In addition to stakeholder consultation, affected populations to be involuntarily resettled and those in IDP reception sites will be particularly informed through information/awareness raising campaigns.

4.2.2. *Preparation of the RAP or RPF*

The general principles that will guide the process of preparing resettlement plans (Annex 1) within the framework of PTA -Kara activities will take into account the following steps:

- Public information and public consultation ;
- Social assessment mission through participatory diagnosis, consultation and social dialogue with all stakeholders to assess the relevance and need for the implementation of the RAP or RPF, and to gather opinions, concerns and suggestions mainly from affected parties, if people or communities are affected by an action and need to be physically and/or economically displaced;
- Drafting of the Short Resettlement Plan (SRP) or the Full Resettlement Plan (FRP) ;
- Review by APRODAT and AfDB of the preliminary report ;
- Validation of the RAP or RPF by key stakeholders, including PAPs and local institutions, the Expropriation Commission (COMEX) and approval by the AfDB ;
- Publication of the final version of the RAP or RPF in Togo (including in the agropole zone) and on the AfDB website.

The socio-economic analysis and social dialogue carried out within the framework of the RAP or RPF will provide more detailed information on the situation of the people affected. This information will cover, in particular, household structure, main economic activities, sources of income, resources used, real and movable property and, as far as possible, an initial idea of the population's needs in terms of resettlement and compensation, but also information on the ethnic, cultural or religious situation.

A questionnaire will be used to census the population of the action's catchment area as well as the assets affected by the action (material goods, land, uses, natural resources used as a means of subsistence or as sources of income).

This tool will allow you to proceed to :

- The aim is to make an inventory of losses per household and to obtain more detailed information on their assets or uses that may be affected; their livelihoods and their relationship to its assets and uses in order to be able to estimate compensation in a timely manner;
- planning appropriate development interventions ;
- the definition of indicators that can be monitored and that will be measured at a later date during monitoring and evaluation.

This inventory and census will mainly provide the following information:

- a nominative count of all persons affected by the action who are likely to move;
- collection of information on the demographic, economic, social and cultural characteristics of the PAPs;
- an inventory of affected buildings and equipment that PAPs occupy or use;
- an inventory of the public and collective structures of the affected communities;
- an inventory of affected private, fruit and non-fruit trees;
- an inventory of the cultural property affected (sacred sites, burials);
- identification of the characteristics of persons enabling vulnerable households and individuals to be identified;
- a description of the natural resources used by the PAPs;
- a description of the agricultural crops grown by the PAPs; and
- an identification of the primary and secondary occupations of the PAPs.

A basic questionnaire for the population census and the inventory of material goods, land and uses has been developed for information purposes (Annex 2). The information to be collected is clearly specified in the questionnaire and can be adjusted as necessary (type of crop, trees, etc.) to facilitate its use in each action.

4.2.3. Validation and approval of the RAP

The validation of RAPs or RPFs must be carried out by all stakeholders, including representatives of PAPs and civil society organisations. Once accepted by all national stakeholders including representatives of PAPs and NGOs/CSOs, the RAP is sent to the AfDB for approval. The approved RAP or RPF is then published in Togo and on the AfDB website prior to implementation.

4.3. Minimisation of impacts and displacement

The impacts of the implementation of the actions concerned on land, property and persons will be dealt with in accordance with the national legal and regulatory provisions in force in the field of land management and expropriation for public utility and the AfDB SO2 provisions on involuntary resettlement. Discrepancies between the national regulations and the AfDB SO2 provisions are dealt with in order to complement the inadequacies of the national provisions with the applicable SO2 provisions.

The following principles will be applied in order to anticipate and minimise as much as possible the negative effects of involuntary resettlement aspects of the actions concerned: **(i)** where agricultural land, fields, buildings or domestic infrastructure are likely to be affected by the action, the APRODAT shall review, if possible, the location of the action to avoid, as far as possible, the impacts on buildings,

displacement and resettlement that would result; **(ii)** where the impact on a household's land is such that the livelihood of that household is at risk, and even if there is no need to physically relocate the household, APRODAT shall review the design and location of the action to avoid such impact to the extent possible.

Insofar as technically possible, the developments, equipment and infrastructure will be located on public spaces or existing and free land areas. In this case, APRODAT shall demand clear guarantees from the communities on the land status of the sites and rights-of-way.

4.4. Implementation of the RAP or RPF

4.4.1. Implementation process

The implementation of the RAP or RPF is mainly summarised in the following activities:

- the dissemination of the RAP or RPF at the local, regional and national levels by APRODAT, particularly in the local language and through channels that can be understood by all;
- the collection of possible opinions/concerns and proposals for alternatives;
- Revision of the RAP or RPF if necessary;
- validation by all stakeholders including representatives of PAPs and Civil Society organisations;
- the establishment of structures for the implementation of resettlement measures, including the management of complaints;
- capacity building of structures and operations;
- the implementation of resettlement measures;
- the release of land acquired for the purposes of the action (after effective and efficient implementation of resettlement measures);
- drafting and validating the implementation report; drafting and validating the action plan for implementing the residual measures if necessary;
- the implementation and monitoring of the implementation of the residual measures.

In the event of the death of a PAP before receiving compensation, the procedure as provided by law is that of succession (inheritance). The law provides that it is the heirs of a PAP who succeed him in the benefit of the compensation. These heirs must provide the APRODAT and/or the promoter with a family council minutes, which is the subject of a certificate of heredity issued by the town hall, and where all the heirs are designated and a proxy appointed to receive the compensation on behalf of all the heirs.

4.4.2. Basic principles for the implementation of the RAP or RPF

Once the RAPs or RPFs have been approved, the promoter will be able to implement the relocation operations. It is essential that the implementation of the relocation be completed before development work begins. The process will be carried out under the supervision of APRODAT in conjunction with the relevant local authorities and COMEX.

The following principles should guide the implementation of a RAP or RPF in order to ensure its success:

- the coordination of actors and operations must go to APRODAT ;
- Collaboration with ministerial departments and their representatives in the field is of great importance. The governmental actors concerned are those in charge of agricultural, environmental, social, land, territorial administration, customary affairs, etc. An effort must be made to coordinate the prerogatives and competences of these different departments (and representatives) in order to achieve the main objective of this framework which is the improvement or at least the maintenance of the standard of living before the PAPs project;

- Collaboration with other structures and institutions such as NGOs and associations that need to be involved in the implementation of resettlement measures (especially physical resettlement), compensation, at the level of the consultation and participation process, or as a neutral actor in the monitoring-evaluation of the implementation of the RAP or RPF;
- Transparency, good management of the process and fair treatment of the PAPs is one of the results of the cooperation with the different institutions. The implementation of involuntary resettlement as well as the enforcement of laws and established rules in this area are ensured by state structures and AfDB policy;
- the displacement is carried out within the framework of negotiated settlements with the people affected by the project;
- The lack of legal title to land should not be a ground for denial of compensation and resettlement assistance;
- relocation or restricted access should not take place until the necessary measures for resettlement and compensation are in place. In addition to compensation, these measures should include the provision of other assistance necessary for resettlement prior to displacement and the preparation and provision of settlement sites with adequate basic facilities.
- IDPs must be resettled in areas with basic facilities such as schools, drinking water, health facilities, etc.

Once the RAPs or RPFs have been approved, APRODAT will be able to implement the resettlement operations. It is essential that the implementation of the resettlement is completed before any development work begins.

4.5. Resettlement measures

4.5.1. Livelihood recovery of PAPs

In order to define income and develop livelihood recovery strategies, the involvement of PAPs should be encouraged from the outset of the sub-project or action. They should be involved in the definition of the measures so that they are best suited to their needs.

The following guiding principles should be taken into account when designing measures to restore and improve livelihoods:

- plan and negotiate restoration and livelihood improvement activities with IDPs;
- focus on investments rather than direct interventions ;
- give priority to the replacement of existing activities ;
- create, foster and improve networks with the various stakeholders operating in the agropole area (public services, civil society organisations and the private sector).

Different livelihood restoration programmes will be required for each of the different categories of PAPs and will depend on the type and extent of loss suffered, the level of vulnerability of the household, the stated preferences associated with their family characteristics and other relevant circumstances.

The analysis will be carried out on the basis of participatory diagnosis and consultations with the PAPs during the development of the RAPs or RPFs and their implementation. The livelihood restoration and improvement measures of the PAPs include: land, trees, structures (infrastructure and buildings), commercial activities, employment and other benefits.

4.5.1.1. Land

Given the difficulty of finding and proposing replacement land for various reasons (risk of speculation, administrative burden, lack of confidence of the PAPs, etc.), it is preferable to propose to the PAPs to find alternative plots and to liaise with COMEX and APRODAT for the formalization of the purchase and the preparation of the replacement plot. This also applies to community land that could be impacted. In this case, community leaders will be asked to define the best location for the replacement plot or the best strategy for restoring lost income.

As a livelihood restoration measure, replacement plots (private or community) will be improved (fertilized, ploughed, weeded, developed) if necessary to at least reach the productive state of the original land. Affected households will be paid by the project to do this work as much as possible.

Appropriate support will be provided by the project team to help affected households improve their situation. An assessment of concerns, needs and the most relevant aspects of livelihood improvement will be carried out in a participatory and inclusive manner with PAPs, local government and local development agencies. Improvement and support activities will then be proposed.

This assistance may include advice, practical courses and support - applying for support from government programmes or NGOs, etc. -. Such assistance may include advice, practical courses and support - in response to requests for support from government programmes or NGOs, etc. - on the following elements: i) practical training in improved agricultural techniques; ii) improving crop varieties; iii) support for the development of more profitable production chains; iv) fertilisation techniques and integrated soil fertility management; v) soil and water conservation; vi) water management and maintenance of irrigation infrastructure; vii) rational use of registered pesticides; viii) animal traction and related equipment; ix) crop storage and conservation; x) adding value to and marketing agricultural products; x) pest management.

Women need to be targeted as a specific interest group, with particular engagement methodologies. To this end, a gender and social inclusion specialist will be included in the implementing organisation of the RAP or RPF and dedicated to the engagement of women and other vulnerable groups. She will inform women about technical aspects of the RAP such as compensation, training opportunities, agricultural production programmes and other specific allowances mentioned above according to their role in family production and their specific needs.

4.5.1.2. Trees

The PAPs should benefit from practical advice and specific support to improve the yields of fruit trees and wood resources.

4.5.1.3. Structures (infrastructure/ buildings)

Necessary steps must be taken to ensure that PAPs find suitable replacement land or structure. Relocation should be carried out, if possible, in the vicinity of the displaced structure to avoid PAPs being deprived of or removed from their sources of income and social environment. Materials recovered from affected structures should be left with affected households and communities.

Reconstructed houses should meet a minimum standard (concrete floor, sheet metal roof, number of bedrooms and minimum size according to household size) and have features that can reduce household costs and effort: improved latrines, improved stoves, rainwater harvesting and storage tanks.

4.5.1.4. Commercial activities

In the event of economic displacement, and in order to mitigate the impact on the income of those affected, livelihood restoration measures should be put in place to enable them to receive compensation and other assistance.

For employees with loss of income due to the permanent loss of business activity, additional assistance will be provided to target employment opportunities for up to one (1) year. Support for the improvement of their skills will also be offered.

Traders, for their part, will benefit from opportunities to improve their capacity to earn an income through training in business development, marketing, management and assistance in obtaining micro-credits.

Seasonal workers whose access to land will be impacted will need the opportunity to take training to reorient and change trades.

4.5.1.5. Jobs and other benefits

During the process of recruiting labour for construction and infrastructure activities, priority should be given to all able-bodied members of resettled households. This applies to the following employment and contract opportunities: clearing the right-of-way; transporting construction materials, constructing access roads and construction camps, rebuilding houses and community buildings, providing services and goods to workers including food preparation, washing, etc. by local women; administering the compensation programme, monitoring activities, etc. Contracts will have to respect Togolese wage conditions.

Affected households and communities will receive all wood cut from their plots for their own use or sale. Goods and services (sand, cement, food, etc.) should be purchased locally where possible. This applies to all contractors and specific provisions to this effect should be included in the tender documents for construction.

4.5.2. Assistance in restoring income

The fundamental principle of the AfDB's safeguard on involuntary resettlement is that people affected by the loss of land and other livelihoods should, to the extent possible, enjoy a better standard of living than before displacement. Also, people with traditional land-based production systems should be resettled to agricultural land. They should not be resettled in peri-urban areas with potentially higher land values and considered better off but not able to maintain their way of life. If the impact on land is such that people's livelihoods are affected, preference should be given to solutions where lost land is replaced by other land rather than monetary compensation. The AfDB safeguard also concerns "economically displaced" people, i.e. people who do not necessarily lose land they own, but lose their livelihood. Measures to restore living standards must be specified in the RAPs.

They may include the following measures:

- the systematic inclusion of affected people in the beneficiaries of the activities concerned;
- the implementation of agricultural development measures (crops, livestock, etc.) ;
- support for micro-finance (savings and credit), and other measures to develop small commercial and craft activities;
- training and capacity development ;
- Consideration of additional mitigation measures at the inter-village or inter-community scale, in view of the cumulative effect of the significance of the projects that could be significant on the populations.

4.5.3. Resettlement assistance

If resettlement is contemplated, the expropriation and payment of land and other property, the relocation of PAPs and their resettlement (either temporary or permanent), and any economic rehabilitation assistance, must be completed in full before work begins. Displacement of affected populations will take place after a phase of investigation of property and persons, collection and examination of complaints. It is at the end of the investigation and examination of complaints that compensation to people will be made. When all affected persons have been compensated in their rights, they will be relocated and resettled in accordance with the resettlement plan.

4.6. *Expropriation procedures*

An amicable agreement normally governs the expropriation procedure established between the local authorities, the national institutions, COMEX and the expropriated party. Minutes of this agreement are drawn up by a COMEX official appointed for this purpose. The compensation must then be paid to the expropriated person before resettlement. This compensation may be in kind or in cash.

To the extent that recourse to expropriation will be necessary, the legal conditions for the acquisition of land rights will have to be created. Thus, as the land useful for each project will cease to be the property of customary holders, the appropriate legal procedures will be implemented in order to fully compensate the rights and transfer the ownership to the State domain.

In order to engage in expropriation proceedings, PTA-Kara's actions will have to adhere to the following steps:

- Step 1: Declaration of intention to carry out a public benefit action ;
- Step 2: Public Utility Survey ;
- Step 3: Declaration of public utility ;
- Step 4: Seizure and mobilisation of the COMEX ;
- Step 5: Parcel survey - valuation of the properties by COMEX;
- Step 6: Deciding on transferability and determining compensation ;
- Step 7: Negotiation of transferability.

Negotiation of transferability (Step 7) will be done by mutual agreement between the Interministerial Compensation Committee and the person affected if the project is declared to be in the public interest. In all cases, a memorandum of understanding is signed between the parties.

In case of disagreement, the local authorities (Cantons, Municipalities, Prefectures) can intervene for a conciliation, a conciliation or non-conciliation report is signed.

If the conciliation fails, the expropriated party may have recourse to a judge who will set the terms of the expropriation. However, if it is not possible to reach an amicable agreement on the amount of compensation (or on withdrawal), APRODAT will not carry out the action (or will look for another site) to avoid the delays that would be linked to a possible referral to the Court by the expropriator. It may also intervene to speed up the judicial expropriation procedure.

5. ELIGIBILITY CRITERIA FOR RESETTLEMENT

5.1. Eligibility criteria and categories

In accordance with AfDB SO.2 on land tenure rights, the following three categories of people are eligible for the CRP/RAP:

- a. Those with formal and legal rights to land, including customary, traditional rights recognised by applicable national laws;
- b. Those who do not have formal and legal rights to land at the time of the census but who have claims to such land in the event that such claims are recognised by applicable national laws;
- c. Those who have no recognised legal right or claim to the land they occupy.

From these assumptions, the categories of PAPs are as follows :

- PAP without any title of use whose commercial or artisanal activities are partially or totally affected ;
- PAPs suffering the partial or total loss of commercial or utility buildings on a temporary or permanent basis ;
- PAPs with legal title of occupation or customary law whose commercial activities are partially or totally affected ;
- PAPs suffering losses of community or collective property.

Persons in categories (a) and (b) above receive compensation for the land they lose. Persons in category (c) shall receive resettlement assistance in lieu of compensation for the land they occupy, and any other assistance to achieve the objectives set out in this RPF, provided that they have occupied the land in the action area by a deadline set out below. However, persons who come to occupy the areas to be relocated/compensated after the deadline are not eligible for compensation or other forms of assistance. On the other hand, informal occupants (category c) are entitled to compensation for any improvements they have made to the land, such as housing, fencing, commercial premises, in addition to resettlement assistance.

PAPs will receive compensation and assistance for loss/damage and resettlement. As described in the eligibility matrix (Table 3), loss/damage eligible for compensation can mainly take the following forms:

- the loss of buildings or other structures, such as houses/dwelling houses, business shelters, fences, sheds, shops, sacred objects or places;
- the loss of income, especially with regard to businesses (shops, stalls, etc.), traders and vendors (markets, etc.) and relates to the period of inactivity of the business during the relocation period ;
- loss of agricultural land and/or access to land ;
- loss of crops and/or pasture.

5.2. Categories of eligible persons

In accordance with national procedures and complementary AfDB safeguards, it has been established that three groups of people will be entitled to compensation or resettlement assistance for the loss of land, structures, income and any other property as a result of the actions to be taken. These groups of people are presented below.

5.2.1. Physically affected persons (PAPs)

The people physically affected by an action are as follows:

- holders of formal rights to land (including recognised customary and traditional rights);
- owners of houses and other structures (houses, sheds, kitchens, attics, shops, factories) ;
- tenants of residential, commercial and industrial structures;
- community members who use collective structures, such as markets, places of prayer.

5.2.2. Economically affected persons (EAPs)

The people economically affected by an action are the following:

- landowners ;
- land users (tenants, borrowers) ;
- owners of structures (residential, commercial, etc.) who rent these spaces;
- tenants of structures (residential, commercial, etc.) ;
- community members who use collective productive resources such as a forest.

5.2.3. Illegal occupants

Any person who was in the project area without a land title, tenancy agreement or any other form of informal agreement is considered illegal. The illegal occupant will have to prove that he/she was occupying the project area before the deadline established by the start of the socio-economic studies (census).

N.B. It is possible that a PAP may be both physically and economically displaced or only one or the other.

5.3. Deadline - Eligibility

The eligibility cut-off dates correspond to the end of the census operations to determine the households or properties eligible for compensation. As a result, only those households or properties identified and counted on the cut-off date are eligible for compensation and therefore those set up after the census team has passed through are no longer eligible. In addition, any subsequent construction on the right-of-way after the deadline is no longer eligible for compensation or any other form of assistance. Thus, for any sub-project or action within the implementation of the AWP - Kara which will result in involuntary resettlement (including compensation), a deadline for eligibility will have to be determined, based on the likely timetable for the implementation of the activities.

The prohibition of development and/or construction should be conditional on the recognition that resettlement and work should begin as soon as possible after the declaration of intention to acquire properties in the area covered by the sub-project or action. If the implementation of activities is delayed for one year or more for any reason, the identification and inventory of assets will have to be redone and the list of eligible PAPs revised to reflect the new situation.

Table 3: Compensation eligibility matrix ¹

Restricted assets/activities	Type of loss	Eligibility	Compensation ²
Land	Loss of private property (parcel)	Owner of official document (land title)	<ul style="list-style-type: none"> 1/ Compensation in kind including land title fees if the preference is for compensation in kind 2/ Cash compensation at the full replacement value of the plot including land title fees (including obtaining payment receipts)
	Loss of customary (parcel) ownership	Customarily recognised owner	<ul style="list-style-type: none"> Provision of a replacement plot of equivalent potential to that of the lost plot. With title deed, registration at the expense of the State Cash compensation at the full replacement value of the plot including land title fees
	Loss of irregularly occupied land	Informal occupant identified before the deadline	<ul style="list-style-type: none"> Provision of resettlement land of equivalent potential with assurance of security of tenure in a form to be determined in RAPs No cash compensation for the fund. Possibility of cash compensation for the developments
	Loss of rented land	Tenant	<ul style="list-style-type: none"> Provision (on a rental basis) of a resettlement site with equivalent potential No cash compensation
Cultures	Annual crops	Owner of the crop	<ul style="list-style-type: none"> Compensation for crop loss at local market value + cost of seeds or financing/provision of new crops, ploughing costs and other related expenses (to be done with the participation of stakeholders including producers)
	Perennial and fruit crops	Owner of the crop	<ul style="list-style-type: none"> Compensation of the plantation at its full replacement value, including the cost of relocation to a new site, and income lost during the period between destruction and the start of production.

