

**RESETTLEMENT ACTION PLAN (RAP)
FOR THE
PROPOSED MFOLOZI-MBEWU MULTI CIRCUIT
765Kv TRANSMISSION LINE, ZULULAND AND
KING CETSHWAYO DISTRICT MUNICIPALITY,
KWAZULU-NATAL
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Resettlement Action Plan (RAP) Mfolozi-Mbewu 765kV Transmission Line

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ABBREVIATIONS

| | |
|----------|--|
| ABE | Affirmative Business Enterprise |
| ABET | Adult Basic Education and Training |
| ACER | (Africa) Environmental Management Consulting |
| CMMC | Community Management and Monitoring Committee |
| CPF | Community Police Forum |
| DARD | Department of Agriculture and Rural Development |
| DEA | Department of Environmental Affairs |
| EAP | Environmental Assessment Practitioner |
| ECO | Environmental Control Officer |
| EHV | Extra High Voltage |
| EIA | Environmental Impact Assessment |
| EIAR | Environmental Impact Assessment Report |
| EKZNW | Ezemvelo KwaZulu-Natal Wildlife |
| EMFs | Electromagnetic Fields |
| EMP | Environmental Management Plan |
| EWT | Endangered Wildlife Trust |
| FAs | Farmers' Associations |
| GVA | Gross value added |
| Ha | Hectare |
| I&APs | Interested and Affected Parties |
| HIV/AIDS | Human Immune Deficiency Virus /Acquired Immune Deficiency Syndrome |
| IDP | Integrated Development Plan |
| Km | Kilometre |
| KZN | KwaZulu-Natal Province |
| LED | Local Economic Development |
| M | Metre |
| NDP | National Development Plan |
| NEMA | National Environmental Management Act |
| PSEDS | Provincial Spatial Economic Development Strategy |
| RAP | Resettlement Action Plan |
| RDP | Reconstruction and Development Programme |
| REDs | Regional Electricity Distributors |
| SAPS | South African Police Services |
| SDF | Spatial Development Framework |
| SIA | Social Impact Assessment |
| TDP | Transmission Development Plan |

GLOSSARY OF TERMS

The following pages provide explanations of terms used in this report as provided by the 2002 International Finance Corporation's (IFC) Handbook for Preparing a Resettlement Action Plan (RAP). The handbook provides guidance to project sponsors in complying with World Bank Group's policy on Involuntary Resettlement (OD 4.30) and in preparation of a RAP.

Affected Population: Defined as those who stand to lose, as a result of the project, including all or part of their physical and non-physical assets, such as homes, communities, productive lands, resources such as forests, range lands, fishing areas, important cultural sites, commercial properties, tenancy, income-earning opportunities, and social and cultural networks and activities.

Compensation: Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

Cut-off date: Date of completion of the census and assets inventory of persons affected by the project. Persons who move into the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.

Disadvantaged Groups: Distinct groups of people that may suffer dis-proportionally from project related activities, e.g. female-headed households, children, elderly, ethnic, religious and linguistic minorities, handicaps, etc.

Economic Displacement: Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) due to the construction or operation of a project or its associated facilities.

Expropriation: The action of a government in taking or modifying property rights of an individual in the exercise of its sovereignty.

Entitlement: Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation which are due to affected people, depending on the nature of their losses, to restore and improve their economic and social base.

Full Cost of Resettlement: Compensation based on the present value of replacement of the lost asset, resource or income without taking into account depreciation.

Heritage resource: This means any place or object of cultural significance.

Host Community: Community residing in or near the area to which affected people are to be relocated.

Host population: People living in or around areas to which people physically displaced by a project will be resettled, who, in turn, may be affected by the resettlement.

Involuntary resettlement: Resettlement is involuntary when the affected community has to move, irrespective of whether they consent to move or not?

Land expropriation: Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses.

OD 4.30: The World Bank Group Operational Directive on Involuntary Resettlement. OD 4.30 embodies the basic principles and procedures that underlie the African Development Bank and the IFC's approach to involuntary resettlement associated with their investment projects.

Physical displacement: Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location

Project Areas: Areas in and adjacent to the construction areas and other areas to be modified by the project (e.g. impoundment of reservoirs, rights of way for infrastructure projects, irrigation command areas)

Project-affected household: All members of a household, whether related or not, operating as a single economic unit, who are affected by a project.

Project-affected person: Any person who, as a result of the implementation of the project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

Project sponsor: A corporate entity (*i.e.* Eskom Holdings SOC Ltd) that has sought AFDB financing for the project.

Replacement cost: The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction costs. With regard to land and structures, "replacement costs" are defined as follows:

- **agricultural land:** the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes;
- **land in urban areas:** the market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; and
- **household and public structures:** the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors' fees and any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value

of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Relocation: Rebuilding housing, assets, including production land, and public infrastructure in another location.

Rehabilitation: Re-establishing incomes, livelihoods, living, and social systems.

Resettlement Action Plan (RAP): The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project (a project in the broader public interest requiring additional/external funding in order to implement the project).

Resettlement assistance: Support provided to people who are physically displaced by a project. Assistance may include transportation, food, shelter, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.

Resettlement Impacts: The direct physical, cultural and socio-economic impacts of resettlement activities in the project and host areas.

Resettlement policy framework: A resettlement policy framework is required for projects with subprojects or multiple components that cannot be identified before the project has been approved. This instrument may also be appropriate where there are valid reasons for delaying the implementation of the resettlement, provided that the implementing party provides an appropriate and concrete commitment for its future implementation.

Stakeholders: Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

Voluntary resettles: Voluntary resettles are generally self-selected, young, and willing to pursue new opportunities. Voluntary settlement may form part of a resettlement plan, provided measures to address the special circumstances of those to be resettled involuntarily are included.

Vulnerable groups: People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

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EXECUTIVE SUMMARY

INTRODUCTION

As part of the Transmission Development Plan (TDP) and expansion programme in Kwazulu-Natal, Eskom received Environmental Authorisation (EA) (Ref: 12/12/20/881) from the National Department of Environmental Affairs (DEA) on 29 August 2001 to construct a 765 kV Transmission line. The transmission line is to be built along a corridor that connects from the proposed new Mbewu substation in Uthungulu now called King Cetshwayo District Municipality (DM) and to the existing uMfolozi substation near Ulundi in the Zululand District Municipality (DM).

The main objective of this Resettlement Action Plan (RAP) is to ensure that Project Affected Persons (PAPs) can restore and if possible improve their quality of life and livelihoods through the resettlement process. In addition, this RAP sets to minimise economic and social impacts that would arise from involuntary resettlement or economic and social displacement associated with the project. This resettlement plan has been prepared to guide the project in addressing the issues that will arise during the operational stage and ensure proper remedial measures.

The legal, policy and administrative framework

The RAP is guided by national, regional and global policies on resettlement.

At the national level, the RAP has been prepared within the framework of section 25 of the Constitution that addresses issues of property rights and lays ground for just expropriation of property in terms of the law. It states that, expropriation shall be subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court. Further, other legal instruments include: the Extension of Security of Tenure Act 62 of 1997 (ESTA) regulates the circumstances under which poor people occupying rural land (typically farm land) can be evicted. The Labour Tenants Act (1996) provide for security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants. The Interim Protection of Informal Land Rights Act (IPILRA, Act 31 of 1996) provides that people cannot be deprived of informal rights except with their consent, or by expropriation.

Additionally, the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE) provides for the prohibition of unlawful eviction, gives procedures for the eviction of unlawful occupiers and repeals the prevention of Illegal Squatting Act, 1951. Restitution of Land Rights Act 22 of 1994 protects the security of tenure (whether formal or informal) of vulnerable and poor sections of the population and attempts to put in place procedural protections that ensure that where people do lose access to land, they are consulted and compensated.

Eskom's Procedures for the Management of Involuntary Resettlement and Relocation of legal occupiers on affected Eskom land are a key instrument. The purpose of the procedure is to ensure that a sustainable resettlement plan be developed, contractually concluded and Implemented through a meaningfully consultative process between the persons being displaced, Government, Eskom and other Identified role players. In addition to the need to adhere to South African legislative requirements, the Project will also seek to align with the

international standards of the World Bank, IFC and AfDB. The World Bank environmental and social conservation policies include both Operational Policies (OP) and the Bank's Procedures (BP). The OP 4.12 Involuntary Resettlement Procedure is applicable to the compensation and resettlement aspect of the project. Involuntary resettlement in IFC PS 5 refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. The African Development Bank Group's (AfDB) Integrated Safeguards System includes comprehensive notions of livelihood and assets, accounting for their social, cultural, and economic dimensions.

METHODOLOGY

This RAP was undertaken by Mokgope Consulting, in cooperation with NGT Holdings and NIA Development Solutions. NGT Holdings and NIA Development Solutions led in the Phase II Heritage Impact Assessment (HIA) or Integrated Cultural Resources Management (ICRM) study and Phase II Social Impact Assessment (SIA) respectively. The HIA and SIA fed into the development of the RAP.

The census data collection was led by the SIA specialist. The survey was conducted between 19th of October until 25th of October 2018 and information gathered through the questionnaire. The HIA specialist led in the assessment of heritage resources. The **ICRM study** investigated the affected households' burial grounds and graves as well as any other heritage resources within the receiving environment that might be impacted by the proposed construction, such as archaeological artefacts, built environment and paleontology.

A range of social and archaeological impacts of the proposed Mfolozi-Mbewu multi circuit 765kv power line were identified based on information obtained through literature review, household and site surveys. The SIA and HIA followed a similar approach for identifying these impacts, albeit with slight variations. In general, identification of impacts followed four interrelated steps consisting of (i) impact assessment criteria (ii) criteria for rating impacts (iii) criteria for determining significance and (iv) recommended mitigation measures.

SOCIO-ECONOMIC PROFILE OF AFFECTED DISTRICT AND LOCAL MUNICIPALITIES

The proposed 765kV transmission line is located in Kwa-Zulu Natal Province and traverses two District Municipalities - Zululand and King Cetshwayo. Zululand remains one of the poorest districts in South Africa in part due to its history as a marginalized homeland area. More than 5.2 million people or 49% of KZN's population is considered to be living in poverty. High unemployment undermines the equitable distribution of income and underpins poverty. At 31%, unemployment in Zululand is unsustainably high.

Good agricultural potential, mainly commercial forestry exists, in the western highlands and the eDumbe Municipality has very high potential as has most of the Abaqulusi municipality. High potential in the Phongola valley is as a result of irrigation opportunities that have been developed in this area. The deep low altitude river valleys of Pongolo and Mfolozi Rivers provide an excellent opportunity for intensive agricultural production where irrigation is available where sugar cane and out of season vegetables and sub-tropical fruits can be planted. Ulundi Local Municipality is a Category B Municipality and will be affected by the proposed project in Zululand. Ulundi LM is a major heritage hub located on the southern boundary of the Zululand District Municipality in northeastern KwaZulu-Natal.

King Cetshwayo District Municipality is a category C municipality and is located in the north eastern region of the KwaZulu-Natal Province on the eastern seaboard of South Africa. Generally, King Cetshwayo District has a good climate and an abundance of natural resources although severe drought has affected the District negatively in the past two or so years in terms of agricultural productivity. The available arable land is suitable for large-scale agricultural initiatives, like the current sugar and forestry as well as specialised and intensive agricultural opportunities like natural oils and fruits cultivation. Mthonjaneni LM will be the most affected by the proposed Mfolozi-mbewu multi circuit 765kv power line. Only 1 household in uMfolozi will be affected by the proposed project as such, the socio-economic context provided will be biased towards Mthonjaneni LM.

THE SOCIO-ECONOMIC PROFILE OF SURVEYED HOUSEHOLDS

A total number of 64 households will be affected by the planned project. These consist of 1 (one) household identified in Mfolozi LM, 51 households in Ulundi LM and 12 households in Mthonjaneni LM. Affected households live predominantly in compounds with multiple structures, such as one roomed rondavels, one roomed flat roofed houses and big houses. Modern architectural design houses were noted in 3 compounds. A total of 42 compounds were identified in the three LMs. Of the 42 identified compounds, 39 had multiple structures. The type of structures in each compound varied (mud structures, brick structures, stone structures, brick and mortar structures in some cases a combination of different types of structures). The proposed resettlement will therefore affect mostly compounds.

Of the 43 total household heads, only 5 of them are employed and 38 are unemployed, thus indicating a high level of unemployment among household-heads. Ulundi LM had the highest number of people reporting being unemployed. The majority of surveyed households depend on pensions as a main source of income. A total of 24 households are engaged in both crop and livestock farming, while 4 households are engaged in crop farming. A total of 9 households are engaged in livestock farming. The 6 households not engaged in any farming activities at the time of the survey indicated that they would have been doing some crop farming. However due to the anticipated relocation they did not grow any crops

The majority of households in Ulundi LM have piped water in the. On the other hand, all surveyed households in Mthonjaneni LM rely mostly on river and community tanks for water access. The only surveyed household in Mfolozi LM indicated water is accessed through piped water in the compound. Apart from two, all houses have access to toilets.

VULNERABLE GROUPS WITHIN PROJECT AFFECTED PERSONS' HOUSEHOLDS

Female headed households constitute 53% of the surveyed households and the resettlement process will need to consider their specific needs and the fact that they are often at risk of discrimination in access to resources and other means of survival such as land etc. In addition, this means greater focus should be given to female headed households, making sure they participate in decision making about resettlement and design of livelihood strategies.

The elderly represent 22% of the surveyed households, which is also significant. Greater attention should be given to their needs and be linked to specific programmes and civil society organizations that focus on the physical, mental and psychological needs. The

physically and mentally disabled constitute 16% and 9% respectively. Disability therefore needs to be mainstreamed in the resettlement process as well as in determination of the compensation. Likewise, they need to be engaged in decision ensuring that their livelihood needs are not compromised and they are not left worse off. Overall, Eskom needs to commission a participatory needs assessment that will clearly define the specific needs of each vulnerable groups and should be conducted by a experienced social scientist.

VALUATION OF PROPERTY AND COMPENSATION FOR LOSSES

The assessment for compensation under this RAP is statutory and all steps have been taken to comply with the statutory provisions. An inventory of the properties to be affected was prepared using thematic maps and a census for PAP. Thematic maps were prepared that show the extent of project activities and location of the people and areas affected by the project. Land areas to be acquired for project activities were obtained using measurements carried out by the cadastral surveyor. The compensation principles to be followed are derived from the national legislation and the AfDB OS 2 on involuntary resettlement. These principles, including the valuation procedures, were all explained to the PAPs and other community members during the community dialogues and stakeholder consultations.

PROPERTY AND ASSETS AFFECTED

Permanent buildings: Replacement cost values of permanent buildings and structures were derived from the project area in accordance with prevailing construction costs. From the socio-economic baseline, all the 64 households affected by the project will lose their permanent dwellings. These dwelling consist of a mix of modern and traditional structures made out of a mix of materials. **As a mitigation measure**, Eskom will appoint an independent social monitoring specialist to ensure that: (i) new dwellings are of good quality and superior to those currently occupied by affected households or ensure that affected households are sufficiently compensated with enough funds and well capacitated to manage the build of new dwellings themselves; and (ii) the new dwelling meet all the requirements to resume all their livelihood activities. Their lives should be better off and include improved access to services, a continuation of way of living, sense of place, support structures, good neighbours and friends.

Land: The majority of the affected households are also engaged in crop and small-scale livestock farming. Affected surveyed households are concerned about losing grazing land for their livestock and being settled in an area with insufficient and poor quality grazing land. In this RAP, compensation for land will only be payable in addition to the value of any improvement or works constructed on such lands for loss of user rights over such lands in the case of land under customary tenure and the market value of such lands in the case of freehold land. The **mitigating measures** should ensure that any applicable legislation regarding relocation of livestock is reviewed to identify regulatory requirements that may need to be applied and that all livestock of affected households are transferred to the new location. Eskom should appoint contractors to assist with relocating livestock. Any costs related to transferring livestock to the new location should be covered by the project.

Heritage resources and Heritage sites: During the survey, three Archaeological objects, the ruins of two Transnet buildings, an Open-Air Church, a traditional house, an izigodla, 30 graves, three communal cemeteries and two ancestral prayer sites were identified. In terms

of **mitigation measures**, representatives from the affected households indicated that they prefer that the graves be avoided and stay in situ. They recommended that the graves should be fenced off and a **grave management plan** be developed. Many of the household representatives also indicated that their family graves were located in one of the community cemeteries which is located within the project area.

Although only three archaeological resources were found within the receiving environment, it should be noted that some archaeological resources are subterranean in nature. If exposed by construction activities and brought to the earth surface, Eskom should put measures to ensure they are treated as Chance Finds.

The Church needs to be relocated to an appropriate area, where members of the church can freely practice their beliefs. Before this process can take place, a heritage social consultation and facilitation process with leaders of the Shembe church should take place. The Shembe Church will need to be compensated appropriately for the relocation of their church by the developer. The compensation should include the costs of new land, cost for notifying the chiefs, costs of buying and slaughtering animals, food, and the blessing of the new church site. However, this will be verified during the heritage social consultation and facilitation meetings with the church leaders.

ASSISTANCE TO VULNERABLE PEOPLE AND GROUPS

Vulnerable groups identified in this RAP include the disabled, female headed households and elderly. These should be: provided with extra assistance in moving, salvaging and related logistics; Re-establishment near family, friends and neighbours to help maintain informal social/support networks; Eskom should support a vulnerable assistance programme during the relocation; and provision of targeted assistance under the vulnerable assistance program, such as extra assistance in preparing new agricultural fields and gardens.

INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION

The overall responsibility of managing the implementation process of the project vests under Eskom. Eskom has therefore constituted a Project Implementation Unit (PIU) comprising of senior management staff and other external stakeholders for this purpose (such as the National Treasury and Rural Development and Land Reform).

GRIEVANCE MANAGEMENT SYSTEM

A Grievance Management System receives, and addresses concerns raised by stakeholders in a transparent, constructive, timely, confidential (if desired), culturally appropriate and accessible manner. Some of the grievances to be addressed include: standard compensation for graves in general so that all beneficiaries are informed beforehand that compensation for graves relocations and rituals performances will be standard for only graves that are in tower positions. A Heritage Specialist can be roped in to compile the heritage background as well as a graves relocation report from their professional experience. There is a need for thorough awareness sessions for vulnerable groups on financial management and how to deal with construction activities. In addition, continuous engagement of project implementation committee team to iron out blockages and communication with all stakeholders is promoted so that mistakes do not occur that can lead to community unrests and work stoppages.

MONITORING AND EVALUATION OF THE RAP

Monitoring and evaluation determines whether an affected household's conditions have improved, been maintained, or declined. The responsible key person, the Social Monitoring Specialist, will be part of the RAP implementation team. The monitoring and evaluation will be done before the relocation, during compensation and post relocation using specific indicators.

Each PAP household will have a digitised compensation file/record indicating his or her background situation before RAP (based on the census data), the compensation allocated and actually received, the impacts on land and property, the use of PAP assets/improvements after RAP.

1. INTRODUCTION

1.1 Project Background

The National Development Plan (NDP) identifies the need for South Africa to invest in a strong electricity infrastructure that meets industrial, commercial and household requirements. As such, the NDP stipulates that, by 2030, South Africa should have an energy sector that provides reliable and efficient energy service at competitive rates, is socially equitable through expanded access to energy at affordable tariffs and environmentally sustainable through reduced pollution. To achieve this, the NDP provides a path to meet electricity needs over a 20-year planning horizon to 2030 and is being used to roll out electricity infrastructure development in line with Ministerial Determinations issued in terms of Section 34 of the Electricity Regulation Act No. 4 of 2006¹.

Eskom Holdings, a State-Owned Company (SOC) Ltd, is South Africa's primary electricity supplier. As part of the Transmission Development Plan (TDP)² and expansion programme in Kwazulu-Natal, Eskom received Environmental Authorisation (EA) (Ref: 12/12/20/881) from the National Department of Environmental Affairs (DEA) on 29 August 2001 to construct a 765 kV Transmission line. The transmission line is to be built along a corridor that connects from the proposed new Mbewu substation in Uthungulu now called King Cetshwayo District Municipality (DM) and to the existing uMfolozi substation near Ulundi in the Zululand District Municipality (DM). The development is part of a number of transmission network reinforcements that will cater for the anticipated demand for electricity and growth over the next 10 years³, especially, the increase in the demand for electricity in the Empangeni-Richards Bay area⁴. This construction will not only improve services but will benefit local suppliers and boost the construction sector enormously.

Some portions of the transmission line would be within a servitude that affect dwellings and related infrastructure. The significant challenge is that the servitude cannot be realigned to avoid affected households in some areas due to the terrain and technical constraints. In terms of Eskom's Safety Standards, a power line cannot be built above structures and residential properties for safety of both the powerline and human line. Unfortunately, the affected households would have to be relocated as well as the graves associated with the households.

1.2 Project Description

1.2.1 Project Area and Location

The 765kV transmission line traverses the Zululand and King Cetshwayo District Municipalities in KwaZulu-Natal Province and are spread over 6 Wards (13, 14, 17, 20, 24, 30) from the uMfolozi Substation to the proposed Mbewu Substation. Within the two District

¹ Department of Energy, 2018: Government Notice: Request for Comments- Draft Integrated Resource Plan, 2018, <http://www.energy.gov.za/IRP/irp-update-draft-report2018/IRP-Update-2018-Draft-for-Comments.pdf>

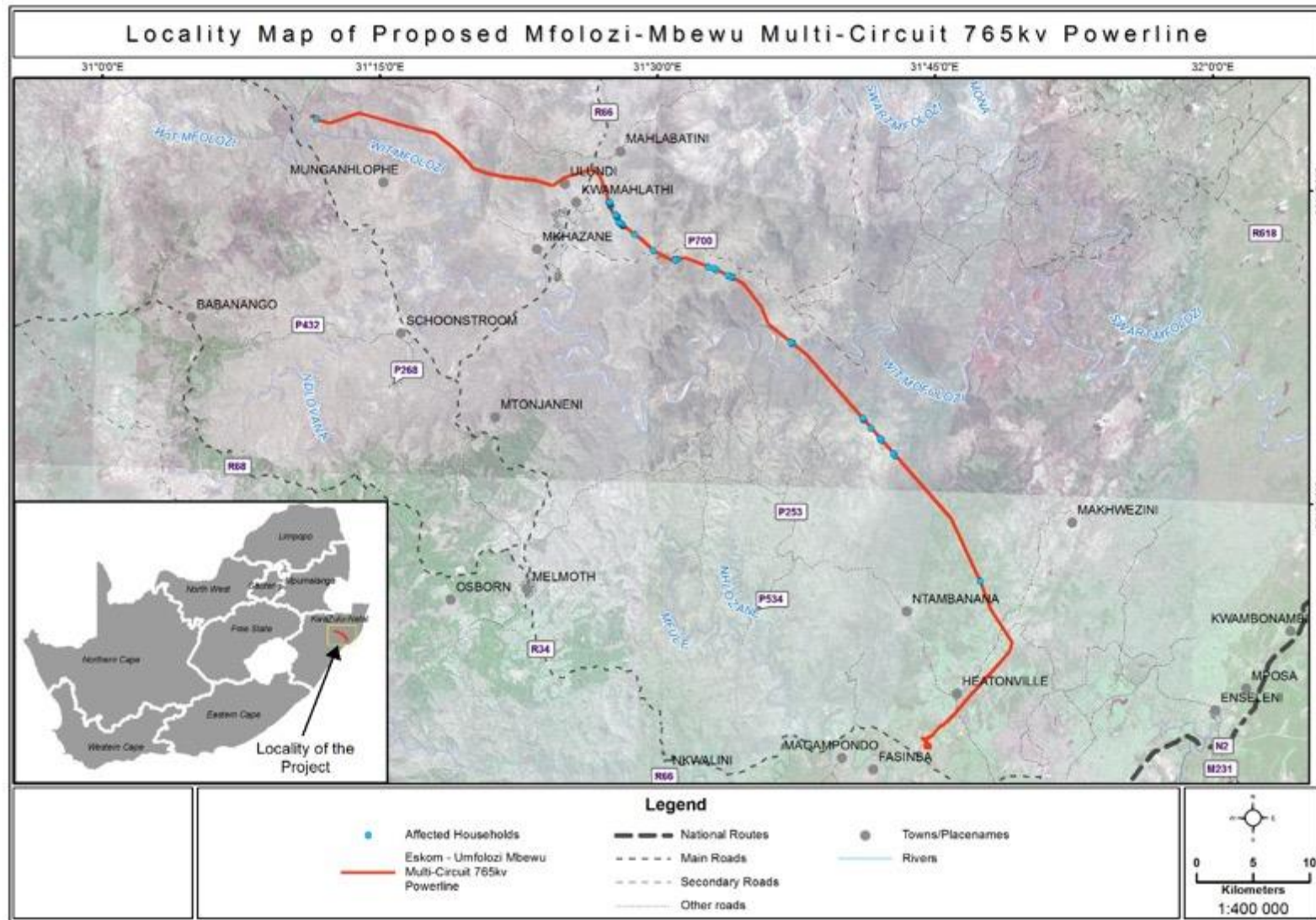
² Eskom Transmission Development Plan (TDP) 2016-2025 <http://www.eskom.co.za/Whatwedoing/TransmissionDevelopmentPlan/Documents/TransDevPlan2016-2025Brochure.pdf>

³ *ibid*

⁴ Eskom, 2010: Environmental Impact Assessment for the Umfolozi-Empangeni 765kV Transmission Power Line and new substation in the Empangeni area: Second Addendum Report (DEAT Ref. No. 12/2/20/881)

Resettlement Action Plan (RAP) Mfolozi-Mbewu 765kV Transmission Line

Figure 2: Map of the Project area indicating the affected households



1.2.2 Area Climate and Topography

KwaZulu-Natal⁵ has a subtropical climate with inland areas experiencing steady temperature decreases with increasing altitudes. Mean annual temperatures range between 20°C and 22°C and the mean annual rainfall is approximately 845mm. Topography in the province rises from sea level in the east to more than 3000m above sea level on the Drakensberg mountains. The project area is characterised by hilly and mountainous landscape consisting of grass and bushveld type shrubs and trees. The White uMfolozi river is located to the south-west of the project area and runs east-west with the middle section of the proposed powerlines.

1.2.3 Biodiversity

KwaZulu-Natal is rich in biodiversity⁶ and hosts the Maputoland-Pondoland-Albany hotspot, one of the 34 most biodiverse areas in the world. Three different biomes currently exist in the province, namely the Indian Ocean Coastal Belt, Grasslands, and Savanna Biome. A wealth of plant and animal life occur in these biomes including: 19 different veld types, 32 wild ungulates, 32 indigenous carnivore species, 96 fish species and 470 bird species. The province has 75 perennial rivers with the largest 19 accounting for 25% of South Africa's mean annual runoff.

1.3 Likely Impacts of Project Implementation

The Environmental Impact Assessment conducted in 2010, assessed likely impacts specifically on the sugar cane production and economic implications at four levels: (i) the individual farmer; (ii) the Heatonville Farmers Organisation as a scheme; (iii) the Felixton Mill; and (iv) related service providers and beneficiaries (e.g. haulers, etc).

(i) Individual farmers: It was found that the Tx/PI will affect the same properties to the same degree for the implementation of Substation Site A or B from the uMfolozi Substation until the route splits near Dube Ridge to traverse either south west to Site A or south east to Site B. From the split to Site A the farms Dube Ridge, Prospect and Bergveld will be affected. From the split to Site B the farms, the Pyramids and Empangeni will be affected. Dube Ridge is expected to remain economically viable even if a cane free 765kV Transmission line servitude results in loss of 6.88 ha of cane land. Bergveld and Prospect are, according to investigations, were already not economically viable farms. The conclusion was that the Tx P/I did not have a significant impact on any of the individual farms.

(ii) The Heatonville farmers' organisation: At the time of the assessment, it was found that Heatonville had 5 360 ha in total scheduled, and only 4 186 hectares were in production. The cane lost works out at 0.23% of their land under production. Although it will be mitigated, it was not considered a significant enough percentage to result in severe economic impacts.

(iii) The Felixton Mill: The Felixton Mill requires a certain minimum quantity of cane to process in order to be economically viable. It has a capacity of 2.9 million tons/annum and operates at 2.2 million tonne/annum. The impact of the loss of the affected Heatonville farms

⁵ <http://www.letsrespondtoolkit.org/municipalities/kwazulu-natal>

⁶ ibid

on the Mill is therefore 0.03% of the capacity and 0.04% of the processing of the mill. This percentage was not considered significant enough to have a severe economic impact.

(iv) Related service providers and beneficiaries: It was concluded that, if the mill is not negatively affected then the transport and other related sectors will not be either.

1.4 Conceptualization of Resettlement Action Plan (RAP)

The objective of the Resettlement Action Plan is to avoid or minimize, to the extent possible, the hardships that the project may cause, and to mitigate any adverse impacts at the household and community level. There is a general consensus that, involuntary resettlement under Eskom development projects if unmitigated, may give rise to severe economic, social, and environmental risks for affected persons. To mitigate these risks the South African Government as well as international financiers for development projects have developed legislation and principles applicable to involuntary resettlements. This process ensures safeguards to address and mitigate these risks.

1.4.1 Eskom Involuntary Resettlement Procedures

Eskom's Involuntary Resettlement Procedures⁷ ensure that a sustainable resettlement plan is developed, contractually concluded and implemented through a meaningfully consultative process between the persons being displaced, Government, Eskom and other Identified role players. The resettlement plan and process followed must as a minimum address the requirements as per applicable South African legislation in line with the Equator Principles where applicable to the South African environment and legislation.

The Eskom resettlement policy is based on the principle that the resettled entity should be better off after resettlement. The procedures provide detailed and structured Action Plan (RAP) that should be compiled prior to the construction of the line based on international guidelines, mainly that of the International Finance Corporation (IFC)'s and the African Development Bank (AfDB) which shall be detailed later.

Issues that can be identified during the servitude acquisition stage for example but not limited to: Houses, both formal and informal, sheds, dams, windmills, trees, water tanks, car ports, boreholes, landing strips, irrigation, etc. Depending on the circumstances these are either compensated for or replaced by Eskom, the unique circumstances of each case are determined. Payment of these are negotiated and an agreement reached. With regards to tribal land each transaction will be guided by the tribal authority and the occupant.

1.4.2 International Finance Corporation (IFC) Resettlement Guidelines

IFC requires a resettlement action plan (RAP) for any project that results in either the physical or the economic displacement of people. The scope and level of detail of resettlement planning will vary with circumstances, depending on the project's complexity and the magnitude of its effects. As a minimum requirement, a RAP must ensure that the livelihoods of people affected

⁷ Eskom 2011: Procedures for the Involuntary Resettlement of Legal and Illegal occupants on or from Eskom procured land. <http://documents.worldbank.org/curated/en/709711468334805492/pdf/RP11990RP0P12600disclosed0110110090.pdf>

by the project are restored to levels prevailing before inception of the project. In situations where the restoration of livelihood may be insufficient, IFC seeks to promote the improvement of the living standards of people affected by the project. Thus, resettlement activities should result in measurable improvements in the economic conditions and social well-being of affected people and communities.

1.4.3 The World Bank OD 4.30 on Involuntary Resettlement

This directive describes Bank policy and procedures on involuntary resettlement, as well as the conditions that borrowers are expected to meet in operations involving involuntary resettlement. The objective of the Bank's resettlement policy is to ensure that the population displaced by a project receives benefits from it. Involuntary resettlement should take account of the following policy considerations:

- a. Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs.
- b. Displaced persons should be (i) compensated for their losses at full replacement cost prior to the actual move; (ii) assisted with the move and supported during the transition period in the resettlement site; and (iii) assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them. Particular attention should be paid to the needs of the poorest groups to be resettled.
- c. Community participation in planning and implementing resettlement should be encouraged. Appropriate patterns of social organization should be established, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible.
- d. Resettlers should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized. The best way of achieving this integration is for resettlement to be planned in areas benefiting from the project and through consultation with the future hosts.
- e. Land, housing, infrastructure, and other compensation should be provided to the adversely affected population, indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project. The absence of legal title to land by such groups should not be a bar to compensation.

1.5 Objectives of the Resettlement Action Plan (RAP)

The main objective of this RAP is to ensure that Project Affected Persons (PAPs) can restore and if possible improve their quality of life and livelihoods through the resettlement process. In addition, this RAP sets to minimise economic and social impacts that would arise from involuntary resettlement or economic and social displacement associated with the project. This resettlement plan has been prepared to guide the project in addressing the issues that will arise during the operational stage and ensure proper remedial measures. The specific objectives of the RAP are, among others, the following:

- Identify Project Affected Persons and their properties and assess the impact on their assets, infrastructure and livelihoods;

- Determine the extent of involuntary resettlement, the severity and extent of associated impacts;
- Identify the underprivileged and vulnerable peoples as well as develop a strategy to ensure that the project should not entirely negate them, but rather, benefit them;
- Value affected property and provide an approach suitable for compensation through consultation with PAPs and as per requirements of the AfDB and those of the Government of South Africa;
- Review and consider the national legal framework and local-cultural aspects in relation to involuntary resettlement;
- Carry out consultations with stakeholders, and most importantly PAPs, and make them aware of the project and note their concerns regarding the economic, cultural and other social impacts; and
- Develop mitigation measures to ensure that the affected people are not worse off as a result of the project and their livelihoods are restored to at least that of before the project.

1.5.1 Outline of the RAP

As already stated, the proposed construction of the Umfolozi-Empangeni transmission line will lead to relocation that will affect people and their homes, livelihoods and associated impacts. As such, there is need for developing a thorough and comprehensive Resettlement Action Plan (RAP) in line with South African legislation as well as World Bank's OP 4.12 and International Finance Corporation (IFC) Performance S 5. According to the World Bank's 4.12 procedures, the RAP will constitute the following:

- Background and project description;
- Principles and objectives governing resettlement and compensation preparation and implementation;
- A legal framework reviewing the fit between the laws and regulations of South Africa and World Bank/ IFC policy requirements;
- A description of the process for preparing and approving resettlement and compensation plans;
- Land acquisition and likely categories of impact;
- Eligibility criteria for defining various categories of project affected persons;
- Methods of valuing affected assets;
- Description of the implementation process, linking resettlement and compensation implementation of the project;
- Description of grievance redress mechanisms;
- A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- Arrangements for monitoring by the implementation agency and, if required, by independent monitors.

2. LEGAL, POLICY AND ADMINISTRATIVE FRAMEWORK

2.1 The South African Regulatory Framework relating to Resettlement

2.1.1 The Constitution of the Republic of South Africa Act 108 of 1996

Section 25 of the Constitution addresses issues of property rights and lays ground for just expropriation of property in terms of the law. It states that, expropriation shall be subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court. The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including:

- the current use of the property;
- the history of the acquisition and use of the property;
- the market value of the property;
- the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
- the purpose of the expropriation.

