

**The Republic of South Sudan  
Ministry of Health**

**Final**

**RESETTLEMENT FRAMEWORK**

**Health Sector Transformation Project (HSTP)  
(P181385)**

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## Glossary of Terms

CONCEPT	DEFINITION
Affected Household	All members of a household, residing under one roof and operating as a single economic unit that are adversely affected by the Project or any of its components. The household can include a single nuclear family or an extended family group.
Assets	An asset could be land, structures, trees, crops, businesses, and any combination of these assets.
Census	Socio-economic survey within the defined project boundaries. A census provides a complete count of the population affected by the project activity and includes demographic and socioeconomic information. A census identifies and determines the number of Project Affected Persons (PAPs) and the nature and levels of the project impact on PAPs.
Compensation	A payment in kind, cash or other assets given in exchange for the taking of land, or loss of other types of assets (including fixed assets) or loss of livelihood resulting from project activities.
Cut-off date	Refers to the date of completion of the census and assets inventory of persons affected by the project. Persons occupying the area after the “cut-off” date are not eligible for compensation. Similarly, fixed assets such as built structures and perennial crops established after the date of completion of the assets inventory will not be compensated.
Host Community:	Community residing in or near the area to which affected people are to be relocated.
Involuntary Resettlement	Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition or restriction of access to natural resources. Resettlement is considered involuntary when affected individuals or communities do not have the option to refuse land acquisition that results in displacement. This occurs in cases of: (i) lawful expropriation or restrictions on land use based on eminent domain; and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations fail.
Economic Displacement	Loss of income or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, etc.) caused by the construction and operation of a project or its associated facilities/components. Not all economically displaced people need to relocate due to the Project.
Entitlement	Range of measures (including compensation, income restoration, transfer assistance, income substitution, and relocation) aimed at compensating affected people and restoring their economic and social conditions.

Expropriation.	The action of government taking or modifying property rights of an individual in the exercise of its sovereignty.
Land	Refers to temporary or permanently required for the Project.
Land Acquisition	The process whereby for public purpose a government agency acquires all or part of the land owned by a person/business, in return for compensation.
Livelihood Restoration	Compensatory measures provided under the Resettlement Policy Framework or Livelihood Restoration Plan, and which include measures to restore affected people's livelihood to at least the "prior to the project" level or improve it.
Physical Displacement	Loss of shelter/residential structure and assets resulting from land acquisition triggered by a project that requires the affected person(s) to move to another location.
Project-Affected Household (PAH):	A PAH is a household that includes one or several Project-Affected Persons as defined below. A PAH will usually include a head of household, his / her spouse and their children, but may also include other dependents living in the same dwelling or set of dwellings, like close relatives (e.g., parents, grandchildren).
Project Affected Persons (PAPs)	Affected persons are defined as those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, productive land, commercial properties, income earning opportunities, etc.
Rehabilitation/restoration	Re-establishing incomes, livelihoods, living, and social systems.
Relocation	This is rebuilding housing, assets, including production land, and public infrastructure in another location.
Resettlement	The entire process of relocation and rehabilitation caused by project related activities.
Resettlement Action Plan (RAP)	Is a detailed plan of future resettlement activities to be prepared when the projects and sub-projects' boundaries have been identified and finalized. It is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land.
Resettlement Assistance	The measures to ensure that project affected persons who need to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, to mitigate resettlement impacts.
Displaced Persons	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.

Replacement value	The value of assets which is sufficient to replace lost assets and cover all relevant transaction costs (professional/notary fees, registration fees, etc.). In applying this method of valuation, depreciation of structures and assets are not considered.
	In regard to land and structures, "replacement value" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
	For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, market cost of the materials is to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.
Stakeholders	Any individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence the project.
Vulnerable Groups	People who may by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status get more adversely affected by resettlement than others; and who may have limited ability to claim or take advantage of resettlement assistance and related development benefits.

## **Executive Summary**

The Resettlement Framework (RF) establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of those whose land may be acquired as a result of project activities thus resulting in loss of shelter, assets or livelihoods, and/or loss of access to economic resources. It is consistent with the requirements of Environmental and Social Standards that guides the issues that arise related to Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS-5) of the World Bank Environmental and Social Framework. Its fundamental purpose is to establish terms of agreement between the Government of the Republic of South Sudan and the World Bank regarding the principles and procedures to be used in subsequent preparation of Resettlement Plans (RFs) for the implementation of the HSTP.

This resettlement framework is developed because of stakeholder consultation/review meetings to ensure views and concerns raised by potential project beneficiaries or people affected by the project, are incorporated. However, it is worth to mention that at the early stages of HSTP discussions, stakeholders who were officials from the MoH levels (National, State and County and administrative areas) as well as administrative levels (Governors, County executive directors) as well as some chiefs, were invited to either Juba or their respective regional capital (Wau in Western Bahr el Ghazal State) and consulted/oriented on this project. Project scope, methodology of service delivery and anticipated risks and their mitigation measures were highlighted and discussed to an extent for an informed consensus building and ownership of the project for the benefit of the people (communities) they represented. They expressed their willingness to be part of the implementation, monitoring and supervision of the HSTP to reach its expected broader objective of transformation (integration, collocation among others).

