



Resettlement and Livelihood Restoration Policy

Policy Number	PMID-P-AD-4
Version Number	PMID-P-AD-4. Rev 1
Type of Policy	Strategic
Compiled by	PMID
Revised by	Executive Committee
Recommended by	Human Capital, Social and Ethics Committee
Approved by	Board of Directors
Signed on behalf of the Board	Board Chairman
Effective Date:	1 November 2023



	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	


TABLE OF CONTENTS

1.	ACRONYMS AND ABBREVIATIONS.....	3
2.	DEFINITIONS	4
3.	INTRODUCTION	7
4.	PURPOSE AND SCOPE	7
5.	POLICY STATEMENT	8
6.	OBJECTIVES	8
7.	REGULATORY FRAMEWORK AND APPLICABLE STANDARDS.....	8
8.	POLICY GUIDING PRINCIPLES	9
9.	REQUIREMENTS FOR RESETTLEMENT AND LIVELIHOOD RESTORATION	9
10.	POLICY COMMUNICATION	11
11.	POLICY IMPLEMENTATION ROLES AND RESPONSIBILITIES.....	12
12.	MONITORING COMPLIANCE AND POLICY REVIEW.....	14
13.	EFFECTIVE DATE.....	14
	APPENDIX A : RELEVANT LEGISLATION, POLICIES, AND GUIDELINES	15

 A new word for water	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
			DOC NO:
			PMID
			PMID-P-AD-4


1. ACRONYMS AND ABBREVIATIONS

DoA	Delegation of Authority
EXCO	Executive Committee
IFC	International Finance Corporation
LRP	Livelihood Restoration Plan
PAP	Project Affected Person
PMID	Project Management Implementation Division
PSP	Professional Service Provider
RAP	Resettlement Action Plan
TCTA	Trans-Caledon Tunnel Authority


	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

2. DEFINITIONS


TERM/CONCEPT	DEFINITION
Assets	Property or resources owned, held, or exist to the benefit of individuals, communities, government, or other institutions.
Compensation	Payment in cash or in kind for an asset or a resource acquired or affected by a project when the asset or resource needs to be replaced.
Cultural Heritage	Practices, norms, and activities that a community considers old, important, and worthy of generational conservation. It Includes tangible heritage (movable, immobile, and underwater) artefacts as well as intangible cultural heritage, which is embedded into cultural and natural heritage artefacts, sites, or monuments.
Displaced person	Any person who, as a result of the implementation of a 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 assets, either in full or in part, permanently or temporarily. This displacement can occur as one or a combination of economic, physical, permanent, or temporary displacement.
Economic displacement	Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities.
Entitlement and compensation framework	This represents the various compensation rules that must be applied under specific circumstances. Multiple sets of rules can be captured depending on the context and can be based on the value of assets, locations, and project phase.
Heritage Site	Historic, cultural, and spiritual sites as defined in the National Heritage Resources Act 24 of 1999. These sites are typically associated with prominent landscape features, including, amongst others, rocks, significant trees, cemeteries, water holes and wells.

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

	These places are often regarded as containing spiritual presence and supernatural powers.
Host community	The incumbent community in the area to which physically displaced persons are relocated.
Involuntary resettlement	Resettlement which occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement (in instances where the implementing authority makes use of their expropriation powers).
Land acquisition	The process whereby the government/expropriating authority can acquire land and/ or servitude rights to implement infrastructure development projects
Land expropriation	Process whereby the government/expropriating authority takes land for public purposes or interest, without the landowner`s consent but subject to compensation.
Livelihood	The full range of means by which individuals, families, and communities make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based activities, petty trade, and bartering.
Livelihood Disruption	Any change to the normal way livelihoods is approached or implemented or a change in the sustainability of a particular livelihood strategy as a result of project-related activities.
Livelihood restoration	Re-establishing the productive livelihood of the displaced persons to a level equal to or better than before resettlement.
Permanent displacement	Loss of shelter, assets, income streams, means of livelihood or obstructed access to resources which cannot be reversed.
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 affected person	Any person directly experiencing economic, health, safety, environmental, social, loss of assets or access, loss of income