2.1.2 Extension of Security of Tenure Act 62 of 1997 (ESTA)

This Act regulates the circumstances under which poor people occupying rural land (typically farm land) can be evicted. The Act applies to people who have permission (tacit or explicit) to live on rural land belonging to someone else. The Act addresses the legacy of past discriminatory laws such as the 1913 Land Act, which prohibited black ownership or tenancy of over 80% of rural land. The Act:

- Limits the circumstances under which eviction may take place;
- Generally, requires that people who have occupied land since before 1997 can be evicted only if "suitable alternative accommodation" is available (some exceptions apply);
- Provides additional protection for long terms occupiers (people over 60 years old who have lived on the land for over 10 years) such that their occupation rights can be terminated only under very limited circumstances;
- Provides that the rights of occupiers survive changes of ownership (new owners inherit the ESTA obligations of the previous owner); and
- Provides for state support (subsidies) to enable occupiers to acquire independent rights to land in either "on-farm" or "off-farm" settlements.

In effect the Act provides people over 60 years of age with lifetime tenure security on land they have occupied for over ten years, and requires that, in most other instances, owners cannot evict people who are not "at fault", unless suitable alternative accommodation is available. Suitable alternative accommodation cannot be less favourable than the current accommodation of the occupier. The Act also provides that landowners who evict occupiers illegally can be arrested and serve prison sentences. It also provides that people who are illegally evicted can be re-instated at the cost of the landowner.

2.1.3 Land Reform (Labour Tenants) Act 30 of 1996

The Labour Tenants Act provide for security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants. It applies to people who have occupied farms over generations, and who are paid for their labour, at least partially, through access to land. It was introduced to protect a particular historical class of rural dwellers, who have occupied farms over generations, and who historically did not receive wages for the labour they provided but were paid by the right to occupy and use a portion of the farm. Labour tenancy survives mainly in parts of Mpumalanga and KwaZulu-Natal but occurs on a limited scale in other provinces.

Labour tenants are granted strong tenure rights by the Act (protection from eviction) and also the right to acquire the portion of land they occupy. The mechanism is an application process that results in the Department of Land Affairs providing successful applicants with a subsidy that is used to purchase land.

2.1.4 Interim Protection of Informal Land Rights Act (31 of 1996) (IPILRA)

The Interim Protection of Informal Land Rights Act (IPILRA, Act 31 of 1996) attempted to give legislative force to the constitutional provisions in Section 25 and was aimed especially at the former homelands where the strength of customary rights and Permissions to Occupy (PTOs) was legally uncertain. It was designed to lapse at the end of 1997 but has been extended every year because comprehensive tenure legislation has still not been enacted for communal areas and people who have been the undisputed occupants of land since 1992.

The Act provides that people cannot be deprived of informal rights except with their consent, or by expropriation. In other words, informal land rights acquire the status of property rights in that people cannot be deprived of them except by expropriation (which requires compensation) or by consent. Customary land allocations in communal areas and the ex-homeland areas qualify as informal rights, as do allocations in the Coloured reserves (land held in trust by government). Informal rights also exist throughout South Africa in situations where people have lived on land without permission and "as if they were the owner of the land" since 1992.

2.1.5 Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE)

It provides for the prohibition of unlawful eviction, gives procedures for the eviction of unlawful occupiers and repeals the prevention of Illegal Squatting Act, 1951. The act generally prevents anyone being evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances. In this case, the law should regulate the eviction of unlawful occupiers from land in a fair manner, while recognising the right of land owners to apply to a court for an eviction order in appropriate circumstances. Special consideration should be given to the rights of the elderly, children, disabled persons and particularly households headed by women.

If an unlawful occupier has occupied the land in question for more than six months, an order for eviction can be granted when it is just and equitable to do so and when alternative accommodation is provided. This does not mean that there can be no eviction unless there

is alternative accommodation. Nor does it put an onus on the landowner to provide alternative accommodation, as ESTA does under certain circumstances.

2.1.6 Restitution of Land Rights Act 22 of 1994

This Act provides for the restitution of land or rights in land for people who were deprived of land rights as a result of racially discriminatory laws or practices after 1913. All claims had to be lodged by 31 December 1998.

It protects the security of tenure (whether formal or informal) of vulnerable and poor sections of the population and attempts to put in place procedural protections that ensure that where people do lose access to land, they are consulted and compensated. ESTA, the Labour Tenants Act and IPILRA all recognise different forms of established occupation of, and vested interests in land that previously had no formal recognition because of racial prohibitions on black contractual rights to land. In general, interventions that comply with OP 4.12 will also comply with the provisions of these laws.

2.1.7 The Promotion of Administrative Justice Act (PAJA)

The Promotion of Administrative Justice Act (PAJA) requires that organs of state follow fair administrative procedures in their dealings with the public. These procedures focus on the right to make representation as opposed to the right to be consulted. The Act is applicable generally, not only to electricity power projects like Eskom's projects, and creates a default position where a specific law does not have any such provisions.

2.1.8 Cultural Institution Act (Act 119 of 1998)

The Act aims to provide the establishments for cultural institutions and also National Museums Division. It helps with provision of payment of subsidies to certain cultural institutions.

2.1.9 Eskom's Procedures for the Management of Involuntary Resettlement and Relocation of legal occupiers on affected Eskom land

The purpose of the procedure is to ensure that a sustainable resettlement plan be developed, contractually concluded and Implemented through a meaningfully consultative process between the persons being displaced, Government, Eskom and other Identified role players.

2.2 International Resettlement Policies and Guidelines

In addition to the need to adhere to South African legislative requirements, the Project will also seek to align with the international standards of the World Bank, IFC and AfDB

2.2.1 The World Bank Safeguard Policies

This World Bank Safeguard Policies is a reference framework that is internationally acknowledged as one of the most comprehensive and efficient with respect to the protection of the affected people's rights. The World Bank environmental and social conservation policies include both Operational Policies (OP) and the Bank's Procedures (BP). The OP 4.12 Involuntary Resettlement Procedure is applicable to the compensation and resettlement aspect of the project. The World Bank Resettlement Policy (OP 4.12) main objectives are to:

- Avoid or minimize involuntary resettlement whenever feasible;

- Develop resettlement activities as sustainable development programs, providing sufficient investment resources to enable the displaced persons to share in project benefits;
- Meaningfully consult displaced persons and give them opportunities to participate in planning and implementing resettlement programs; and
- Assist displaced persons in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-resettlement levels or to levels prevailing prior to the beginning of project implementation whichever is higher. This policy is usually applied for projects that require international financing.

2.2.2 The African Development Bank Group's (AfDB) Integrated Safeguards System

In 2013 the African Development Bank Group updated their policy on Involuntary Resettlement and created an Integrated Safeguards System (ISS) to improve clarity, coherence and consistency as well as overall operational effectiveness. Resettlement is covered under Operational Safeguard 2 (*Involuntary Resettlement: Land Acquisition, Population Displacement and Compensation*), which includes comprehensive notions of livelihood and assets, accounting for their social, cultural, and economic dimensions. It also adopts a definition of community and common property that emphasises the need to maintain social cohesion, community structures, and the social interlinkages that common property provides. It furthermore stresses the importance of improving living conditions for PAPs through a RAP. OS 2 has the following specific objectives to:

- Avoid involuntary resettlement where feasible, or minimize resettlement impacts where involuntary resettlement is deemed unavoidable after having explored all other alternative project designs; ensure that displaced people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement programmes;
- Ensure that displaced people receive significant resettlement assistance under the project, so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels;
- Mitigate the negative impacts of displacement and resettlement, actively facilitate social development and establish a sustainable economy and society; and
- Set up a mechanism for monitoring the performance of involuntary resettlement programs and remedying problems as they arise so as to safeguard against ill-prepared and poorly implemented resettlement plans.

2.2.3 International Finance Corporation (IFC)

The IFC's *Performance Standard 5: Land Acquisition and Involuntary Resettlement* recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land and has the following key objectives:

- To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs;
- To avoid forced eviction;
- To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement 1 and (ii) ensuring that

resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;

- To improve, or restore, the livelihoods and standards of living of displaced persons, and
- To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure 2 at resettlement sites.

Involuntary resettlement in IFC PS 5 refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition which results in displacement. Where it is unavoidable, appropriate measures to mitigate adverse impacts on displaced persons and host communities must be carefully planned and implemented.

Replacement cost is defined as the market value of the assets plus transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. Security of tenure means that resettled individuals or communities are resettled to a site that they can legally occupy and where they are protected from the risk of eviction.

3. METHODOLOGY UNDERPINNING THE RAP DEVELOPMENT

3.1 Introduction

This RAP was undertaken by Mokgope Consulting, in cooperation with NGT Holdings and NIA Development Solutions. NGT Holdings and NIA Development Solutions led in the Phase II Heritage Impact Assessment (HIA) or Integrated Cultural Resources Management (ICRM) study and Phase II Social Impact Assessment (SIA) respectively. The HIA and SIA fed into the development of the RAP. The main activities leading to the RAP included:

- Literature review and a thorough appraisal of applicable laws in South Africa and international guidelines, standards and protocols;
- Review of historical and current studies, census data, social and economic data on demographic patterns, ethnicity, community structure, land use patterns, and local infrastructure;
- Collection of baseline economic and social data;
- An asset inventory of affected households to understand what land each household would lose access to; and
- Identification of potential significant impacts and measures to mitigate and compensate for those impacts.

3.2 RAP Survey Methodologies

3.2.1 PAP Census Data Collection

The census data collection was led by the SIA specialist. Data was collected through household interviews using a questionnaire (**See Annexure A**). The methodology was informed by the relevant South African legislative frameworks, namely: and the Constitution of the Republic of South Africa (Act 108 of 1996) and the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).

The survey was conducted between 19th of October until 25th of October 2018 and information gathered through the questionnaire included: personal identification; ownership of assets found in the corridor of impact; household income; household size; gender and sex; marital status; levels of education; type of occupation, land details such as percentage of land affected types of houses and magnitude of impact of the project at an individual level.

Due to the significant probing required to understand key issues of the affected households, an interviewer-administered questionnaire was used to conduct the household survey. The questionnaire was administered by field assistants in Isizulu by means of face-to-face interviews (see **Figure 3** with affected households).

The questionnaire was designed to collect both quantitative and qualitative data. The quantitative data was generated through the use of closed-ended questions, while the qualitative data was generated through the use of open-ended questions. On average, 8 – 10 interviewer-administered questionnaires were completed per day. For each household visited, the team began with an introduction followed by a brief explanation of the project and then the purpose of the visit. Following the introductions, permission to conduct interviews

was requested from household members. The type of questions to be asked were explained to household members who then gave consent for interviews to be conducted.

Members of affected households were very welcoming and appreciated being consulted and given the opportunity to raise their concerns. The household members further appreciated being interviewed in their local language. This enabled them to have a clear understanding of the questions being asked and in return, able to express their views, concerns and expectations more effectively.

Figure 3: Face-to-face interviews with some of the affected households



Site visits were undertaken to affected households to gain better understanding of the socio-economic context of the affected areas. The site visit was also used to identify affected households as well as have introductory meetings with relevant community leaders (Chiefs and Ward Counsellors).

3.2.2 Cultural and Heritage Sites identification

The HIA specialist led in the assessment of heritage resources. The **ICRM study** investigated the affected households' burial grounds and graves as well as any other heritage resources within the receiving environment that might be impacted by the proposed construction, such as archaeological artefacts, built environment and paleontology. Hence, the overall objective of the ICRM was to give advice on the management of the heritage resources in and around the proposed project area in terms of known heritage resources management measures in line with the National Heritage Resources Act (NHRA), No. 25 of 1999.

This HIA walk-down census was conducted on foot and the sites were accessed using a bakkie. The survey also recorded and documented the sites using applicable tools and technology, namely the Garmin GPS (i.e. Garmin 62s) – to take Latitude and Longitude coordinates of the identified sites and to track the site as well as Canon SLR (to take photos of the affected environment and the identified sites). The resources identified varied from burial grounds and graves to built environment and landscape features such as homesteads and places of ancestral worship.

3.2.3 Method for identifying Impacts

A range of social and archaeological impacts of the proposed Mfolozi-Mbewu multi circuit 765kv power line were identified based on information obtained through literature review, household and site surveys. The SIA and HIA followed a similar approach for identifying these impacts, albeit with slight variations. In general, identification of impacts followed four interrelated steps consisting of (i) impact assessment criteria (ii) criteria for rating impacts (iii) criteria for determining significance and (iv) recommended mitigation measures.

(i) Impact Assessment Criteria

The typical impact criteria used in EIA processes reflected in **Table 1** was used to assess impacts. Impact assessment is undertaken against five criteria

- **Extent:** The physical and spatial scale of the impact
- **Duration:** The lifetime of the impact
- **Intensity:** Is the impact destructive or benign, does it destroy the impacted environment, alters it?
- **Probability:** The likelihood of the impacts actually occurring. The impact may occur for any length of time during the life cycle of the activity, and not at any given time
- **Acceptability:** Establishing acceptability is as important as determining significance. Level of acceptability depends on stakeholders, mainly those directly affected by the proposed project.

(ii) Criteria for Rating Impact

Each aspect within an impact description was assigned a series of quantitative criteria. In order to establish a defined base upon which it becomes feasible to make an informed decision, it was necessary to weigh and rank all the identified criteria. For each impact under scrutiny, a scaled weighting factor was attached to each respective impact. The purpose of assigning such weightings serve to highlight those aspects considered the most critical to the affected households and ensure that each specialist's element of bias is considered. The aspects considered to have a relatively high value will score a relatively higher weighting than that which is of lower importance (See **Table 2** for Weighting description).

Table 1: Impact Assessment Criteria

| Extent | On Site | Impact occurs on-site. |
|---------------|---|---|
| | Local | Impact occurs within 5km radius of the site. |
| Regional | Impact occurs within a 100km radius of the site | |
| National | The impact could have an effect that expands throughout the country (South Africa). | |
| International | Where the impact has international ramifications that extend beyond South Africa | |
| Duration | Short Term | The impact will either disappear with mitigation or will be mitigated through a natural process within 0 – 5 years |
| | Medium Term | Reversible over time. Lifespan of the project. Medium term (5-15 years). |
| | Long Term | The impact will cease after more than 15 years. |
| | Permanent | No mitigation measure of natural process will reduce the impact after construction. |
| Intensity | Low | Low impact on community, including underrepresented, disadvantaged or vulnerable members of population. Impacts affect the environment in such a way that natural, cultural and/or social functions and processes are not affected. |
| | Medium | Medium impact on community, including underrepresented, disadvantaged or vulnerable members of population. Impacts affect the environment in such a way that natural, cultural and/or social functions and processes are altered. |
| | High | High impact on community, including underrepresented, disadvantaged or vulnerable members of population. Impacts affect the environment in such a way that natural, cultural and/or social functions and processes will temporarily or permanently cease. |
| Probability | Improbable | The possibility of the impact occurring is none, due either to the circumstances, design or experience. The chance of this impact occurring is zero (0%). |
| | Possible(Low probability) | The possibility of the impact occurring is very low, due either to the circumstances, design or experience. The chances of this impact occurring is defined as 25% |
| | Probable (Medium probability) | There is a possibility that the impact will occur to the extent that provisions must therefore be made. The chances of this impact occurring is defined as 50%. |
| | Highly Probable (High probability) | It is most likely that the impacts will occur at some stage of the development. Plans must be drawn up before carrying out the activity. The chances of this impact occurring is defined as 75%. |
| | Definite | The impact will take place regardless of any prevention plans, and only mitigation actions or contingency plans to contain the effect can be relied on. The chance of this impact occurring is defined as 100%. |
| Acceptability | Low (Acceptable) | No risk |
| | Medium (Manageable) | With regulatory controls. With project proponent's commitments. |
| | High (Unacceptable) | Abandon project in part or in its entirety. Redesign project to remove or avoid impact. |

Source: Adapted from DEAT, 2002: *Impact Significance, Integrated Environmental Management , Information Series 5*

Table 2:Criteria Rating Description

| | On-site | 1 |
|-------------------------|---------------------|---|
| Extent | Local | 2 |
| | Regional | 3 |
| | National | 4 |
| | International | 5 |
| Duration | Short-term | 1 |
| | Medium-term | 2 |
| | Long-term | 3 |
| | Permanent | 4 |
| Intensity/severity | Low | 1 |
| | Medium | 3 |
| | High | 5 |
| Acceptability | Low (acceptable) | 1 |
| | Medium (manageable) | 2 |
| | High (unacceptable) | 3 |
| Probability /likelihood | Improbable | 1 |
| | Possible | 2 |
| | Probable | 3 |
| | Highly probable | 4 |
| | Definite | 5 |

Source: Adapted from DEAT, 2002: *Impact Significance, Integrated Environmental Management , Information Series 5*

(iii) Determining Significance

Determining significance is ultimately a judgement call. The significance of impacts was determined through a synthesis of the aspects produced in terms of their extent, duration, intensity, acceptability and probability. Using the sum of the evaluated ranking within **Table 2 above**, the overall significance is classified as reflected in **Table 3**.

Table 3:Significance Rating

| | Significance Rating | Score |
|------------------------|--|----------------|
| Low | Impact is of a low order and therefore likely to have little real effect. In the case of adverse impacts, mitigation is either easily achieved or little will be required, or both. Social, cultural and economic activities of communities can continue unchanged. | 5 -11 |
| Medium | Impact is real and of importance. It is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels. In the case of adverse impacts, mitigation is both feasible and fairly easily possible. Social, cultural and economic activities of communities are changed, but can be continued (albeit in a different form). | 12 - 17 |
| High | The impact is of major importance. Failure to mitigate, with the objective of reducing the impact to acceptable levels, could render the entire development option or entire project proposal unacceptable. Mitigation is therefore essential. In the case of adverse impacts, there is no possible mitigation that could offset the impact, or mitigation is difficult, expensive, time-consuming or some combination of these. Social, cultural and economic activities of communities are disrupted to such an extent that these come to a halt. | 18 - 23 |
| No significance | The impact is not substantial and does not require any mitigation action | <5 |

Source: Adapted from DEAT, 2002: *Impact Significance, Integrated Environmental Management , Information Series 5*

Mitigation Measures

The impacts that are generated by the development can be minimised if measures are implemented in order to reduce the impacts. This step provides recommendations for mitigating the identified impacts.