¹ It should be noted that compensation following damage incurred during the implementation of actions in the agropole on a property or structure, whether or not the person is in the area of right-of-way, will be the responsibility of APRODAT and/or the promoter.

² Assessment of the replacement value to be made in the preparation of Resettlement Action Plans (RAP) or Short Resettlement Plans (SRP).

Table 3: Eligibility matrix for compensation (continued)

Restricted assets/activities	Type of loss	Eligibility	Compensation
Buildings and other equipment (drilling, wells)	Precarious structures	Owner of the structure	<ul style="list-style-type: none"> - Lump-sum compensation at full replacement value on the basis of a categorisation of precarious buildings to be established by the RAPs - Opportunity for evolutionary reconstruction using own funds on summarily developed resettlement plots ("TP" Temporary - Permanent concept) when land security is guaranteed on resettlement plots.
	Permanent structures	Owner of the structure	<ul style="list-style-type: none"> - Compensation on the basis of a case-by-case assessment of the full replacement value of the building - Reconstruction by the Project of an equivalent building - Compensation for loss of rent if the structure is rented out
	Recovery of materials	Owner of the buildings	-Right to recover materials even if the building is subject to compensation
Activities	Small informal activities	Operator of the activity	<ul style="list-style-type: none"> - Compensation based on a case-by-case assessment of the value of the activity and loss of income during the relocation period, to be assessed on the basis of a categorization of small activities to be established by RAPs - Compensation for loss of income
	Medium and large activities	To be examined on a case-by-case basis, distribution to be considered between owner and operator	Compensation for moving costs and loss of income during the relocation period, to be assessed on a case-by-case basis
Others	Moving	Resident on site, regardless of occupancy status (including squatters)	<ul style="list-style-type: none"> - Moving assistance per household - Payment of moving expenses or provision of moving facilities to the affected person
	Ritual ceremonies for the relocation of cultural and/or religious assets	Local resident or community with a cultural asset, regardless of occupancy status	-Payment of the costs of ritual ceremonies for the removal of cultural or religious assets

6. METHODS FOR VALUING THE AFFECTED ASSETS AND DETERMINING THE COMPENSATION COSTS

The principles and modalities of compensation within the framework of the PTA-Kara's activities are in line with ADB policy and must fit as far as possible with the various requirements of the Togolese government.

6.1 Principles of compensation

The following principles will be used as a basis for determining the valuation of losses and compensation:

- Affected persons must be consulted and involved in the process of developing and implementing involuntary resettlement and compensation activities;
- all affected persons must be compensated without discrimination on grounds of nationality, ethnic, cultural or social origin or gender, insofar as these factors do not increase the vulnerability of those affected by the project;
- Compensation should facilitate the social and economic integration of displaced persons or communities into host communities by avoiding creating conflict between the two groups or loss of identity;
- the persons affected must be compensated at replacement cost without depreciation, before the actual displacement of the persons affected and the start of activities;
- benefits may be provided in cash or in kind (preferred option), depending on the individual choice of PAPs and provided that the option chosen does not carry obvious risks for the social resettlement of a PAP. However, efforts will be made to explain the importance and benefits of accepting in-kind compensation, especially for land and residential buildings;
- The principle of compensation and resettlement must be fair, transparent and respectful of the rights of those affected;
- the scale of compensation for the loss of crops, land, housing and other structures will be based on the fair value of the local market price and any other empowered structures (e.g. agricultural economists).

6.2 Evaluation of economic losses

The assessment of assets (physical assets and land as well as community/open access resources) will be undertaken in accordance with the following guidelines and on the basis of the eligibility matrix presented in this RPF:

- the assets (buildings, crops, income losses, etc.) will be valued in accordance with the methodology presented in the CPR ;
- the compensation values will be based on the replacement costs on the date the inventory of assets was completed and will take account of inflation;
- Crop replacement costs will be set according to the values determined by the agricultural services or any other authorised structure (e.g. agricultural economists) as well as on the market prices of the area ;
PAPs that lose land (with formal or informal title) will receive an equivalent plot in terms of production and/or area.

6.2.1 *Agricultural land*

The compensation for the agricultural land will be accompanied by the assurance that the technical and material means are put in place to ensure that the PAP effectively returns to yields and production equivalent or superior to the previous situation.

Beneficiary PAPs and their family members will have to be granted certain rights, including :

- a formal land right equivalent to their pre-resettlement right, which is sustainable, legally protected and will enable PAPs to operate securely and in the long term.
- a right to use the agricultural land which is given to him as part of the compensation. This right includes the choice of crop and timing as long as the characteristics of the soil to be cultivated, the use and distribution of irrigation water and the best farming practices are respected by the farmer. It should be noted that this provision should not apply to persons owning land under customary law: these must have a right of ownership.
- access by women and young adults to protected plots of farmland on their behalf.

6.2.2 *Agricultural production*

The calculation of the replacement value of a crop must take into account not only the type of crop in a year, but also the cost of restoring the crop (seeding, soil preparation, fertilizers, etc.), as well as the income lost during the period needed to restore the crop. For example, when determining compensation for fruit trees, the replacement value should take into account the recovery period for fruit trees, the cost of labour to maintain the crop, the loss of production and the cost of replacing young seedlings (cuttings/seedlings etc.).

6.2.2.1 *Annual crops*

Temporary losses of agricultural income will be compensated on the basis of an assessment taking into account the net income from the use of the land. These losses will be calculated on the basis of the scale the Institute for Technical Advice and Support (ICAT) updates on the date of the social evaluation missions.

Table 4 shows the price of some annual crops as an indication.

Table 4: Plant prices

Plants	Prices
Kapokier	5000 FCFA/unit
Rônier	5000 FCFA/unit
Shea tree	40 000 FCFA/unit
Oil palm	50 000 FCFA/unit
Néré	40 000 FCFA/unit
Osa	40 000 FCFA/unit
Maize/Sorghum	320 000 F CFA/ha
Cotton	345 000F CFA/ha
Rice	450 000 FCFA/ ha
Peanut	1,661,000 FCFA/ ha

Manioc	975,000 FCA/ha
Niébé	732 000 FCFA/ha
Soy	400 000F CFA/ha
Voandzou	250 000F CFA/ha

Source: Resettlement Policy Framework (CPR) of the PNIASA (2011), updated by ICAT Lomé, 2020 ³

6.2.2.2 Perennial cash and fruit crops

Those who lose plantations and orchards will receive financial compensation calculated on the basis of scales validated by the PAP. Planted species will be compensated on the basis of the following criteria:

- production costs incurred ;
- the annual monetary value of fruit production ;
- the internal rate of return of the operation ;
- a correction rate of 20% of the value of the compensation taking into account the average profit margin observed for plantations for the production of wood or fruit.

Trees will be compensated according to their degree of maturity (mature or young). In addition, the owners of the trees will be able to harvest their harvest products and cut down the trees if they wish to recover the wood they can keep.

The calculation of the replacement value should take into account not only the type of crop in a year, but also the cost of restoring the crop (sowing, soil preparation, fertilisers and others), as well as the income lost during the period needed to restore the crop, i.e. the period between destruction and the start of production.

For example, when determining compensation for fruit trees, the replacement value should take into consideration the maturity of the tree, the recovery period of the fruit trees, the cost of labour for cleaning and planting, the loss of production and the cost of replacing young seedlings.

The compensation will therefore be calculated according to the principles of full replacement:

V : Initial cost for a replacement tree (FCFA)
 CP : Maintenance cost associated with a replacement tree (soil preparation including fertilisation, external labour)
 MP : Maximum annual production (kg/tree or kg/ha as the case may be)
 Pv : Selling price of the production (FCFA/kg)
 Ya : Maximum annual income (MP x Pv)
 Dp : Direct expenses and production costs of the crop at maturity or in production and if applicable (costs of fertilisers, seeds and external labour) FCFA/Kg

The compensation (C) for a shaft will be determined using the following equation :

$$C = V + CP + (MP * Pv) + Dp$$

Source: Ministry of Agriculture, Animal Production and Fisheries, N. D.

³ Scales are given as an indication, prices are determined according to the realities of the field.

The loss of annual income will be amortized over the years to reflect the level of production of a crop as it grows until it reaches maturity. The cost associated with the maintenance of the plant will be maintained until maturity is reached.

The fair market values (market prices) of all crops affected by the Project will be described in the RAP.

Table 4 above shows the prices of some planted or natural economic trees as an indication.

6.2.2.3 Vegetable garden

The loss of production from a vegetable garden for daily household consumption will be calculated on the basis of the expenditure on the purchase of products similar to vegetable crops corresponding to the consumption of one person in one year multiplied by the number of persons in the affected household. The cost should be adjusted to current rates for the period in which the losses are incurred and should represent the cost for up to one year. There is no official scale for calculating these costs.

An accompaniment could also be offered for the creation of the new vegetable garden.

6.2.3 Shared resources

Shared resources are resources that collectively benefit a population or community. Examples include fisheries, timber, non-timber forest products, etc. The loss of temporary access to pasture for livestock can be compensated by the Project in cash over a period of three months or in kind by finding an alternative site for the PAPs. Permanent losses will have to be compensated by finding an alternative grazing site.

Cash compensation for income-generating activities related to the exploitation of other shared natural resources such as fisheries, timber, non-timber forest products is assessed for losses over a three-month period. Compensation in kind would allow PAPs to access natural resources in alternative sites.

6.2.4 Buildings and infrastructure

6.2.4.1 Residential buildings

The PAPs whose housing and related infrastructure will be affected have the choice between financial compensation or compensation in kind (option to be favoured). In the case of financial compensation, they will be required to receive the current cost of fully replacing the affected habitat or infrastructure without depreciation.

In the case of compensation in kind, they benefit from a house of equivalent or higher quality according to established minimum standards, accompanied by a land title. Travel to the resettlement site is provided by the project promoter and the costs are borne by him.

In order to determine the compensation scales, an expert appraisal of buildings must be carried out by experts mandated by the State, in particular the Expropriation Commission (COMEX). The valuation method should be as follows:

Buried equipment and structures (septic tanks, wells, lost wells) are quantified and evaluated on a fixed-price basis. Non-standardised equipment and visible works are quantified according to their dimensions, but evaluated in proportion to the dimensions of standardised equipment and works of the same nature, species and function. The cost of a piece of equipment includes the supply and installation of the equipment.

The unit cost of a work includes the cost of labour for the realization of this work and the purchase of materials.

Table 5 shows the price of some structures for information purposes.

Table 5: Unit price for structure compensation

Unit price grid			
N°	Types of frames affected	Price per unit	Unit
1	House in solid sheet metal	45 000	m ²
2	Semi-hard house	30 000	m ²
3	Banco house	25 000	m ²
4	Round case	20 000	m ²
5	Sceptic tank	500 000	U
6	Hangar	10 000	U

Source: Interministerial Indemnisation Committee (CII), 2018

6.2.4.2 Resettlement of an individual household

In the case of an individual dwelling, the PAP has the choice between compensation in kind (the preferred option) and financial compensation, in accordance with the provisions of the Bank's SO2, in support of Togolese legislation. The financial compensation for a residential structure will be calculated on the basis of the replacement of a new structure, taking into account the costs associated with the purchase of the building permit and labour. This calculation will be made on the basis of the cost in FCFA/m².

In case of compensation in kind, APRODAT must identify and propose a replacement site. If it does not suit the PAP, it can of course find another one.

6.2.4.3 Non-residential buildings

Structures such as shops, commercial shops, latrines, chicken coops, wells, fences will be compensated in cash at the price of their replacement value when new. The depreciation of the commercial structure will be excluded from the calculations. This calculation will be made on the basis of the cost in FCFA/m². When dismantling its structure, the PAP will be able to recover all the materials it wishes at its own expense.

6.2.4.4 Moving allowances

The project has to organise at its own expense the transport of the PAP, its goods and materials recovered from the PAP to the new site. As mentioned, this compensation will be granted for all PAPs including illegal occupants.

6.2.5 Sacred Places

Within the framework of the agropole's activities, land with sacred sites, ritual sites, tombs and cemeteries should be avoided if possible. Thus, depending on the areas and cultural realities, the attachment of local people to particular cultural values must be respected. If they are not spared, these sites must be subject to special management measures in agreement with the local population.

In the event of possible displacement affecting this type of property, even with the agreement of the affected population, consultations with signed minutes, punctuated by formal negotiations, should make it possible to establish the criteria, types and modalities of compensation with all the actors involved. The administrative authority in charge of cultural heritage conservation will also be involved in the process of implementing the resettlement.

6.2.6 Loss of income for formal and informal activities

PAPs that will be deprived of their sources of income or means of subsistence during the project implementation period will benefit from compensation for loss of income calculated on the basis of an estimate made by the PAPs and COMEX, as there is no official scale for calculating loss of income. The compensation will have to cover the entire transitional period necessary to restore trade and customers. The CII will have to be involved in determining the compensation to be provided, as it will be specific to the nature of the business, profession, etc.

6.2.6.1 Loss of income related to trade

There are two types of income losses: temporary and permanent losses. Indeed, these income losses concern the PAPs that have shops, workshops, etc. within the project area, whether the activities are formal or informal.

- **Temporary income losses**

Loss of income related to the temporary loss of a commercial economic activity: i) economic compensation of three (3) months based on SMIG; ii) professional reorientation if desired: training in another field of work; iii) job search support if desired; iv) no compensation in kind.

- **Loss of permanent income**

Compensation for loss of income: Compensation to the business owner for loss of income during the move (3 months, the time it takes to relocate). This lost income is calculated on the basis of the SMIG.

- For formal enterprises, compensation for loss of income will be calculated on the basis of their declared income.
Cash compensation on the basis of replacement cost (excluding depreciation) and compensation for reconstruction costs established at market price as well as all related costs (taxes, permits, etc.). Payment of water, electricity and telephone/internet connection costs if the building to be replaced benefits from them.
- Moving allowance.

The compensation in kind of the building must be carried out in an equivalent commercial area and must be provided with water, electricity or telephone/internet services if the building to be replaced would benefit from them.

- Resettlement logistics and other support services, such as assistance in organising transport, advice on reconstruction (on materials, type of structures, etc.) to ensure quality construction.
- If necessary, support in finding a tenant for the replacement structure.
-

6.2.6.2 *Loss of income associated with commercial leasing*

All PAP owners of rented houses who suffer expropriation as a result of the project are entitled to compensation for loss of rental income. Thus, when a PAP owns a house, rents it to a third person, and this property is temporarily affected by the project, depriving it of rental income for a period of time, compensation will be paid to it.

This lump-sum compensation equivalent to six months' rent is based on the amount of rent declared during the census and verified with the tenant(s). It will be paid to the PAP owner as compensation.

6.3 Terms of payment

There are three types of compensation :

- cash compensation ;
- compensation in kind (land for land or property for property) ;
- the combination of the two types.

Finally, special support measures for particular groups (e.g. vulnerable people) should also be considered as a form of compensation (Table 6).

Table 6: Possible forms of compensation

Cash payments	Compensation will be calculated and paid in local currency. A provision will be included in the inflation compensation budget.
Compensation in kind	Compensation may include items such as plots of land, dwellings, buildings, fixed equipment, etc.
Part in kind and part in cash	PAPs may decide to have part of the assets compensated in cash and part in kind as long as the option chosen does not carry obvious risks for the relocation.
Assistance	Accompanying and economic support measures may include relocation allowances, transport, technical assistance, assistance in cases of vulnerability, etc.

Although it should be avoided and limited in certain cases, especially if the PAP refuses in-kind compensation and no other alternative is found, cash payment of compensation for loss of property may be acceptable in cases where :

- As livelihoods are derived from land resources, the land taken over by the project represents only a small fraction of the affected asset and the rest of the asset is economically viable.
- Active markets exist for land, housing and labour, IDPs use such markets and there is a sufficient supply of land and housing available.

-
- Livelihoods are not based on land resources. Cash compensation levels should be sufficient to finance the replacement of lost land and other assets at full replacement cost in local markets". Compensation will include transaction costs.

In general, the type of compensation will be an individual choice, although efforts will be made to explain the importance and benefits of accepting compensation in kind. Indeed, the payment of cash compensation raises questions about the sources of funding and the ability of recipients to manage relatively large amounts of cash.

One of the objectives of the in-kind compensation regulation is to reduce the risk of inflationary pressures. Market prices will need to be monitored during the compensation process to allow adjustments to the value of the compensation, if necessary.

Compensation must be made before construction work begins. The modalities and timetable for the payment of compensation (payment in instalments or lump sums) will be established in consultation with the populations concerned. It is advisable to provide for sequential (periodic) payments on production losses, according to the agricultural cycle of crops over the duration of the construction activities.

In order to effectively and securely make payments for production losses, it will be necessary :

- Assist each PAP to open an account at a local branch of a banking or micro-credit institution, with the informed consent of the PAPs. This support may concern facilities to obtain identity documents for the PAPs, administrative procedures for opening accounts and direct debit payments, training of the PAPs in the use of current or savings accounts.
- To the extent that a financial institution is not accessible in the area, the promoter will be responsible for arranging direct and cash payments in a transparent and secure manner for each PAP.
- All PAPs that will receive compensation for production losses, especially if the payments are made in cash, will be required to participate in money management training offered by a person qualified in the field (bank).

6.4 Compensation agreement with the PAP

A compensation agreement between the PAP and the promoter will be developed by the promoter with the participation of all stakeholders, and will be based on the information gathered during the socio-economic study carried out as part of the RAP or RPF.

This agreement will include the following data and information:

- personal information on the PAP (photo, ID references, filiation, domicile/residence); => data (including photo) to be collected during the PAP census or during a PAP information session to shorten the time and facilitate the PAP's procedures (determine responsibilities);
- method of payment of the compensation (in cash and/or kind). Payment schedule;
- bank information/microfinance institution (MFI) (if the PAP is cash-compensated);
- details of the compensation and its calculation (nature of the losses, duration covered by the compensation, rate/scale applied, total amount and amount per maturity, bonus/inflation rate if applied);
- amount of compensation (total cumulative amount of compensation, amount to be paid for each due date, date on which each payment will be deposited in the account, or on which cash payment will commence for each).
- The signatories to the agreement will be (i) the PAP, (ii) the promoter and (iii) the Prefect or one of his representatives.

Annex 5 presents an example of a compensation agreement to be updated on a project-by-project basis.

7. METHODS OF STAKEHOLDER CONSULTATION AND PARTICIPATION

7.1 Consultation with stakeholders during the mission to develop this resettlement policy framework

7.1.1 Actors

The public consultations of stakeholders took place from 10 to 14 September 2020 in the 19 cantons of the agropole and home to the Agricultural Processing Centers (APCs), using a participatory and inclusive approach. The methodological approach of these consultations consisted in involving grassroots stakeholders including ICAT's technical advisors, local authorities, civil society organizations, populations through village and canton chiefs, Village Development Committees (VDCs), Cantonal Development Committees (CCDs) and representatives of cooperatives and groups. All these actors participated in the various public consultation meetings held in the agropole zone.

Representatives of the populations of the villages of each canton met in the town-hall of the canton where the consultations took place. This strategy was necessary in order to reduce the number of participants in the consultation sessions in order to respect the barrier measures against coronavirus that the government has put in place. Table 7 shows the different townships and their villages that participated in the public consultations.

7.1.2 Topics discussed

In the 19 cantons of the agropole zone, the team of consultants briefed the populations on additional activities relating to: *i) the development of market gardening and horticultural production sites with drip irrigation powered by solar panels and ii) the creation of community forests associated with several benefits including the development of income-generating activities. Discussions were also held on the work to provide electricity in the Agro-Park through the installation of 4,302 KW of solar energy for lighting, processing, drying and processing of staple food crops.*

At the level of Kadjalla canton where the villages of Kadjalla Centre, Kadjalime, Agbassa, Koutakou, Outi and Tchore canton where the villages of Atchaklao, Tchore Centre, Kouwere are grouped, the population was explained the possibility of building one or two small dams and the development of irrigated perimeters in the extension zone of the Agro-Park to its northern part.