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
			DOC NO:
			PMID
			PMID-P-AD-4

	sources or livelihoods or any other impact because of the implementation of a project.
Replacement cost	Market value of the asset plus transaction costs, excluding depreciation costs.
Resettlement process	The comprehensive process of planning for and implementing the relocation of people, households, and communities, including monetary compensation or compensation in kind for lost assets, resources and inconvenience, and the provision of support for livelihood restoration and enhancement, re-establishment of social networks, and restoring the social functioning of the community. This also includes activities to mitigate the adverse effects of economic displacement.
Stakeholders	All individuals, groups, organisations, and institutions interested in and affected by a project or having the ability to influence a project. They may be directly affected or indirectly affected.
Temporary displacement	Loss of shelter, assets, income streams, means of livelihood or obstructed access to resources for a defined period, allowing the PAP to return/continue using assets after the defined period (e.g., after construction).
Valuation	A formally documented process of determining the current market value of an asset (movable and immovable) or a business; prepared by qualified professionals such as, but not limited to, property valuers, agricultural economists, geologists, and quantity surveyors.
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. This includes those who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

3. INTRODUCTION

Land and Rights (L&R) to be acquired to implement TCTA's bulk raw water infrastructure projects, in some instances, are used for residential and/or livelihood purposes. The acquisition of such L&R often results in physical and/or economic displacement of its occupants on a temporary or permanent basis. Research shows that displacement associated with public and private sector projects frequently results in the impoverishment of Project Affected Persons (PAPs). Moreover, the most significant risks associated with involuntary resettlement are landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common properties and services, and social disarticulation.

Against this backdrop, TCTA has identified amongst others, some of these risks: legal, internal process control, compliance, and reputational damage, associated with resettlement activities when implementing projects.

To mitigate the impact of the identified risks, Resettlement and Livelihood Restoration thus form part of the land acquisition process. This Policy supports socially responsible and responsive resettlement and livelihood restoration.


4. PURPOSE AND SCOPE

This Policy communicates TCTA's stance on matters relating to involuntary resettlement and livelihood restoration. It further guides how involuntary resettlement and livelihood restoration must be approached and standardised throughout the project lifecycle, with the vision to deliver a lasting, positive contribution to local communities affected by TCTA's activities.

This Policy applies to:

- All infrastructure projects implemented by TCTA that result in involuntary temporary or permanent economic or physical displacement of people; and
- All TCTA employees and third parties engaged by TCTA in any aspect of the land acquisition, resettlement, and livelihood restoration processes.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

5. POLICY STATEMENT

TCTA commits to establishing a fair, transparent, and fit-for-purpose resettlement and livelihoods restoration approach and practice that enables the reduction of social impacts and risks on PAPs. Through the implementation of this Policy and its relevant procedure, and in line with organisational strategic imperatives, TCTA supports the achievement of long-term objectives of the Department of Water and Sanitation for water security in South Africa in a socially responsible manner.

6. OBJECTIVES

The objectives of the resettlement and livelihood restoration process are to:

- Avoid, and where avoidance is impossible, minimise temporary/permanent resettlement by exploring alternative project designs.
- Avoid, and where avoidance is impossible, minimise the social and economic impacts of resettlement on PAPs by providing compensation and tools for livelihood restoration.
- Ensure that resettlement complies with South African laws and, where feasible, alignment with international standards.
- Establish and maintain the project's social licence to operate.


7. REGULATORY FRAMEWORK AND APPLICABLE STANDARDS

Resettlement and livelihood restoration activities are undertaken in accordance with the following regulations, frameworks, guidelines, and standards:

- South African Legislative Requirements (Annexure A, Table B-1)
- Relevant TCTA Policies (Annexure A, Table B-2)
- International Standards and Guidelines (Annexure A, Table B-3)

The Resettlement and Livelihood Policy fully complies with the South African Legislature Requirements and was further guided by International Standards and guidelines to ensure alignment with international best practices. The South African Legislative Requirements will take precedence in the application of this Policy.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
			DOC NO:
			PMID
			PMID-P-AD-4

8. POLICY GUIDING PRINCIPLES

The principles guiding this Policy are:


- Access to information by all PAPs, with emphasis on vulnerable groups.
- Fairness in the relocation and compensation of affected persons.
- Consultation and inclusion of affected persons during the planning and implementation of the resettlement and livelihood restoration process.
- Reduction and mitigation of social risks resulting from TCTA's infrastructure projects.
- Promotion of ethical conduct and transparency by all TCTA representatives.
- Continuous improvement of in-house process design, implementation and monitoring relating to social management, resettlement, and livelihood restoration

9. REQUIREMENTS FOR RESETTLEMENT AND LIVELIHOOD RESTORATION

To undertake resettlement and livelihood restoration resulting from projects in a fair and responsible manner, TCTA sets out the following requirements:

- Involuntary physical and/or economic displacement shall be avoided, and where avoidance is impossible, minimised by considering alternative project designs and/or process optimisation. The alternative project designs shall balance environmental, social, and financial costs and benefits and pay particular attention to vulnerable groups.
- Planning, budgeting, implementation, monitoring, and evaluation of resettlement and or livelihood restoration shall form an integral part of TCTA's project planning and implementation activities.
- Resettlement and livelihood restoration activities shall be conducted in a manner that always upholds basic human rights. Furthermore, PAP's culture, practices, language preferences and level of education shall be respected throughout the resettlement/livelihood restoration process.
- Pre-resettlement Socio-economic baseline studies shall be carried out in consultation with PAPs to identify persons who the project will displace, measure the extent to which


COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

the project will impact their livelihoods and determine who will be eligible for compensation and assistance.

- In the instance where PAPs are to be physically displaced, a Resettlement Action Plan (RAP) shall be developed for the project. The plan shall be designed to mitigate the negative impacts of displacement, identify development opportunities, and establish the entitlement of all PAPs (including host communities). If grave reinterment is necessary, this shall form part of the RAP.
- In the case of projects involving economic displacement only, a Livelihood Restoration Plan shall be developed to establish the entitlements of affected persons and communities and determine their compensation requirements.
- Displaced PAPs shall be engaged in a meaningful manner and consulted from the outset of resettlement/livelihood restoration planning to ensure that they are informed of their rights and allow for active participation in the decision-making process. Alternatives relating to resettlement and livelihood restoration shall be designed in consultation with PAPs. Adequate consultation should continue throughout implementation and until the finalisation of the completion audit and project closeout. This consultation and engagement shall be measured using key performance indicators set out in the respective project-specific stakeholder engagement plans.
- Compensation for the loss of assets, or access to assets, shall be paid and/or provided according to the entitlement matrix and compensation framework agreed upon with the affected parties. This matrix and framework must be (a) in accordance with TCTA's Projects Compensation Policy and should fulfil the IFC's PS 5 requirements, and (b) be included in the approved project-specific RAPs/Livelihood Restoration Plan (LRPs) (as appropriate to project-specific conditions).
- It is the intention of TCTA for post-resettlement socio-economic baseline conditions to be equal to or better than pre-resettlement conditions. To this end, displaced PAPs shall be provided with an opportunity to restore or improve their livelihoods as part of the livelihood restoration process. PAPs shall also be provided with security of tenure post-resettlement, as appropriate to the compensation offered in each project-specific case.
- Vulnerable groups of displaced PAPs will be identified during resettlement/livelihood restoration planning. Specific measures shall be designed and implemented during

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

resettlement implementation to ensure that these PAPs are not disproportionately impacted by physical/economic displacement.


- Following the conclusion of the socio-economic impact studies, measures to promote the impact of resettlement on host communities shall be assessed during the resettlement/livelihood restoration planning phase. Measures to promote the social and economic integration of displaced PAPs into host communities will be implemented as part of the resettlement/livelihood restoration implementation phase.
- Grievance redress procedures shall be established in consultation with PAPs as early as possible in the resettlement/livelihood restoration planning phase and remain in force for a predetermined period after implementation. These shall allow PAPs and members of host communities to raise concerns relating to relocation activities and provide recourse mechanisms designed to resolve disputes in an impartial manner.
- Implementation of the RAP/Livelihood Restoration Plan shall be monitored and evaluated. The extent of this monitoring and evaluation shall be commensurate with the project's identified social risks and impacts. The monitoring and evaluation shall continue and be considered complete when the adverse impacts of resettlement have been addressed in a manner consistent with the plan.
- TCTA and third-party representatives involved with resettlement and livelihood restoration activities shall share lessons learnt from previous land acquisition, resettlement and livelihood restoration processes, which lessons shall be considered when reviewing this Policy.