3.2.4 Methods for Valuing Affected Assets and Compensation Payments

A registered property Valuer and Cadastral Surveyor identified, surveyed and valued the property of the PAPs to determine compensation amounts that would have to be paid for each household. The calculation of compensation and other resettlement allowances for displaced property owners was based on current practices in South Africa for valuation and compensation of properties as encapsulated in the Eskom policy and also in accordance with the resettlement measures required by the African Development Bank which requires that compensation is paid based on the full replacement value (not depreciated) of an asset.

In order to meet the requirements for a RAP consistent with the AfDB, the valuations have also been done in compliance with AfDB's policy guidance that the compensation value is obtained from the Replacement Cost added with allowances as well as ensuring that the displaced persons entitlement includes:

- Relocation or loss of shelter;
- Moving allowances during relocation;
- Loss of assets or access to assets; and
- Loss of income sources or means of livelihood, whether or not the affected persons must move to another location and/or provided with residential housing, or housing sites, or as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site.

For all affected properties a market survey was conducted to determine current replacement costs such as cost of construction materials, price of buying and selling land, transportation costs, and labour costs at the date of valuation as well as rates of compensating permanent crops.

4. SOCIO-ECONOMIC PROFILE OF AFFECTED DISTRICT AND LOCAL MUNICIPALITIES

4.1 Introduction

As already stated, the proposed 765kV transmission line is located in Kwa-Zulu Natal Province and traverses two District Municipalities - Zululand and King Cetshwayo. This section provides the socio-economic context of these two District Municipalities and respective Local Municipalities that is important for understanding the context of the communities and people who will be affected by this project.

4.2 Zululand District Municipality⁸ and Affected Local Municipality

4.2.1 District Overview

The Zululand District is located on the northern regions of the KwaZulu-Natal Province and it covers an area of approximately 14,810 km². Zululand is surrounded by: Amajuba, Gert Sibande in Mpumalanga, the kingdom of eSwatini, uMkhanyakude, uMzinyathi and King Cetshwayo District Municipalities. The district comprises the following five local municipalities: eDumbe, uPhongolo, AbaQulusi, Nongoma and Ulundi. Approximately half of Zululand District is under the jurisdiction of traditional authorities while the remainder is divided between commercially-owned farms and conservation areas.

The south-eastern part of the Municipal Area, a small portion to the central-west and portion in the central-north constitutes Ingonyama Trust Land. It is particularly the Ulundi and Nongoma LMs that have large tracts of Ingonyama Trust Land upon which scattered, relatively low-density rural settlement is evident. The remaining areas are mainly used for commercial farming and are in private ownership. Vryheid and Ulundi are the major towns and the seat of Zululand is Ulundi. Vryheid is a commercial and business centre, while Ulundi is an administrative centre with the seat of the District Municipality and a well-equipped airport.

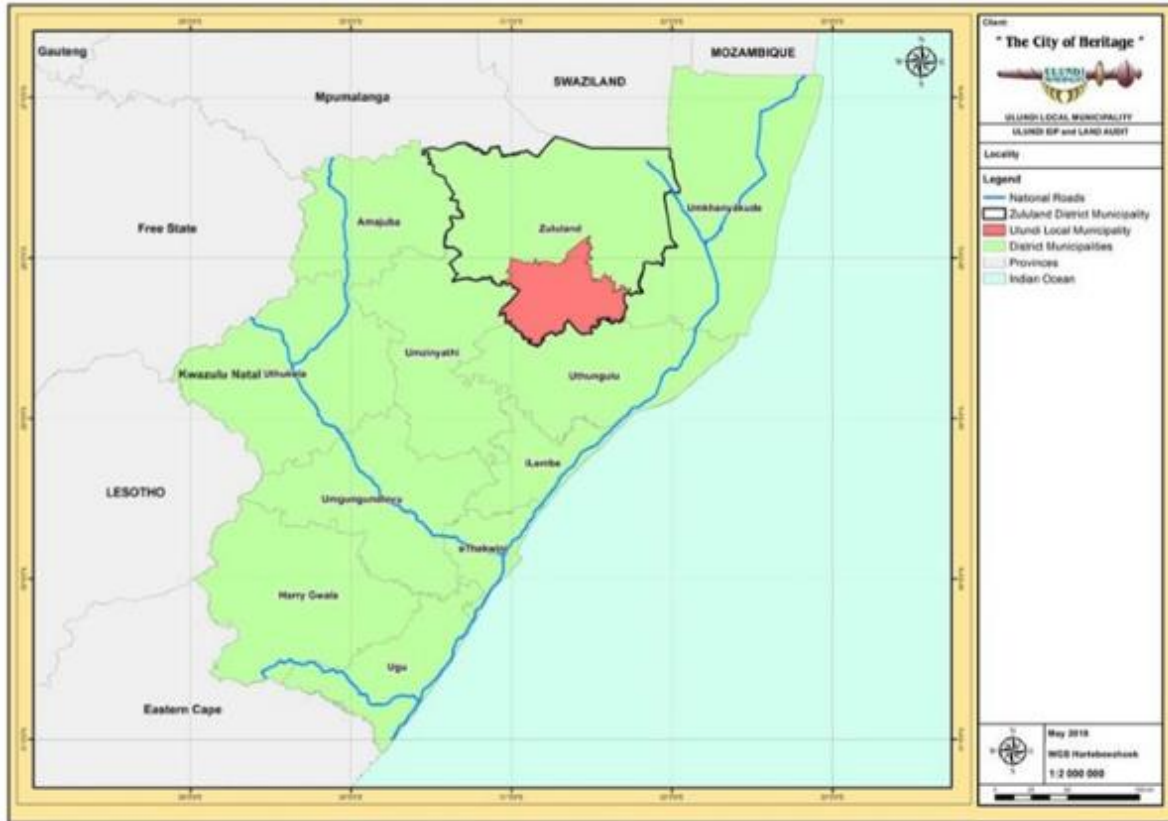
Zululand remains one of the poorest districts in South Africa in part due to its history as a marginalized homeland area. More than 5.2 million people or 49% of KZN's population is considered to be living in poverty. Zululand contributes 602,895 or 11.5% to that figure and has a poverty rate of 65.8%. The majority of Zululand's impoverished population resides in AbaQulusi and Nongoma local municipalities.

4.2.2 Local Municipality Overview

Ulundi Local Municipality is a Category B Municipality and will be affected by the proposed project in Zululand. Ulundi LM is a major heritage hub located on the southern boundary of the Zululand District Municipality in northeastern KwaZulu-Natal (**Figure 4**). The Ulundi municipal area is approximately 3,250 km² in extent and includes the towns and settlements of Ulundi, Nqulwane, Mahlabathini, Babanango, Mpungamhlophe and Ceza as well as the Traditional Authorities of Buthelezi (KwaPhindangene), Buthelezi (Empithimpithini), Mbatha, Mpungose, Ndebele, Ntombela, Mlaba, Zungu, Zulu (KwaNsimbi).

⁸ The socio-economic background has been synthesised from the Zululand Integrated Development Plan Review 2018/2019

Figure 4: Location of Ulundi Local Municipality



Ulundi LM is predominantly rural and underdeveloped, with very few settlements exhibiting urban characteristics. The LM supports a substantial agricultural community with approximately half of the LM area consisting of commercial farms. The town of Ulundi represents the only urban centre in the Ulundi Local Municipal area and accommodates approximately 40,000 people. Ulundi LM is characterized by significant natural and man-made structuring elements that consists of the White uMfolozi River traversing the Municipality from the higher lying areas in the north-west to the lower lying areas in the south-east. The mountainous, higher lying areas are found in the western part of the Municipality and the lower lying areas in the eastern half of the Municipality;

4.2.3 Demographics

Zululand District has a population of 892,310⁹, accounting for about 7.8% of the total KZN population after UMgungundlovu District [1,100,000] and King Cetshwayo District [980,000]. The population growth rate is said to be similar to that of its neighbouring districts ranging between 1.4% and 1.6%. Between 2011 and 2016, the Zululand growth rate rose from 1.2% to 1.4% which is on par with its neighbouring districts. The Zululand District Municipality contributes 22% to the province's population with a relatively high young population. Infants (0-14) 38% and youth (15-34) 38% makes up 76% of the district population. 54% of the District population is in the age group 0-19 years. The age distribution in the District is larger

⁹ Final Zululand IDP review 2018 – 2019

for children 0-9 years at 28% and 26% for those aged 10- 19 years. This suggests that the majority of the District's population is still in school.

The population within Ulundi LM is approximately 205 762 as per the 2016 Community Survey. Ulundi LM is the third largest, in population size, within the Zululand District Municipality. The population within Ulundi LM increased from 188 585 in 2011 to 205 762 People in 2016. It contributes approximately 23% to the total district population. Highlighted in **Table 4** below is a brief summary of the population dynamics within the Zululand District Municipality and its Local Municipalities .

Table 4:Population Dynamics within the Zululand District Municipality

| INDICATOR | Zululand | Ulundi | Nongoma | Ophongolo | Edumbe | Abaqulusi |
|-------------------------|----------|---------|---------|-----------|--------|-----------|
| Area (km ²) | 14 810 | 3250 | 2182 | 3239 | 1943 | 4185 |
| Population (2016) | 892,310 | 205,762 | 211,892 | 143,845 | 89,615 | 241,196 |
| Sex ratio (M to F)% | 86.3 | 82.4 | 83.2 | 88.5 | 88.2 | 86.3 |
| Households | 178,516 | 38,553 | 36,409 | 34,667 | 17,415 | 51,472 |
| People/HH% | 5.1 | 5.3 | 5.6 | 4.4 | 5 | 4.8 |
| Urban HHs % | 19 | 15 | 3 | 14 | 31 | 38 |
| Rural HHs % | 81 | 85 | 97 | 86 | 69 | 62 |
| Child (0-14yrs) % | 39.5 | 9.64 | 10.42 | 6.38 | 4.18 | 9.88 |
| Youth (15-34yrs) | 341,909 | 79,508 | 81,728 | 58,066 | 33,922 | 95,936 |
| Adults (35-64) % | 19.9 | 7.45 | 7.14 | 4.84 | 3.32 | 9.10 |
| Unemployed % | 31.2 | 38.3 | 38.5 | 26.4 | 29.9 | 25.9 |

Source: Community Survey 2016 (StatsSA)

Zululand DM has a slightly higher proportion of females (53%) than the male (47%) proportion. The gender profile within Ulundi LM is dominated by females that constitute 54,83% with males that constitute 45,17% as per the 2016 Community Survey.

4.2.4 Education

The census data shown in **Figure 5** and **Table 5** indicates that there is still a very high incidence of no schooling in the district and a very low incidence of completed higher or tertiary education.

Figure 5:School Attendance in Zululand District Municipality, Source: Zululand District Municipality IDP Review, 2018

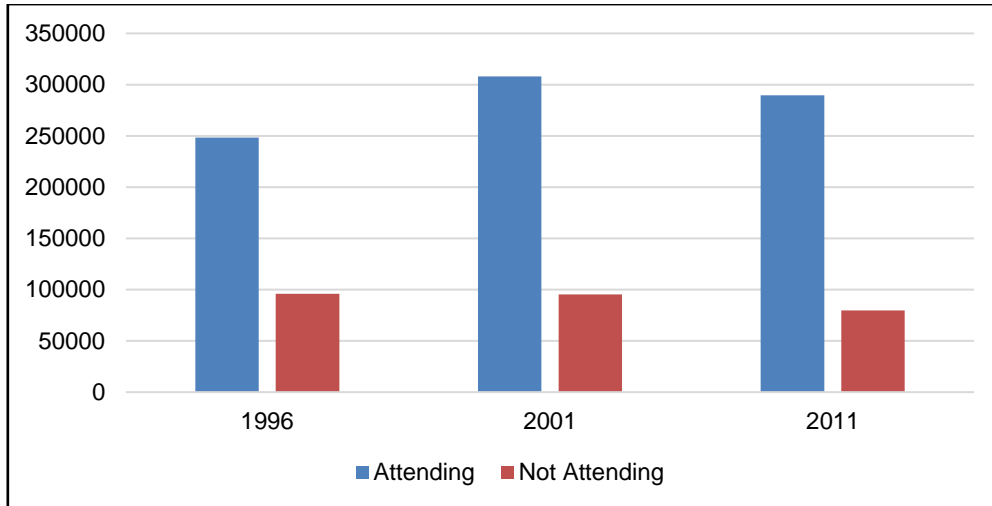


Table 5: Education levels in Zululand District

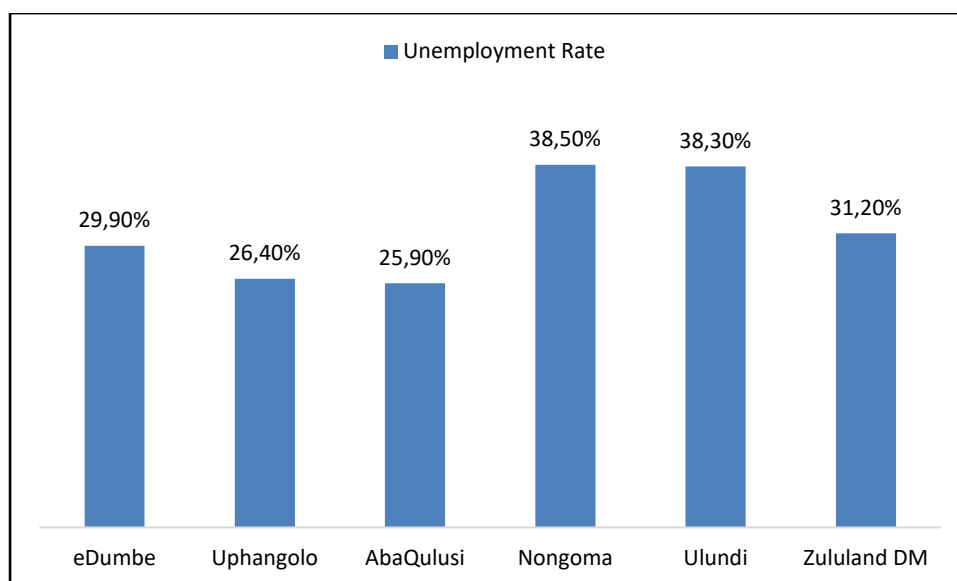
| Education Levels | Number |
|----------------------|---------|
| No Schooling | 81 939 |
| Some Primary | 237 876 |
| Completed Primary | 39 386 |
| Some Secondary | 186 587 |
| Grade 12/Standard 10 | 115 438 |
| Higher | 20 954 |
| Unspecified | 543 |
| N/A | 120 861 |

Source: Census 2011

4.2.5 Local economy and employment

Zululand District has a lack of large economic investments to boost the local economy. Up to the late 1990s the District's economy was dependent on heavy coal mining. As a result of the open markets on coal mining (and agriculture) the economy of the area has declined. The potential for economic growth in Zululand lies in tourism and agriculture. The former has started to play a larger role in the economy of the area, this by no means fills the gap caused by the closure of mines. The mines had significant forward and backward linkages on all the economic sectors, particularly in Vryheid and surrounding areas.

Figure 6: Unemployment rate by Local Municipality



Source: Zululand District Municipality IDP Review, 2018

Good agricultural potential, mainly commercial forestry exists in the western highlands and the eDumbe Municipality has very high potential as has most of the Abaqulusi municipality. High potential in the Phongola valley is as a result of irrigation opportunities that have been developed in this area. The deep low altitude river valleys of Pongolo and Mfolozi Rivers provide an excellent opportunity for intensive agricultural production where irrigation is available where sugar cane and out of season vegetables and sub-tropical fruits can be planted. Agricultural potential outside these valleys is limited to stock and game farming.

High unemployment undermines the equitable distribution of income and underpins poverty. At 31%, unemployment in Zululand is unsustainably high (see **Figure 6**) and is having the negative impact of discouraging people from spending the time and money to actively search for jobs. Nongoma and Ulundi Local Municipalities have the highest unemployment rates of 38.5% and 38.3% respectively. There were about 829,484 people in the district in 2015 with a total labour force of 151 338. Only 159 930 of the people were considered economically active. This indicates that there is a large number of people that are economically inactive in the district, hence the labour force participation rate of 32.9% which indicates that only 33% of the working age population are engaged in actual employment or are actively seeking work.

4.2.6 Overview of other Socio-Economic indicators

The **Table 6** below provides a summary of other key indicators for the District compared to those at the national level. Many of these indicators are used in the climate change vulnerability assessment process below.