These public consultations enabled these actors to learn about the additional project activities being considered, in order to gain their support and to solicit their opinion on the availability of land. The actors also gave their appreciations, expressed their concerns on the potential negative impacts and the possible risks that these activities could generate. At the same time, they proceeded to identify the various impacts and generic risks and formulated measures to mitigate negative impacts and prevent generic risks.

Table 7: Lists of the cantons, villages and the number of participants in the consultations

N°	Prefectures	Name APC	Name cantons	Villages participating in the meetings	Number of participants
1	Dankpen	Nampoch	Nampoch	Nampoch, Kpagherdo	32
2		Kouka	Kouka	Kouka Centre, Gbangbale	30
3		Naware	Naware	Naware Centre, Sambotibe, Lidjoblibo, Bondido, Kisatink	28
4		Koutchéchéou	Natchitikpi	Bougabou, Kognido, Konol, Mambi, Natchitikpi-Centre, Oubouna Losso	34
			Koutchéchéou	Koutchitcheou Centre, Goumtè, Kikpambark, N'Gnonbouni	26
5		Natchiboré	Namon	Nawalou, Tipoul, Bassambo, Fadatè, Mergbalé, Gyendjire-Lanfou, Grambon, Pidignon, Namon centre	26
			Natchiboré	Kouthière, Gbambokou, Gadjol, Légbale, Koumalou, Napétchéka, Nagbakou, Woungbale, Boussoun, Koutchang, Tchéréka, Kponkpon, Natchiboré 1, Natchiboré 2	62
6		Bassar	Kabou	Kabou	Kabou centre, Sara
	Manga			Binadjoubé, Bikoutchatibé, Manga-Losso, Binandobé 1, Binandobé 2, Kolado, Manga Peuhl, Bomblédo, N'Libido, Napalangado, Kekpan, Tikolado, Tampindo, Kpalou-Manga, N'Nimoudo	43
	Sanda Kagbanda		Sanda Kagbanda	Kagbanda, Gnadeyo, Tawadè, Akpadibiyo, Sanda-Tè, Batho, Agigadè	31
			Sanda Afohou	Afohou Centre, Meatchidè, Leleda	22
8	Doufelgou	Broukou	Alloum	Broukou, Aloum centre, Misseouta, Kpassidè,	31
Léon			Leon centre	26	
9		Tchoré	Tchoré	Atchaklao, Tchoré Centre, Kouwere	34
			Kadjalla	Kadjalla Centre, Kadjalime, Agbassa, Koutakou, Outi	28
10	Kéran	Kantè	Kantè	Atetou, Kandè Centre, Gnanédé, Awanda, Wanwo, Deouté	24
Pessidè			Pessidè Centre, Kokotè	15	
11		Adelaide	Atalotè	Adelo, Atalotè, Nousira, Tchaki, Tchaste, Wartè-Maison, Koumte-Maison, Ouloure, Koumte-Ferme	39
			Helota	Helota centre, M'Boratchika, Kpakpai, Nandoudja, Napo	50
	TOTAL				597

In general, the stakeholders involved in the consultations carried out, stressed that the positive effects and benefits of the different actions outweigh the negative effects. However, the risks of involuntary population displacement must be considered and addressed appropriately, in accordance with the provisions of national legislation and AfDB operational safeguard policies.

During the consultation, participants expressed the wish that particular attention be paid to the following aspects:

- Give priority to awareness-raising and dialogue when implementing projects involving involuntary population movements;
- Raise awareness among the population and the authorities not to illegally occupy sites and land, sub-projects and actions;
- Raise awareness of the measures of the new land code in order to facilitate its application ;
- Ensure collaboration and coordination of all local actors (traditional leaders, local elected officials, landowners, technical services, civil society organisations) before carrying out displacement interventions;
- Create and use territorial planning tools (e.g. Geographic Information Systems) in projects involving involuntary population movements.

During these consultations, concerns were raised by participants and strategic suggestions were made to traditional leaders, landowners, support structures and civil society organisations to facilitate the implementation of sub-projects and actions potentially involving involuntary displacement.

➤ **To the heads of cantons and landowners**

It was suggested to :

- Involve the village chiefs in the implementation of the projects in order to ensure the coordination of all the actors and to inform the population;
- facilitate the identification of land available for the implementation of activities ;
- ensure as far as possible that land is made available to the project that will not lead to the involuntary displacement of populations.

Specifically, in relation to vulnerable people, they should :

- make special arrangements to ensure that priority is given to these persons;
- make arrangements to help women access land;
- encourage women to participate in income-generating activities;
- Reserving space for women in the blocks that will be set up for them to conduct IGAs.

➤ **Support structures and civil society organisations.** The latter should :

- Provide continues advice and guidance to the population ;
- raise awareness of the project's issues.
- raise awareness among the population on the respect of the corridors and the transhumance period in order to be able to really guide the transhumants.

The summary of the stakeholders consulted, the opinions and concerns raised and the elements of response, as well as the attendance list of the different stakeholders are presented in Annex 7. The minutes of the various consultations as well as the attendance list for each consultation session are presented in Annex 8.

7.2 Stakeholder participation and consultation including PAPs in the implementation of the RPF

Inclusive consultation of all stakeholders is necessary. Particular attention should be paid to setting up mechanisms that guarantee their effective involvement in the implementation of the project. Indeed, the success of projects depends on the involvement, participation and commitment of the communities concerned from the planning phase through to implementation. For this reason, public participatory consultations will be mandatory for all projects requiring land acquisition, compensation and resettlement.

Potentially affected persons should be involved in the project definition stage in the search for alternatives to displacement or resettlement if they are suspected. They must be sufficiently informed:

- their options and rights regarding resettlement and compensation;
- specific technically and economically feasible options for resettlement sites ;
- the procedures and proposed dates for resettlement and compensation;
- effective rates of compensation at full replacement cost for the loss of goods and services;
- the measures and costs proposed to maintain or improve their standard of living.

Public participation and consultation will be carried out throughout the duration of each project, particularly for actions related to land acquisition. It is transversal to all phases of the project, including the preparation of the socio-economic study and the environmental and social impact assessment.

Meetings, community radio and other information channels will be used to support these consultations.

The following stages of consultation and information will be undertaken in the preparation of the RPPs:

- Dissemination of the deadline to the public, when the census starts;
- restitution of the basic data at the start of the preparation of the RAP ;
- principles of compensation and resettlement ;
- participatory and inclusive socio-economic survey, to continue the process of informing the people concerned, local authorities and other local stakeholders. These surveys also make it possible to collect the opinions, complaints and wishes of the population on resettlement;
- participatory development and consultation on the draft RAP.

During public consultations, compensation will have to be negotiated and disputes settled. Therefore, to ensure the successful implementation of resettlement action plans, the resolution of complaints is of utmost importance and must be provided for.

7.3 Dissemination of information to the public

In order to comply with the provisions of ADB's SO2, the RAPs or RPFs will be made available to the PAPs, the chief town of the region, communes, canton chiefs, village chiefs, neighbourhood chiefs, in suitable locations such as the headquarters of local structures. Explanations will be made in languages that they can understand by involving NGOs that work in the field on a regular basis or other resource persons. As soon as the AfDB accepts this instrument as an adequate basis for project evaluation, it will make it available to the public through its website. In other words, the resettlement instruments are made available to the public:

- at the local level: in the chief towns of the region, prefectures, town halls of the localities concerned, at the level of the headquarters of the implementing bodies of the RAPs or RPFs and in the local directorates of the ministries concerned.
- at the international level, through the ADB site, which distributes documents on its website and in its documentation centres.

7.4 Responsibilities in the consultation process

Stakeholder consultation will be the work of APRODAT. In each site likely to be affected, before the compensation or resettlement process is launched, projects will have to comply with AfDB policy by conducting information and consultation campaigns. It is mandatory that PAPs are adequately informed of the intentions and objectives of resettlement. To do so, throughout the implementation and monitoring period of the RAP or RPF of projects, this consultation must continue. In order to explain the modalities of compensation to those affected, COMEX will also have to conduct consultations. The consultation of affected people should also be carried out by ANGE prior to the validation of the RAP or RPF to ensure that everything has gone well.

8. IDENTIFICATION AND ARRANGEMENTS FOR THE CARE OF VULNERABLE GROUPS

Vulnerable groups include low-income families, women, children or households headed by a minor or a person with a disability. Particular attention should be paid to improving the livelihoods of vulnerable groups and people with various difficulties that diminish their ability to claim their rights. Vulnerable households will be consulted in a participatory and inclusive manner from the outset of the operation to enable them to participate fully in the design phase of the project and assess their concerns and needs. Special assistance that may be provided includes, among others :

- support in obtaining an identity card and opening a bank account ;
- assistance with administrative transactions (land titles) ;
- resettlement logistics and other support services for physically resettled households and all PAPs;
- social support (information, advice, discussion) ;
- special transition funds specific to vulnerable households;
- capacity building (training on available assistance measures, environmental protection measures that need to be put in place, submission of grievances, etc.).

Members of affected vulnerable households should also benefit from the training programmes offered. Members of these households should be given priority for project-related employment. Given the current position of women in rural areas, where cash compensation is the only acceptable option, the following possible mitigation measures should also be considered and implemented where possible:

- Women should be the ones who take care of the compensation when a matrilineal system is practiced (receive the compensation and manage it). A bank account must be opened for the land owner to deposit the monetary compensation, and a bank account must also be opened for each farmer on the land for the compensation related to the associated crop losses.
- In child-headed families, an elder and his/her siblings can be signatories to the bank. However, village chiefs or the committee of chiefs can assess who is responsible for managing money problems.

9. COMPLAINTS MANAGEMENT MECHANISM (MGP)

The implementation of sub-projects in the agropole zone of the Kara basin requires a multiplicity of actors who often have divergent interests. These actors must work together to achieve the results expected under the Kara AWP. It is clear that conflict situations can arise between these different actors. It is therefore necessary to put in place a consensual, impartial, accessible, transparent and fair complaints management mechanism that allows for the proper management of potential or proven conflicts related to the implementation of PTA-Kara actions.

9.1 Rationale for the mechanism

APRODAT will need to establish such a complaints management mechanism prior to the effective start of activities in order to build and maintain the confidence of communities and other stakeholders directly or indirectly affected during the implementation of actions in the Kara agropole zone.

Specifically, this complaint management mechanism will contribute to :

- prevent risks and misunderstandings from taking a regrettably high proportion ;
- to create a climate of trust and security in order to make better progress in the implementation of activities;
- rectifying unintentional errors ;
- to deal with complaints fairly and transparently ;
- learning from experience by identifying and analysing lessons learned from the process, in order to create added value for future interventions;
- ensuring accountability to stakeholders ;
- establish and maintain a framework for dialogue and mediation with communities and other stakeholders;
- avoid long and expensive procedures;
- preserve social cohesion.

The scope of this mechanism should be the questions, concerns, problems or grievances (real or perceived) arising from the activities carried out in the implementation of the PTA-Kara sub-projects.

9.2 Rationale, objectives and principles

The diversity of RAP or RPF implementation activities can be a source of contentious situations, be it with regard to errors or a sense of unfairness regarding the decision taken in terms of loss assessment, plot delimitation, conflicts related to property rights, etc. Therefore, the RAP or RPF must ensure that it provides mechanisms for managing, resolving and following up on complaints. Such a mechanism is fundamental to ensuring transparency in the resettlement process.

Thus, it is essential that all PTA-Kara sub-projects incorporate this complaints management mechanism, which does not exclude access to formal channels of redress (such as the courts, including traditional courts), and does not give rise to any fear of negative consequences for users in the event of an appeal. Stakeholders should be involved in its development and implementation. General information on the existence of this mechanism should be made public through community consultations.

Several types of conflict can arise in the event of relocation and this is why a mechanism to deal with certain complaints should be put in place. Problems that may arise include, but are not limited to, the following:

- errors in the identification of PAPs and the valuation of assets ;
- disagreement on parcel boundaries ;
- conflict over the ownership of a property ;

-
- Disagreement on the valuation of a parcel or other property;
 - Inheritance, divorce and other family problems resulting in disputes between heirs or members of the same family over the ownership or shares of a given property;
 - disagreement on relocation measures (location of relocation site) ;
 - type of housing proposed ;
 - characteristics of the resettlement plot, etc. ;
 - conflict over the ownership of a craft/commercial activity (different fund owner and operator, thus conflicts over the sharing of compensation).

9.3 Complaints management procedure

Complaints management will be carried out according to the following steps:

- Reception and registration of complaints
- Acknowledgement of receipt
- Analysis, classification and processing
- Proposed response
- Implementation of the response
- Closure of the complaint

The complaints/conflicts management system is structured around three (03) levels, namely :

- the cantonal level,
- the communal level
- the prefectural level

Figure 1 illustrates the complaints management system. A model of a complaint registration and handling form is presented in Annex 4.

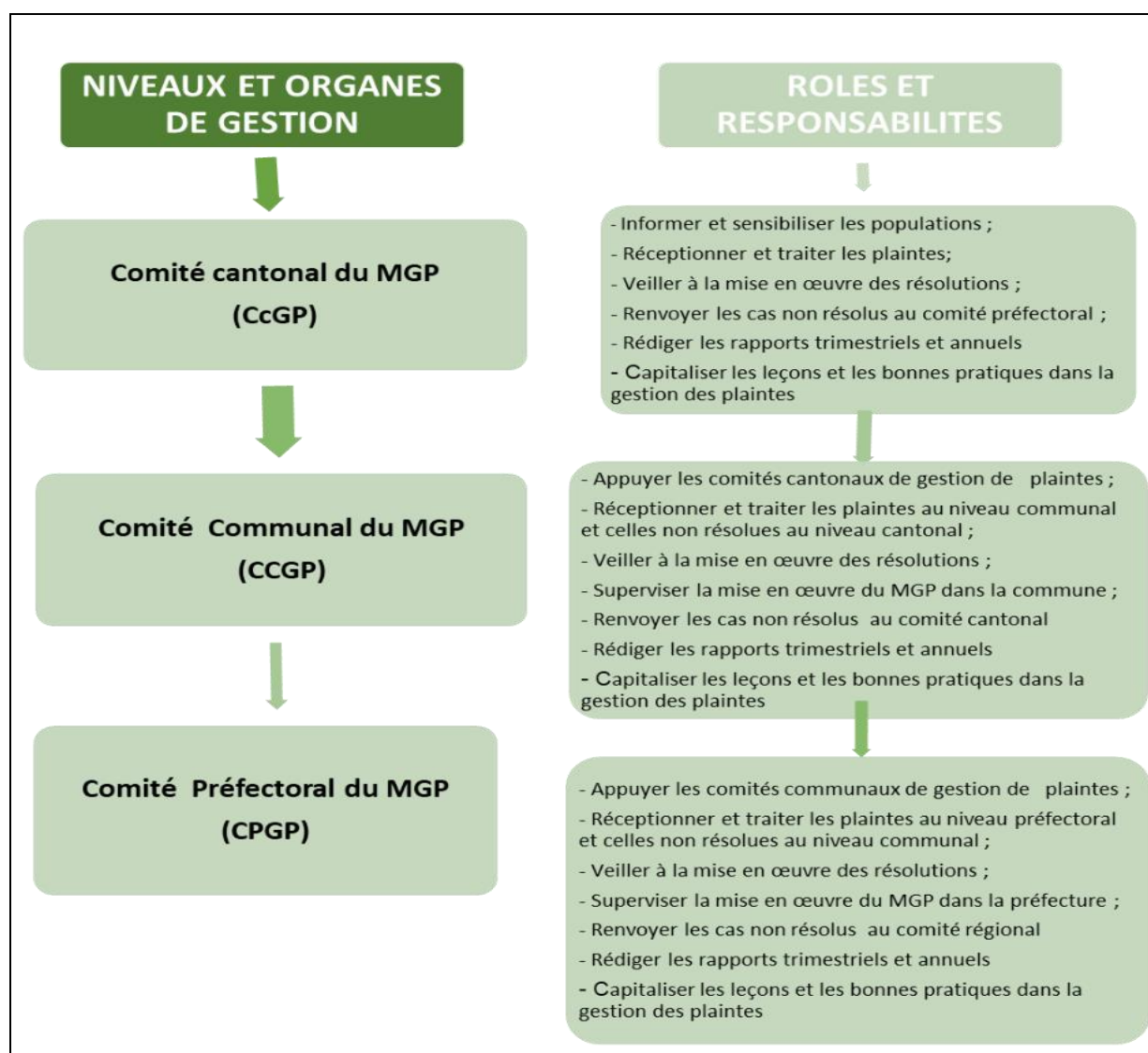


Figure 1: Diagram of the complaints management system under the PTA - Kara

- The CcGP is made up of the Chief of the canton and his notables, the heads of the villages of the canton and the President of the Cantonal Development Committee;
- The CCGP is made up of the Mayor, the Deputy Mayors, the Councillor in charge of development and environmental issues, the head of ICAT ;
- The CPGP is made up of the Prefect, the Secretary General of the Prefecture, the Prefectural Director of Agriculture, the Prefectural Director of the Environment, etc. The CPGP is composed of the Prefect, the Secretary General of the Prefecture, the Prefectural Director of Agriculture, the Prefectural Director of the Environment, etc.

In order to evaluate the functioning of the PGM, a monitoring system should be set up with performance indicators that will have to be filled in. These include :

- Number of complaints received ;
- Sources of complaints ;
- Percentage of complaints eligible for the mechanism ;

- Percentage of complaints ineligible for the mechanism ;
- Percentage of complaints submitted by category of actors ;
- Percentage of complaints submitted by vulnerable stakeholders;
- Percentage of complaints that have resulted in a satisfactory resolution,
- Percentage of complaints that did not result in a satisfactory resolution,
- Processing time

The intelligence data for these indicators will be statistically processed to identify the different trends, interpret them and take the necessary steps to improve the mechanism. The monitoring-evaluation and documentation makes it possible to monitor the management of the complaints received, to evaluate, capitalize and make adjustments, if necessary, to the complaints management mechanism.

Each Complaints Management Committee will record all complaints received directly and those copied to it from the lower level. An archiving system will be set up for the filing of complaints at all levels. This system will give access to information on : (i) the complaints received (ii) the solutions found and (iii) unresolved complaints requiring further action and an explanation of the situation.

The information will be used for the drafting of the annual report and the proposal of corrective actions. The reconstruction of the problems encountered is necessary for an analysis of the malfunctions in the settlement chain. Recommendations may also be made for inclusion in the complaint resolution strategy.

Each committee will produce quarterly and annual reports.

The following follow-up activities for the settlement of complaints and disputes will be put in place:

- Disclose information to affected persons and authorities about the process, including the success of complaint resolution, as measured by the number of complaints satisfactorily resolved, reduction in recurring complaints, reduction in new complaints;
- ensure ongoing consultation with affected people and local authorities on ways to improve the complaints mechanism;
- document each complaint and regularly report to the affected persons or other stakeholders on the steps taken to resolve the complaint;
- publicize through public meetings, written brochures or appropriate media any complaints that have been successfully resolved ;
- create an internal culture of accountability through the preparation of an operational manual or procedure in conflict resolution;
- once the complaint is resolved, in a timely manner, verify the status of the complaints and the implementation of the agreement, monitor progress, measure effectiveness and report it to the parties involved ;
- document lessons learned throughout the complaints process and share them with affected individuals and affected parties, as this can help to ensure continuous improvement in the operation of the promoter.

9.4 Complaint resolution procedure

The complaint resolution procedure is based on the following fundamental principles:

- the complaint resolution process must be transparent and in harmony with the local culture;
- the registration of complaints will take into account local languages and their resolution will be communicated to the complainants verbally and in writing ;
- All members of the community (or groups) must have access to the procedure (rights holders or not, men or women, young or vulnerable people);
- all complaints and claims must be registered under the complaints procedure;
- All complaints should lead to discussions with the complainant and possibly a field visit to better understand the nature of the problem.