10. POLICY COMMUNICATION

Communication of this Policy shall be performed in the manner below to enable the effective reach of targeted audiences:

- The signed Policy will be made accessible via SharePoint and the TCTA intranet and internet and made available to all interested and affected parties on request.
- An information-sharing session will be held with all employees of TCTA as part of the ESMS Awareness Programme.


COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

11. POLICY IMPLEMENTATION ROLES AND RESPONSIBILITIES


Role	Responsibility
Board of Directors	<ul style="list-style-type: none"> - To review and approve the Policy. - Provide oversight in the application of this Policy.
Human Capital, Social and Ethics Committee	<ul style="list-style-type: none"> - Review and comment on the Policy - Recommend the Policy for board approval. - Review, comment and approve project-specific RAPs and LRPs, in line with the DoA. - Provide oversight in the application of this Policy.
Executive Committee	<ul style="list-style-type: none"> - Review and comment on the Policy - Recommend the Policy for board approval. - Provide management assurance to Board on the application of the Policy
PMID Executive Manager	<ul style="list-style-type: none"> - Review and comment on the Policy - Recommend the Policy for EXCO consideration. - Provide management assurance to EXCO on the implementation of the Policy. - Review, comment and approve project-specific RAPs and LRPs, in line with the DoA. - Approve compensation payments and settlement claims, subject to limits set in the DoA
Head of Environment	<ul style="list-style-type: none"> - Ensure consistent, effective, and efficient implementation of the Policy. - Enforce compliance with the Policy. - Provide strategic guidance for the implementation of the Policy in project-specific cases. - Ensure review of the Policy as required

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

Social Management Function	<ul style="list-style-type: none"> - Compile and/or review the resettlement/livelihood restoration scope of work in all documentation. - Ensure consultant/third-party compliance with the Policy. - Manage third-party resettlement specialists and day-to-day activities. - Manage resettlement and livelihood restoration budgets and day-to-day activities. - Review, comment on and recommend for approval all project-specific RAPs and LRPs - Implement project-specific RAPs and LRPs in collaboration with the project manager, land acquisition manager and third-party resettlement specialist, as appropriate. - Report on resettlement and livelihood restoration matters as part of management reporting. - Monitor, measure, and record implementation data and ensure records are collected and recorded as part of the TCTA ESMS
Land and Rights Management Function	<ul style="list-style-type: none"> - Provide support to the Project Manager, Social Specialist and Social Manager to ensure consistent, effective, and efficient implementation of the Policy. - Review and comment on project-specific RAPs and LRPs to ensure alignment with the Land Acquisition Policy - Support the implement project-specific RAPs and LRPs in collaboration with the project manager, social specialist/social manager, and third-party resettlement specialist, as appropriate. - Acquire land for resettlement purposes (replacement land for in-kind compensation)
Project Manager	<ul style="list-style-type: none"> - Ensure integration of this Policy into the overall project planning, execution, and closeout - Review and comment on project-specific RAPs and LRPs - Oversee the implementation of project-specific RAPs and LRPs in collaboration with the social specialist, land acquisition manager and third-party resettlement specialist as appropriate
Other TCTA Divisions	<ul style="list-style-type: none"> - Provide resettlement and livelihood restoration input and support as required. - Provide subject matter expertise to support the resettlement and livelihood restoration process as required

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
			DOC NO:
			PMID
			PMID-P-AD-4


12. MONITORING COMPLIANCE AND POLICY REVIEW

PMID is the custodian of this Policy and is responsible for the monitoring of compliance with it. It shall be reviewed at least every three (3) years with interim reviews, subject to legislative development, to ensure that it remains in line with the organisational growth, commitments, and needs.