Table 6: Overview of other Socio-economic indicators

| | Zululand | RSA |
|---|----------|--------|
| Dwelling Type | | |
| Percentage Households that are Informal Dwelling | 1.21% | 13.58% |
| Percentage Households that are Traditional Dwelling | 25.03% | 7.89% |

| | Zululand | RSA |
|--|----------|--------|
| Total Percentage Households with Traditional and Informal Dwelling | 26.24% | 21.47% |
| Sources of Water | | |
| Percentage of Population that sources water from Boreholes | 6.14% | 1.76% |
| Percentage of Population without piped water schemes | 56.43% | 21.82% |
| Percentage of Population that source water from Service Providers (e.g. Municipalities) | 43.57% | 78.18% |
| Percentage of Population that sources water from Water Tanks | 4.47% | 2.67% |
| Electricity Usage | | |
| Percentage of households that use alternatives to electricity for cooking | 45.28% | 26.12% |
| Percentage of households that use alternatives to electricity for cooking, heating or lighting | 29.39% | 17.77% |
| Sanitation | | |
| Percentage Population with flush toilets | 17.48% | 56.51% |
| Percentage Population using pit latrines | 45.60% | 30.73% |
| Percentage of Population with no toilet facilities | 21.25% | 5.34% |
| Percentage of Population with other toilet facilities | 15.67% | 7.42% |
| Refuse | | |
| Percentage of Households with no rubbish disposal | 12.49% | 5.97% |
| Percentage of households with refuse removed by local authority/private company | 18.22% | 59.40% |

Source: Zululand District Municipality Climate Change Response Plan, March 2018, Ver 2

4.3 King Cetshwayo District Municipality¹⁰

4.3.1 District Overview

King Cetshwayo District Municipality is a category C municipality and is located in the north eastern region of the KwaZulu-Natal Province on the eastern seaboard of South Africa. It covers an area of approximately 8213 square kilometres, from the agricultural town of Gungundlovu in the south, to the UMfolozi River in the north and inland to the mountainous beauty of rural Nkandla. The district is a home to five local municipalities: uMhlathuze, uMlalazi, Mthonjaneni, Nkandla, UMfolozi. It has the third highest population (with an estimated 971 135 people) in the province after the eThekweni Metro (Durban) and the uMgungundlovu district (Pietermaritzburg and surrounds).

Generally, King Cetshwayo District has a good climate and an abundance of natural resources although severe drought has affected the District negatively in the past two or so years in terms of agricultural productivity. The available arable land is suitable for large-scale agricultural initiatives, like the current sugar and forestry as well as specialised and intensive agricultural opportunities like natural oils and fruits cultivation. The intrinsic beauty and cultural heritage of the area enhances the opportunities for tourism in the district. The terrain of King Cetshwayo varies from the flat coastal belt, to the escarpment 900m above sea level

¹⁰ King Cetshwayo Integrated Development Plan (IDP) 2018/19-2021/22

mainly inland, which drastically increases the cost of provision of piped services especially, water and sanitation.

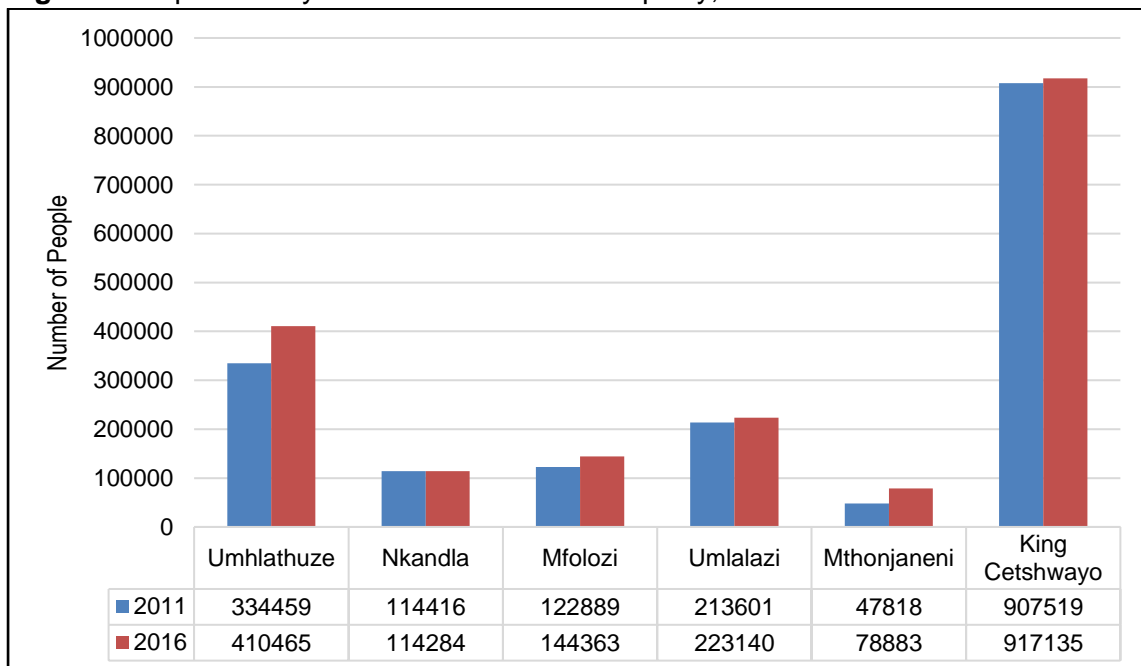
Some 80% of the population is rural and 53% is aged between 0 and 19 years. Women make up 53% of the population due to migration patterns associated with the province in general and there are large disparities in settlement concentrations. The challenge is to provide basic services such as water and sanitation to these people while stimulating local economic development, job creation and the growth of the small and medium business sector. The need to address poverty is one of the most critical issues.

4.3.2 Demographics

The total population of King Cetshwayo District Municipality is 971 315 according to the Community Survey conducted by Statistics SA in 2016. The population of King Cetshwayo District grew by 7.01% between 2011 and 2016 as per the Stats SA Community Survey 2016. The table on the following page presents the population changes over time for the district and its local municipalities.

The uMhlathuze, Mthonjaneni, uMlalazi and uMfolozi Local Municipalities are the municipalities in King Cetshwayo District that have experienced a population increase between 2011 and 2016 with only the decrease at Nkandla Municipality (see **Figure 7**). Their population increase has been significant; uMhlathuze has remained the municipality with the largest population in the district. The significant population growth for Mthonjaneni LM is also due to the demarcation of Ntambanana where four wards were amalgamated into Mthonjaneni.

Figure 7: Population by District and Local Municipality, 2011 and 2016



Source: Stats SA Community Survey, 2016

King Cetshwayo age profile indicated that the majority of the population, approximately 60%, is between the ages of 15 and 64 with children accounting for about 36% of the population. The elderly only makes up about 4.2% of the population. In addition, more than 50% of the population is younger than 19 years. The female population is significantly higher than the male population – a phenomenon that can be attributed to male migration patterns in search of employment.

Mthonjaneni LM will be the most affected by the proposed Mfolozi-mbewu multi circuit 765kv power line. Only 1 household in uMfolozi will be affected by the proposed project as such, the socio-economic context provided will be biased towards Mthonjaneni LM. The uMfolozi Local Municipality is a Category B municipality that also forms part of the King Cetshwayo DM. It is one of the five municipalities that make up the district. It is one of the poor municipalities in the province, with more than 90 % of the population being dependent on subsistence farming for survival. As per 2016 community survey, it has a population of 144 363 people.

Mthonjaneni Local Municipality is a Category B municipality situated within the northern coastal region of KwaZulu-Natal and is part of the King Cetshwayo District. It is approximately 170km north of Durban. It is one of five Local Municipalities in the district. The area relies heavily on agriculture as its primary source of revenue, with sugar cane, timber and cattle farming forming the bulk of activities. There are significant areas of large commercial farms and forestry as well as subsistence agriculture

4.3.3 Education

There has been a decline in the higher education levels of the district as reflected in Table 7. There appears to be an improved access to primary education, and numbers of learners not attending school dropped significantly

Table 7: School Attendance in King Cetshwayo District Municipality

| | No Schooling | | Higher Education | | Matric | | Primary Education | |
|--------------------|--------------|------|------------------|------|--------|------|-------------------|------|
| | 2001 | 2011 | 2001 | 2011 | 2001 | 2011 | 2001 | 2011 |
| Uthungulu | 31.6 | 15.7 | 5.8 | 4.2 | 18.3 | 29.5 | 88.3 | 89.6 |
| Umhlathuze | 18.5 | 7.2 | 10.9 | 7.3 | 27.6 | 36.9 | 90.1 | 91.7 |
| Nkandla | 49.8 | 28.8 | 2.5 | 1.7 | 11.5 | 21.0 | 88.7 | 86.7 |
| Mfolozi | 29.6 | 14.6 | 2.3 | 1.2 | 14.5 | 30.3 | 89.3 | 88.2 |
| Ntambanana | 38.0 | 21.2 | 1.5 | 0.8 | 10.4 | 23.1 | 86.4 | 91.3 |
| Umlalazi | 39.2 | 22.5 | 3.5 | 2.9 | 13.2 | 22.9 | 87.0 | 88.9 |
| Mthonjaneni | 37.3 | 23.3 | 3.9 | 2.3 | 14.7 | 22.1 | 85.6 | 88.9 |

Source: Census 2011

4.3.4 Local economy and employment

Significant economic centres at the district and provincial levels are Richards Bay and Empangeni. Richards Bay, as a harbour and industrial town, attracts people from surrounding towns, rural settlements and from beyond the district. Empangeni's role as an industrial, commercial and service centre to the settlements of Esikhaleni, Eshowe, Nkandla,

and other rural settlements attracts many people to the range of higher order services available in the town.

According to statistics, it is noted that the vast majority of economic performance (41.8%) in the district is vested in uMhlathuze Local Municipality with its primary urban centres being Richards Bay and Empangeni. This area is the third most important in the province of KwaZulu-Natal in terms of economic production and contributes 9.1% of the total GGP and 8.5% of the total employment (formal and informal) in 2010.

King Cetshwayo offers highly favourable agricultural conditions as it has extremely fertile soils, good rainfall and enjoys an excellent, frost-free climate all year round. A wide variety of bio-climatic conditions is on offer across the district, from the mountainous area of Nkandla down to the coastline. The agricultural sector is a dual economy, consisting of commercial agriculture on one hand and traditional agriculture on the other. The commercial agricultural economy is based on the sugar and forestry industries. Traditional agriculture is practiced on most of the tribal lands in the district and has enormous potential for growth with agriculture as a niche area.

4.3.5 Overview of other Socio-Economic indicators

Presented in **Table 8** is an overview of other Socio-Economic indicators

Table 8: Overview of socio-economic indicators in King Cetshwayo DM

| Criteria | King Cetshwayo | South Africa |
|---|----------------|--------------|
| Employment (between 15 and 64) | | |
| Employed | 26.92% | 38.87% |
| Not economically active | 50.08% | 39.21% |
| Unemployed | 14.31% | 16.50% |
| Discouraged work-seeker | 8.70% | 5.41% |
| Household Dynamics | | |
| Households | 202968 | 14450151 |
| Average household size | 4.47 | 3.58 |
| Percentage households involved in agricultural activities | 36.90% | 20.56% |
| Dwelling Type | | |
| Percentage Households that are Informal Dwelling | 2.34% | 13.58% |
| Percentage Households that are Traditional Dwelling | 26.79% | 7.89% |
| Combined Percentage Households that are Traditional and Informal Dwelling | 29.13% | 21.47% |
| Sources of Water | | |
| Percentage of Population that sources water from Boreholes | 3.58% | 1.76% |
| Percentage of Population that do not source water from piped water schemes | 36.79% | 21.82% |
| Percentage of Population that source water from Service Providers (e.g. Municipalities) | 63.21% | 78.18% |

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| | | |
|--|--------|--------|
| Percentage of Population that sources water from Water Tanks | 7.12% | 2.67% |
| Electricity Usage | | |
| Percentage of households that use alternatives to electricity for cooking | 36.67% | 26.12% |
| Percentage of households that use alternatives to electricity for cooking, heating or lighting | 22.93% | 17.77% |
| Sanitation | | |
| Percentage Population with flush toilets | 23.68% | 56.51% |
| Percentage Population using pit latrines | 43.93% | 30.73% |
| Percentage of Population with no toilet facilities | 13.19% | 5.34% |
| Percentage of Population with other toilet facilities | 19.20% | 7.42% |
| Refuse | | |
| Percentage of Households with no rubbish disposal | 12.74% | 5.97% |
| Percentage of households with refuse removed by local authority/private company | 23.32% | 59.40% |

Source: King Cetshwayo District Municipality Climate Change Vulnerability Assessment and Response Plan, March 2018, Version 2

5. THE SOCIO-ECONOMIC PROFILE OF SURVEYED HOUSEHOLDS

Social and economic characteristics of affected households are described in this section to inform the impact assessment. The social and economic characteristics of affected households described in this section are based on the household surveys conducted in October 2018.

5.1 Affected Households

A total number of 64 households will be affected by the planned project. These consist of 1 (one) household indentified in Mfolozi LM, 51 households in Ulundi LM and 12 households in Mthonjaneni LM. Depicted in **Table 9** are the affected District and Local Municipalities, wards, villages, number of households (including abandoned households) and ruins.

Table 9:Affected District, Local Municipalities, Wards and Villages

| District Municipality | Local Municipality | Ward | Village | Number of affected households, structures/ |
|-----------------------|--------------------|------|--------------------------|---|
| Zululand | Ulundi | 14 | Njomelwane | <ul style="list-style-type: none"> • 51 Households • 2 Transnet structures • 1 Chicken community project • 1 grave yard |
| | | 24 | Nkonjane | |
| | | 20 | Nhlungwane | |
| | | 20 | Kwagqikazi | |
| | | 20 | Esangoyane | |
| | | 24 | Nhlungwane-Bhongisilwane | |
| King Cetshwayo | Mthonjaneni | 13 | Maduma Reserve | <ul style="list-style-type: none"> • 12 households • 1 Church |
| | | 13 | Chibigoje | |
| | | 30 | Debe | |
| | uMfolozi | 17 | Mathunzini Reserve | <ul style="list-style-type: none"> • 1 Household |

Source: NIA Development Solutions, 2018: Social Impact Assessment

Of the 51 households that will be affected in Ulundi LM, 6 were completely abandoned and 14 had no one available for the interview. In general, the interviews were targeted at household heads but in their absence an elderly member of the household was the respondent. The total number of households interviewed in Ulundi LM was 31. Of the 12 households identified in Mthonjaneni LM, 1 was abandoned. The total number of households interviewed in Mthonjaneni LM was 11. **Table 10** below presents abandoned households and households that had no one available for interview. Following the field visit, phone calls were made to reach households that had no one available for interview, two people declined the interview and the rest could not be reached.

Table 10: Households not interviewed and abandoned households

| | Name and Surname | Local Municipality | Contact Number | Coordinates | Status |
|----|----------------------------|--------------------|-------------------------------|--------------------------------|-----------------------------|
| 1 | Jabulani Stanford Zulu | Mthonjaneni | 0719317195 | S28°27'04.7 E31°42'10.0 | Not available for interview |
| 2 | Zinhle Bonakele Shezi | Ulundi | 076 187 4105 | S28°23'08.8 E31°37'43.7 | Not available for interview |
| 3 | Dudu Regina Bhengu | Ulundi | 071 433 7827/ 082 396 5488 | S28°23'07.1 E31°37'45'9 | Not available for interview |
| 4 | Jefrey Mzomuhle Buthelezi | Ulundi | 079 851 5339 | S28°20'01.6 E31°34'17.7 | Not available for interview |
| 5 | Innocent Nkosinathi Majola | Ulundi | 072 278 3794 | S28°19'58.9 E31°34'07.4 | Not available for interview |
| 6 | Ntaki Rebecca Zungu | Ulundi | 082 095 8331 | S28°17'41.8 E31°28'16.2 | Not available for interview |
| 7 | Sbusiso Zulu | Ulundi | 073 330 0715 | S28°17'37.8 E31°28'10.0 | Not available for interview |
| 8 | Muhle Martin Mkhize | Ulundi | 084 894 7276/ 073 822 6981 | S28°17'20.9 E31°28'01.4 | Not available for interview |
| 9 | Mrs Gumede | Ulundi | No number | S28°16'44.8 E31°27'38.0 | Not available for interview |
| 10 | Sam B Mbatha | Ulundi | 082 715 8722/ 071 973 5812 | S28°16'44.2 E31°27'37.4 | Not available for interview |
| 11 | Lifina & Nduna majola | Ulundi | 078 061 1397/ 078 670 5497 | S28°17'37.8 E31°28'10.0 | Not available for interview |
| 12 | Vikimani Christian Mnyandu | Ulundi | 0760589082 /076 301 0890 | S28°16'41.4 E31°27'36.0 | Not available for interview |
| 13 | Mduduzi Nxumalo | Ulundi | N/A | S28°19' 41.3 E31°33' 22.3 | Not available for interview |
| 14 | Qinisani Nxumalo | Ulundi | N/A | S 28°19' 41.3 E 31°33' 22.3 | Not available for interview |
| 15 | Zandile Mhlongo | Ulundi | N/A | S 28°19' 41.3 E 31°33' 22.3 | Not available for interview |
| 16 | No name | Ulundi | N/A | S 28°20' 07.5 E 31°34' 19.2 | Abandoned |
| 17 | No name | Ulundi | N/A | S 28°19' 16.9 E 31°31' 22.0 | Abandoned |
| 18 | No name | Ulundi | N/A | S 28°17' 41.7 E 31°28' 16.4 | Abandoned |
| 19 | No name | Ulundi | N/A | S 28°17' 39.4 E 31°28' 14.5 | Abandoned |
| 20 | No name | Ulundi | N/A | S 28°17' 37.5 E 31°28' 09.6 | Abandoned |

Source: NIA Development Solutions, 2018: Social Impact Assessment

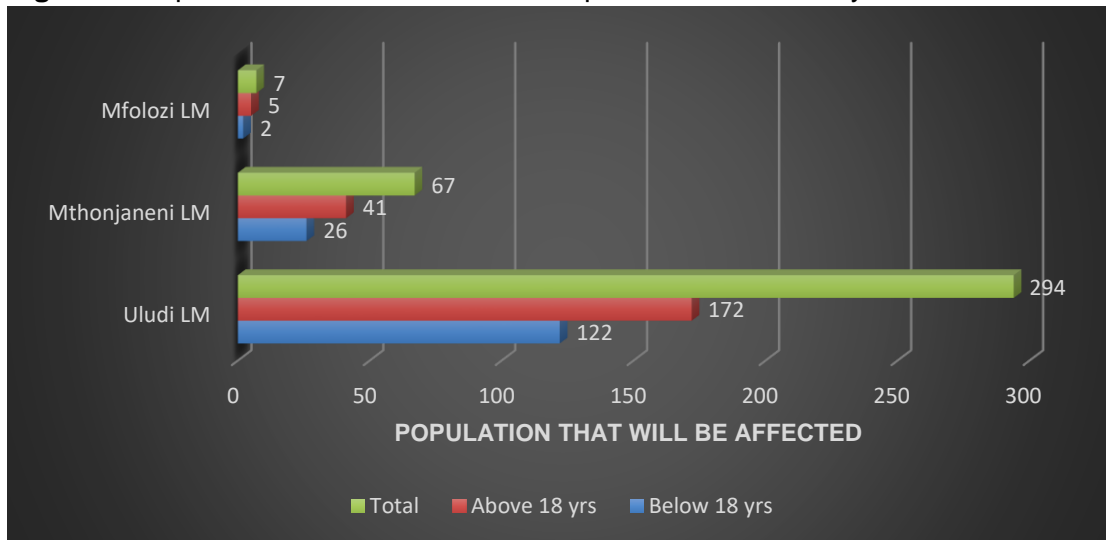
5.2 Demographic Characteristics of Affected Households

5.2.1 Average household size of surveyed households

The average household size of surveyed households in Ulundi and Mthonjaneni is 8 and 9 respectively. The affected household in Mfolozi has 7 household members. The average household size of affected surveyed households was found to be high compared to the district level statistics (Household size is 4 in King Cetswayo District and 5 in Zululand District). This was mainly attributed to high number of school going children and unemployed youth.