Table 8: Tasks, Responsibilities and Timeframes for Resolving Complaints by Step

N°	Tasks	Levels/responsible persons			Number of days
		Cantonal	Communal	Prefecture	
1	Reception and registration of complaints	Secretary to the chief-canton	General Secretary of the Town Halls	Secretary General of the Prefectures	Immediate
2	Acknowledgement of receipt	Secretary of the CcGP	Secretary of the CCGP	Secretary of the CPGP	5 Working days
3	Analysis/classification and processing	CcGP/APRODAT	CCPG/APRODAT	CPGP/APRODAT	15 Calendar days
4	Reply/Communication of the reply	Secretary of the CcGP	Secretary of the CCGP	Secretary of the CPGP	2 Calendar days following treatment
5	Implementation of the response	CcGP and parties involved including APRODAT	CCPG and parties involved including APRODAT	CPGP and parties involved including APRODAT	-
6	Closing	CcGP and parties involved including APRODAT	CCPG and parties involved including APRODAT	CPGP and parties involved including APRODAT	21 Calendar days from receipt of complaint
7	Monitoring and documentation of the implementation of resolutions	CcGP and parties involved including APRODAT	CCPG and parties involved including APRODAT	CPGP and parties involved including APRODAT	-

9.5 Conflict prevention

It is necessary to identify potential conflicts early on and to implement mitigation measures early enough in the sub-projects, using a participatory approach that integrates all potentially interested social categories. It is therefore particularly important to ensure the information and participation process of the entire community, especially those affected by the project.

10. INSTITUTIONAL RESPONSIBILITIES FOR THE IMPLEMENTATION OF THE RPF

For the efficient success of a resettlement operation, an organizational structure with competent staff and the necessary resources is required. In the implementation of resettlement activities, the roles and responsibilities of the promoter and the different institutional actors should be clearly defined and well coordinated.

10.1 Responsibilities of the promoter

APRODAT or any other structure in charge of the implementation of the PTA-Kara sub-projects will act as promoter. It will be responsible for the management of the RAP or RPFs (from preparation, implementation to completion audit of the RAPs or RPFs). More specifically, the promoter will have the following tasks and responsibilities:

- the dissemination of the CPR, particularly among the affected populations;
- preparation of the terms of reference for the consultants for the development of the RAPs and their selection and recruitment;
- the respect of the terms of reference, deadlines and quality of these consultants;
- the approval of RAPs or RPFs and ensure their validation with ANGE ;
- ensure that expropriation procedures are launched as soon as possible (in the event that expropriation is necessary) and monitor them regularly;
- implementation of actions relating to resettlement and land security and coordination with government, local administrative and customary authorities;
- supervision and monitoring/evaluation of the implementation of actions relating to resettlement and land security;
- avoid, as far as possible, displacement and resettlement, or even minimise the impacts related to displacement and resettlement of populations in intervention areas.

10.2 Responsibilities of the institutional players organisational set-up

To enable the CRP to meet the sustainable human development imperative assigned to it, it is necessary to set up a coherent and effective organisational structure. Particular attention will therefore have to be paid to organisational and management aspects, while being sensitive to the diversity of interventions that can be envisaged in the implementation of the PTA-Kara sub-projects.

The implementation mechanism for the recommended RAP or RPF will be set up at the national level of APRODAT, which will ensure coordination of implementation. Table 9 indicates the institutional arrangements for the implementation of RAP or RPFs and the responsibilities of the different institutional actors that will be involved in this implementation mechanism.

Table 9: Institutional arrangements for implementation - Charter of Responsibilities

Institutional players	Responsibilities
Ministry of Agriculture, Livestock and Rural Development	<ul style="list-style-type: none"> - Designation and implementation of APRODAT as the coordinator for the implementation of the CPR. - Referral to the Expropriation Commission (COMEX), if necessary.
APRODAT-Kara	<ul style="list-style-type: none"> - Coordinate collaboration with stakeholders, communities or other implementing bodies - Recruitment of a consultant/design office to carry out social assessments and the development of RAPs or RPFs - Development of potential RAPs or RPFs (review of reports, consultations, validation, approval and publication) - Dissemination of RAPs or RPFs - Resolution of complaints
ANGE	<ul style="list-style-type: none"> - Consultation with affected persons as part of the monitoring of the resettlement process - National validation and dissemination of RAPs or RPFs in co-responsibility with APRODAT - Supervision of the RAP or RPF implementation process - Preparation of monitoring reports on the implementation of the RAP and sending a copy to APRODAT
Ministry of Finance Expropriation Commission (COMEX)	<ul style="list-style-type: none"> - Consultation of affected persons in the evaluation of affected property - Assessment of affected assets (participatory process with PAPs, communities, traditional chiefs, etc.). - Treatment according to the dispute resolution procedure (paying compensation)
	<ul style="list-style-type: none"> - Management of allocated financial resources - Payment of compensation
Ministry of Territorial Administration, Decentralisation and Territorial Development (Canton and village chiefs)	<ul style="list-style-type: none"> - Dissemination of RAPs - Monitoring of resettlement and compensation - Registration of complaints and claims - Contribution to the amicable resolution of conflicts - Amicable conflict resolution - Expropriation - Participation in local monitoring
Ministry of Justice (Courts)	<ul style="list-style-type: none"> - Judicial processing of complaints
Civil Society	<ul style="list-style-type: none"> - Active collaboration in the process of developing and monitoring/evaluating RAPs or RPFs - Participation in information/awareness raising of PAPs

10.3 Responsibility of the entity in charge of project implementation

APRODAT is responsible for coordinating all resettlement actions. In practice, this includes the following tasks and responsibilities:

- use the Social Safeguards Specialist recruited for all social aspects of the Project, including the implementation of the provisions of the Resettlement Policy Framework.
- ensure that the requirement to seek alternatives in a participatory manner with stakeholders or otherwise minimise displacement and resettlement is taken into account in the design of PTA-Kara projects.
- ensure that the social selection process is carried out before the final selection of projects and sub-projects.
- ensure that expropriation procedures are launched where necessary (preparation of expropriation plans, and preparation by the competent authorities of expropriation application orders).
- select and recruit consultants for the preparation of possible RAPs or RPFs.
- ensure that the terms of reference, deadlines and quality are respected by these consultants.
- ensure that participation, consultation and information take place at the right time and place, in liaison with all stakeholders.
- supervise the implementation of monitoring and evaluation actions.

10.4 Responsibilities for execution

The responsibility for the implementation of RAPs or RPFs lies with APRODAT, which can call upon a specialised body (NGO, Consultant) for this purpose. A specialised agency (or NGO) could be selected to carry out one or more RAPs or RPFs, depending on the consistency of the projects and their impact in terms of resettlement.

The tasks of this body will be to :

- conduct surveys in relation to all stakeholders to identify occupants, assess the properties affected and determine their value;
- preparing the declaration of public utility which will include the list of property and persons affected as well as proposals for compensation;
- monitor the execution or implementation of RAPs or RPFs, resettlement and/or compensation measures by the Expropriation Commission (COMEX)

11. TIMETABLE FOR THE IMPLEMENTATION OF THE RESETTLEMENT PROCESS

Table 10 presents the timeline for the implementation of the RPF. It includes the activities to be carried out, who is responsible and the expected timeframe. Each RAP or RPF should include an implementation schedule that covers all resettlement activities from preparation to implementation, including target dates for negotiating compensation, its payment, consultations and public dissemination of the RAP or RPF. The calendar should indicate the activities to be carried out, their dates and budget, with relevant comments. It should also include any additional activities to assess whether or not the PAPs have been able to restore their livelihoods. The calendar should specify the link between the resettlement activities and the RAP or RPF project. This calendar should correspond to the design and implementation agenda of the PTA-Kar sub-projects.

NB. This provisional schedule is generic. It may be updated with greater precision with the actual start of the sub-projects.

Table 10: Timetable for the implementation of the resettlement process

Activities	Responsible persons	Institutional players	CRP implementation period															
			Year 1				Year 2				Year 3				Year 4			
<i>SSS Recruitment</i>	APRODAT	Ministry of Agriculture and other sectoral ministries, TFPs																
<i>Social selection of projects and implementation</i>	APRODAT	Ministry of Agriculture and other ministries																
Screening	ANGE	Ministry of Agriculture																
Carrying out RAPs or RPFs	APRODAT and Ministry of Economy and Finance (MEF)	Expropriation Commission (COMEX), CSOs, relevant sectoral ministries, ANGE																
Implementation of RAPs/RPPs	MEF, APRODAT	COMEX CSOS, Relevant sectoral ministries, ANGE																
<i>Training and awareness-raising</i>																		
Training and awareness-raising of stakeholders in the development of RAPs	APRODAT	TFPs, CSOs, line ministries																
Training and awareness-raising of actors in monitoring and evaluation of the RAP	APRODAT	TFPs, CSOs, line ministries																
<i>Monitoring and evaluation</i>																		
Monitoring of implementation	MEF, ANGE	Ministries of supervision, APRODAT COMEX																
Mid-term evaluation of resettlement	MEF, ANGE	Ministries of supervision, APRODAT COMEX																
Final evaluation of the resettlement	MEF, ANGE	Ministries of supervision, APRODAT COMEX																

12. MONITORING-EVALUATION MECHANISM FOR THE IMPLEMENTATION OF THE CPR /BY /PCR

12.1 Objectives of monitoring and evaluation

Monitoring and evaluation are key components of Resettlement actions, and Plan in order to assess progress against laid down milestones. Thus, they have the following main objectives:

- Monitoring of specific situations and difficulties arising during implementation, the conformity of implementation with the objectives and methods defined by the ADB, and Togolese regulations;
- Assessment of the medium and long term impacts of Resettlement on affected households, on their livelihoods, income and economic conditions, on the environment, on local capacities, on housing, etc.
- In the sense of this document, monitoring aims to correct implementation methods "in real time" during project execution, while evaluation aims to verify whether the general policy objectives have been respected and to draw lessons from the operation in order to modify strategies and implementation in a longer-term perspective. Monitoring will be internal and evaluation external.

12.1.1 Monitoring the implementation of the RAP or RPF

➤ Objectives and content

The follow-up will mainly deal with the following aspects:

- Social and economic monitoring: monitoring the situation of displaced and resettled people, changes in the cost of housing in the area of displacement and in the area of Resettlement;
- Monitoring of vulnerable people ;
- Monitoring of the complaints handling system ;
- Assistance in restoring livelihoods: agriculture, fishing, hunting, commercial or artisanal activities, and monitoring of any assistance measures implemented in this field.

➤ Resettlement assessment

The reference documents for the evaluation will be the following:

- the current CRP and RAP/RPF,
- the policies of the African Development Bank (AfDB).
- the national laws of the country on the subject,

In the framework of the evaluation the following aspects will be examined:

- the conformity of the implementation with the objectives and methods specified in the resettlement policy;
- compliance of implementation with national laws and regulations, as well as AfDB policy,
- compensation, relocation and resettlement procedures,
- the adequacy of compensation and resettlement measures in relation to the losses incurred,
- the impact of the resettlement project on income, standard of living, livelihoods and the maintenance of living standards at previous levels,
- Corrective actions that can be taken as part of monitoring and evaluation changes to be made to resettlement strategies and methods.

The evaluation will use documents and materials from internal monitoring, and the evaluators will also conduct their own field analyses through surveys of stakeholders and people affected by the project.

➤ **Evaluation process**

The evaluation of compensation and possible resettlement actions will be carried out by competent auditors chosen on the basis of objective criteria. This evaluation will be undertaken in three stages:

- immediately after completion of the resettlement operations ;
- at the half-way point of the project ;
- at the end of the project.

12.1.2 Monitoring the implementation of the CRP

The monitoring of the implementation of the RAP or RPF is the responsibility of APRODAT, which will have to pay particular attention to a specialist in programme monitoring and evaluation issues. Monitoring will cover the following aspects of the implementation of the RAP or RPF:

- constitution of the team for the payment of damages or compensation ;
- payment of damages or compensation ;
- active participation of stakeholders ;
- dissemination of RAP or CRP ;
- display of the directory of the people affected ;
- release of the right-of-way of works or infrastructures ;
- individual resettlement and organised resettlement ;
- collection of complaints and settlement of disputes.

The PAPs will participate in the monitoring system in different ways:

- collection of simple data concerning their activity as indicators of living standards and conditions;
- participation of representatives of the PAPs in meetings relating to programming, monitoring and evaluation, in particular through local committees;
- participation, inter alia, in meetings when work programmes are drawn up and when the implementation of the previous programme is evaluated;
- questioning their representatives in the event of dissatisfaction with the implementation of the RAP and with the operators' methods of intervention;
- participation of Local Authorities and/or representatives of the PAPs in the reception of the investments that concern them;
- opinion surveys during evaluations ;
- regular visits by a sociologist consultant who is attentive to identifying problems and risks linked to community and inter-community coherence and unforeseen situations of marginalisation or impoverishment of households.

The monitoring and evaluation of the implementation of the RAP or RPF will make it possible to monitor and report periodically on the maintenance or improvement of the living standards and conditions of the people affected by the project.

12.1.3 Indicators

The following overall indicators will be used:

- Number of households and persons affected by project activities
- Number of households and persons who have been physically displaced ;
- Total amount of compensation paid to PAPs

In addition, socio-economic indicators will be established and monitored for a sample of PAPs :

- average monetary income and average total income (with valuation, if possible, of self-consumption),
- average breakdown of household expenditure,
- the number of unemployed,
- number of schoolchildren ;
- An annual monitoring report on resettlement activities will be prepared by the Project Management Unit.

The following indicators (Table 11) can be used to monitor and evaluate the implementation of the RAP or RPF according to the following types of operations: (i) limited resettlement; (ii) general resettlement; (iii) temporary resettlement.

Table 11: Objectively verifiable monitoring indicators by type of operation

Type of operation	Monitoring indicators
Limited resettlement (which affects a limited portion of land or property or access to resources in a PAP)	- Level of participation
	- Negotiation of compensation
	- Existence and performance level of the relocation site identification process
	- Performance level of the moving process
	- Performance level of the relocation process
	- Performance level of the economic rehabilitation process (if necessary)
	- Number and nature of legitimate grievances resolved
	- Level of satisfaction of the PAP
General resettlement (affecting a significant portion of territory or a large number of PAPs)	- Level of participation
	- Existence and level of performance of the compensation negotiation process
	- Existence and performance level of the relocation site identification process
	- Performance level of the moving process
	- Performance level of the relocation process
	- Performance level of the economic rehabilitation process (if necessary),
	- Number and types of legitimate grievances resolved
	- Level of satisfaction of the PAP
	- Types of economic rehabilitation
Temporary Relocation (Relocation for a limited period of time)	- Level of participation
	- Performance level of the relocation process (without loss of income)
	- Terms and conditions for taking over old premises without loss of sale
	- Number of complaints and resolution
	- Level of satisfaction of the PAP

12.2 Supervision

Oversight of the RAP will be the responsibility of APRODAT and the co-responsibility of the promoter. Its task will be to ensure that the implementation of the RAP or RPF is carried out in accordance with the document that will have been validated. Monitoring the implementation of the RAP or RPF also consists of ensuring that

the activities of the consultant responsible for the implementation of the RAP or RPF are carried out within the planned timeframe and that the budget envelope is respected.

Frequency: Regular and very frequent contact with the consultant in charge of implementing the RAP or RPF, and monthly field visits that will result in a report.

12.2.1 Internal monitoring

An internal monitoring system will be developed by the consultant responsible for the implementation of the RAP or RPF in close collaboration with the APRODAT social safeguards officer, and monitoring and performance indicators will be established and presented in the RAP or RPF document and in the APRODAT plan. The internal monitoring system will allow, among other things, to :

- ensure that the work programme and budget of the RAP or RPF are implemented as planned;
- ensure that the quality and quantity of the expected results are obtained within the prescribed time frame;
- Identify any unforeseen factors and developments that may influence the organisation of the RAP, the definition of its measures, reduce its effectiveness or present opportunities to be developed;
- recommend as soon as possible to the responsible bodies concerned the appropriate corrective measures, within the framework of ordinary or exceptional programming procedures;
- keep up-to-date registers of complaints that need to be addressed and resolved ;
- document the fulfilment of all relocation obligations of the project (i.e. compensation for land, agricultural production, structures in case of physical relocation, etc.) as well as any additional damage during construction ;
- determine through periodic evaluations whether the PAPs enjoy a standard of living equal to or higher than that which they had before the project.

12.2.2 External monitoring

External evaluation or monitoring will be undertaken by a resettlement expert who will be external to the project. The aim is to establish and interpret the baseline socio-economic situation of the affected populations before the start of the sub-project activities (the census carried out within the project can be used by the external consultant as a basis for developing the baseline situation):

- define, at regular intervals, all or part of the above parameters in order to assess and understand their evolution;
- establish, at the end of the project, a new reference situation to assess the social and economic impacts of the RAP or RPF.

Frequency: Annual and mid-term evaluation by a resettlement expert recruited by APRODAT.

12.2.3 Final evaluation/Final audit

The final evaluation and/or final audit will conclude and confirm that the implementation of the RAP or RPF has been carried out within the prescribed time frame and that the conditions and procedures required to ensure that each household has regained its former standard of living and that no PAP has been impoverished as a result of the project have been met.

ANGE will be responsible for carrying out this audit. If any shortcomings are observed, the appropriate corrective action will have to be taken. A follow-up of the corrective measures will be carried out as long as the PAPs have not regained their former standard of living or better.

13. PROVISIONAL BUDGET AND SOURCES OF FINANCING OF THE CRP.

13.1 Initial provision and estimated relocation costs

Table 12 presents, for information purposes, an estimate of the costs related to the implementation of the RPF. The estimate presented here is aimed at accompanying measures for the ownership of involuntary resettlement processes, including, in the first instance, capacity building of actors in terms of ownership of the CRP. In practice, this ownership of the CPR will take place through the general capacity building process.

In total, on a comparative basis, the initial financial provision for the implementation of the CRP can be estimated at three hundred and five million three hundred thousand **(305,300,000)** CFA francs.

7.1. Source of funding

APRODAT will only finance the costs of compensation due to the resettlement of affected populations, following the expropriation for the implementation of infrastructure within the framework of sub-projects/action activities in the agropole. Arrangements will have to be made by APRODAT and COMEX, before the start of the sub-project activities, to ensure the mobilisation of funds in time.

The State will therefore assume responsibility for fulfilling the conditions contained in this CRP. From this point of view, APRODAT will ensure that COMEX meets the financial requirements related to the possible acquisition of land.

The AfDB (PTA-Kara implementation budget) will finance the implementation of RAPs and RPFs, capacity building, monitoring/evaluation and resettlement assistance including assistance measures for vulnerable groups and measures for the social and environmental sustainability of new resettlement sites.