13. EFFECTIVE DATE

This Policy will be effective from the date following the approval.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1


	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

APPENDIX A : RELEVANT LEGISLATION, POLICIES, AND GUIDELINES

Table B-1: Applicability of South African legislation


Legislation	Requirements/relevance
Basic Conditions of Employment Act, 75 of 1997	<p>TCTA will acquire portions of land or entire properties from landowners and has a social responsibility to ensure that workers and residents on that land do not bear the negative social impacts of infrastructure development. In this regard, the provisions of the Act related to the notification process regarding termination of employment will apply. In the case of farm workers, the notice period is four weeks. With regard to accommodation linked to employment, the Act stipulates that:</p> <p>(1) If the employer of an employee who resides in accommodation that is situated on the premises of the employer or that is supplied by the employer terminates the contract of employment of that employee—</p> <p>(a) before the date on which the employer was entitled to do so in terms of section 37; or</p> <p>(b) In terms of section 38, the employer is required to provide the employee with accommodation for a period of one month or, if it is a longer period, until the contract of employment could lawfully have been terminated.</p> <p>(2) If an employee elects to remain in accommodation in terms of subsection (1) after the employer has terminated the employee's contract of employment in terms of section 38, the remuneration that the employer is required to pay in terms of section 38 is reduced by that portion of the remuneration that represents the agreed value of the accommodation for the period that the employee remains in the accommodation.</p>
Communal Property Association Act, 28 of 1996 (CPA)	CPAs are established for the purposes of acquiring, holding, and managing property on the basis agreed by members of a community in terms of a written constitution. TCTA has a duty to engage CPAs in the resettlement and livelihood restoration processes on land under their management.
Conservation of Agricultural Resources Act, 43 of 1983 (as amended) (CARA)	Provides for the conservation of the natural agricultural resources of the Republic by the maintenance of the production potential of land, by the combating and prevention of erosion and weakening or destruction of the water sources, and by the protection of the vegetation and the combating of weeds and invader plants.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
			DOC NO:
			PMID
		PMID-P-AD-4	


Legislation	Requirements/relevance
Constitution of the Republic of South Africa, 108 of 1996, Chapter 2, Bill of Rights (Section 24)	Provides for the right to a safe environment that is protected in a manner that prevents pollution and ecological degradation, promotes conservation, and secures ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.
Constitution of the Republic of South Africa, 108 of 1996, Chapter 2, Bill of Rights (Section 25)	Prohibits compulsory acquisition of property except in accordance with the law of general application. Notable provisions include: <ul style="list-style-type: none"> - Section 25(2)(a) - property may be expropriated for public purpose or in the public interest. - Section 25(2)(b) - subject to compensation - Section 25(3) - the amount of compensation 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: <ul style="list-style-type: none"> ▪ Current use of the property; and ▪ Market value of the property.
Constitution of the Republic of South Africa, 108 of 1996, Chapter 2, Bill of Rights (Section 26)	Provides for the right to housing, including the right to due process regarding court-ordered eviction and demolition.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	


Legislation	Requirements/relevance
Extension of Security of Tenure Act, 62 of 1997	<p>Aims to give security of tenure for vulnerable occupiers of rural and peri-urban land and to allow for the acquisition of land by vulnerable occupiers. The Act:</p> <ul style="list-style-type: none"> - Protects occupiers against unfair evictions by the landowner. - Provides for legal evictions under certain circumstances. - Sets out the rights and duties of owners and occupiers. - Protects people living on land belonging to someone else by giving them a basic level of tenure security. This means that the occupiers have the right to continue living on and using this land, including the right to graze cattle and draw water. The landowner cannot cancel or change the occupiers' rights without their consent unless there is good reason and the occupiers have had a chance to answer complaints against them. - Gives special protection to occupiers who have lived on the land for 10 years, are 60 or older or live with a disability. <p>In 2001, ESTA was amended to specifically allow occupiers to bury family members on the land where they lived. Under the new section 6 an ESTA occupier was given the right: "To bury a deceased member of his or her family who, at the time of that person's death, was residing on the land in which the occupier is residing, in accordance with their religion or cultural belief, if an established practice in respect of the land exists."</p>
Government Immovable Assets Management Act, 19 of 2007	Provides for the management of immovable assets held by a national or provincial government. Management of community assets on acquired land is the responsibility of TCTA prior to handover to the Department of Water and Sanitation. International standards require communal assets to be compensated according to the same principles that apply to individually owned assets.
Infrastructure Development Act, 23 of 2014	Provides for the facilitation and coordination of public infrastructure development, prioritising planning, approval, and implementation of strategic infrastructure projects (SIPs). Projects implemented by TCTA are designated SIPs. The Act makes provision for the expropriation of land or any related right required for the implementation of SIP projects.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
			DOC NO:
			PMID
		PMID-P-AD-4	