## **The Project Descriptions**

The project is designed to expand access to a basic essential package of health and nutrition services for the people in South Sudan including refugees, with a scope of support by both available and future financing over the immediate and short-term. The project will operate in all ten states and three administrative areas of South Sudan and is designed to expand access to a basic package of health and nutrition services for the people in South Sudan, including refugees, with financial support available and future financing over the immediate- and short-term. The objective of the Health Sector Transformation Project (HSTP) is to expand access to a basic package of health and nutrition services, improve health sector stewardship, and strengthen the health system. The following are the components implemented under the HSTP:

- Component 1. Provision of Basic Health Services (implemented by UNICEF):
- Component 2. Health System Strengthening (implemented by WHO)
- Component 3: Monitoring and Evaluation and Project Management (Implemented by competitively selected Third Party Monitoring Agency(ies) and the Project Management Unit)
- Component 4 is the Contingent Emergency Response component (all implementing partners).

### **Methodology for the Preparation of the RPF**

The preparation of this RPF included a literature review and desk study of the documents to assess potential risks and impacts and develop risk mitigation measures. Documentation included: ESSs to determine applicability, especially of ESS 5; relevant legislation of South Sudan; RPFs for other WB-funded projects in the region; WB Project Appraisal Document (PAD) for the HSTP; HSTP Environmental and Social Commitment Plan (ESCP) and Stakeholder Engagement Plan (SEP).

## **Legal Context**

The goal of the RP is to ensure that law and legislations of the Republic of South Sudan and World Bank ESS standards are adhered to. Despite the comprehensive legal and regulatory framework, South Sudan faces challenges in effectively implementing land acquisition and compensation processes. Where there are gaps, WB ESS5 provisions and principles are implemented.

### **Potential Displacement Impact**

The Contingent Emergency Response (CERC) is component 4 of the project with an objective of improving the country's response in the event of an emergency, which may require physical displacement or land acquisition for project use with limited impacts related to land acquisition, restriction of access, and involuntary resettlement, due to rehabilitation/construction of existing/new health facilities or infrastructure that will be implemented potentially within existing footprints/premises of the project implementing entities.

### **Screening and Preparation of Resettlement Plans**

An Environmental and Social (E&S) screening process for all project activities is laid out in the Environmental and Social Management Framework (ESMF). The initial screening will identify potential land acquisition, restrictions on land use and involuntary resettlement issues associated with a specific activity. In such cases, mitigation measures have to be considered and implemented in a sustainable manner and in compliance with the Government of South Sudan laws and the World's Bank ESS5.

Once the specific sites for the subproject activities are defined and the E&S screening has indicated potential land acquisition, restrictions on land use and involuntary resettlement risks and impacts, this RF will guide the preparation of specific Resettlement Plan (RP). The selection of the type of plan will be proportionate to potential risks and impacts of the activity. This RP therefore establishes the policy principles and guidelines to identify, document and mitigate impacts resulting from land acquisition, restrictions on land use and involuntary resettlement in accordance with ESS5.

### **Preparing the Livelihood Resettlement Plan;**

Vulnerability or loss of livelihood provides a basis for the preparation of this LRP in order to ensure that, in line with the involuntary policy guideline of the World Bank, PAPs are not rendered economically worse off as a result of the HSTP project but are assisted to improve on their livelihood conditions. The broad objective is to prepare a Livelihood Restoration Plan (LRP) for persons to be affected by the HSTP. The specific objectives of the LRP are to:

- Consult with the affected stakeholders
- Conduct a census survey of impacted persons
- Ascertain the number of vulnerable persons among PAPs and design livelihood restoration measures suitable to addressing their economic sustenance.
- Describe compensation and other assistance to be provided; and Prepare a budget and time table for Livelihood Restoration Plan

**Reviewing and approving RPs and LRPs;** World Bank approval of the RP (or RPs) is required before project authorities invite bids for any contracts in which works are expected to involve physical or economic displacement as a result of land acquisition or restrictions on access or use of natural resources.



**Cut-off date.**

“Cut-off date” is the date by which PAPs and their affected assets have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census. The cut-off date will be clearly communicated to local communities to prevent any speculated claims or encroachments. Individuals or entities occupying land after the cut-off date will not be eligible for compensation or support under the RP/LRP. The cut-off date is established in consultation with the stakeholders by the borrowers through management committees and should be acceptable to the Bank.

**Project entitlement exclusion criteria:** As per ESS5, (paragraphs 5 through 9): The RF includes the following:

- 1) Claims after the cut-off date,
- 2) The criteria for VLD;
- 3) Incomes or livelihoods with no direct relation to project land acquisition;
- 4) Legally recorded market transactions.