Table 12: Approximate budget for the implementation of the RPF

N°	Activities	Responsible persons	Actors involved	Quantity	Price per unit	Estimated cost (fcfa)
1	Estimated expropriation of land for public utility works (loss of potential land, economic and agricultural resources) for the provision of basic infrastructure in the 11 APCs	Ministry of Agriculture/ and Ministry of Economy and Finance (MEF)	APRODAT, PAP, COMEX Communes, Canton ANGE CSOS,	22 ha	650 000	14 300 000
2	Estimated losses in potential economic and agricultural resources for the development of production block perimeters in the 11 APCs	Ministry of Agriculture/ and Ministry of Economy and Finance (MEF)	APRODAT, PAP, COMEX Communes, Cantons ANGE CSOS,	11	2 000 000	22 000 000
3	Estimation of potential losses in economic and agricultural resources for the development of irrigated perimeters in the extension zone of the agropole.	Ministry of Agriculture/ and Ministry of Economy and Finance (MEF)	APRODAT, PAP, COMEX Communes, Cantons ANGE CSOS	1	15 000 000	15 000 000
4	Estimated expropriation of land for public utility works (loss of housing, loss of potential land, economic and agricultural resources) for the construction of small dams in the extension zone of the agropole.	Ministry of Agriculture/ and Ministry of Economy and Finance (MEF)	APRODAT, PAP, COMEX Communes, Cantons ANGE CSOS	1	150 000 000	150 000 000
5	Carrying out an RPF for the APCs in the northern extension part of the agro-food sector	Ministry of Agriculture/ and Ministry of Economy and Finance (MEF)	PAP CSOs, PTA-Kara team, Municipalities, consultants,	1	15 000 000	15 000 000

COMPLETE REINSTALLATION PLAN (CRP)
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6	Social and environmental servicing measures for potential new resettlement sites in the 11 APCs + AgroParc	Ministry of Agriculture/ and Ministry of Economy and Finance (MEF)	APRODAT, PAP, Communes, Cantons ANGE CSOS PTF	12	3 000 000	36 000 000
7	Assistance with resettlement in the 11 APCs and in the extension area of the agropole	Ministry of Agriculture/ and Ministry of Economy and Finance (MEF)	APRODAT, PAP, Communes, Cantons ANGE CSOS PTF	12	1 000 000	12 000 000
8	Capacity building: Training and awareness-raising of stakeholders in the development and implementation of RAPs/PCRs in the 11 APCs Approximately 100 people, per diem room rental, coffee break, lunch break, etc.	Ministry of Agriculture	APRODAT, PAP, Communes, Cantons ANGE CSOS PTF Consultant	11	1 000 000 00	11 000 000
9	Monitoring, evaluation and assessment at the 11 APCs + AgroParc	Ministry of Agriculture	APRODAT, PAP, Communes, Cantons ANGE CSOS PTF Consultant	12	1 000 000	12 000 000
10	Audit of the completion of the implementation of the RAP or RPF in the 11 APCs + AgroParc	Ministry of Agriculture	APRODAT, PAP, Communes, Cantons ANGE CSOS PTF Consultant	12	1 500 000	18 000 000
TOTAL						305 300 000

14. CONCLUSION

This Resettlement Policy Framework (RPF) has : (i) identify potential general negative social impacts in terms of resettlement of populations, (ii) set out the principles for resettlement of populations and compensation for damages caused to them by the sub-projects, (iii) propose institutional arrangements and put in place procedures to be followed once the sites of the sub-projects generating displacement are identified, (iv) to clarify the rules applicable in the event of resettlement and the criteria applicable to the various sub-projects by specifying the compensation procedure to avoid the impoverishment of populations whose loss, ruin of cultural identity, traditional authority and opportunities for mutual assistance could jeopardize their stability or social and cultural well-being.

For the successful implementation of the project, compliance with this RPF is essential and in particular the implementation of the various Short Resettlement Plans (SRPs) or Full Resettlement Plans (FRPs) according to the state of the art, if necessary once the execution sites of the sub-projects concerned are known. In order to ensure the proper implementation of the RPF, the Togolese State will ensure that APRODAT has the necessary resources, at the appropriate time, to meet the financial requirements related to resettlement (possible acquisition of land, payment of compensation and compensation due to displaced persons) and as for the AfDB, it will support the Togolese State with the resources allocated to the project, for capacity building of resettlement actors, the implementation of social and environmental viability measures for possible resettlement sites, monitoring/evaluation and assistance to vulnerable groups. The overall cost of resettlement was estimated at three hundred and five million three hundred thousand **(305,300,000)** CFA francs.

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ANNEXES

ANNEX 1: TERMS OF REFERENCE

APPENDIX 2: QUESTIONNAIRE CENSUS AND INVENTORY OF MATERIAL AND LAND ASSETS

Note: The questionnaire will need to be adapted for each project.

CENSUS AND INVENTORY OF PROPERTY - PAR EXAMPLE

ADMINISTRATIVE INFORMATION	
1 - Project :	
2- Name of the interviewer :	
Interviewer code / ____ /	Signature: _____ date : ____ / ____ / ____
3 - Input :	
Agent code / ____ /	Signature: _____ date : ____ / ____ / ____
4 - Quality control :	
Control code / ____ /	Signature: _____ date : ____ / ____ / ____

SECTION A - HOUSEHOLD IDENTIFICATION

A1 - Gender of head of household (circle one): 1 - male 2 - female

A2 - What is the current marital status of the head of household? (Circle one choice only)

1 - Monogamous spouse	4 - Divorced
2 - Polygamous bridegroom	5 - Single
3 - Widow or widower	6 - Other (specify) :

A3 - Head of household :

- a) Forenames : _____
- b) Name : _____
- c) Nickname : _____
- d) Phone number _____
- e) Date of birth: DD/MM/YYYY _____
- f) Village of main residence : _____
- g) Nationality : _____

A4 - Information on the wife(s) of the head of household :

- a) Forenames :
- b) Name :
- c) Nickname :
- d) Telephone number :
- e) Date of birth: DD/MM/YYYY
- f) Village of main residence:

A5 - Identification of the head of household :

- a) Does the head of household have a national identity card (CNI)?
1 - YES 2 - NO
- b) If yes, type and number/expiration of identification document presented by the head of household:

1 - National identity card (CNI)	4 - Driving licence
2 - Passport	5 - Family Booklet
3 - Military map	6- None
	7- Other specify :

A6 - Identification of the wife of the head of household :

a) Does the wife of the head of household have a national identity card (CNI)?

1 - YES 2 - NO

b) If yes, type and number/expiration of identification presented :

1 - National identity card (CNI)	4 - Driving licence
2 - Passport	5 - None
3 - Military map	6 - Other please specify :

SECTION B - INFORMATION ON ALL HOUSEHOLD MEMBERS

ID	First name(s) and nickname	NAME	Age <i>Indicate age in number of years</i> <i>0 - for children under 1 year old</i>	Relationship with the Head of Household <i>1 - CM - head of household</i> <i>2 - Spouse(s) ⁴</i> <i>3 - Son/Daughter</i> <i>4 - Son-in-law / daughter-in-law</i> <i>5 - Father / mother</i> <i>6 - Sister / brother</i> <i>7 - Other relative</i> <i>0 - No relatives</i>	Sex <i>1 – M Male</i> <i>2 – F Female</i>	Handicap <i>0 - No disability or incurable disease</i> <i>1 - Blind</i> <i>2 - Deaf</i> <i>3 - Mute</i> <i>4 - Lower limb infirmity/paralysis</i> <i>5 - Upper limb infirmity/paralysis</i> <i>6 - Mental deficiency</i> <i>7 - Incurable disease</i>	Main occupation	Secondary occupation	Participation in the family farm? <i>0 - No - None</i> <i>1 - Nursery</i> <i>2 - Ploughing</i> <i>3 - Semi / transplanting</i> <i>4 - Maintenance</i> <i>5 - Harvesting</i> <i>6 - Post-harvesting / Processing</i>
							<i>0 - No income-generating occupation</i> <i>1 - Farmer and/or processing</i> <i>2 - Arboriculture and/or processing</i> <i>3 - Breeding and/or processing</i> <i>4 - Picking</i> <i>5 - Craftsmanship</i> <i>6 - Trade or catering</i> <i>7 - Trades (mason, mechanic, etc.)</i> <i>8 - Manoeuvring</i> <i>9 - Person offering a service</i> <i>10 - Official / Contractual</i> <i>11 - Student</i> <i>12 - Other</i>		
01									
02									
03									

⁴ The interviewer should interview all the wives of the head of household individually. It may be necessary to modify the questionnaire

SECTION C - SOCIO-ECONOMIC CHARACTERISTICS OF THE HOUSEHOLD

C1 - What is the current marital status of the head of household? (Circle one choice only)

1 - Monogamous spouse	4 - Divorced
2 - Polygamous bridegroom	5 - Single
3 - Widow or widower	6 - Other (specify) :

C2 - What is the ethnicity of the head of household and his wife?

(Indicate only one choice)

#	Ethnic group	✓ (Chief)	✓ (Wife(s))
1			
2			
9	Other		

C3 - What is the common language spoken by all adult

members of the household?

(circle only one choice)

#	Language	✓
1		
2		
3		

C4- What is the highest level of education of the head of household?

#	Type of schooling	✓
1	None	
2	Koranic	
3	Primary	
4	Secondary 1st cycle	
5	Secondary 2nd cycle	
6	Technical/Professional	
7	Superior	
8	Literacy	
9	Other (specify)	

C5 - What activities do you do to support your family/household?

(indicate all answers)

#	Type of activity	✓ (Husband)	✓ (Wife)	✓ Wife's name(s)
1	Farmer			
2	Breeder			
3	Maraicher			
4	Fisherman			
5	Hunter			
6	Beekeeper			
7	Fish farmer			
8	Dealer			
9	Employee			
10	Artisan			
11	Other (specify)			

SECTION D - FOOD SECURITY AND LIVELIHOODS

Sources of household food, income and expenditure

D1 - What food has the household consumed in the last 3 months?

Food Source Code

1= own production 2= borrowing 3=buying 4= exchanging labour for food

5=article for food exchange 6=NGO food aid 10=other (please specify)

#	Type of food	Main food source (Use codes)
1	Cereals: rice, corn blend, soya, sorghum, millet, wheat	
2	Roots and Tubers: potato, cassava, sweet potato	
3	Vegetables: onion, tomato, pepper, spinach, cabbage, salad, cassava leaf	
4	Fruits: mango, papaya, guava, banana, orange.	
5	Meat: poultry, beef	
6	Eggs	
7	Fish	
8	Vegetables/vegetables with pods/nuts: cowpeas, beans, lentils, nuts, seeds, peanuts	
9	Milk and dairy products: fresh, powdered, yoghurt, etc.	
10	Oil/grease: oil, grease	
11	Sugar, honey	
12	Miscellaneous: tea, coffee, etc.	

D2 - What are the sources of income in your household?

(Note the amount in FCFA for each type of income)

#	Source of income	Last 6 months	Amount in FCFA (estimate)	Person(s) in the household responsible for the source of income
1.	Clean production			
	• Cultivation (cereals, pulses, vegetables)			
	• Breeding			
	• Fishing			
2.	Self-employment (small business)			
3.	Small business			
4.	Sale of charcoal/firewood			
5.	Casual labour			
6.	Remittances from a migrating relative			
7.	Borrowings			
8.	Other (specify)			

D3 - What was the share of total household spending on each item during the last 6 months? (simply note the amount in FCFA for each type of item)

#	Expenditure	Amount in FCFA (estimate)
1.	Food	
	• Cereals and tubers	
	• Legume (peanut, cowpea, sesame, etc.)	
	• Meat, milk, oil	
2.	Fuel (firewood, butane gas)	
3.	Water (borehole/well water fee).	
4.	Toilet soap	
5.	Clothing	
6.	Health: children under five years old (medical expenses, hospitalisation, etc.)	

#	Expenditure	Amount in FCFA (estimate)
	Health: adults and other children (medical expenses, hospitalisation, etc.)	
7.	Education (tuition, uniforms, textbooks, supplies, transportation costs)	
8.	Transport (bus, taxi, oil)	
9.	Textiles (sheets, towels, mosquito nets, etc.)	
10.	Household equipment (knives, pots, plates, batteries, matches, candles, etc.)	
11.	Laundry soap, detergents	
12.	Others	

D4 - Household debt

#	Type of indebtedness	Answer
1.	Does your household currently have unpaid money or food debts?	Yes No
	If so, to whom do you owe the money or food? (Tick all that apply)	
	a. bank/financial institution	
	b. loaned with a friend or community member	
	c. lent with the shopkeeper or trader	
3.	What is the main use of the credit? (Tick all that apply)	
	a. food	
	b. health	
	c. education	
	d. other (please specify)	
4.	How much debt do you currently have?	

Agricultural Production

D5 - If practised, what is your cereal and tuber production (kg) in a normal year?

Type of cultivation practised	Cultivated area	Yield (kg/ha)	Production (kg)	Quantity consumed	Quantity sold	Selling price (kg)
But						
Mil						
Red sorghum						
White sorghum						
Rice						
Manioc						
Sugar cane						
Sesame						
Cotton						
Potato						
Salt						
Other (specify)						

How many campaigns do you usually collect per year?

1 - One (period) : 2 - Two (period) : 3 - Three (period) :
4- Other (specify) :

D6 - If practised, what is your production (kg) of legumes in a normal year?

Type of cultivation practised	Area covered	Yield (kg/ha)	Production (kg)	Quantity consumed	Quantity sold	Selling price (kg)
Peanut						
Sesame						
Niébé						
Voandzou						
Soy						
Other (specify)						

How many campaigns do you usually collect per year?

1 - One (period) : 2 - Two (period) : 3 - Three (period) :
 4- Other (specify) :

D7 - If practised, what is your market garden production (kg) in a normal year?

Type of cultivation practised	Area covered	Yield (kg/ha)	Production (kg)	Quantity consumed	Quantity sold	Selling price (kg)
Onion						
Tomato						
Potatoes						
Aubergine						
Cabbage						
Carrot						
Lettuce						
Cucumber						
Other (specify)						

How many campaigns do you usually collect per year?

1 - One (period) : 2 - Two (period) : 3 - Three (period) :
 4- Other (specify) :

D8 - Are there trees on the plot? 1 - YES D9→ 2 - NO D10→

D9 - Number and description of fruit and/or non-fruit trees present on the plot

Shaft type	Scientific names	Vernacular (local) names	Number of trees on the plot	
			Matures	Young people
1 - Grafted mango tree	Mangifera indica	Grafted Mangoro		
2 - Non-grafted mango tree		Mangoro		
3 - Tamarind tree	Tamarindus indica	Tsamia		
4 - Baobab	Adamsonia digitata	Kuka		
5 - Rônier Palm Tree	Borassus Aethiopium	Guiguinya		
6 - Lemon tree	Citrus lemon	Lemoun tsami		
7 - Goyavier	Psidium guajava	Goyba		

Shaft type	Scientific names	Vernacular (local) names	Number of trees on the plot	
			Matures	Young people
8 - Orange tree	Citrus sinensis	Lemoun zaki		
9 - Papaya	Carica papaya	Gonda		
10 - Cheese maker	Ceiba pentandra			
11 - Acacia	Acacia sp			
12 - Cashew tree	Western Anacardium	Mahogany		
Other, please specify :				

D10 - Do you use agricultural inputs? If yes, which ones?

Description	Detail
Type of inputs	
Quantity/ha	
Source of supply	
Prices	

D11 - Describe your main constraints to agricultural production

Constraints by priorities	Solutions to be implemented or already applied
1.	
2.	

Pasture

D12 - Do you own animals? 1 - YES → E11 2 - NO Section E→

D13- What types of animals does your household own and in what quantity?

Animals	Quantity
1 - Cattle	
2 - Poultry	
3 - Others (specify)	

D14 - What different work equipment do you own?

Equipment	Quantity
1 - Plough	
2 - Cart	
3 - Wheelbarrow	
4 - Pickaxe	
5 - Shovel	
6 - Animal traction	
7- Others (specify)	

D15 - Do your own livestock graze or graze on this plot?

1 - YES 2 - NO

D16 - Do other farmers' livestock graze or graze on this plot?

1 - YES 2 - NO

D17 - What are the main sources of food for your animals?

Description	Use (very frequent, frequent, infrequent)	Market access/source (easy, difficult)
Pastures belonging to the community		
Harvest residues - family production		
Harvest residues - purchased		
Fodder - family production-		
Fodder - purchased		
Other (specify)		

D18 - What are the main sources of water for your animals?

Source	Access (easy, difficult)	Payment / unit
River, pond		
Drilling		
Large diameter wells		
Water retention		

D19 - Main constraints to animal production ?

Constraints by priorities	Proposed solutions
1	
2	

SECTION E - Inventory of Land and Agricultural Plots?**E1 - Are you a landowner?** Yes → E 2 No E7 →**E2 - What is the current total surface area of your family farm?ha****E3 - This area represents the initial area ?** Yes → E8 No E5 →**E4 - If not, what was the initial area?ha****E5 - Has your plot been parcelled out?** Yes → E7 No E8 →**E6 - If yes, for how long?** _____

For what reason? _____

What is the surface area of these parcels in ha? _____

E7 - GPS coordinates of the plot (centre) :

Longitude(X) :

E8 - GPS delimitation of the entire plot (four corners)**Corner 1:** Longitude(X) : _____ Latitude(Y) : 1 _____

Corner 2: Longitude(X) : _____ Latitude(Y) : 1 _____

Corner 3: Longitude(X) :

Corner 4: Longitude(X) :

E9 - Under what name is this parcel registered or allocated?

1 - To the operator himself as an individual	
2 - To the farmer himself as a family unit	
3 - To another person (assignee)	Name of the person : First name : _____ Last name : _____
4 - Other (specify) :	

E10- How long have you been working the plot?

1. Since its creation
2. For more than 20 years
3. For more than 10 years
4. Less than 5 years old
5. Less than 2 years old

E11 - What right of occupation do you have on the plot?

#	Right of occupancy	
1	Informal occupation (customary)	
2	Operating contract	
3	Allocation by the cooperative after withdrawal of another operator	
4	Permanent rental	
5	Purchase from initial recipient	
6	Other (specify)	

E12 - If you have an official right ?

If so, specify the registration number of this right or present the written act establishing this right and take a photo of the act.

E13 - Are you renting this plot?

1 - YES → E11

2 - NO E12 →

E14 - a) if YES, how much rent do you pay per campaign?

For rice = _____ FCFA per heAPCre
 For the tomato or onion = _____ FCFA per heAPCre
 Other (specify) : _____ FCFA per heAPCre

b) if YES, how much do you pay in kind per campaign?

For rice = _____ 50kg bags
 For tomatoes = _____ 30kg crates
 For the onion = _____ 50kg jute bags
 Other (specify): _____ = Quantity: Unit :

E15 - Do you use seasonal labour?

1 - YES → E15

2 - NO Stop →

E16- a) Did you hire seasonal labour to cultivate this plot this year? 1 - YES →

b) if YES, for how many campaigns? 1 - One 2 - Two 3 - Three

c) How many seasonal workers did you hire on average per campaign? _____

E17 - What is the average wage of a seasonal worker per season?

_____ FCFA per campaign

E18 - According to yes, the seasonal workforce is :

1 - easy to find

2 - difficult to find (shortage) - Explain?

E19 - Where does the seasonal workforce come from (explain)?

1- from the region 2-

from abroad

PHYSICAL MOVEMENT

F1 - What is your preference in terms of compensation for losses you may suffer?

Type of compensation (for land, buildings, trees and other household possessions)	Circle a choice
Replace the land and the house on a new site	1 F2→
Obtain a replacement plot of land and compensate for the remaining losses in cash	2 F3→
Does not know or does not want to answer, no opinion expressed	3 → F2
Fully compensate for cash losses	4 Stop→
Other, please specify :	

F2 - In case of compensation in kind for your house (house for house) would you like :

- 1 - The project rebuilds your house for you
- 2 - you take care of rebuilding your house yourself (for a fee)

F3 - In the event that your home should be moved, who is it important to relocate with?

Place of relocation (for land, buildings and other household possessions)	Circle a choice
The people of the village (or hamlet)	1 Stop→
As close as possible to the current site	2 Stop→
In a place where current economic activities can be carried out	3 Stop→
Close to a specific area, not necessarily with people from the neighbourhood or village (specify) :	4 Specify→

G1 - What type of collective equipment do you or members of your household use? (Circle the correct answer)

1 - Primary school	8 - Mosque / Church
2 - College	9 - Cemetery
3 - Koranic school	10 - Traditional sacred site
5 - Health case	11 - Livestock drinking trough
6 - Integrated health centre	12 - Wells
7 - Market or stall	Other (specify)

G2 - State of use of the equipment

1. In use
2. Closed
3. Abandoned/in ruins
4. Under construction

G3 - Photo of the equipment (take a photo with the equipment number)

G4 - Identification of buildings :

Codes by type of equipment			
1 - Wooden resting box and mats (non-residential)	6 - Kitchen without walls	11 - Basin	16 - Compost pit
2 - Wooden resting shed and mats	7 - Kitchen with walls	12 - Animal enclosures	17 - Domestic shop
3 - Outdoor latrine	8 - Banco bread oven	13 - Chicken house	18. Other
4 - Outdoor shower	9 - Wells	14 - Dovecote	
5 - Outdoor latrine-shower block	10 - Livestock drinking trough	15 - Attic	

Building ID No.	Type of building 1 - rectangular residential 2 - residential round box 3 - agricultural box 4 - shop, commerce If "other" specify on the line)	Use of the building 1 - Main residence 2 - Temporary residence	GPS point Longitude (X)	GPS point Latitude (Y)	Photo (Tick and # of photo)	Condition of the building 1 - Functional 2 - In ruins 3 - Under construction

G5 - What facilities are owned by the household and in what quantity? (Enter the total number of facilities owned by the household and in working order in the table below).