Figure 8 indicates the number of people who will be affected by the planned relocation due to the proposed Mfolozi-mbewu multi circuit 765kv power line project. In Ulundi LM a total of 294 people will be affected compared to 67 people in Mthonjaneni and 7 people in Mfolozi. Cumulatively, a total of 368 from 43 surveyed households will be affected. Given that 15 households were not available for interview, the number of affected people is expected to exceed 368.

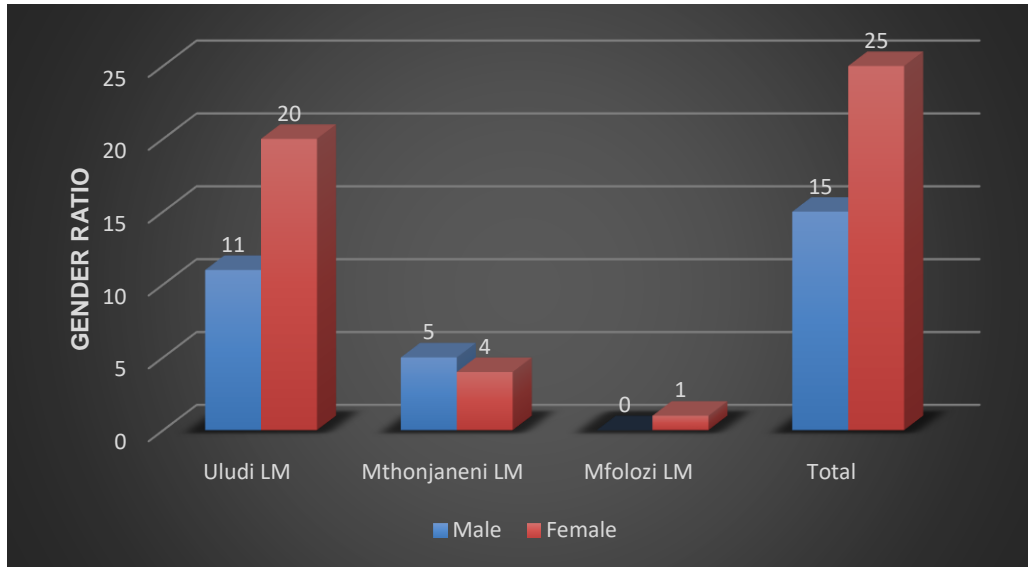
Figure 8: Population that will be affected as per household survey



5.2.2 Gender Ratio of household heads

In general, the gender ratio of household heads is dominated by females. As highlighted in **Figure 9** below, a total of 25 surveyed households are headed by women while 15 are headed by men. During the survey, it was established that in male headed households, males are usually absent from their homes due to migration to seek employment in neighboring such as Richards Bay. Apart from caring for children and the sick, the women become responsible for all the heavy outdoor chores (e.g. gardening, maintenance of livestock shelters) while also providing for their families.

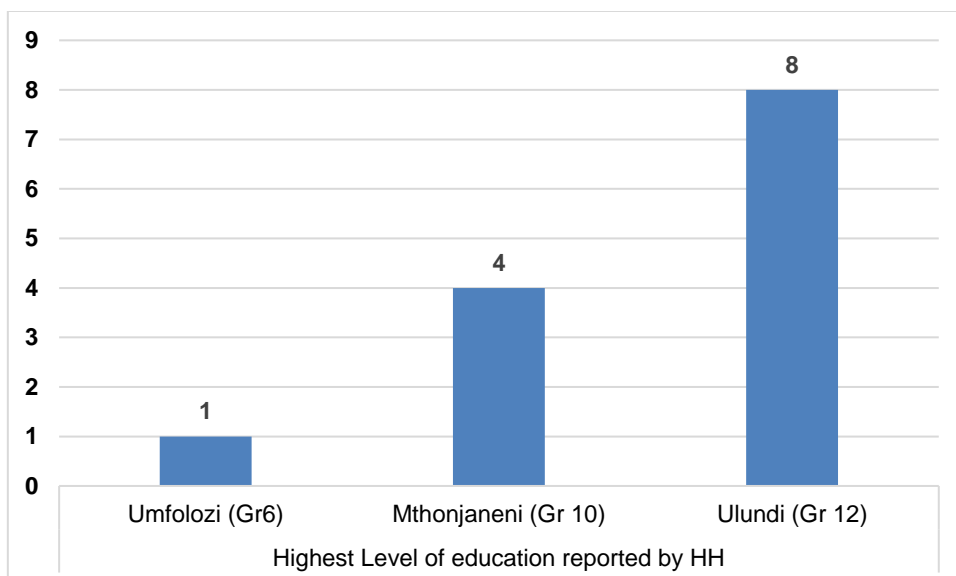
Figure 9: Gender ratio of household heads



5.2.3 Education Level of Household-Heads

The level of education among affected household members in Ulundi, Mthonjaneni and Mfolozi LM is low as reflected in **Figure 10** below. The highest level of education recorded is Grade 12 and this being reported by 8 of the 31 household heads in Ulundi. A total number of 15 household-heads in Ulundi indicated they had no formal education. In Mthonjaneni LM the highest level of education for household-heads is grade 10 and this was reported by 4 of the 11 total households interviewed. Two household-heads in Mthonjaneni LM reported they had no formal education. The highest level of education for the only household-head in Mfolozi is Grade 6.

Figure 10: Highest levels of education reported by household heads in affected LMs



The implication for low levels of education or no education is the impact on the ability of the local population to compete for employment opportunities that may arise. In the case of the proposed project, the local population may fail to take advantage of employment opportunities that maybe generated. The project contractors may have to consider non-local labour on the basis that energy construction projects often require skilled labour. This could result in community dissatisfaction and labour unrest.

5.3 Summary of key socio-economic indicators of surveyed households

This section presents key socio-economic indicators of surveyed households in the three LMs. The specific socio-economic characteristics discussed include: dwellings, employment status of household head, main sources of income, average monthly household income and main household expenditure.

5.3.1 Dwellings of surveyed affected households

Affected households live predominantly in compounds with multiple structures, such as one roomed rondavels, one roomed flat roofed houses and big houses. Modern architectural design houses were noted in 3 compounds (See figures **Figure 11-14**). A total of 42 compounds were identified in the three LMs. Of the 42 identified compounds, 39 had multiple structures. The type of structures in each compound varied (mud structures, brick structures, stone structures, brick and mortar structures in some cases a combination of different types of structures). The proposed resettlement will therefore affect mostly compounds.¹¹

Figure 11: Example of a typical compound with multiple structures



¹¹ A Compound can be defined in terms of 'human settlements' as a "cluster of buildings in an enclosed area, which have a shared or associated purpose, such as the houses of an extended family".

Figure 12: Example of a typical compound with multiple brick flat roof houses



Figure 13: Brick and mortar houses



Figure 14: Modern house



5.3.2 Condition of Housing

The majority (75 %) of the houses are in a fair or good condition. Few (25%) can be said to have been in a poor condition. These are houses that were poorly maintained with cracked walls, roof tops secured with stones, broken windows, unsecured doors, linking roofs and not painted (e.g. See **Figure 15-18**).

Figure 15: Example of house in poor condition



Figure 16: Example of house in poor condition



Figure 17: Example of house in poor condition



Figure 18: Example of house in poor condition

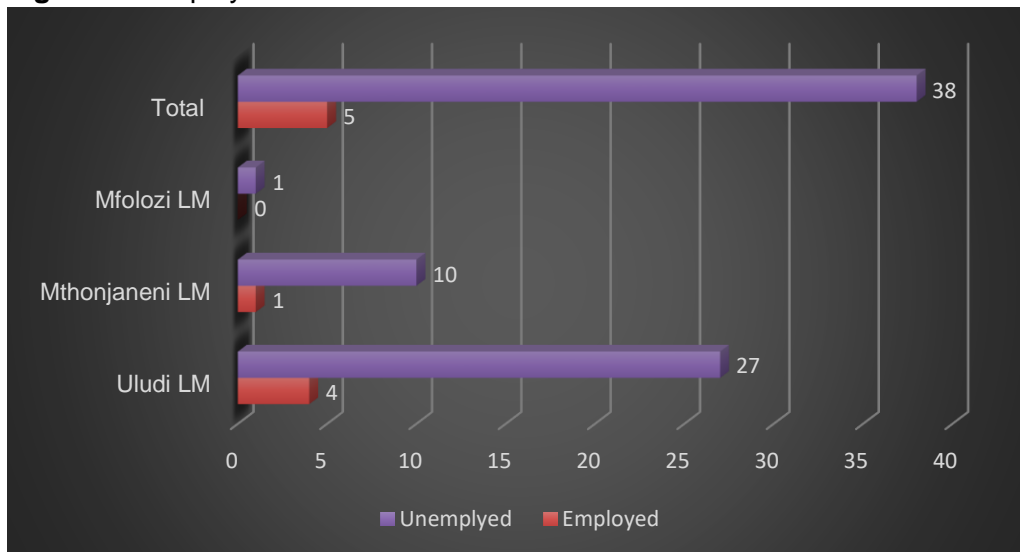


The lack of maintenance was due to affordability and the anticipated relocation. Some households did not see the need to invest in maintaining homes that are going to be demolished.

5.3.3 Employment Status of Affected Households

Figure 19 depicts the employment status of household heads. Of the 43 total household heads, only 5 of them are employed and 38 are unemployed, thus indicating a high level of unemployment among household-heads. Ulundi LM had the highest number of people reporting being unemployed.

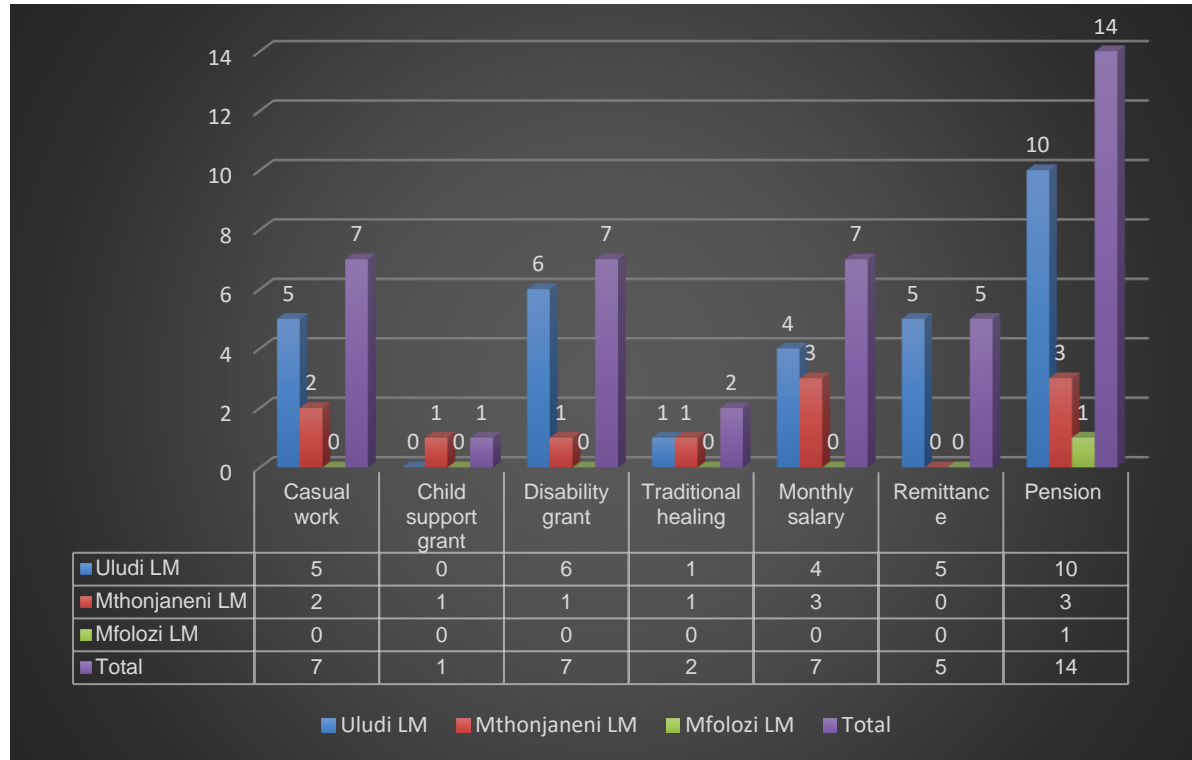
Figure 19: Employment status of Household Head



5.3.4 Main Sources of Household Income

The average household monthly income in Ulundi and Mthonjaneni LM is R2000 and R2300 respectively. The monthly household income is generated through a combination of income sources such as government grants, remittances and casual work (see **Figure 20**). The majority (14) of surveyed households depend on pensions as a main source of income. A total of 7 households indicated they depend on casual work as a main source of income.

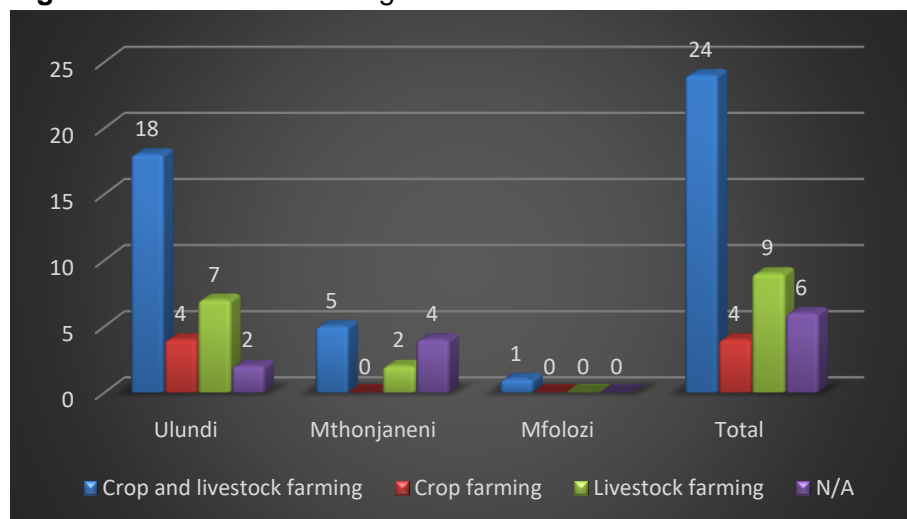
Figure 20:Main sources of income for surveyed households



5.3.5 Livelihoods of surveyed households

All surveyed households indicated that they practice subsistence agriculture which includes crop farming and small-scale livestock husbandry as reflected in **Figure 21** below.

Figure 21:Household farming activities



A total of 24 households are engaged in both crop and livestock farming, while 4 households are engaged in crop farming. A total of 9 households are engaged in livestock farming. The 6 households not engaged in any farming activities at the time of the survey indicated that they would have been doing some crop farming. However due to the anticipated relocation they did not grow any crops. They highlighted that earlier in the year they had been informed not to plough their gardens as they may have to leave their crops behind. Households engaged in crop farming planted mainly fruit, vegetables and maize (see **Figure 22 -24**)

Figure 22:Crop farming (maize and butternut)



Figure 23:Crop farming (Vegetables)



Figure 24:Crop farming fruit trees)



Households engaged in livestock farming had cattle, goats and chickens. Livestock is used mainly for food, assets and cultural rituals. The chickens are used mainly for food. They provide eggs and meat. Goats are used for cultural rituals and kept as assets to buffer households in difficult times. Cattle are kept mainly as assets to buffer households in difficult times. Apart from being kept as assets, the cattle also provide milk for household consumption.