Legislation	Requirements/relevance
Interim Protection of Informal Land Rights Act, 31 of 1996 (IPILRA)	The Act includes an interim method to protect people with insecure tenure from losing their rights to and interests in land while waiting for long-term tenure reform. The main point of this Act is to ensure that there is legal recognition and protection of the various kinds of land rights existing in South Africa. The Act requires that consultation with people with insecure tenure should be as though their rights have already been formalised.
Land Reform (Labour Tenants) Act, 3 of 1996	Provides for the security of tenure of labour tenants and those persons occupying or using land because of their association with labour tenants. Section 16 of the Act makes provisions for labour tenants to acquire in their own land right and/or rights therein which they were already entitled to occupy or use. TCTA should be mindful of the rights that accrue to these people under Act.
Municipal Systems Act, 32 of 2000 (as amended)	Sets out legislation that enables municipalities to uplift their communities by ensuring access to essential services and seeks to boost effective local government by establishing a framework for municipal planning, performance management and use of resources. The Act also ensures that municipalities put in place service tariffs and credit control policies that take the needs of the poor into account.
National Environmental Management Act, 107 of 1998	Developers are obliged to: <ul style="list-style-type: none"> - Integrate the principles of environmental management into the making of all decisions which may have a significant effect on the environment. - Minimise negative impacts, maximise benefits, and promote compliance with the principles of environmental management; and - Ensure adequate and appropriate opportunities for public participation in decisions that may affect the environment.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

Legislation	Requirements/relevance
National Heritage Resources Act, 25 of 1999 (NHRA)	<p>Provides for the formal protection and management of South Africa's heritage resources, promotes good management of the national estate, and ensures community participation in the protection of national heritage resources. The national estate includes, but is not limited to:</p> <ul style="list-style-type: none"> - Places, buildings, structures, and equipment of cultural significance. - Places to which oral traditions are attached or which are associated with living heritage. - Historical settlements and townscapes, landscapes, and natural features of cultural significance, - Geological sites of scientific or cultural importance. - Archaeological and paleontological sites. - Graves and burial grounds; and - Sites of significance relating to South African history and movable objects. <p>The Act is enforced by the South African Heritage Resources Agency (SAHRA), through which permits must be obtained in the event of disturbing any of the national estates.</p>
National Water Act, 36 of 1998	Provides for the protection, use, development, conservation, management, and control of water resources. The most notable provision of the Act is Section 64, by which the Minister of Water and Sanitation may authorise TCTA to expropriate land required for the implementation of projects.
Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998	The Act prohibits unlawful evictions and sets out fair procedures for the eviction of "unlawful occupiers". TCTA must be mindful of the processes required to lawfully evict any persons from its acquired land.
Property Valuation Act, 17 of 2014	Provides for the establishment, functions, and powers of the Office of the Valuer-General for the regulation of the valuation of property identified for land reform or any other reason (Section 12 (1)(b)).
Public Finance Management Act, 1 of 1999	Regulates financial management in the national, provincial, and local government as well as state entities to ensure efficient management of all revenue, expenditure, assets, and liabilities. It is incumbent upon TCTA personnel to be mindful of the requirements of the Act, especially regarding the need to prevent fruitless and wasteful expenditure in their line of work.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
			DOC NO:
			PMID
			PMID-P-AD-4

Legislation	Requirements/relevance
Restitution of Land Rights Act, 22 of 1994	Provides for the restitution of land rights in respect of persons or communities that were dispossessed of their right to land under racially based discriminatory laws of the past. Section 7 (A) (a) requires that consent must be obtained from the Regional Land Claims Commission prior to commencing with the development of land subject to a land claim.
South African Human Rights Commission Act, 40 of 2013	Provides for the composition, powers, functions and functioning of the South African Human Rights Commission (SAHRC). The SAHRC's mandate is to promote the respect for and protection, development, and attainment of human rights, as well as to monitor and assess the observance of human rights in the country. TCTA is always committed to upholding human rights while implementing bulk infrastructure projects.