Type of equipment :	Quantity
1 - Cart or carriage	
2 - Bicycle	
3 - Motorcycle/Motorbike	
4 - Car	
5 - Cash motorbike	
6 - Radio set	
7 - Cell phone	

Type of equipment :	Quantity
8 - Fridge/freezer	
9 - Television	
10 - Video / DVD	
11 - Antenna (television)	
12 - Solar panel	
13 - Generator	
Other (specify) :	

G6 - Do household members engage in economic activities in any of the buildings they occupy?

1 - YES → fill in table 2 - NO stop →

Economic activities	
Small retail trade	
Preparation/sale of drinks or food	
Workshop (mechanics, sewing, carpentry, etc.)	
Public school (French-Arabic school, Koranic school, etc.)	
Other (specify) :	

ANNEX 3: EXAMPLE OF QUESTIONNAIRE FOR WOMEN (VULNERABLE PERSON)

**QUESTIONNAIRE - WOMEN
EXAMPLE**

Note: The questionnaire will need to be adapted for each project.

ADMINISTRATIVE INFORMATION	
1 - Project :	
2- Name of the interviewer :	
Interviewer code / ____/	Signature: _____ date : ____ / ____ / ____
3 - Input :	
Agent code / ____/	Signature: _____ date : ____ / ____ / ____
4 - Quality control :	
Control code / ____/	Signature: _____ date : ____ / ____ / ____

- 1 - First name of the head of household : _____
- 2 - Name of the head of household (first name of the head of household's father) : _____
- 3 - Please enter one of the codes assigned to the household during the perimeter surveys :

- 4 - Take the GPS coordinates in the middle of the dealership/yard :
- 5 - Latitude (x.y °) Longitude (x.y °) Altitude (m) Accuracy (m)
- 6 - How many women in the household? _____
- 7 - What is/are her/his nationality?

Nationality	1st woman	2nd woman	3rd woman	Other (specify)
Burkinabe				
Nigerian woman				
Malian				
Togolese				
Other (Specify)				

8 - First name of each woman :

	1st woman	2nd woman	3rd woman	Other (specify)
Name :				
First name :				

9 - Level of education of each woman :

Level of Education	1st woman	2nd woman	3rd woman	Other (specify)
No school				
Literacy				
CI				
CP				
CE1				
CE2				
CM1				
CM2				
6th				

5th				
4th				
3rd				
Second				
1st				
Final year of secondary school				
Technical education				
University education				
Koranic school level 1 (20 suras)				
Koranic school level 2 (40 suras)				
Koranic school level 3 (60 suras)				
Koranic school level (translation)				

10 - Relationship of the person to the head of household

1st woman : ____ 2nd woman : ____ 3rd woman : ____ Other (specify) : ____

11 - Spoken and written language (for each of the women) (yes or no):

Languages	1st woman	2nd woman	3rd woman	Other (specify)
Spoken French				
Written French				
Other (specify)				
National language				
Cannot write				
Can't read				

12 - Does she still go to school (every woman)?

	1st woman	2nd woman	3rd woman	Other (specify)
Yes				
No				

13 - What are the activities of each woman? (several answers are possible each time)

Activities	1st woman	2nd woman	3rd woman	Other (specify)
None				
Schoolgirl/Student				
Apprentices				
Elderly person without activity				
Disabled person without activity (specify the type of disability)				
Housewife, housewife				
Farmer				
Fishing				
Breeding				
Catering trade				
Bouchère				
Textile craftswoman				
Healthcare profession				
Artist				
Civil servant				
Small business				
Commerce				
Private sector employee				
Other (specify)				

14 - What is the main activity for each of them?

Activities	1st woman	2nd woman	3rd woman	Other (specify)
None				
Schoolgirl/Student				
Apprentices				
Elderly person without activity				
Disabled person without activity (specify the type of disability)				
Housewife, housewife				
Farmer				
Fishing				
Breeding				
Catering trade				
Bouchère				
Textile craftswoman				
Healthcare profession				
Artist				
Civil servant				
Small business				
Commerce				
Private sector employee				
Other (specify)				
Other (specify)				

15 - Is she receiving a pension?

	1st woman	2nd woman	3rd woman	Other (specify)
Yes				
No				

16 - Does she have a plot in her name (holding)?

	1st woman	2nd woman	3rd woman	Other (specify)
Yes				
No				

17 - Who runs it?

Activities	1st woman	2nd woman	3rd woman	Other (specify)
She herself				
Her children				
Other women's children				
His brother				
Her husband				
Other relative				
Tenant				
Seasonal migrant				
Other (specify)				

18 - Does it operate alone a parcel of the perimeter or a portion of it?

	1st woman	2nd woman	3rd woman	Other (specify)
Plot				
Portion				

19 - On the household plot(s), what field work do women participate in?

Activities	1st woman	2nd woman	3rd woman	Other (specify)
Clearing				
Labour				
Sowing				
Weeding				
Surveillance				
Harvest				
Transport				
None				
Other (specify)				

20 - Does it exploit fields outside the perimeter?

	1st woman	2nd woman	3rd woman	Other (specify)
Yes				
No				

21 - Of the super ficiess in operation, which is the largest?

Plot(s)	1st woman	2nd woman	3rd woman	Other (specify)
Parcel held within the perimeter				
Plot of land used within the perimeter				
Plot outside the perimeter				
Not applicable				

22 - Of the différentes plots/fields it is the most important in terms of production?

Plot(s)	1st woman	2nd woman	3rd woman	Other (specify)
Parcel held within the perimeter				
Plot of land operated within the perimeter				
Plot outside the perimeter				
Not applicable				

23 - What are, in general, your main agricultural productions?

Agricultural production	1st woman	2nd woman	3rd woman	Other (specify)
Sorghum				
Mil				
Corn				
Niébé				
Manioc				
Moringa				
Peanut				
Gombe				
Dolique				
Tomatoes				
Squash				
Sesame				
Rice				
Cotton				
Wheat				
Cabbage				

Agricultural production	1st woman	2nd woman	3rd woman	Other (specify)
Onion				
Carrot				
Salad				
Potato				
Sweet potato				
Piment				
Pepper				
Other				

24 - Can you estimate how much of your agricultural production is self-consumed?

Agricultural production (0%, 25%, 50%, 75%, 100%)	1st woman	2nd woman	3rd woman	Other (specify)
Sorghum				
Mil				
Corn				
Niébé				
Manioc				
Moringa				
Peanut				
Gombe				
Dolique				
Tomatoes				
Squash				
Sesame				
Rice				
Cotton				
Wheat				
Cabbage				
Onion				
Carrot				
Salad				
Potato				
Sweet potato				
Piment				
Pepper				
Other				

25 - Are you part of a tontine group?

	1st woman	2nd woman	3rd woman	Other (specify)
Yes				
No				

26 - What do you usually do with the money (specify the amount in FCFA)?

Expenditure item	1st woman	2nd woman	3rd woman	Other (specify)
Social event				
Disease				
Back to school				
Trade (purchase of goods for resale)				
Agriculture				
Other				

27 - In your opinion, in the household, what is the activity that represents the main source of monetary income?

Activities	1st woman	2nd woman	3rd woman	Other (specify)
Farmer				
Fishing				
Breeding				
Healthcare profession				
Artist				
Civil servant				
Small business				
Commerce				
Private sector employee				
Blacksmith				
Driver, Taxi, Carrier				
Other (specify)				
Other (specify)				

APPENDIX 4: MODEL OF REGISTRATION AND COMPLAINTS HANDLING FORM

MODEL REGISTRATION AND COMPLAINT HANDLING FORM

Registration form and complaint resolution	
Date: day/month/year	File No. :
Complaints Committee, Commune of Place of receipt of the Complaint: Name of the person registering the complaint:	
Complaint Name of complainant: Address : Commune : Identity card number : PAP ID No. (Database) :	
Description of the Complaint Complainant's signature or fingerprint :	
Date: day/month/year Observations of the customary authority or local community : Signature of the authority : Date: day/month/year	
Complainant's response : Complainant's signature or fingerprint :	
Date: day/month/year	

RESOLUTION

.....
.....

Signature of the Committee representative :

Complainant's signature or fingerprint :

DATE: (day/month/year)

ANNEX 5: COMPENSATION AGREEMENT (EXAMPLE TO BE UPDATED ACCORDING TO PROJECTS)

COMPENSATION AGREEMENT (EXAMPLE TO BE UPDATED ACCORDING TO PROJECTS)

The compensation agreement should include the following information:

1. Personal information of the beneficiary

- Name and photo of the beneficiary
- Household identification no. and property and land valuation reference no.
- GPS coordinates of material and land assets
- Land status
- Clearing method (include bank details in the case of cash payment)

2. Details of compensation

- Primary structure (type of structure, area, cost per square metre, total compensation cost and total compensation)
- Secondary structure (type of structure, area, cost per square metre, total compensation cost and total compensation)
- Annual and perennial crops (details of the calculation of the assessment will be presented in the agreement and the total compensation)
- Other forms of assistance (moving allowance, transport of materials, etc.)

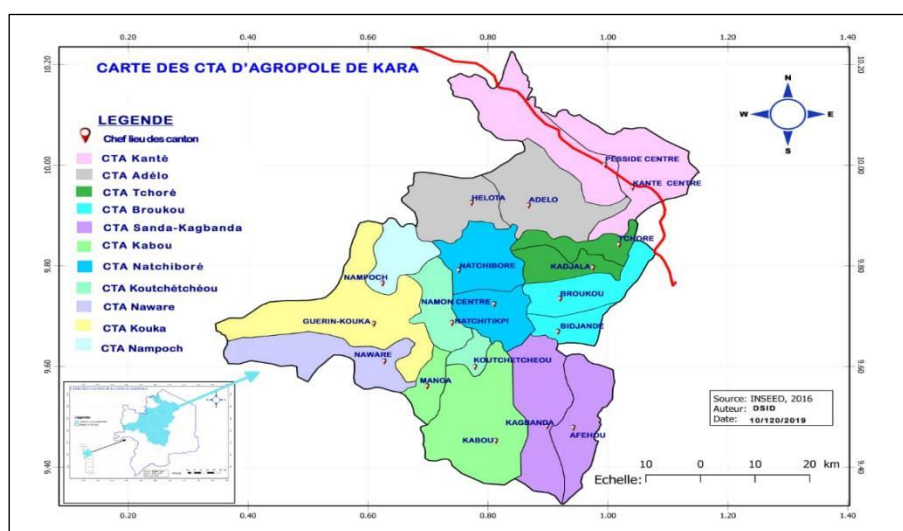
3. Signature

Block for the signatures of the promoter, the PAP and the local authority and COMEX

APPENDIX 6: OVERVIEW OF APC OPERATION

Overview of the functioning of the Agricultural Processing Centres (APCs)

The agricultural processing centre (APC) is a geographical area grouping together one or two cantons, depending on the case, and thus becomes a technical division or a technical supervision unit within the framework of the pilot agropole of the Kara basin. The entire area of influence of the Kara pilot agropole, covering four (4) prefectures (Dankpen, Bassar, Doufelgou and Kéran) and extending over nineteen (19) cantons, is divided into eleven (11) APCs (see map).



At the functional level, the APC brings together all the actors at the base of its territorial jurisdiction, and constitutes the relay between the production area and the agropark. The APC model (under discussion) will be coordinated by a steering committee made up of the stakeholders involved.

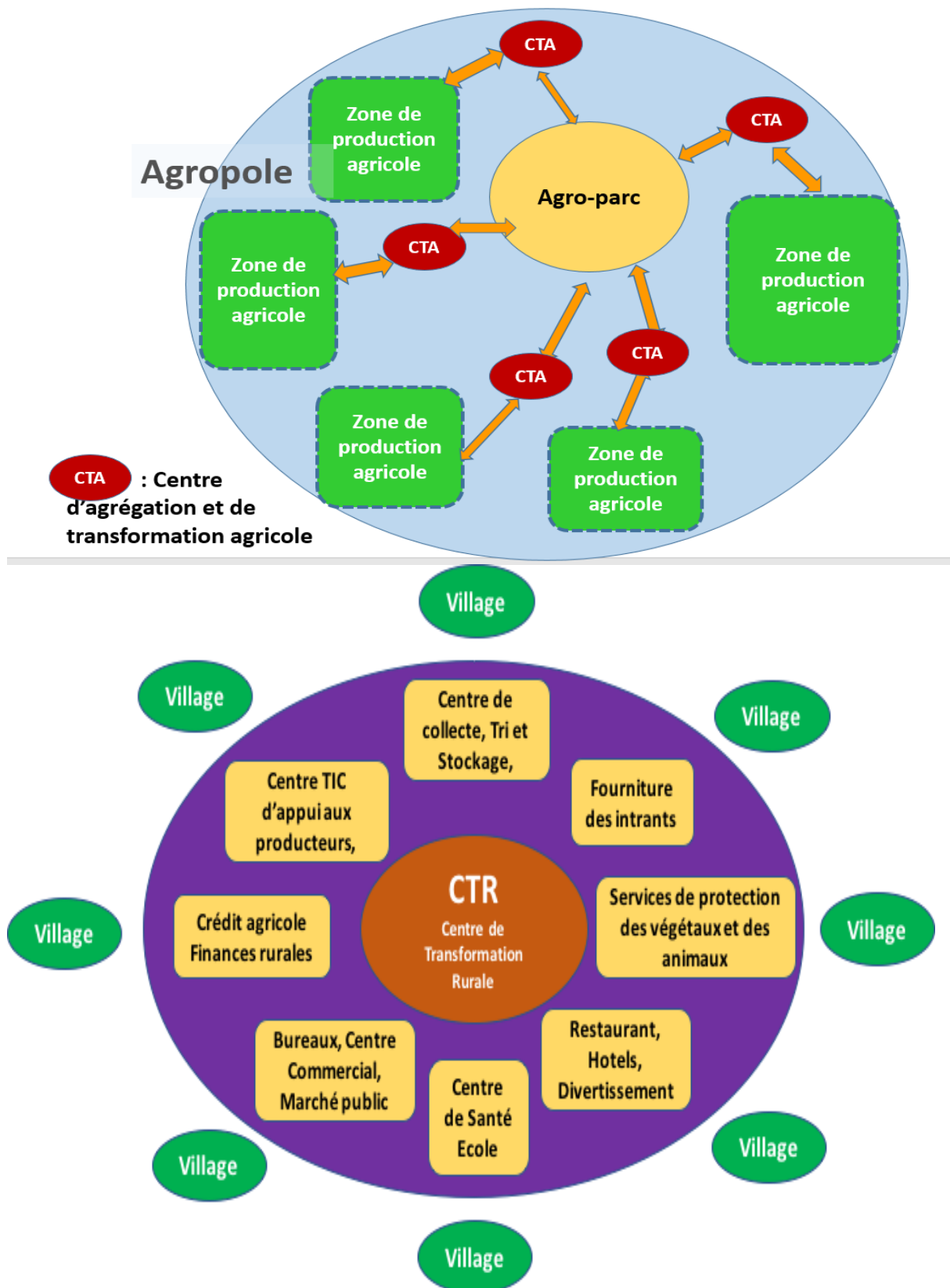
The APC is also designed to be a multifunctional platform. It will have structures and infrastructure to enable grassroots actors to strengthen and/or improve their capacity. Indeed, the lack of infrastructure for storing agricultural inputs and crops at the community level is respectively one of the causes of limited access to inputs and post-harvest losses. Difficulties in crop aggregation largely explain the vulnerability of farmers to fluctuations in agricultural commodity prices. For this reason, APCs will be set up as essential relays between the private sector, particularly in the agro-park, and producers in the three agricultural zones (irrigated, lowland and under-rainfall).

In order to make the APCs operational, the project will finance the establishment of the necessary basic infrastructure, including functional premises for the use of the APCs: cooperative office, meeting/training room, input storage, crop storage sheds, agricultural services.....

These aspects are summarised in the diagrams below.

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COMPLETE REINSTLLATION PLAN (CPR)

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Land acquisition process

The approach followed for the acquisition of the land is as follows:

- exchange with the administrative, local and technical authorities (Prefect, Mayor, Head of Canton, DPAPAH, ICAT Head Agency) on the land management mechanism provided for by the project and based on the emphyteutic lease contract,
- meeting and raising awareness of landowners at the level of the canton chiefs;
- Identification of owners and location of sites,
- Site demarcation: a demarcation team and landowners walk the site boundaries and GPS is used to take the coordinates and record the route taken.
- Signing of the land availability certificates during a public meeting in the presence of the local authorities, the owners and the population,
- Visa of the mayors and prefects of the attestations countersigned by the heads of canton,
- Development of sites and identification of boundaries and ownership communities based on the size of the plots,
- Continuation of the security process until the securities are signed.

N.B :

- 1) *For the production blocks, the process ends with the signing of emphyteutic operating lease contracts between landowners and agricultural investors with the facilitation of APRODAT,*
- 2) *For infrastructure construction sites (agropark, APC, etc.), the people affected will be compensated according to the procedure applied by the inter-ministerial compensation committee (CII).*
- 3) *For small areas such as drilling sites, the owner signs a donation certificate for the benefit of the community.*

ANNEX 7: SUMMARY OF THE RESULTS OF PUBLIC CONSULTATIONS

COMPLETE REINSTALLATION PLAN (CPR)

PROJECT FOR HYDRO-AGRICULTURAL DEVELOPMENTS, TRACKS AND DRINKING WATER SUPPLY IN THE AGROPOLE OF THE KARA RIVER BASIN

Summary of questions, concerns, grievances raised and answers

	Appreciations/questions/concerns/complaints	Actors	Elements of response	Points of attention
CANTON OF SANDA AFOHOU				
				
1	Presentation of the needs of a document that takes into account in detail the needs of the canton in all sectors (cf. document presented)	President of APC/CCD, spokesperson for the actors met with	<p>The concerns raised are relevant and most of them are taken into account in the project, but others are the responsibility of other ministries;</p> <p>The objective of the meeting is to gather your point of view on how environmental and social issues should be taken into account in order to anticipate possible problems (how to identify and secure land, their</p>	Ensure that the infrastructure, equipment and support services component is not neglected, especially the socio-collective

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			effects on the community, how to manage in a consensual way the different infrastructures to be put in place).	educational and health infrastructures and facilities.
2	-The identification of the land needs to raise the awareness of the population, especially the village chiefs. -Identifying the real landowners who are going to give up their land	School Director	Relevant concerns as the consultations will help build consensus on who the real owners are and which sites are appropriate.	Consider landowners as the major players in securing the sites to be identified and developed.
3	Consultations must be organised at the cantonal level for the identification and choice of each piece of land to be valorised	Deputy mayor of the Bassar commune 4		
4	Won't there be a risk of imbalance in the provision of infrastructure to the detriment of some cantonal communities compared to others?	President of APC, spokesperson for the stakeholders we met	It is the communities within each canton and APC that identify the sites to be developed in a consensual way, not the agropole team; the decision to develop a particular site at the expense of another site depends on the potential that each of them offers; these meetings allow us to explain to you in order to avoid possible frustrations and conflicts.	In addition to the economic potential of the cantons and APCs, take into account the equity aspects between communities in the development of infrastructure.

CANTON OF SANDA KAGBANDA



1	-We have the sites to create community forests. Our concern is whether we will train local nurserymen to prepare the plants?	President of the group "A Dieu la gloire" ("To God the Glory")	-The project provides for capacity building of local nurserymen who are closer to the actors.	-
2	-The additional activities are quite relevant. The chief township must talk to the landowners to get their consent on the available spaces.	President of the CVD Batom	-Yes, there is indeed a need to discuss with the landowners and village chiefs so that they can identify in a consensual manner the land available for both the development of the market gardening block and the forests. This avoids land tenure problems in the future.	-
3	-The chief-canton must bring together landowners and chiefs from all the villages in the canton to identify sites and give their agreement to avoid problems in the future.	Chief Canton of Kagbanda		

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4	<p>-My concern: will the owners of the land that will be retained for these additional activities be compensated?</p> <p>-Some trees are fetishes, I hope that when we do the landscaping, arrangements will be made to have ceremonies before destroying these trees.</p>	Akadébiyo village chief	<p>-Agropole is not taking the land for the project or for the State. The market garden block will be developed and made available to the beneficiaries for exploitation. The landowners will sign contracts (emphyteutic lease) with the farmers. The site for the community forest will be consensual for the entire community and the benefits will be for the entire community.</p> <p>-For fetish trees, tombs and other cultural and religious aspects, arrangements will be made to move them in accordance with customary practices.</p>	-
5	<p>-Our villages are landlocked. Some villages do not have drinking water (boreholes), we also need dispensaries and schools. We are asking for help from Agropole to help us.</p> <p>-Will the solar panels in question also be used to light our villages?</p> <p>-We need electricity to charge our laptops. To charge a mobile phone, you have to come to Sanda, pay 300f and three days later it's discharged.</p>	<p>-Chief of Mawè</p> <p>-Head of canton</p> <p>-Chairman of the DAC</p> <p>-Chief village of Tchawadè</p>	<p>-These are relevant and legitimate grievances. Agropole will make tracks to facilitate the transport of the products as well as the drilling of boreholes in certain localities. However, Agropole cannot do everything. Please also contact the other services, notably education, health and hydraulics, who will explain their criteria.</p> <p>-The solar panels discussed here will be used to generate energy to run the irrigation system. So it is not for lighting.</p>	-
6	-Will local labour be used in the different agropole activities?	Youth Leader	-Yes, priority will be given to local labour; however, if the qualification sought is not available locally, it will be sought elsewhere.	