The major challenge for the land sector in South Sudan is one of governance. It can be summed up as the absence of an effective framework for governance of tenure over land and land-based resources. Such frameworks which exist are ineffective in their operations, uncoordinated in their interactions, and do not engender confidence on the part of landowners and users.

Land governance refers to “the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed”<sup>1</sup>. Land governance frameworks include statutory, customary and religious institutions, and encompass policy and legal instruments as well as traditional and informal practices of communities for access, use, transfer and control of land rights.

**Special Restoration Measures for Vulnerable Groups/PAPs**

One objective of ESS5 is ‘to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.’ During the preparation of the RP or LRP, Management organizations (MOs – WHO and UNICEF) in coordination with the MoH will pay particular attention to the identification of vulnerable groups and ensure that their specific needs are considered. In the case of the project area this includes women, IDPs, returnees, marginalized ethnic groups, pastoralists etc. The RP or LRP will include a vulnerable group support plan with a detailed implementation plan.

**RPs/LRPs Implementation Procedures and Schedule**

All compensation and assistance must be completed before activities begin. Compensation will be clearly explained to eligible individuals and households, with payments made in the presence of PAPs and local leaders. Assets will be compensated at replacement costs without accounting for depreciation or salvaged materials. Cash compensation for houses or structures will cover market costs for materials, labor, and

related taxes. Agricultural land will be compensated at pre-project or pre-displacement market value, plus taxes. Displaced individuals or households will receive relocation assistance and a two-month living allowance. If land or assets belong to a community, compensation will involve reconstruction or replacement of facilities to an equal or better standard.

### **Consultations and Disclosure Arrangements**

The PMU at the Ministry of Health will prepare Resettlement Plans (RPs) following the guidelines of the Resettlement Framework (RF), which includes defining objectives, project scope, eligibility criteria, impact assessment, and institutional arrangements, among other elements. Consultations with Project Affected Persons (PAPs), local community members, and authorities will be integral to this process, ensuring they are informed about project activities, compensation entitlements, and livelihood restoration options. The process will align with the Stakeholder Engagement Plan (SEP) to ensure transparency and effective communication.

### **Grievance Redress Mechanism (GRM)**

The HSTP project GRM should facilitate the project to respond to concerns and grievances of the stakeholders. The Project will provide mechanisms to receive and facilitate resolutions to such concerns. The GRM aims to address concerns effectively and in a timely and transparent manner. It is readily accessible for all stakeholders and does not prevent access to judicial and administrative remedies. It is designed in a culturally appropriate way and is able to respond to all the needs and concerns of stakeholders.

### **Monitoring And Evaluation (M&E)**

The M&E processes will align with the Project's general M&E Plan and integrate into broader environmental and social monitoring under the ESMF and other instruments. The Project Management Unit (PMU), with its Social Safeguards Specialist, will oversee these activities, report to the Project Manager, and address non-compliances. Monitoring will be proportional to the project's risks, with consultations involving affected persons. Objectives include verifying full and timely compensation to affected persons (PAPs), assessing improvements in their living standards, resolving grievances, assisting vulnerable individuals, and ensuring effective livelihood restoration. Site-specific instruments will outline the monitoring parameters, tools, and resources. The PMU will submit periodic reports to the Bank on land acquisition and RP or LRP implementation, with reviews ensuring mitigation measures meet objectives, deeming a Resettlement Plan (RP) complete when resettlement impacts are adequately addressed.

# **1. Introduction**

## **1.1. Background**

The Resettlement Policy Framework (RF) prepared for the Health Sector Transformation Project (HSTP), is consistent with the requirements of Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS-5) of the World Bank Environmental and Social Framework. Its fundamental purpose is to establish terms of agreement between the Government of South Sudan and the World Bank regarding principles and procedures to be used in subsequent preparation of Resettlement Plan (RPs) and/or Livelihood Restoration Plans (LRPs).

Though limited, there could be potential risks related to land acquisition, restriction of access to land resources due to the proposed project activities that will be implemented potentially within existing footprints/premises of the project implementing entities. The Contingent Emergency Response (CERC) under component 4 of the project with an objective of improving the country's response in the event of an emergency would likely be activated and may require physical displacement or land acquisition for project use with limited impacts related to land acquisition, restriction of access, and involuntary resettlement, due to rehabilitation/construction of temporary health facilities or rapid infrastructures.

The Resettlement Framework (RF) will provide guidance on the process for preparing, reviewing, approving, implementing and monitoring subsequent Resettlement Plans (RPs) where necessary and prior to the commencement of any civil works. The RF to be developed will be streamlined and focused on screening out significant land acquisition, establishing a clear entitlement matrix, and include streamlined RP template and preparation process. Site specific Livelihood Restoration Plans (LRP) or RPs shall be prepared where subprojects may involve land acquisition and/or temporary restriction on land use or access which can have an adverse impact on communities or persons.