Table 11 shows the distribution of livestock between the three LMs.

Table 11: Number of livestock per surveyed household

| Number per household | Ulundi | Mthonjaneni | Mfolozi | Total |
|----------------------|--------|-------------|---------|-------|
| Cattle | | | | |
| 1-10 | 10 | 2 | 1 | 13 |
| 11 -20 | 4 | 2 | 0 | 6 |
| 21-30 | 2 | 0 | 0 | 2 |
| Goats | | | | |
| 1-10 | 9 | 1 | 0 | 10 |
| 11 -20 | 4 | 2 | 0 | 6 |
| 21-30 | 2 | 0 | 0 | 2 |
| 31-40 | 1 | 1 | 1 | 3 |
| 41-50 | 0 | 0 | 0 | 0 |
| over 70 | 1 | 0 | 0 | 0 |
| Chickens | | | | |
| 1-10 | 7 | 2 | 0 | 9 |
| 11 -20 | 3 | 0 | 0 | 3 |
| 21-30 | 8 | 1 | 1 | 11 |
| 31-40 | 1 | 0 | 0 | 1 |
| 41-50 | 4 | 1 | 0 | 5 |
| over 50 | 0 | 1 | 0 | 1 |

5.3.6 Basic Household Services

Access to water

The majority (23 out of 31 interviewed) of households in Ulundi LM have piped water in the compound (e.g Figure 25). On the other hand, all surveyed households in Mthonjaneni LM rely mostly on river and community tanks for water access. The only surveyed household in Mfolozi LM indicated water is accessed through piped water in the compound (see Figure 26). None of the surveyed households had metered or running water in their houses. Most households (26 out of 31 surveyed households) in Ulundi highlighted that while they have piped water in the compound, most of the time there is no water. As a result, they have had to invest in Jojo tanks to store rain water (Figure 27).

Figure 25: Access to Water

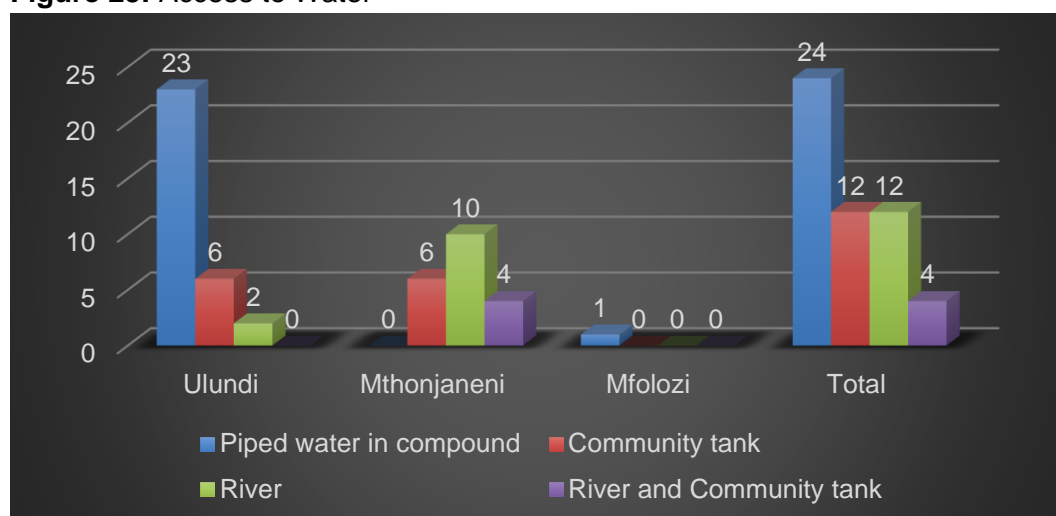


Figure 26: Piped water in compound



Figure 27: Jojo tanks used to store water



Access to Sanitation

All houses have access to toilets (see **Figure 28**). Only two households indicated that they did not have toilet facilities due to financial constraints and the uncertainty caused by the anticipated relocation.

Figure 28:Example of pit latrine.



Access to electricity

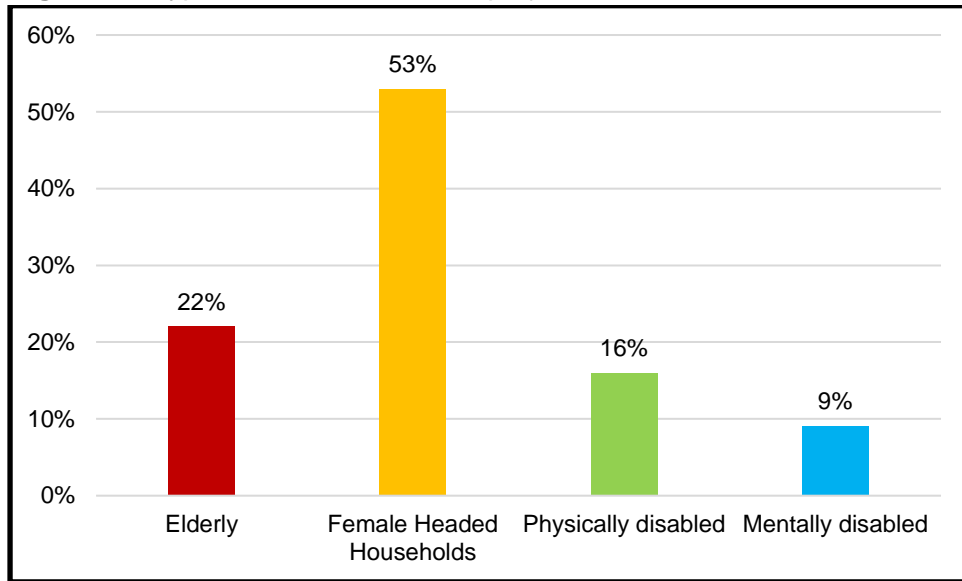
Of the 43 affected surveyed households across Ulundi, Mthojaneni and Mfolozi local municipalities, 38 indicated that they have access to electricity while the rest use paraffin for lighting and wood for cooking and heating.

5.4 Vulnerable Groups within PAPs Households

The survey also identified and enumerated vulnerable groups (specific examples provided in box 1) among the PAPs households. The vulnerable groups will be continuously screened and updated during the RAP implementation and special resettlement assistance will be extended to them. The types of vulnerabilities identified are reflected in **Figure 29**. Female headed households constitute 53% of the surveyed households and the resettlement process will need to consider their specific needs and the fact that they are often at risk of discrimination in access to resources and other means of survival such as land etc. In addition, this means greater focus should be given to female headed households, making sure they participate in decision making about resettlement and design of livelihood strategies.

The elderly represent 22% of the surveyed households, which is also significant. Greater attention should be given to their needs and be linked to specific programmes and civil society organizations that focus on the physical, mental and psychological needs. The physically and mentally disabled constitute 16% and 9% respectively. Disability therefore needs to be mainstreamed in the resettlement process as well as in determination of the compensation. Likewise, they need to be engaged in decision ensuring that their livelihood needs are not compromised and they are not left worse off. Overall, Eskom needs to commission a participatory needs assessment that will clearly define the specific needs of each vulnerable groups and should be conducted by a experienced social scientist.

Figure 29:Types of vulnerabilities in project affected households



Box 1: Specific identity of vulnerable groups

- 8-year-old child who is disabled (unable to walk).
- 22-year-old household member who is mute
- Female household-head and her son who suffer mental illness
- 12-year-old child who is mute
- Female household head who suffered a stroke and is unable to move herself
- 25-year-old male who suffered from a stroke and affecting his mobility
- 85-year-old household head who has difficulties moving with deteriorating health
- 28-year-old who suffered a stroke and is now paralysed on her right side
- Female household head with heart disease
- Disabled household head
- 23 unemployed female household-heads (3 over 65 years of age)
- 15 unemployed male household-heads (4 over 65 years of age)

6. VALUATION OF PROPERTY AND COMPENSATION FOR LOSSES

According to the IFC OD 4.30 on Involuntary Resettlement, valuation of lost assets should be made at their replacement cost. The OD says that compensation is facilitated by (a) paying special attention to the adequacy of the legal arrangements concerning land title, registration, and site occupation; (b) publicizing among people to be displaced the laws and regulations on valuation and compensation; (c) establishing criteria for determining the resettlement eligibility of affected households, e.g., households that have only partially lost their assets but are no longer economically viable should be entitled to full resettlement; and (d) developing mechanisms to prevent illegal encroachers and squatters, including an influx of non-residents entering to take advantage of such benefits, from participating in the compensation arrangements, by an early recording of the numbers and names of affected populations entitled to compensation/rehabilitation.

OD 4.30 advises that some types of loss, such as access to (a) public services; (b) customers and suppliers; and (c) fishing, grazing, or forest areas, cannot easily be evaluated or compensated for in monetary terms. As such, attempts must therefore be made to establish access to equivalent and culturally acceptable resources and earning opportunities.

OD 4.30 goes further to state that vulnerable groups at particular risk are indigenous people, the landless and semi-landless, and households headed by females who, though displaced, may not be protected through national land compensation legislation. The resettlement plan must include land allocation or culturally acceptable alternative income-earning strategies to protect the livelihood of these people.

6.1 PAPS Property Identification Approach

An inventory of the properties to be affected was prepared using thematic maps and a census for PAP. Thematic maps were prepared that show the extent of project activities and location of the people and areas affected by the project. Land areas to be acquired for project activities were obtained using measurements carried out by the cadastral surveyor. The census and socio-economic baseline information has been presented in chapter 5. Property and asset registers for each affected household included: permanent dwellings, semi-permanent structures, graves, toilets, water tanks, fences and trees.

6.2 Compensation Framework and Eligibility for Compensation

The assessment for compensation under this RAP is statutory and all steps have been taken to comply with the statutory provisions. This is also in relation to the AfDB OS 2 that spells out who is entitled to resettlement compensation as a result of involuntary resettlement. This has been considered and complied with.

The concept eligibility is used in respect of the definition of PAPs and the criteria for determining their qualification for compensation and other resettlement assistance. The affected persons, irrespective of their status, are eligible for some form of assistance if they occupied the land or engaged in any livelihood income-generating activity at the affected

sites before the date at which the valuation and census was completed. The following categories of PAPs are eligible for compensation:

- Persons who will be displaced by the project implementation activities;
- People whose houses/structures will be affected by land acquisition or the physical project activity implementation;
- People who rent land for operating livelihood activities or premises, and whose premises are to be temporarily removed or relocated;
- People who rent land for cultivation and whose crops or trees are to be removed or damaged due to land acquisition activities (sharecroppers); and
- Any other group of persons that has not been mentioned above but is entitled to compensation according to the laws of South Africa and/or AfDB OS on involuntary resettlement.

6.3 Compensation Principles

The compensation principles to be followed are derived from the national legislation and the AfDB OS 2 on involuntary resettlement. These principles, including the valuation procedures, were all explained to the PAPs and other community members during the community dialogues and stakeholder consultations as outlined below:

- Resettlement and compensation of PAPs will be carried out in compliance with relevant South Africa laws and AfDB OSs;
- All PAPs physically or economically displaced will be adequately and promptly compensated before the commencement of works in the project-affected sites;
- All efforts will be taken to provide the necessary assistance for PAPs to restore their livelihoods;
- Special consideration will be given to vulnerable social groups such as women, children, the disabled, the very old and the unemployed;
- Eskom will promote and provide compensation for community affected resources and facilities like the school and churches where it is affected... However, in this project area there is no school or church that will be affected or moved; and
- Resettlement compensation shall aim to ensure that PAPs are not worse off after resettlement and that their livelihoods have been improved or at least restored to pre-implementation levels. This is also in line with the AfDB policy and OSs-2 on involuntary resettlement.

6.4 Likely Categories of Impact on Project Affected Households

The process of involving affected people in the analysis of impacts and in the planning of mitigation is essential in developing a RAP. Within the framework of a social impact study, resettlement is normally designed and planned as one of the mitigation measures, once the description of the study area and impact analysis are completed. Resettlement should however be fully acknowledged as a specific and very complex type of impact which deserves special attention¹². Besides being an impact in itself, resettlement is also a source of severe social impacts that should be systematically identified, assessed and given special consideration within the framework of social impact studies, whenever a project involves

¹² Dominique Egré and Pierre Senécal (1990), Resettlement studies and human environment impact assessment of water control Projects: similarities and discrepancies, *Impact Assessment*, 8:3, 5-18, DOI: 10.1080/07349165.1990.9726051

relocation on any scale. Regardless of scale (large or small), resettlement is not something to be taken lightly.

In the SIA, resettlement is acknowledged as a social impact as well as a source of other social impacts. On the basis that 'land is life' for many people¹³ and that people worldwide have place attachment (a sense of place) to a varying extent¹⁴, the displacement and disruption of their lives can cause much hurt and hardship. For example, many people are often relocated from villages where their families have lived for generations and developed close ties to their social environment. In a new location displaced individuals, families or communities are exposed to a whole range of health, psychological, economic, social and cultural changes. The impacts are not only felt by those being relocated but also by the host communities. It is important to note that impacts on people will differ due to varying vulnerabilities, capacities, positioning and interests.

6.4.1 Resettlements of Displaced Households

A total of 64 households require resettlement across Ulundi, Mthonjaneni and Mfolozi Local Municipalities. However, only 43 households (accounting for 368 people) were available for interview during the survey. Resettlement was raised as a concern because the majority of the people have lived in their current homesteads between 30 and 50 years. Depending on where the affected households will be relocated, this may result in breaking up of community ties, behavior, and social support. The majority of affected surveyed households had no knowledge of where they will be relocated.

Given that the livelihoods of affected households in Ulundi, Mthonjaneni and Mfolozi local municipalities are predominantly land-based as revealed by the baseline study, it can also be expected that resettlement will disrupt their livelihoods. Households will no longer be able to use the land for farming activities such as growing fruits trees and vegetables. This nature of loss will be for the lifetime existence of the Mfolozi-mbewu multi circuit 765kv transmission power line.

Having livelihoods disrupted by resettlement, can bring about major turmoil to the affected households, their lives, and to the effective functioning of culture and society.

6.5 Property and Assets Affected

6.5.1 Permanent Buildings

Replacement cost values of permanent buildings and structures were derived from the project area in accordance with prevailing construction costs as governed by the following factors:

location in relation to urban centres;

- type and quality of materials used;
- workmanship and design of buildings;
- location of the building in relation to sources of materials and labour;

¹³ Wickeri E. 2011. "Land is Life, Land is Power": landlessness, exclusion, and deprivation in Nepal [Internet]. Crowley Mission Reports. [cited 2016 Oct 20]. Available from: http://ir.lawnet.fordham.edu/crowley_reports/2

¹⁴ Vanclay F. 2008. Place matters. In: Vanclay F, Higgins M, Blackshaw A, editors. Making sense of place. Canberra: National Museum of Australia Press; p. 2–11.

- terrain of the building site and the possible amount of levelling involved; and
- age of the structure and condition of the building.

From the socio-economic baseline, all the 64 households affected by the project will lose their permanent dwellings. These dwellings elaborated in the preceding chapter consist of a mix of modern and traditional structures made out of a mix of materials (see **Figure 29** below). The affected households are interspersed along the proposed transmission line.



Figure 30: Pictures of several permanent dwellings

In terms of compensation this will require rebuilding the structures without leaving the households worse off. **As a mitigation measure**, Eskom will appoint an independent social monitoring specialist to ensure that:

- New dwellings are of good quality and superior to those currently occupied by affected households or ensure that affected households are sufficiently compensated with enough funds and well capacitated to manage the build of new dwellings themselves;
- The new dwelling meet all the requirements to resume all their livelihood activities. Their lives should be better off and include improved access to services, a continuation of way of living, sense of place, support structures, good neighbours and friends.

6.5.2 Land

The socio-economic baseline study revealed that subsistence agriculture is a significant practice in the affected local municipalities. Due to high levels of unemployment, subsistence crop farming functions as a survival mechanism for many households and is critical for food security. Affected surveyed households were worried about losing their current arable land and not being able to get the equivalent at the new location.

The majority of the affected households are also engaged in small-scale livestock farming. Affected surveyed households are concerned about losing grazing land for their livestock and being settled in an area with insufficient and poor quality grazing land.

In this RAP, compensation for land will only be payable in addition to the value of any improvement or works constructed on such lands for loss of user rights over such lands in the case of land under customary tenure and the market value of such lands in the case of freehold land. In estimating the compensation to be given for any land or any developments thereon, the following were taken into account:

- The value of such lands, estates or interests or profits at the time of the notice to acquire, but not taking into account any improvements or works made or constructed thereafter on the lands;
- The value of the lands acquired for public purposes but also to the damage (if any) to be sustained by the owner by reason of the injurious effects of severance of such lands from other lands belonging to such owner or occupier;
- Compensation relating to land covered the market price of the land, the cost of the labour invested, as well as the replacement cost of the crops lost including the fruit trees; and
- Compensation is calculated in South African currency adjusted for inflation. As a mitigation measure for vulnerable groups, additional compensation in kind could be given in the form of items such as seedlings and agricultural inputs. Assistance will include moving financial allowance, transportation and disturbance allowance.

The following **mitigating measure** should also be considered:

- Ensure that any applicable legislation regarding relocation of livestock is reviewed to identify regulatory requirements that may need to be applied.
- Ensure that all livestock of affected households are transferred to the new location. Eskom should appoint contractors to assist with relocating livestock. Any costs related to transferring livestock to the new location should be covered by the project. Eskom should provide support to rebuild new enclosures to house the livestock. Livestock provincial specialists or local extension staff should be contracted to provide guidance and support to affected households to ensure that their livestock settle well in the new location as well as help them manage the risk of losing their livestock

6.5.3 Heritage Resources and Heritage Sites

During the survey, three Archaeological objects (Table. 10-15), the ruins of two Transnet buildings (Table. 16-19), an Open-Air Church (Table. 20-21), a traditional house (Table. 22-23), an izigodla, 30 graves (Table. 24-41, 46-51), three communal cemeteries (Table. 42-45, 52-53) and two ancestral prayer sites (Table. 44-35) were identified. Detailed descriptions of all the heritage resources, as well as the recommended mitigation measures are discussed below.