KABOU CANTON



1	An initiative of the mayor of the Bassar commune... in the sense of the consensual identification of the sites to be developed is underway, some village chiefs and landowners have already expressed their opinion	Head of canton	An initiation that is appreciated and encouraged because the approach is inclusive and sustainable.	Ensure that these initiatives are shared with other cantons and APCs in order to minimise socio-environmental problems.
	Can mountain areas be used for community forests?		This is possible if it is the choice of the community.	Mountains are potentially favourable ecosystems for the consensual establishment of community forests in the Agropole area.

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2	Should the community forest be on a single site or perhaps on several sites in a canton?	President QDC	Depending on the availability of land and the choice of the community, both alternatives are possible, provided that communities are committed and organised to properly manage	Flexibility in the validation of the selected sites
3	Where to find the land to relocate farmers who will be relocating market garden blocks to be developed in order to avoid conflicts?		The first operators of the sites to be developed are not evicted from their plots, they continue to use them after development if they have the possibility of developing them; if not, they allow others to use them after signing a contract with the landowners; In the event of the need to resettle some of the farmers who give up their land, it is up to the community to come to an agreement with the authorities and landowners to find new land for them.	Ensuring that smallholders, outsiders and poor families are not dispossessed of their already insufficient land
4	Can the project support the development of a site for the benefit of an individual?	President CCD	The project wants to reach the maximum number of beneficiaries, so it gives priority to developments of community interest where several farmers who wish to do so can have a plot of land to farm. A private contractor may also have a right to a developed site or part of a developed site if the beneficiary communities cannot develop it.	
5	Registered pesticides are too expensive, will growers be able to pay?	President QDC	The cost is lower compared to the risks involved in the use of unregistered pesticides (human and animal health, product quality, difficult market access, etc.); quality comes at a price.	Ensure the identification/definition of a mechanism for access to quality inputs (e.g. in-kind input credits) for producers in the zone.
	The use of even registered pesticides will not have negative effects on the land?		All synthetic inputs have a negative effect on man and his environment; but rational use and the adoption of sustainable agricultural measures and practices correct or mitigate these effects.	For sustainable land use in the Agropole area, priority should be given to the use of natural pesticides (locally produced).
6	The creation of community forests will contribute to the reduction of grazing areas, is there not a risk of conflict?	President CCD	These exchanges will help anticipate conflicts with livestock owners; each community will ensure that livestock owners have a grazing area. The project will ensure that no economic actor is harmed.	Watching for divergence/conflicts of interest in the implementation of certain actions
	The ban on the exploitation of community forests is likely to pose a problem of fuel shortages, what solution is envisaged?		It is not a ban on exploitation but a consensual management under the control of a committee. In addition, the project has planned actions to reduce fuel consumption in households (use	The promotion of clean energy use in households, especially in urban and semi-urban areas

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			of improved stoves, promotion of sustainable alternative energy such as biogas and solar energy) and the creation of wood energy forests.	
	What means will be available to protect community forests from bush fires?	Deputy Mayor Bassar 3	The management of each forest will be ensured by the community, which will be supported in setting up a monitoring, management and exploitation committee. This committee will have the means to ensure the protection of the forest against wildfire and criminal activity.	Promote within the Agropole the appropriate equipment for the detection and control of fires.
	There is a pond fed by the waters of a mountain in Manga, can it be developed within the framework of this project for a maraichère exploitation?		The Agropole project foresees the development with a borehole equipped with solar panels for the drip irrigation system. The site you present seems suitable for the construction of water reservoirs; you could present it at the appropriate time to the technicians who will appreciate it. It is possible that the farmers could organise themselves to carry out a low-cost participatory development as was done in the PGICT project with AGAIB in the village of Lidjoblibo (Dankpen prefecture).	Ensure that successful experiences and initiatives that can complement the actions planned by the Agropole project are exploited.

CANTON OF MANGA



1	<p>-Some sites had been identified beforehand (one site for water retention and another of 40 ha for the production of soya, maize and sesame). Is there still a need for these sites?</p> <p>-Can market gardening management and community forests be carried out on these former sites?</p>	Head of canton	<p>-The previously identified sites will be used to produce soya, maize and sesame. They are still in use today.</p> <p>-Market gardening sites and community forests are additional activities to those you already know about. These activities must take place on new sites that are different from the old ones.</p>	The canton chief, the village chiefs and the landowners considered it very important to consult each other in order to identify appropriate sites by consensus.
2	<p>Will the market garden block be developed in one place or on individual, isolated plots?</p>	Chairman CVD Koulado	<p>-The investment to develop the market garden block is quite expensive. It will be technically and financially impossible to develop the individual plots. The site will therefore be in a single block.</p>	

COMPLETE REINSTALLATION PLAN (CPR)

PROJECT FOR HYDRO-AGRICULTURAL DEVELOPMENTS, TRACKS AND DRINKING WATER SUPPLY IN THE AGROPOLE OF THE KARA RIVER BASIN

3	<p>-Can we get advice and support within the framework of agropole?</p> <p>-When will agropole start its activities and for how long?</p>	Head of MFFR-Manga	<p>-Yes, ICAT's technical advisors must devote 90% of their time to support and advise you. Moreover APRODAT is at your disposal. You have the contacts of APRODAT and you know where their office is located. Do not hesitate to contact them if you need them.</p> <p>-Agropole has already started certain activities (awareness raising, distribution of sesame seeds, distribution of fertilisers). Agropole will stay in the area forever as long as there is enough material to run the agro-park.</p>	The head of the canton has drawn the attention of young people to seek information related to agropole.
4	Our villages are landlocked, we have neither electricity nor water. Please help us.	Chairman of the ATALIKA group	<p>-These are relevant and legitimate grievances. Agropole will make tracks to facilitate the transport of the products as well as the drilling of boreholes in certain localities. However, Agropole cannot do everything. Please also contact the other services, notably hydraulics and public works, who will explain their criteria to you.</p>	

CANTON OF NAWARE



	We don't have a land problem	Head of canton	Good news, if there are no worries, this is reassuring and we are waiting for the proposals of sites.	-
	Land is available, but there needs to be an understanding between the parties involved.	President CCD	A consensus within the community is important for the success of the actions; the organisation of meetings with village chiefs and landowners will enable a consensus to be reached on the sites to be proposed.	Vigilance must be required in the identification and validation of each site in order to anticipate any potential source of conflict.
	Agropole has only asked for land, but so far there is no concrete realisation.	Village chief of KISSATING	The large and complex project requires heavy investments; it therefore requires a very scientific approach to succeed without regrets tomorrow. But Agropole has already started concrete projects (drilling for drinking water, construction of water reservoirs, acquisition of inputs for sesame and soya producers and distribution of seedlings for reforestation, etc.).	-

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PROJECT FOR HYDRO-AGRICULTURAL DEVELOPMENTS, TRACKS AND DRINKING WATER SUPPLY IN THE AGROPOLE OF THE KARA RIVER BASIN

	Six (6) sites have already been identified since the start of the Agropole project. Are you sure that all these sites will be developed and exploited?	Village chief of KOUBI	The sites already validated will be developed and exploited and the process is continuing at technical and strategic level (interministerial commission according to Agropole's Environment Specialist). Only sites that will not be validated because they do not meet the technical and socio-economic criteria can be excluded.	Observe transparency on the criteria for qualifying the sites to be developed in order to build confidence among the communities concerned.
	Will women have access to the blocks that will be developed?	Women's representative	All those who want to exploit in the community, including women, will be able to access (personal exploitation). Others may be employed on behalf of larger producers or contractors.	Ensure inclusive access to the blocks that will be developed (women, youth, smallholders, etc.).
	Agropole is a hope for young people; no action capable of triggering the real development of the canton has been undertaken.	CVD Member	The actions planned as part of this project will contribute to the development you hope for and young people will benefit from it (production on the developed blocks, access to jobs, vocational training, development of services, etc.).	Capacity building for young people to acquire skills that meet the needs of jobs in the agropole
	Does Agropole take livestock farming into account? Can our canton benefit from support for animal husbandry?	Head of canton	No sector is neglected (there are plans to set up poultry farms, fish farms, etc.); apart from this, the support of the Ministry's livestock services and NGOs will continue for your benefit.	Ensuring that a balance is maintained in the support provided to the various economic players.

CANTON OF GUERIN-KOUKA



1	We had already identified the Gbangbalé site as part of the agropole's activities. Do we need to identify another one for additional activities or can this one be used to do all these activities?	Head of canton	The Gbangbalé site previously identified will be used to produce soya, maize and sesame. It is still in use today. -Market gardening sites and community forests are additional activities to those you already know about. These activities must be done on new sites that you must identify.	Seek to understand with ICAT the causes of the suspension of work on the vaccination park in Gbangalé.
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2	-We have local nurserymen, but they send us plants from Lomé that we don't even know and a large part of which is dead. Why not make the most of our nurserymen?	President of the nurseries	-Your concern is quite relevant and legitimate. It is a mistake that APRODAT must learn from and correct in the future to improve.	
3	-We have already experienced reforestation in Namab. The trees are planted equipped with beehives for beekeeping. This site has been decimated by bush fires. How can we ensure that this new reforestation project does not suffer the same fate?	Head of canton	Your concern is well-founded. The strategy for securing the sites must be discussed and adopted by all stakeholders. Although the project does provide for capacity building of stakeholders for the good management of community forests, the populations will have to take ownership of it to guarantee its sustainability. You must learn from past experiences in order to improve.	
4	-What type of tree will be brought to us that is adapted to our soils in the context of community forests?	Chairman NCPR rice	-No tree types will be imposed on you. Your choice and preferences will be taken into account, because you are familiar with the types of trees that work best for you and that matter.	
5	-The Ministry of the Environment has selected 53 ha for reforestation. During the implementation, the population believes that the reforested area has become the property of the State. Won't it be the same with Agropole?	President nursery Dankpen green.	-Review the clauses on making the site available to the Ministry of the Environment to understand. -As far as Agropole is concerned, it should be remembered that Agropole does not take or buy land from communities. It is you who identify the sites and Agropole develops them for you. The forests will be yours and you will manage them. You need to raise awareness among the populations in this sense.	
6	Will there be water reservoirs and boreholes for nurserymen?	Member of the nurserymen cooperative	-No. The facilities will be made for market gardening. However, nurserymen will be able to negotiate to have water on the sites for their nurseries.	
7	Will the market gardening block group all the market gardeners in one place or will individual, isolated plots be set up for each producer who has them?	Head of canton	-The investment to develop the market garden block is quite expensive. It will be technically and financially impossible to develop the individual plots. The site will therefore be in a single block.	
8	You talk about drilling, not to mention water retention. The Kouka dam has failed. What can we do about it?	President CCD Kouka	-This dam has been redeveloped with the support of FAO. FAO specialists and the prefect have already gone to see it. Appropriate arrangements will be made very soon to manage this case.	

NAMPOCH CANTON



	The information given is very important, but the absence of village chiefs to make a decision is the only problem.		Time to consult with you before making decisions about the land you are proposing.	
	107ha have already been identified in the canton without being valorised, the demand for new land without action risks demobilising the communities.	Head of canton	The first targeted sites are not abandoned, the process for their development is continuing. These new sites are as important as the first ones and necessary for new complementary actions related to climate change.	

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	Anything in the field without prior consultation with the village chiefs is impossible.	Chief of the Tindjodou district	At the end of this meeting, you will be able to organise a broad consultation to identify the sites to be proposed.	
	Will local nurserymen be involved in reforestation? Unknown forest species have been proposed to the communities for reforestation, but this has not generated interest.	Kpaghiérdo village chief secretary	Nurserymen have been identified to be heavily involved in seedling production and reforestation. The beneficiary community is free to choose the types of tree species it prefers to reforest.	
	Will local workers be able to be employed during site development work?		The local workforce will be favoured if they have the required skills; this is why young people must think about training to have a place in this vast job market that will be created.	
	Will local farmers have access to plots on the developed sites?		Developed sites are primarily accessible to local entrepreneurs and operators; it is in the event that these actors cannot valorise all the developments that the opening will be made to external investors? The latter will sign operating contracts with the landowners and the authorities beforehand.	
	The high cost of registered pesticides is the barrier to their use	Kpaghiérdo village chief secretary	The cost is nothing compared to the risks taken with the use of unregistered pesticides (human and animal health, product quality, difficult market access, etc.); quality comes at a price.	
	The absence of registered pesticides is the factor favouring the use of those sold in the markets.	Head of canton	There are approved structures that market the registered pesticides; the technical services agents are there to guide you. With the implementation of Agropole, the types of pesticides you use in your fields will determine your access to the market and the price at which your product will be sold, thus determining your income.	

CANTON OF KOUTCHETCHEOU



1	We find the additional projects very relevant and we fully adhere to them. We have enough land here. Don't worry.	President of the CCD		
2	-We are going to put our land at the disposal of agropole. Will this land become the property of agropole or will there be a mechanism for managing this land that involves us?	Secretary to the canton chief	Agropole is not taking the land for the project or for the State. The market garden block will be identified by you, managed and made available to the beneficiaries for exploitation. The landowners will sign contracts (emphyteutic lease) with the farmers. The site for the community forest will be consensual for the whole community and the benefits will be for the whole	

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			community. In all cases, the land will remain the property of the communities and not of the agropole.	
3	Will the site we have identified for market gardening be the same one that will be used for the community forest?	President of the nurseries	-No, they are two different sites. The market garden site will be equipped with boreholes and solar panels for the drip irrigation system. You understand that it will not be possible to do market gardening in a forest.	
4	<p>-We had previously identified the spaces for the production block. These spaces are not yet delimited and Agropole still wants new sites. Are the old ones no longer relevant?</p> <p>-Why didn't Agropole send us the plants in good time? It is September, and the trees have not yet been planted.</p>	President of the Mayéfou Group	<p>-The spaces identified are still current. The delimitation process is a little complex. To do so, you have to activate GPRS and walk around the perimeter without getting the boundaries wrong. It is therefore difficult to do this work in the rainy season when the grass and watercourses are obstacles. Agropole has already demarcated the perimeter in some localities. In the dry season it will do it in other localities.</p> <p>-Yes, your remarks on the delay in tree distribution are relevant. Agropole will take steps to correct these malfunctions in the future.</p>	
5	Will Agropole make good quality pesticides and herbicides available to producers at an affordable price?	An agricultural producer	-In the agropole zone, unregistered herbicides and pesticides will not be allowed. ICAT's technical advisors will ensure that these inputs are available and accessible in your localities. You need to raise awareness among other producers about the need to adopt good agricultural practices (registered products, improved seeds, climate-resilient farming practices).	Producers are aware of the negative effects of the herbicides and insecticides they currently use. However, they are willing to buy the registered products with the support of Agropole even if they are more expensive because they believe that quality always comes at a cost.

CANTON OF NATCHITIKPI



Women are often excluded from land management; it is the canton chief and men who have an answer as to the availability of land.	President CCD	The decision lies with men, but men too must be careful not to sacrifice women's interests in decision-making, especially in relation to access to productive land.	
Wandering animals often destroy our gardens along the rivers, will the market garden blocks to be developed not be threatened by these wandering animals?		The farmers of the market garden blocks will be primarily community farmers and livestock farmers as well; support will be provided and regulatory measures taken to avoid these dreaded situations.	

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	The market gardening site must be located in the capital of the canton?	Chairman of the TITOTOB group	The market gardening block can be located anywhere in the canton provided that the community and the landowners agree and that the conditions are suitable.	
	There has already been the identification of 30ha of land within the framework of Agropole's actions; if new ones are needed, new meetings are needed.	Notable canton chief + local councillor	This is a good proposal to have appropriate and problem-free sites tomorrow. Please make sure to communicate your choice to the Agropole team as soon as possible.	
	The use of registered pesticides has an advantage; the problem is their unavailability at the local level.	A producer	The technical services technicians know the approved suppliers, they can give and inform any farm operator ; Under the project, these inputs will be increasingly available and close to the consumer.	
	The application of sustainable farming techniques such as agroforestry on leased land can cause problems with landlords.	Secretary OPA BAZOUWE	The application of sustainable farming practices protects the land in the interest of both the farmer and the owner; if there is a very clear contract that provides security guarantees for both parties, there will be no problems.	

CANTON OF NATCHIBORE



1	How much space will be mobilised by each APC for additional projects?	Chairman CVD	-There is no area quota per APC. Each APC will mobilise according to its land availability.	
2	The problem of renting land (the emphyteutic lease), if in the meantime the landlord wants to change the price and the tenant refuses, how are they going to manage this difficulty?	Nagbakou village chief	-Before signing the contract, all the outlines will be explained to the stakeholders. Everyone will have the opportunity to fully understand the substance, duration and amount. Neither the owner nor the tenant will be able to unilaterally change the terms of the contract before it expires. This type of contract aims to secure the land for the owner and to guarantee the operator's investment.	

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3	<p>-Agropole had us identify land that needed to be developed for the production block. In the meantime, we were told that bulldozers had to come and develop these sites for the work to start, but since then nothing has been done. We are pessimistic.</p> <p>-The local nurseries had been identified to be valorised; however we find that they are set aside and we are parachuted in unknown plants whose usefulness is unknown to us.</p>	Member of the GPC	<p>-It is true that there was a delay in the start of the activities. However, this does not mean that they will not take place. Moreover, you will have seen for yourselves that the water reservoir has already been built here at home. Rest assured that the activities will start.</p> <p>- Your concern and observations about the nurserymen and plants are quite relevant and legitimate. This is a mistake that APRODAT must learn from and correct in the future to improve.</p>	Care should be taken to make use of local nurserymen who know the varieties of plants that are adapted and can easily succeed.
4	The market garden products we will produce, who will buy them from us?	Head of Koutière	-You will first produce for your own consumption. Then Agropole will identify a market for the producers. At the level of the agro-park, processing units will also be interested in your products. The surplus can be exported abroad. This means that you will have to meet your customers' requirements.	
5	<p>The exploitation of clinker has completely destroyed our road. Since they started mining, nothing has been done to improve the road.</p> <p>If they don't arrange the road for us, we will be forced to prevent them from using our road. Let them make their own.</p>	Youth Leader	<p>Your concern is well-founded and legitimate. We suggest that you revisit the Environmental and Social Impact Assessment (EIA) document. This document specifies what needs to be done to mitigate negative impacts.</p> <p>Please favour the path of dialogue and negotiation. Formally avoid violence. Ask for advice and guidance.</p>	

CANTON OF NAMON



Actions against the effects of climate change are relevant; land is increasingly degraded and large quantities of pesticides are used which are harmful to health.

Village chief of Margbanlé

This is a good observation; it is to change this increasingly dangerous behaviour that these actions are initiated within the framework of the project.
The actions in the framework of this project will contribute to change these habits, pesticides degrade the quality and the market value of agricultural products on the international markets in particular.