The World Bank approval of an RP (or RPs) or LRP (or LRPs) is required before project authorities invite bids for any contracts in which works are expected to involve physical or economic displacement because of land acquisition or restrictions on access or use of natural resources. The RF is intended to avoid or minimize any adverse impacts associated with physical or economic displacement, and to ensure arrangements are in place to mitigate any adverse impacts that may occur.

The Government of South Sudan through the Ministry of Health hereby agrees to apply the principles, procedures, and standards incorporated in ESS5 of the World Bank ESF when obtaining any sites for project use that would cause temporary or permanent, economic or physical displacement. This RF is also intended to utilize the existing applicable legal and policy framework of the Government of South Sudan, incorporating any supplementary measures necessary to achieve in consistency with ESS5 principles and standards. Furthermore, the government agrees to take all actions necessary to ensure full and effective implementation of the RPs or LRPs and to otherwise take actions necessary to achieve all relevant provisions of ESS5.

## **1.2. Objectives of the RF**

The objectives of this RF are to:

- Establish resettlement principles and organizational arrangements to be applied under HSTP sub-project activities that involve land acquisition particularly CERCs under Component 4.
- Provide guidelines for development of appropriate mitigation and compensation measures for resettlement related impacts resulting from proposed HSTP activities.

- Provide guidelines for the preparation of Resettlement Action Plans (RPs) or Livelihood Restoration Plans (LRPs) for those activities that require land acquisition i.e., temporary or permanent transfer of land or result in access restrictions or any impact on assets.

More specifically: The RF serves as a guiding framework:

- To provide guidelines that govern the acquisition of land and/or asset loss, valuation principles, compensation procedures, and grievance handling systems.
- To define the eligibility criteria for the identification of Project-Affected Persons (PAPs) and the cut-off date.
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders in the planning, implementation and follow-up of the resettlement project activities.
- Describe implementation and monitoring arrangements; and
- Provide procedures for filing grievances and resolving disputes.

This RF covers the community infrastructure facilities under component 1. Upon identification and approval of any sub-project activities particularly CERC activities under component 4 that requiring land acquisition, restrictions on land use or involuntary resettlement, separate RPs or LRPs will be prepared for each activity, based on the guidelines and procedures provided in this RF prior to the implementation of the respective planned project investments. This RPFRRF is based on the Government of South Sudan (GOSS) legal framework on resettlement and compensation and the provisions of the World Bank ESS 5 on land acquisition, restrictions on land use and involuntary resettlement. This RF will be implemented alongside the HSTP ESMF, the Stakeholder Engagement Plan (SEP), and the Security Management Plan (SMP).

### **1.3.Guiding Principles on Resettlement Issues**

An Environmental & Social (E&S) screening process for all HSTP activities is laid out in the ESMF. This initial E&S screening process will identify potential land acquisition, restrictions on land use and involuntary resettlement issues and opportunities for voluntary land donations associated with specific activities under Component 4. In such cases, mitigation measures have to be considered and implemented in a sustainable manner and in compliance with the requirements of GoSS legislation and the World Bank ESS5.

Once the activities are defined and the E&S screening has indicated potential land acquisition, restrictions on land use and involuntary resettlement risks and impacts, this RF will guide the preparation of specific plans: RPs or/and LRPs. The selection of the type of plan will be proportionate to potential risks and scope of land acquisition impacts of the activity. This RF therefore establishes the policy principles and guidelines for the preparation of these plans in compliance with the requirements of ESS 5. In the case of physical displacement, a RP will be prepared for the activity. A LRP will be also prepared if the activity leads to economic displacement or loss of income or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, etc.) caused by the construction of emergency facilities. Some projects may cause both physical displacement and loss of livelihood. Both types of plans will identify, document, and mitigate impacts resulting from land acquisition, restrictions on land use and involuntary resettlement in accordance with ESS5.

The purpose of this RF is to clarify resettlement principles and organizational arrangements to be applied to relevant project activities. The objectives of the World Bank's Environmental and Social Standard 5 (ESS5) guiding this RF include:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost; and (b) assisting displaced persons in their efforts to improve, or at least restore their livelihoods and living standards in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To restore or improve living conditions of all PAPs, and satisfy special needs of poor or vulnerable persons or groups, who are impacted by the resettlement process (either economic or physical displacement).
- To compensate PAPs for the loss of land and other productive assets at full replacement cost principle and provide resettlement assistances.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

This RF sets out resettlement and voluntary land donation procedures acceptable to all stakeholders. The preparation and implementation of the RAPs and/or LRPs under this RF will require the provision of adequate resources to meet the needs of the project-affected people (PAPs), who are physically and/ or economically affected by the project. It also requires adequate, meaningful, and participatory consultation with the PAPs through the resettlement process. Such consultations should include and pay particular attention to all vulnerable groups, including women, the poor, refugees and IDPs, and host communities, as well as marginalized ethnic groups. Initial consultations have been undertaken to inform the preparation of this RF.