Figure 31: Google Earth image showing archaeological sites and graves identified in the project



During the survey the following heritage resources were found (**Table12**).

Table 12: Summary of the identified heritage sites and their site reference numbers

| Heritage | Site Reference Number |
|----------------------------|---|
| Three archaeological sites | Site Complex-01 (Iron Age Pottery-01) Site Complex-02 (Stone tool-01) Site Complex-03 (Lower Grinding Stone-01) |
| An Open Air Shembe Church | Site Complex-06 (Open-Air Church-01) |
| A traditional house | Site Complex-07 (Traditional House-01) |
| Isigodlo ¹⁵ | Site Complex-08 (Isigodlo-01) |
| 30 graves sites | Burial Site Complex-01 (Graves A1-A4) Burial Site Complex-02 (Graves (A4-A7) Burial Site Complex-03 (Graves A8-11) Burial Site Complex-04 (Graves A12-A15) Burial Site Complex-05 (Graves A16-A20) Burial Site Complex-06 (Graves A21-A22) Burial Site Complex-07 (Grave A23) Burial Site Complex-08 (Grave A24) Burial Site Complex-09 (Grave A25) Burial Site Complex-12 (Grave A26) |

¹⁵ Isigodlo: Traditionally Isigodlo was name used to refer to royal kraal. More recently the name Isigodlo is used to also refer to Isangoma or Inyanga place of work carrying out their traditional practices. The word is used interchangeably with Indumba

| | |
|----------------------------|--|
| | Burial Site Complex-13 (Grave A27) Burial Site Complex-14 (Graves A28-A30) |
| Three communal cemeteries | Burial Site Complex-10 (Community Cemetery-01) Burial Site Complex-11 (Community Cemetery-02) Burial Site Complex-12 (Community Cemetery-03) |
| Two ancestral prayer sites | Burial Site Complex-16 (Ancestral Site-01 and 02) |

Based on the survey results/field grading, the project will have negative impact on the following heritage sites (also see **Figures 31-33**):

- Open Air Shembe Church - tower 26 of the power line is situated right on the church site.
- A total of 30 graves were identified within or next to active households, ruins or abandoned houses. A total of 11 active households had graves.
- One *Isigodlo* and traditional house being used for traditional rituals were identified. Traditional houses have cultural significant as they are places where families conduct and carry out their rituals and traditional practices.
- In terms of SAHRA Paleontological Sensitivity Layer:
 - 20% of the project area, located to the west of Empangeni, falls within a very high sensitivity area;
 - 40% of the project area (surrounding Ntabamhlophe and Debe) falls within a low sensitivity area;
 - 30% of the project area (located close to Ntabamhlophe, Ulundi, Emkhandlwini, Bambela and Ntambanana) falls within a moderate sensitivity area;
 - 15% of the project area (near Ntabamhlophe) falls within an insignificant sensitivity area;
 - 5% of the project area (near Mningi and Ntabamhlophe) falls within a high sensitivity area.
- Based on this distribution pattern of Palaeo-Sensitive areas it is concluded the area west of Empangeni and the area near Mningi and Ntabamhlophe are of high palaeontological sensitivity and priority areas for onsite palaeontological survey during the project construction phase.

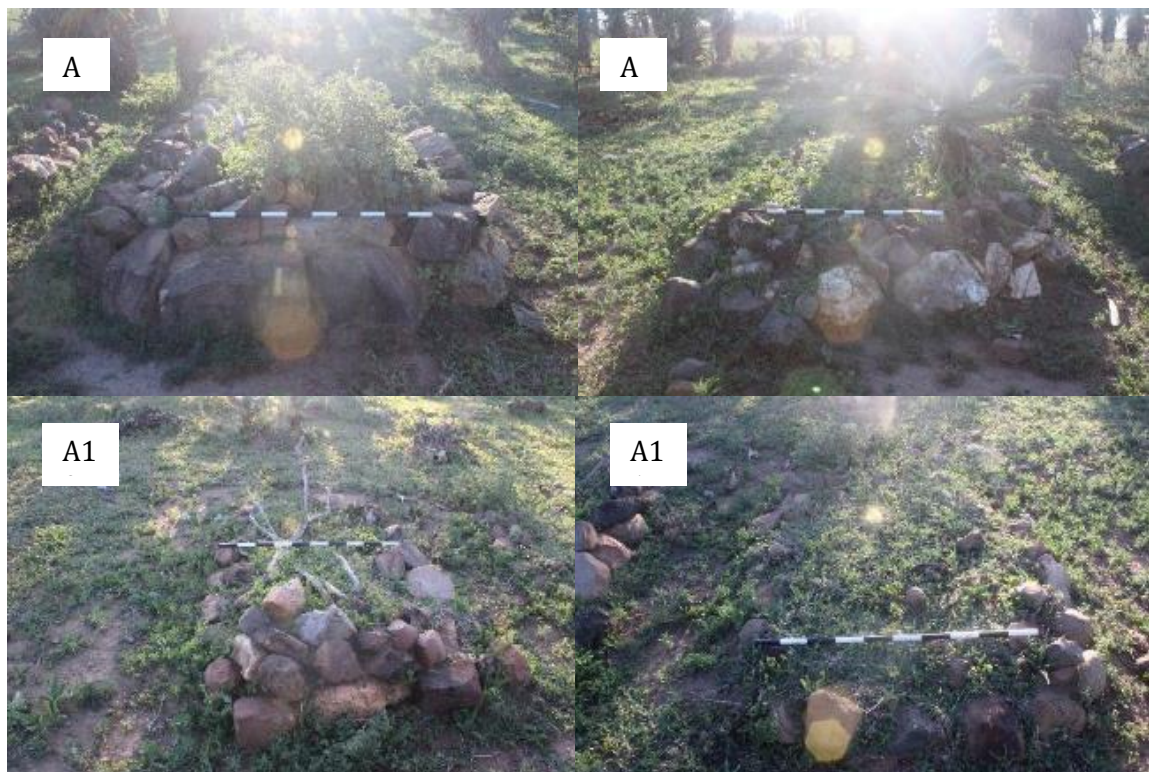
Figure 32: Open Air Shembe Church and traditional House-01 found at Household 14



Figure 33: View of the 4 corners of Transnet House-01 structure



Figure 34: Four graves located near Household 3



In terms of **mitigation measures**, representatives from the affected households indicated that they prefer that the graves be avoided and stay in situ. They recommended that the graves should be fenced off and a **grave management plan** be developed. Many of the household representatives also indicated that their family graves were located in one of the community cemeteries which is located within the project area.

Although only three archaeological resources were found within the receiving environment, it should be noted that some archaeological resources are subterranean in nature. If exposed by construction activities and brought to the earth surface, Eskom should put measures to ensure they are treated as Chance Finds.

The Church needs to be relocated to an appropriate area, where members of the church can freely practice their beliefs. Before this process can take place, a heritage social consultation and facilitation process with leaders of the Shembe church should take place. The Shembe Church will need to be compensated appropriately for the relocation of their church by the developer. The compensation should include the costs of new land, cost for notifying the chiefs, costs of buying and slaughtering animals, food, and the blessing of the new church site. However, this will be verified during the heritage social consultation and facilitation meetings with the church leaders.

6.5.4 Psychological impacts

The prospect of being resettled not only triggered a host of concerns but also a host of feelings/emotions. These were both positive and negative in nature. The majority of affected households indicated being unhappy about being resettled, expressed feelings of sadness, fear, anger and annoyance as they narrated their concerns. The very slow relocation process and poor communication has left several households very frustrated and angered. Some households expressed feelings of hope and happiness because of prospects of getting better housing, access to water and electricity as well as escaping conflicts.

7. LIVELIHOOD RESTORATION STRATEGIES

7.1 Introduction

Livelihoods encompass the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, trade, and bartering. A livelihood is sustainable when it enables people to cope with and recover from shocks and stresses (such as natural disasters and economic or social upheavals) and enhance their well-being and that of future generations without undermining the natural environment or resource base.

As it has been stated, resettlement will mean physical (relocation or loss of shelter) and economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) to the affected persons. The Livelihood Restoration Strategy (LRS) is to prevent and mitigate the potential adverse impacts to the vulnerable PAPs as a direct result of the resettlement process. The key guiding principle for livelihoods restoration is one of the objectives of IFC Performance Standard 5: *“To improve, or restore, the livelihoods and standards of living of displaced persons.”* These mitigation measures are not optional, and as a general rule should be in place by the time any physical or economic displacement takes effect. The cost of these mitigation measures is part of the capital cost of a project, and does not come from allocations for community development. Livelihoods restoration programming is integral to this RAP.

Eskom should give an opportunity for project affected households to choose from a variety of options designed to leverage their current activities and skills. Extensive engagement will be undertaken to be sure that all PAPs are well informed of the opportunities open to them, and are given adequate opportunity to participate. If there are PAPs who choose not to participate in the first season of the livelihood restoration programming, they will not be eligible to participate in subsequent years. Capacity building should be incorporated into livelihood restoration activities to develop skills, including in financial management. Capacity building should acknowledge the different needs of women, men, youth and vulnerable groups with respect to skills development.

The livelihood restoration strategies will be aligned with existing resources, knowledge, skills and household experiences. The **land-based component** of the Livelihood Restoration strategy will consist of extension and support activities aimed at: re-establishing gardens and subsistence agricultural practices and promoting rural enterprise through awareness creation and initiatives to generate cash income for individuals. The **non-land based component** will focus on reducing the dependence on subsistence agriculture by training and collaboration for community development activities to benefit the broader community and generate a cash income for individuals. These programs aim to improve social infrastructure in the area and support infrastructure development.

7.2 Assistance to Vulnerable People and Groups

Vulnerable people can be defined as people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be less able to participate fully in the planning process, and/or more adversely affected by land acquisition and the

resulting direct and indirect impacts. It would be particularly concerning if people who are already the most disadvantaged were to experience additional hardships or setbacks as a result of the relocation. Vulnerable groups identified in this RAP include the disabled, female headed households and elderly:

- Provision of extra assistance in moving, salvaging and related logistics;
- Re-establishment near family, friends and neighbours to help maintain informal social/support networks;
- Eskom should support a vulnerable assistance programme during the relocation; and
- Provision of targeted assistance under the vulnerable assistance program, such as extra assistance in preparing new agricultural fields and gardens.

8. INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION

The overall responsibility of managing the implementation process of the project vests under Eskom. Eskom has therefore constituted a Project Implementation Unit (PIU) comprising of senior management staff and other external stakeholders for this purpose (such as the National Treasury and Rural Development and Land Reform). Other Government agencies are thus directly involved in the implementation of this resettlement plan. Each of the agencies has its role to play in the process as mandated in its responsibilities vested by various laws and the Constitution of South Africa.

To guarantee the effective implementation of the RAP, Eskom set up a Resettlement Committee comprising of other pertinent government agencies and civil society organizations. The Resettlement Committee will comprise of the Environmental Advisor, Environmental Control Officer (ECO), Eskom Negotiator (Land Liaison Officer), Social Monitoring Specialist (independent- who will also act as a Grievance officer), Construction Project Manager (for the line) and the Eskom Distribution representative (to ensure that plans are made in advance for those who have electricity). This Committee oversees the implementation of RAP. The Resettlement Committee operates within the guidelines given by the Project Implementation Unit. The Resettlement Committee will operate within the project area to ensure contact with the project affected persons and internalize the emerging issues on the plan implementation.

The role of the Resettlement Committee includes verifying the details of the PAPs and facilitating the payment of any compensation or assistance benefits. The Committee's task also involves mobilising the PAPs and keeping them informed of the various stages of the project implementation. The Committee also creates awareness among the communities living along the proposed line corridor. Other responsibilities of the Committee are:

- To promote interaction amongst Committee members through scheduled meetings that will clarify clear project role responsibilities and improve on communication for the sake of smooth project implementation;
- To ensure that appropriate agencies that are mandated to plan and implement compensation, income restoration, and rehabilitation programs are identified as early as possible in Project preparation;
- To ensure compliance with the Resettlement Plan and Environmental Management Plan;
- to address any emerging grievances related to the project and liaison with local stakeholders;
- To ensure that payment of compensation to the PAPs during the pre-construction period and monitoring the completed line facility and ensure that the objectives of the resettlement plan have been achieved; and

- To ensure that issues related to electricity connections are catered for at new homes built.

9. MANAGEMENT GRIEVANCE SYSTEM

A Grievance Management System receives, and addresses concerns raised by stakeholders in a transparent, constructive, timely, confidential (if desired), culturally appropriate and accessible manner.

Potential grievances that can arise and will need to be dealt with include the following:

- Family disputes where the rest of the family feels a representative is not having their best interest at heart. They experience that money is being misused.
- Vulnerable beneficiaries being taken for a ride by builders, family members and those they trust
- Compensation on graves that usually is not constant and is different between beneficiaries
- Disputes on land compensation where beneficiaries had future plans of building on land that is under servitude but has no structures on it. This covers issues of ruins that fall under servitude.
- Relocation of graves and rituals required to be performed on affected graves
- Aggrieved community members who feel undermined by construction team during tower construction activities

Some of the issues above require physical visits and cannot be avoided. The others will require the need for Eskom to have policies in place that will focus on the following:

- Standard compensation for graves in general so that all beneficiaries are informed beforehand that compensation for graves relocations and rituals performances will be standard for only graves that are in tower positions. A Heritage Specialist can be roped in to compile the heritage background as well as a graves relocation report from their professional experience.
- It would also be ideal for construction team to pen out and make markings on the ground on exact tower positions. This will assist in families understanding exactly how the new tower will affect the graves that they have to leave behind. This will also indicate the graves that are meant to be exhumed with the purpose of painting a true reflection on budgets, i.e. exhumation fee that will include rituals. In cases where exhumation is not necessary, only rituals can be budgeted for. If possible, hopefully discussions can be made with families at this stage if there is a need to exhume or not.
- Ruins and land that falls under servitude should also be addressed in a policy that will guide on the need to allocate compensation or not
- Possible need for thorough awareness sessions for vulnerable groups on financial management and how to deal with construction activities
- Continuous engagement of project implementation committee team to iron out blockages and communication with all stakeholders is promoted so that mistakes do not occur that can lead to community unrests and work stoppages.

10. MONITORING AND EVALUATION OF THE RAP

Effective monitoring is essential to ensure that displacement activities have not adversely impacted communities and households in the long-term. This section describes the monitoring and evaluation (M&E) system for this RAP and also describes the parameters and associated indicators to be monitored, as well as the monitoring milestones and resources needed to carry out the monitoring activities.

The goal of monitoring and evaluation is to determine whether an affected household's conditions have improved, been maintained, or declined. The responsible key person, the Social Monitoring Specialist, will be part of the RAP implementation team. The monitoring and evaluation will be done before the relocation, during compensation and post relocation.

The following parameters will be used to guide the measurement of the RAP performance: Each PAP household will have a digitised compensation file/record indicating his or her background situation before RAP (based on the census data), the compensation allocated and actually received, the impacts on land and property, the use of PAP assets/improvements after RAP, etc.;

- The mode of compensation preferred by PAPs and used by the PIU;
- The use of compensation payments and other resettlement assistance by PAPs;
- Grievance handling outputs and outcomes for respective PAPs;
- The number of grievances handled, the time expended and implementation of the resolution;
- PAPs' ability to re-establish their livelihood activities and property; and
- New or alternative livelihood activities or incomes established and productivity of such livelihood activities.

Table 13: Proposed Monitoring Indicators

| Parameter | Indicators |
|--|--|
| Compensation payments to PAPs | <ul style="list-style-type: none"> • Number of PAPs promptly paid • Number of PAPs not paid promptly • Amounts of money paid to PAPs |
| Restoration of livelihoods and assets | <ul style="list-style-type: none"> • Number and area of active and fallow parcels of land • Harvest yields and amount and value of agriculture produce consumed and sold • Condition and quality of livestock owned • Condition and quantity of grazing land accessible • Access to water, sanitation and electricity • Number and types of vulnerable PAPs assisted • Type of assistance provided to vulnerable PAPs |
| Community participation and public engagement | <ul style="list-style-type: none"> • Number of local consultative meetings held • Number of local government leaders engaged |
| Grievance management | <ul style="list-style-type: none"> • Number of grievances received • Number of grievances resolved promptly • Number of grievances not resolved promptly |

| Parameter | Indicators |
|---|--|
| | <ul style="list-style-type: none"> • Number of referred grievances • Nature of outcomes from referred grievances |
| Mutation and registration of land rights | <ul style="list-style-type: none"> • Number of mutation forms signed by PAPs • Number of land titles received • Number of land titles processed and returned to PAPs • Number of land titles not processed and reasons |

The purpose of evaluation programs, in contrast to monitoring, is to provide focused, independent assessment of the overall success of the relocation at regular intervals. This evaluation will include the following aspects:

- Evaluation of results and actions
- Determination of compliance with the RAP
- Evaluation of emergent, mid- and long-term development indicators, including the key performance indicators defined as part of the monitoring program;
- Identification of any unforeseen, or inadequately addressed risks or problems; and
- Recommendations designed to correct identified problems and/or enhance the achievement of resettlement goals and objectives.

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