Table B-2: Synopsis of relevant TCTA Policies

Policy	Requirements/relevance
Sustainability Policy	Supports the realisation of TCTA's business strategy, which commits it to improve livelihoods and contributing to sustainability and transformation. Furthermore, TCTA upholds the constitutional right to an environment protected for the benefit of the present and future generations through the prioritisation of protecting natural environments and resources, human rights, and by facilitating socio-economic transformation in receiving environments.
Environmental Policy	Commits TCTA to plan and implement its operations with consideration of environmental sensitivity in a socially responsible manner and to prioritise avoidance and limitation of negative impacts on the biophysical and social environment. Further commits TCTA, its employees and other service providers to practice responsible environmental and social management in an ethical, competent, and legitimate manner in line with the duty of care principle expressed in NEMA.
Land Acquisition Policy	Provides a framework for the high-level process according to which land (or rights to land) is acquired for the implementation of projects, from the pre-construction phase (during which project-specific resettlement plans are compiled) to land handover and registration or transfer of land/rights.
Projects Compensation Policy	Provides a compensation framework according to which PAPs are compensated, allowing for a consistent approach across different projects geared towards equitable compensation and restoration of livelihoods.
Social Management Framework	Provides guidance on how to minimise negative social risks during the planning, implementation and closeout phases of resettlement and livelihood restoration. The framework further ensures that management and support of successful relocation and resettlement of PAPs and the associated compensations and/or livelihood restoration are performed in a socially responsible manner.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1



	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

Table B-3: Description of international standards and guidelines


Guidelines	Requirements/relevance
Equator Principles IV of July 2020	<p>The Equator Principles is a credit risk management framework for determining, assessing, and managing environmental and social risks in project finance transactions. It comprises a set of principles adopted by the Equator Principles Financial Institutions to ensure that the projects they finance are developed and implemented in a manner that is socially responsible and environmentally sound.</p> <p>Equator Principle 3, “Applicable Social and Environmental Standards”, requires that for all projects located in countries not on the EP Designated Countries List, project sponsors must adhere to the IFC PSs.</p>

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
			DOC NO:
			PMID
			PMID-P-AD-4


Guidelines	Requirements/relevance
IFC PS, 2012	<p>The IFC, a member of the World Bank Group, has adopted a suite of PSs on social and environmental sustainability. The IFC applies these PSs to manage project-related social and environmental risks and impacts, as well as to enhance development opportunities in its private sector financing. The IFC PSs are widely regarded as international best practice regarding the management of impacts associated with large project developments.</p> <ul style="list-style-type: none"> - PS 1 - Assessment and Management of Environmental and Social Risks and Impacts: provides guidance on (i) integrated assessment to identify the environmental and social impacts, risks, and opportunities of projects; (ii) effective community engagement through disclosure of project-related information and consultation with local communities on matters that directly affect them; and (iii) the client’s management of environmental and social performance throughout the life of the project. - PS 5 - Land Acquisition and Involuntary Resettlement: requires that if involuntary resettlement cannot be avoided, it should be properly managed, through careful planning and implementation of mitigation measures, to minimise the socio-economic impacts arising from land acquisition or restriction of land use. The use of negotiated settlements (compensation packages) that meet the requirements of this PS is encouraged to avoid expropriation and use of government authority to enforce relocation. It further requires that livelihood restoration be undertaken. - PS 7 – Indigenous Peoples: aims to ensure that the development process fosters full respect for the human rights, dignity, aspirations, culture, and natural resource-based livelihoods of Indigenous Peoples and requires the establishment of an ongoing relationship based on Informed Consultation and Participation (ICP) and achievement of Free, Prior, and Informed Consent (FPIC) of the Affected Communities of Indigenous Peoples for the proposed development. - PS 8 – Cultural Heritage: aims to protect cultural heritage from the adverse impacts of project activities and support its preservation.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