## **2. Project Descriptions**

### **2.1. Project Development Objective and Descriptions**

The objective of the South Sudan Health Sector Transformation Project (HSTP) is to expand access to a basic package of health and nutrition services, improve health sector stewardship, and strengthen the health system.

The project is designed to expand access to an essential package of health and nutrition services for the people in South Sudan including refugees, with a scope of support by both available and future financing over the immediate and short-term.

### **2.2. Project Components**

Component 1: Provision of Essential Health Services Nationwide

The HSTP enabled the delivery of essential health services nationwide, with a focus of improving health availability including to refugees and host communities. Through subcomponents 1.1 and 1.2 UNICEF will contract IP's to deliver health services to designated lots.

Subcomponent 1.1. Delivery of high impact basic health and nutrition services nationwide through health facilities. This subcomponent will deliver cost-effective, high impact essential health and nutrition services through health facilities. The subcomponent aims to cover 1,158 health facilities throughout the project life of the project using a phased approach beginning with 600 health facilities, including 135 health facilities in refugees and host communities' areas.

Subcomponent 1.2: Boma Health Initiative. This subcomponent will invest in expanding and strengthening the BHI to deliver basic health at the community level. Specifically, the component will (i) finance the delivery of health services through the BHI; (ii) increase the coverage of the BHI based on the needs assessment and time plan; (iii) increase the number of female Boma health workers; (v) strengthen supervision, training, supply chain and support for BHWs.

Subcomponent 1.3. Pharmaceutical and Supply last mile delivery. This subcomponent aims to improve the availability of essential medicines at health facilities through strengthened supply systems. The subcomponent will finance a pharmaceutical supply agent to be responsible of: (i) country-wide pharmaceutical and medical supply distribution of health supplies for health facilities; (ii) last mile logistics including delivery of medical supplies and pharmaceuticals to health facilities.

Subcomponent 1.4: Climate Resilience Health Service Delivery. This subcomponent will enable the broad climate change adaptation through the project with the aim of minimizing the impact of climate change on South Sudan's population, health system and the project. The subcomponent will finance: (i) WASH improvements in facilities; (ii) minor rehabilitation to selected health facilities; (iii) minor rehabilitation of pharmaceutical stores; (iv) solar electrification of health facilities; (v) development and dissemination of climate adaptive and energy efficient rehabilitation guidelines; (vi) development and dissemination of multi-hazard climate emergency preparedness and response plan; (vii) training for health facility, CHD and state UNICEF staff on climate emergency preparedness and response as well as climate and health adaptation.

## Component 2: Health Systems Strengthening

This component will be implemented by the World Health Organization (WHO) with the aim of strengthening South Sudan's health system and to facilitate health service access and capacity improvements.

Subcomponent 2.1. Health System Preparedness and Response, Laboratory strengthening and Disease Control. The subcomponent will finance specific activities (i) training and operational support to the Integrated Surveillance and Response (IDSR); (ii) operational and rehabilitation cost for three Public Health Emergency Operation Centres (PHEOC); (iii) development, dissemination and training of trainers on multiphase emergency preparedness and response; (iv) training and staff costs for Points of Entry (PoE) surveillance; (v) update and disseminate laboratory guidelines; (vi) procure laboratory equipment, consumables, reagents and test kits; (vii) develop a laboratory accreditation program and scale up quality management; (viii) Neglected Tropical Diseases training of trainers; (iv) development of NCD's guidelines.

Subcomponent 2.2. Blood Banking and Transfusion. This subcomponent will focus on strengthening the country's blood banking and transfusion system, which currently has very limited reach. It will finance (i) development of guidelines for the proper collection, storage, transport, and use of blood for transfusions; (ii) strengthening existing blood banking services; (iii) development of systems and protocols for the

transfer of blood products for transfusion; (iv) conducting community and donor sensitization on the collection and use of blood products.

Subcomponent 2.3: Health Service Quality Improvement. This sub-component will: (i) develop a Human Resources for Health (HRH) policy, strategy, and manual; (ii) implement the national Human Resources for Health Information System (HRHIS); (iii) Review and update the health worker training curriculum; (iv) review and update the essential medicines list and standard treatment guidelines, including rational use of medicines; strengthen the capacity of the Drug and Food Control Authority (DFCA) at the State and National levels through training, development of tools and guidelines, and operational support for testing and supervision; (v) review and update the national quality of care policy and strategy; (vi) review and update the BPHNS; (vii) establishment of a quality of care system through development of guidelines, tools, and standards, training of trainers on quality of care, piloting quality of care teams and supporting national scale up, and support for National and State level quality improvement supervision.

Subcomponents 2.4: Health Management Information System. This subcomponent will (i) finance procurement of ICT equipment at the national level and train staff on data entry and use; (ii) train trainers to develop health facility staff data entry, management, and use capacity; (iii) create interoperability and integration between data systems and ensure data storage and backup; (iv) develop, print, and disseminate SOPs for HMIS data entry and use at all levels; (v) conduct data review meetings and generate data use tools; (vi) Establish and operate the National and State level HMIS and M&E Technical Working Groups; (viii) conduct data quality improvement activities at the facility and national level; (ix) operationalize a national and state level research committee, building on existing structure; (x) conduct an annual health sector review meeting; and (xi) maintain and institutionalize the Health Service Functionality (HSF) Database.