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	The available land is plots of about 1 to 2 ha; is this sufficient?		Community forests can be managed on small sites. For market gardening blocks, larger areas are needed for large-scale production and to allow many people to have access to these production blocks.	
	There is a quality problem with some inputs found on the local market and there is a lack of sales points for registered pesticides.	Village chief of Tipoule	There are approved structures that market the authorised pesticides; technicians have this information and can give you advice; within the framework of the Agropole project the registered pesticides will be accessible and available. Today, the access of agricultural products to the market at an attractive price will depend on whether or not they contain traces of pesticides; organic products are more popular.	Promoting natural pesticides
	Who can have access to the plots on the sites to be developed? Will there be access to a secure market?	President of the groups of the canton of Namon	Developed sites are accessible first to local entrepreneurs and operators and then to others if the former are not able to develop an entire site. The local community is the first consumer of the agropole's products, the processing plants that will be set up will take a part and a third part could be bought by outsiders (exported).	
	Will livestock farmers be taken into account in the implementation of these actions?	Head of the Fulani breeders	The actions that will be implemented will only contribute to favouring certain sectors at the expense of others; measures will be taken to guarantee livestock farmers the means to continue their economic activities; moreover, actions are planned in the area of livestock farming (poultry farming, fish farming, etc.).	
	The first sites identified by the Agropole project have not yet been developed; will they be?	Nawalo village chief	Each identified site is intended for a specific action; therefore all sites will be valorised.	
	Will young locals have access to jobs as part of the Agropole project?	Youth Leader	Young people with skills that will be in demand will be able to get jobs; priority in recruitment must necessarily be given to locals, but they must have the training and skills they are seeking.	
	The complementary actions proposed by the Agropole project are relevant, but the identification of sites cannot be done without a meeting with the village chiefs.	Chief canton (Regent) of Namon	This is relevant to get everyone on board; just make sure you give the information to the agropole's team as soon as there is a site to propose.	

CANTON DE LEON



1	<p>The mountains here are an asset for the community forests. Our fear is that people are dishonest and the risk of them setting bush fires to destroy this forest is high. How can we take steps to avoid these bushfires?</p>	<p>CCD Léon</p>	<p>Indeed, the mountains in your area are not exploited for agriculture. It is an asset so that they can be enriched for the community forest. The best strategy for fighting bushfires must come from you. It is your forest that will provide you with the enormous benefits. It will be necessary to raise awareness among local residents and involve them in making the forest safe. The project will be able to strengthen your capacities for good management. You will also be equipped to fight bush fires. Beyond that, only your ownership and involvement will facilitate the securing of the forests.</p>	
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2	The problem of the transhumants who destroy the forests and cut the trees there, how can we ensure that these transhumants who often graze at night do not destroy the forest?	Secretary to the canton chief	-You must work with the transhumance committee and the communal authorities. There are texts that govern transhumance and specify the corridors and the transhumance period. Make an effort to respect and ensure that these provisions are respected by the transhumants.	
3	-How to maintain the community forest and protect it from wildfire? -We are concerned about the slow pace of activities that are slow to get started	President of APC	-The project plans to build your capacity in the maintenance, protection and management of community forests. You will be provided with adequate equipment to fight bush fires. You will be able to make experience-sharing visits to the Mô plain to see their experience in managing community forests. -Yes, you are perfectly right to be concerned about the slowness. But don't worry, starts always take time.	It is desirable to envisage exchange visits with the communities of the Mô plain to learn from their experiences in forest management initiated by the PDRI-Mô project.
4	Is the 10,000 ha of community forest you are talking about for our APC alone?	Member of APC	No, it is for all 11 APCs in the agropole, each of which will share them out according to the available surface area it has identified.	
	There is no land problem	Representative of the Regent of ALOUM	Good news, it is therefore certain that the community of Léon will find land for the various projects.	-
	Can a landowner of a developed site decide not to renew an operator's contract if his children are now capable of operating it?	President CCD	The owner may do so if his children really have the capacity to exploit the plot, but he will not be able to remove a plot to leave it unexploited; Any breach of contract must be done in strict compliance with the terms of the contract agreed by both parties.	
	What will be the conditions of access to the plots on the drip-fed sites for market gardening?		The only conditions that are listed at this stage are to be an entrepreneur or individual operator with the desire to do market gardening or horticulture, to have a plot on the developed site or to acquire a plot by formal lease/rental from a landowner.	
	There is an area where there is a sacred forest, can this area be turned into a community forest?		The area can be included in the community forest since it is sacred to the same community. If they decide to include it in their community forest there is no problem. The sacred area will only be managed with respect for its sacred character according to its owners.	
	Who will be responsible for managing the community forest? Who will build the capacity of the management bodies if they are set up?	President CVD of BROUKOU	The management of all community forests is the responsibility of the community that owns the forest; The project will support the establishment of management committees for these forests and ensure that their capacities are strengthened in order to play their roles effectively;	-

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	How long should a community forest be maintained? Will the community be able to decide to make another use of it?		The community forest is of indefinite duration as long as the community understands its relevance and importance (wood, IGA as beekeeping, medicinal plants, climate regulation, carbon credit, etc.) It must be conserved in a sustainable way.	
	Can each village in the canton identify its site to be developed for market gardening?	Agricultural producer	It is difficult for the project to do one development per village; it would be too costly; but a developed site will be accessible to farmers from all the surrounding villages on a priority basis.	
	Will the community have access to wood from the forests?		The exploitation of community forests will be the responsibility of the community itself; management mechanisms will be put in place and their capacities strengthened to ensure that management is for the benefit of all. For access to timber in particular, each community will decide on the conditions of exploitation and access to the forest.	
	What measures will be taken to protect community forests from transhumant herds?	President APC	Monitoring and protection systems will be set up and their capacities strengthened (technical training and equipment) to ensure the monitoring of each forest. Transhumance corridors have been demarcated, and transhumants will be made aware of the need to respect them. There are also regulatory texts on transhumance and forest protection that will be disseminated to all stakeholders operating in the Agropole zone.	

CANTON D'ALLOUM



	There is no land problem	Representative of the Regent of ALOUM	Good news, it is therefore certain that the NAWARE community will find land for the various projects.	
	Can a landowner of a developed site decide not to renew an operator's contract if his children are now capable of operating it?	President CCD	The owner may do so if his children really have the capacity to exploit the plot, but he will not be able to remove a plot to leave it unexploited; Any breach of contract must be done in strict compliance with the terms of the contract agreed by both parties.	
	What will be the conditions of access to the plots on the drip-fed sites for market gardening?		The only conditions that are listed at this stage are to be an entrepreneur or individual operator with the desire to do market gardening or horticulture, to have a plot on the developed site or to acquire a plot by formal lease/rental from a landowner.	

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	There is an area where there is a sacred forest, can this area be turned into a community forest?		The area can be included in the community forest since it is sacred to the same community. If they decide to include it in their community forest, there is no problem. The sacred area will only be managed with respect for its sacredness according to its owners.	
	Who will be responsible for managing the community forest? Who will build the capacity of the management bodies if they are set up? How long should a community forest be maintained? Will the community be able to decide to make another use of it?	President CVD of BROUKOU Agricultural producer	The management of all community forests is the responsibility of the community that owns the forest; The project will support the establishment of management committees for these forests and ensure that their capacities are strengthened in order to play their roles effectively; The community forest is of indefinite duration as long as the community understands its relevance and importance (wood, IGA as beekeeping, medicinal plants, climate regulation, carbon credit, etc.) It must be conserved in a sustainable way.	
	Can each village in the canton identify its site to be developed for market gardening?		It is difficult for the project to do one development per village; it would be too costly; but a developed site will be accessible to farmers from all the surrounding villages on a priority basis.	
	Will the community have access to wood from the forests?		The exploitation of community forests will be the responsibility of the community itself; management mechanisms will be put in place and their capacities strengthened to ensure that management is for the benefit of all. For access to timber in particular, each community will decide on the conditions of exploitation and access to the forest.	
	What measures will be taken to protect community forests from transhumant herds?	President APC	Monitoring and protection systems will be set up and their capacities strengthened (technical training and equipment) to ensure the monitoring of each forest. Transhumance corridors have been demarcated, and transhumants will be made aware of the need to respect them. There are also regulatory texts on transhumance and forest protection that will be disseminated to all stakeholders operating in the Agropole zone.	

CANTON OF KADJALLA



1	<p>-Agropole had previously had plots identified. Since then, however, we no longer talk about these plots.</p> <p>-Is it possible to share community forests and market gardening sites in several villages in our canton?</p>	President CCD	<p>-These plots are intended for the production block (soya, rice, maize, sesame). They will be exploited.</p> <p>-Several villages will be able to establish their community forests. But it will not be possible to develop market gardening blocks in several villages in the same canton because of the high cost of investment.</p>	
2	<p>-Who will be authorised to operate the market garden perimeter that will be developed?</p> <p>-How will reforestation be carried out? On individual plots or on a collective plot?</p>	President of the OSRA grouping	<p>-Priority will be given to local operators to exploit the developed sites. However, if the local operators are unable to exploit the entire developed perimeter, the landowners will authorise other foreign operators to exploit the perimeter through an emphyteutic contract.</p> <p>-It is desirable to have a collective plot for the collective forest, but beyond the collective plot, if people individually have plots for reforestation, this is also desired.</p>	

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3	-Here everyone has their own plot. The site that will be developed can group together the plots of several owners. How will each owner have access to his plot?	Neighbourhood chief	-Each farmer knows his plot. He will exploit it as a priority. However, if the owners do not manage to exploit the entire developed perimeter, they will authorise other foreign operators to exploit the perimeter through an emphyteutic contract.	
4	-Is there community participation for these additional activities?	President of the Lana- Assinih group	-No. The only thing the community is asked to do is to dispose of the land.	
5	-How can we make sure that the transhumants do not destroy our reforestation?	President of the Lantouh Group	- You must work with the transhumance committee and the communal authorities. There are texts that govern transhumance and specify the corridors and the transhumance period. Make an effort to respect and ensure that these provisions are respected by the transhumants.	
6	-We do market gardening on the banks of rivers which is often devastated by transhumants. How are we going to ensure that our reforestation and market gardening are not devastated?	Tilawa district chief		
7	Some people or projects often arrive to ask for the land and a while later they want to appropriate the land that is given to them. How can we secure our land?	President of the Tcharna-Assinih grouping	-Agropole is not taking the land for the project or for the State. The market garden block will be identified by you, managed and made available to the beneficiaries for exploitation. The landowners will sign contracts (emphyteutic lease) with the farmers. The site for the community forest will be consensual for the whole community and the benefits will be for the whole community. In all cases, the land will remain the property of the communities and not of the agropole.	
8	-Often when we do community reforestation, some local P&MS take over this reforestation. How can we secure the community forest that we are going to create?	Youth Leader	-The whole community will be informed through awareness raising. The site will be identified and chosen by consensus. The project will strengthen your capacities to ensure good forest management. A management committee will also be set up and will periodically report on management. All this will make the forest secure.	

CANTON OF CHORO



	Can community forests be demarcated in every village in the canton?	President CCD	Community forests can be in every village if the community agrees to do so. It would even be a good thing if each village community had its own community forest.	
	There is concern about the absence of landowners at the meeting.	Chairman of the KORFALO group	You have the information, if you perceive the relevance of the actions announced, you organise a meeting with the village chiefs and landowners to identify the sites you are going to propose to Agropole.	
	Drip irrigation will work with what water? There is a water problem here.	Member of the SITOLE group	The development plans to drill boreholes to supply the sites that will be developed for market gardening and horticulture.	

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	What is the required area per canton for each action (community forest and drip-fed block)?	Agricultural producer	The area depends on the availability of land in each canton for community forests. For the drip system, it should also be noted that the available financial means will allow the development of 15428ha. There is no fixed surface area per canton; each canton proposes the surface areas it has available.	
	Sesame is grown with late sowing so herbicides are used to spray before sowing, will there be any herbicides registered for this?	Young apprentice carpenter	There are registered herbicides; the ICAT technicians accompanying you know them, ask them for advice; they can even advise you on other cultural practices that you will not use herbicide	

CANTON OF KANTE



1	<p>-Agropole had had certain sites identified for its activities; but since then these plots have not even been demarcated. Are the activities really going to take place?</p> <p>-For these new activities, we will consult with each other (village chiefs and landowners) to identify suitable sites and get back to you.</p>	<p>Agnigata district chief</p>	<p>-The identified sites are still up to date. The delimitation process is a bit complex. To do so, you have to activate GPRS and walk around the perimeter without getting the boundaries wrong. It is therefore difficult to do this work in the rainy season when grass and watercourses are obstacles. Agropole has already demarcated the perimeter in some localities. In the dry season it will do it in other localities. The activities are going to take place; rest assured.</p>	
2	<p>The herbicides and pesticides we use are not good. They kill our animals and give us diseases. The crops from the treated fields do</p>	<p>Chief of the village Mayé</p>	<p>-In the agropole zone, unregistered herbicides and pesticides will not be allowed. ICAT's technical advisors will ensure that these inputs are available and accessible in your localities.</p>	<p>Producers are aware of the negative effects of the</p>

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	not give good quality food. In addition, these products destroy our soil.		You need to raise awareness among other producers about the need to adopt good agricultural practices (registered products, improved seeds, climate-resilient farming practices).	herbicides and insecticides they currently use. For this reason, some people do not consume the crops from the treated plots. They sell them.
3	We use these products for lack of anything better. Approved products are neither available nor affordable.	Regent of the chief canton		

CANTON OF KPESSIDE



	The landowners were not invited to the meeting, it would be difficult to say, but land exists.	Head of canton	With the information you have received, you will organise a meeting with the village chiefs and landowners to identify sites and return to the Agropole team.	
	Our fears are often promises that are never kept and also the bad experience with groups of swindlers who have victimized communities		You are right to be wary, but you know the Agropole project and the members of the Agropole team and the head office in Kara to verify the information We also have our contacts that we will leave with you if necessary to reassure you.	
	Who will delimit the sites if we identify them?	KOKOTE village chief	Agropole will come with the appropriate equipment and under your guide to delimit the sites and have the precise area of each site.	

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	Who is going to bear the costs of developing market gardening sites? Can a family identify a site that will be developed for them?		The development costs of each site are borne by the project. Developments are made for the benefit of the community, not for the benefit of the families; a family that is willing and able to afford it can apply to companies with skills to make the development at its own expense.	
	Can community forests be demarcated by village? Is it possible to develop a site with drip irrigation per village?	Chairman CVD KOKOTE	Each village can normally decide to demarcate its own community forest; The development of drip irrigation sites requires a large investment that it will not be possible for the project to do on a per village basis. However, each development carried out is primarily beneficial to the surrounding communities.	
	For beekeeping in community forests, for example, who is going to provide the hives when the price of a hive is estimated at 25,000 CFA francs?		The initiative will come from the community with the support of the project; The community does not have to buy these hives, but can also use cheaper, locally made hives if available.	
	Can you create your own private forest?		Everyone can have their own private forest if they have land and if the area is suitable and does not pose any threat or danger to neighbours.	
	Can seedlings be found to reforest the quarries often abandoned by the contractors who build the roads?	Secretary SCOOP LAMOSSABA	The choice of reforestation sites is the responsibility of the community; on the community's initiative, nurserymen can produce seedlings for the reforestation of these quarries. Seek the support of a technician to successfully reforest these types of quarries where rich arable land has often been stripped.	
	Can the project strengthen the capacity of local nurserymen to produce seedlings? Can the project provide nurserymen with seed for fast growing plants?		The identified and registered nurserymen will be strengthened for the production of adapted and accepted plants by the community.	

CANTON OF ATALOTE



1	The message about additional activities has just reached us. We need to reflect, identify available land and get back to you.	President of the ALAWNA OSAR grouping	Your approach is good. Consult landowners to find consensus sites that will not cause problems.	
2	As we have just received the information on the complementary activities, I will organise a meeting with the village chiefs and landowners to identify the available plots.	Head of canton		
3	We welcome the initiative. However, it is absolutely necessary to ask the landowners for the land.	CCD Secretary		
4	Is it possible to make private forests?	President of the nurseries	Yes, this is desired and encouraged because the benefits of a forest are enormous for the owner.	

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	<p>-How will the benefits of the community forest be managed for the benefit of the whole community?</p> <p>-Producers face the crucial problem of destruction (of fields and trees) by livestock. How are we going to deal with this problem in order to maintain social cohesion?</p>	Member of ALAWNA OSAR	<p>-The project will support you in setting up the forest. You will set up a management committee for your forest. The project will strengthen the capacity of the members of this committee to manage the forest in a transparent manner. When the time comes, you will have to identify honest, honest people with integrity and concern for the collective good to be members of this committee. The management rules will be defined by you and for you with the support of the project.</p> <p>-The beasts that destroy are your own beasts. You will set up a rule that everyone will try to respect under penalty of the sanctions that you will have defined together.</p>	
	For the market garden block that will be developed, if we don't manage to exploit everything, are we going to sell the rest to foreigners or are we going to rent it to them?	President CVD Atalotè	The market garden block will be identified by you, set up and made available to the beneficiaries for exploitation. The landowners will sign contracts (emphyteutic lease) with the farmers. The land will therefore not be sold. The site for the community forest will be consensual for the whole community and the benefits will be for the whole community. In all cases, the land will remain the property of the communities and not of the agropole.	
	The community forest will eventually be able to shelter reptiles and wild animals that may threaten the population. How can we manage the threats and the damage they will cause?	President of the Sinou-Saraa grouping	<p>-The community forest is not a wildlife reserve that will shelter wild animals and other dangerous wildlife.</p> <p>It may house reptiles, in which case it is up to you to define the conditions and areas of access to avoid bites from these reptiles.</p>	
	How much area each canton should clear for the market gardening block and for the community forest? Will these sites be grouped together in a single block or scattered throughout the villages of the canton?	Chief of the village Télotè	<p>-the project plans 15428 ha for the market gardening block and 10000 ha for community forests in all 19 cantons of the agropole. These areas are not evenly distributed by canton. Each canton will identify the area it has available, depending on the availability of land.</p> <p>-For each APC, the market gardener's block will be in one place. The investment to develop this block is quite expensive and it will not be possible to develop it in all the villages. However, community forests may be dispersed in several villages in the same canton depending on the availability of land.</p>	

CANTON OF HELOTA



	Our priority problem is not the production but the dispensary to treat us.	Chief village of N'boratchika	Health is important, but there are competent services that are better placed to respond to the problem; nevertheless, the project provides for the creation of socio-communal educational and health infrastructures.	
	There is land, but a prior meeting with the village chiefs who are not present is necessary;	Head of canton	Each plot requested has a utility since there are several target crops and several developments to be done within the project; Always keep the first targeted plots and identify new plots for the latter actions outside the site that the NSCT is requesting for cotton production.	

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	The first sites requested by Agropole have not been developed and it is now making new requests, which is causing reticence. The NSCT has also come to ask for plots of land, and this is our concern.			
	It is the appearance of the pesticides that are sold everywhere that make farmers today overextend their plots of land.		The new requirement for producers who want to sell their products to the agropole's factories is to follow the advice of technicians and use registered pesticides. Ask for advice from the ICAT technicians who work with you and accompany you in your agricultural production.	
	Can the project support the development of several small sites?	Secretary SCOOP BETCHARO	The project wants to reach the maximum number of beneficiaries, so it will give priority to sites that can accommodate large contractors or a maximum number of smallholders.	
	Cereal producers have great difficulty selling their products (especially maize), what guarantees can we have regarding access for market gardening and horticultural products?	Agricultural producer	Access to the market for the sale of its products depends on several factors: product quality, product quantity, price, organisation for its marketing, etc. The project will ensure that these factors are taken into account	Take into account the marketing aspect in the production objectives
	Is it possible to develop several market gardening sites in a single canton?	President Cantonal Union of Associations	The development of drip irrigation sites requires large investments and takes into account the potential of each canton but should not be concentrated in a single canton if there is potential elsewhere; the development carried out in a canton should benefit all the market gardeners and horticulturists of the canton before other economic operators.	
	The nature of the species to be reforested plays an important role in community membership; can fruit species be planted in community forests?	Youth Leader	The choice of species to be reforested to enrich the community forest is left to the community itself. The choice of enriching a community forest with species of economic value is strongly recommended. Cashew nuts are also a target plant in the development of export channels within the framework of Agropole.	
	Will the drip-feeding take place at APC headquarters or in each canton?	President CCD	There are more than 15,000 ha to be developed, the developments could be done by canton or by APC depending on the surface area of the identified sites.	

APPENDIX 8.5 - 8.20:

These are original handwritten transcripts of the minutes taken with participants (signed and stamped) of the Public Consultations held in the 19 Cantons in Togo.