Guidelines	Requirements/relevance
World Bank Environmental and Social Framework, 2017	<p>Sets out the World Bank's commitment to sustainable development through a Bank Policy and a set of ten Environmental and Social Standards that are designed to support projects with the aim of ending extreme poverty and promoting shared prosperity.</p> <p>The relevant Environmental and Social Standards (ESS) are:</p> <ul style="list-style-type: none"> - ESS 1: Assessment and Management of Environmental and Socials Risks and Impacts - ESS 5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement - ESS 7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities - ESS 8: Cultural Heritage - ESS 10: Stakeholder Engagement and Information Disclosure
World Bank Operational Policy 4.12: Involuntary Resettlement	<p>Emphasises that involuntary resettlement should be avoided or minimised, and where it is not feasible to do so, the negative impact arising therefrom should be addressed, through good faith, open and transparent consultations/negotiations. Restoration of livelihoods should be undertaken. This would include, without limitation, the provision of replacement housing/agricultural assets in a manner that ensures that the affected communities/individuals are not left in a worse position after resettlement.</p>
African Development Bank Groups Integrated Safeguards System	<p>Establishes the Bank Groups commitment to sustainable development and consolidates and builds on the Environment and Involuntary Resettlement safeguard policies. The ISS aligns project safeguards with the Banks policies and strategies and ensures adaptation to international industry practice.</p> <p>The borrower requirement safeguards relevant to this policy are:</p> <ul style="list-style-type: none"> - E&S Operational Safeguard 1: Assessment and Management of Environmental and Social Risks and Impacts - E&S Operational Safeguard 4: Community Health, Safety and Security - E&S Operational Safeguard 5: Land Acquisition, Restrictions on Access to Land and Land Use, and Involuntary Resettlement - E&S Operational Safeguard: Vulnerable Groups - E&S Operational Safeguard 8: Cultural Heritage - E&S Operational Safeguard 10: Stakeholder Engagement and Disclosure of Information

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1

	TITLE	RESETTLEMENT AND LIVELIHOOD RESTORATION POLICY	
		DOC NO:	PMID
		PMID-P-AD-4	

Guidelines	Requirements/relevance
New Development Bank Environment and Social Standards	<p>The purpose of the New Development Bank is to mobilize resources for infrastructure and sustainable development in BRICS countries and other emerging markets. The NDB's Environment and Social Standards promote sustainable development in environment and social management.</p> <p>The Environment and Social Standards are:</p> <ul style="list-style-type: none"> - ESS1: Environmental and Social Assessment - ESS2: Involuntary Resettlement - ESS3: Indigenous people
International Bill of Human Rights	<p>Human rights are the rights to which all individuals are entitled, regardless of their race, sex, age, colour, national or social origin, religion, and/ or another social status. These rights are enshrined in the 'Universal Declaration of Human Rights' of 1948, which acknowledges the universality, indivisibility, interdependence, and interrelatedness of fundamental human rights. Human rights are further codified in the (a) International Covenant on Civil and Political Rights and (b) International Covenant on Economic, Social and Cultural Rights. Together these documents are known as the International Bill of Rights.</p> <p>International best practice requires that companies should respect and support the protection of international human rights. Business should integrate sound human rights commitments into their company policies and decision-making processes and assess actual and potential human rights impacts of their activities and relationships.</p>
Global Reporting Initiative (GRI) Standards	Promotes sustainability reporting on economic, environmental, social and governance performance by businesses and governments and expects companies to go beyond basic legal compliance.
King IV	The King Report on Corporate Governance provides guidelines for the governance structures and operation of companies in South Africa. It requires companies to be responsible corporate citizens by focusing not only on the financial aspects of business, but also on the social and environmental impacts caused by its business operations.

COMPILED BY:	PMID	APPROVED BY:	BOARD
IMPLEMENTATION DATE:		DATE:	TBA
REVIEW DATE:	August 2023	REVISION:	1