Subcomponent 2.5: Health Sector Stewardship and Financing. This subcomponent will (i) Train National and State UNICEF managers and leaders on leadership, management, policy formulation, operational planning, data use for decision making, and budgeting; (ii) develop annual operational plans at the National and State levels, aligned with the UNICEF's HSSP; (iii) establish health sector coordination units at the National and State UNICEFs by setting up offices; (iv) conduct intersectoral and inter-ministerial advocacy on the determinants of health through the development of materials and health communication activities; (v) develop a Public Private Partnership framework; (vi) conduct a National Health Accounts (NHA); (vii) develop, validate, and disseminate a national Health Financing Strategy; and (viii) develop UNICEF capacity for financial management, with a focus on improved budget execution, and intersectoral advocacy for health sector budget allocations.

### Component 3: Monitoring and Evaluation and Project Management

This component will finance costs related to monitoring and evaluation and management of project activities.

Subcomponent 3.1 Third Party Monitoring. The project will finance third-party monitoring of delivery of essential health services under subcomponent 1.1, and will build on arrangements through the CERHSPP, incorporating lessons learned from the project.

Subcomponent 3.2: Data analysis and visualization platform. This sub-component will develop a data visualization and use platform (software) focusing on visual representations of TPM and routine data, inclusive of BHI data.

### Subcomponent 3.3: Contract and program management capacity development.

This sub-component will develop the capacity of the PMU (through consultancy work) to manage health service delivery contracts focusing on monitoring health service delivery performance and taking actions; resolution of disputes related to health service contracts; review and feedback on contractor deliverables; liaising and coordinating with other relevant departments within the UNICEF to provide technical guidance to contractors; providing field level supervision to contractors; and developing a contract management manual. The subcomponent will finance: (i) technical assistance and capacity development on contract, environmental and social risk, and program management; and (ii) the development of contract management plan.

### Subcomponent 3.4: Project Management:

This subcomponent will finance the day-to-day operations of the PMU including project supervision, management, and oversight. The subcomponent will support: (a) PMU staff costs; (b) PMU project supervision and oversight; (c) environmental and social risk management activities; (d) PMU office equipment, stationary, and other day-to-day operating costs; (e) State MoH project supervisory visits; (f) costs of specialists needed to support the project; and (g) operational costs of the project's Steering Committee.

### Subcomponent 3.5: Potential for Land acquisition

The project may involve activities that lead to land acquisition, restrictions on land use, or both, depending on the nature of the subprojects, particularly those related to infrastructure development, facility restoration, or the expansion of health services across South Sudan's 10 states and three administrative areas. While the majority of the HSTP's interventions aim to enhance the health system's capacity without significant physical infrastructure development, certain project components or emergencies could potentially trigger land-related impacts. There might be potential risks related to land acquisition, restriction of access to land resources due to rehabilitation/construction of existing/new health facilities or infrastructure that will be implemented potentially within existing footprints/premises of the project implementing entities. The anticipated land acquisition impacts will be minor or not significant.

### Component 4\_Contingent Emergency Response Component (CERC)

The objective of this subcomponent is to improve the country's response capacity in the event of an emergency, following the procedures governed by Paragraph 12 of World Bank Investment Project Financing (IPF) Policy (O.P 10). The actual activities and their potential implications on environment and social safeguards will depend on the nature of the emergency and response. If CERC would be activated, emergency response may also need constructing of temporary health facilities and rapid infrastructures within the existing premises. Therefore, there will be limited impacts related to land acquisition, restriction of access, and involuntary resettlement.

## **2.3.Methodology for the Preparation of the RPF**

The preparation of this RPF included a literature review and desk study of the documents to assess potential risks and impacts and develop risk mitigation measures. Documentation included: ESSs to determine applicability, especially of ESS 5; relevant legislation of South Sudan; RPFs for other WB-funded projects in the region; WB Project Appraisal Document (PAD) for the HSTP; HSTP Environmental and Social Commitment Plan (ESCP) and Stakeholder Engagement Plan (SEP). In addition, lessons learned from the WB interventions in the health sector in South Sudan were used to inform the proposed environmental and social intervention of the project. Of particular importance was the South Sudan Provision of Essential



Health Services Project (PEHSP) and the Covid 19 Emergency Response and Health Systems Preparedness Project (CERHSPP).

The World Bank Group conducted identification, appraisal and implementation support missions for purposes of consulting Stakeholders and following up the implementation of CERHSPP. In these Missions different stakeholders were engaged and expressed their views about the project and their potential contribution/support. The participants agreed that the implementing entities have track record of screening, assessing and managing environmental and social risks and impacts from sub-projects including those that involve land acquisition as part of the implementation of PEHSP and CERHSPP. Departing from CERHSPP to HSTP will mean the scaling up of services to include all the ten states and the three administrative areas.

### **3. Legal and Regulatory Framework**

This RF complies with the laws and regulations of the Republic of South Sudan as well as with the World Bank's ESS 5, laid out in the World Bank's Environmental and Social Framework (ESF). Where there are gaps of discrepancies between the two, ESS5 prevails.

#### **3.1. Constitutional Provisions**

In South Sudan, land governance is primarily governed by the Transitional Constitution of 2011. It establishes that all land in the country is owned by the people, with its management distributed across various levels of government. The constitution guarantees the right to property and outlines conditions under which private property may be expropriated for public purposes. Specifically, it mandates that such expropriation must be conducted lawfully and accompanied by prompt, adequate, and effective compensation to the affected parties. Furthermore, Article 172 of the constitution emphasizes the government's obligation to respect customary land rights and practices, acknowledging their significance in land management.

The Constitution prescribes a three-category land tenure system. This system consists of:

- a) public land – all land owned, held or otherwise acquired by any level of government (including land owned by Bomas, Counties, States and federal government or administration and all land that is not otherwise designated as community or private). This means that all land that is not claimed automatically belongs to the government.
- b) community land – all land traditionally and historically held or used by local communities or their members (including grazing lands for animals, hunting grounds, or locations of traditional sacrifices and worship)
- c) private land including registered land held by a person under leasehold tenure, investment land acquired under lease from the government, and other land designated as private land in accordance with the law. This means that all investment land is acquired from the government through the leasehold tenure.

The reason for these three categories stipulated in the Transitional Constitution are historical. Prior to independence, all land in Southern Sudan belonged to the Government of Sudan. During this time, widespread displacements of settlements took when every time the government gave away land for investors. For this reason, the Transitional Constitution pronounces that all land belongs to the people. However, at the same time, in reality, land can only be leased from the government, making the government the de facto owner of all land. In most cases land for IDPs would therefore be provided by the Government. The Land Act, however, was enacted under the Interim Constitution of Southern Sudan, before the enactment of the Transitional Constitution.

### **3.2.The Land Act of 2009 (Government of Southern Sudan)**

The Land Act of 2009 serves as a critical legal framework governing land tenure and acquisition in South Sudan. It categorizes land tenure into public, community, and private ownership systems. It further recognizes three types of tenure: customary, freehold and leasehold. Section 63 of the Act grants the government authority to acquire land for public purposes, such as infrastructure development, provided the process is transparent and compensation is fair and timely. Sections 75 and 76 outline detailed procedures for land acquisition, including requirements for public consultation, notice, and the determination of compensation. The Act also underscores the importance of valuing land and improvements fairly when compensating affected parties, ensuring that the process is equitable and just.

The Land Act reinforces the Government's recognition of customary land tenure: 'Customary land rights including those held in common shall have equal force and effect in law with freehold or leasehold rights.' Community land can be allocated to investors as long as investment activity 'reflects an important interest for the community' and 'contributes economically and socially to the development of the local community'. It also requires that state authorities approve land acquisitions above 250 feddans (105 hectares) and create a regulated ceiling on land allocations. Freehold rights include the rights to transfer the land, but the law does not state how freehold land can be acquired. Leasehold can be obtained for customary and freehold land – for up to 99 years. Leases of more than 105 hectares have to be approved by two local government bodies.

One of the key objectives of the Land Act is to promote a land management system, which can protect and preserve the environment and ecology for the sustainable development of South Sudan. It also provides for fair and prompt compensation to any person whose right of occupancy, ownership or recognized long-standing occupancy or customary use of land is revoked or otherwise interfered with by the Government.

The Land Act requires the Government to consult local communities and consider their views in decisions about community land. The Act also gives pastoralists special protection: 'No person shall without permission to carry out any activity on the communal grazing land which may prevent or restrict the residents of the traditional communities concerned from exercising their grazing rights'.

The Land Act further stipulates the establishment of County Land Authorities and District-level Payam Land Councils, both including county and district representatives, representatives of a local CSO and a woman representative, to act as administrators over community land. Their responsibilities include holding and allocation of public land, recommendations on public land planning, advising on resettlement of IDPs, facilitating the registration of land, supporting cadastral operations and surveys, and advising on land tenure and usage. The Payam Land Councils include the boma chiefs, representatives from the Farmers and Herders Association, and a representative of a CSO as well as a woman representative. They are responsible for the administration of land at the district level.

Furthermore, under the Land Act, state governments and other public authorities are allowed to expropriate private land for public purposes subject to compensation payment. Such expropriation has to be based on consultations with the owners, as well as with pastoralists holding potential secondary rights.

### **3.3. The Local Government Act (2009)**

The Act defines the primary responsibility of local government and traditional authorities to regulate and manage land, including charging customary institutions with particular responsibilities for the administrations of community land rights. It calls for a Local Government Council at the county level to be the primary institution managing land issues. It also calls for land committees, as part of the Local Government Council, to take on a role as mediators between communities and investors.

### **3.4. A Draft Land Policy (2013)**

A draft land policy proposes a Land Valuation Act to set standards for land valuation, mainly for taxation purposes. At present, the only institution implementing land valuation is the Judiciary. Since the formal Judiciary is not easily accessible in many areas of the country, there is a lack of land valuation mechanisms.

### **Draft National Land Policy, April 2023**

The Government of the Republic of South Sudan has developed this National Land Policy to establish a sustainable framework for allocating and protecting collective and individual land rights for all the people of South Sudan. The policy articulates principles, structures, and processes for access and ownership, control, administration, use and sustainable management of land to meet core national governance and development objectives. It sets out principles of land governance, identifies priority land issues and challenges, articulates policy options and strategies, sets up the institutional framework and defines roles, responsibilities and interactions to enhance responsible land governance that will promote tenure security for improved land productivity and sustainable development. Once adopted, the National Land Policy will create the basis for formulation of sector policies to spur sustainable economic development, manage competing imperatives over land and land-based resources, and resolve land-related disputes.

### **3.5. Regulatory Framework**

Supplementing the legal provisions, the National Land Commission plays a pivotal role in overseeing land management and resolving disputes related to land acquisition and compensation. Established to ensure compliance with national laws and respect for customary practices, the Commission advises on compensation matters and facilitates transparent and fair expropriation processes. Additionally, customary land tenure systems are recognized within the regulatory framework, allowing for integration with statutory laws where applicable. This dual approach seeks to harmonize formal legal provisions with customary practices, promoting a balanced approach to land governance.

### **3.6. Challenges and Considerations**

Despite the comprehensive legal and regulatory framework, South Sudan faces challenges in effectively implementing land acquisition and compensation processes. These challenges include limited administrative capacity, corruption, and insufficient awareness among the population regarding their land rights. Ongoing conflicts and displacement further complicate land tenure security and the fair implementation of compensation mechanisms. Addressing these issues requires strengthening institutional capacities, enhancing transparency in land transactions, and fostering inclusive dialogue with local communities to ensure their rights are upheld and protected.

### **3.7. The WB ESS-5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

The Environmental and Social Framework (ESF) sets out the World Bank's commitment to sustainable development through a Bank Policy and a set of Environmental and Social Standards (ESSs) that are designed to support borrowers' projects with the aim of ending extreme poverty and promoting shared prosperity. ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause temporary or permanent physical displacement (relocation, loss of residential land or

loss of shelter) and/or economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood). or both.

In World Bank-assisted projects, borrowers are expected to take all feasible measures to avoid or minimize adverse impacts from land acquisition and restrictions on land use associated with project development. The fundamental objective of ESS5 is to ensure that, if temporary or permanent physical or economic displacement cannot be avoided, displaced persons (as defined below) are compensated at the replacement cost for land and other assets, and otherwise assisted as necessary to improve or at least restore their incomes and living standards.

Other ESS5 objectives include:

- To avoid forced eviction;<sup>2</sup>
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;<sup>3</sup>
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in temporary displacement.

Experience and research indicate that temporary physical and economic displacement, if unmitigated, may give rise to severe economic, social and environmental risks: production systems may be dismantled; people face impoverishment if their productive resources or other income sources are lost; people may be relocated to environments where their productive skills are less applicable and the competition for resources greater; community institutions and social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority, and the potential for mutual help may be diminished or lost. For these reasons, involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.

The ESS does not apply to voluntary land transactions, as will also be relevant for the HSTP. Voluntary, legally recorded market transactions are those in which the seller has the opportunity to retain the land (as well as to refuse to sell it) and is fully informed about his options. While the legal

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Defined as the removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures in ESS5.

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Security of tenure means that displaced persons are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are at least as robust as those they had prior to displacement.

system in some areas is too weak to allow the project the purchase of land, in some of the urban areas this may be possible. However, ESS5 will apply where a voluntary land transaction may result in the displacement of persons other than the seller, who occupy, use or claim rights to the land in question.

Given that in South Sudan most land is communal, even where decisions are taken by local leaders, ESS 5 also applies, where ‘restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights.’<sup>15</sup> It further applies in cases of ‘restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas’<sup>16</sup>.

In addition, communal decision on communal land should be taken with evidence that the ‘community decision making process is adequate and reflects voluntary, informed consensus, and that appropriate measures have been agreed and put in place to mitigate adverse impacts, if any, on the vulnerable members of the community.’<sup>17</sup>

ESS5 outlines classifies three categories of PAPs, those:

- Who have formal legal rights to land or assets.
- Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- Who have no recognizable legal right or claim to the land or assets they occupy or use.

### **ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

ESS7 recognizes that Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities have identities and aspirations that are distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development. Their economic, social, and legal status frequently limits their capacity to defend their rights to, and interests in, land, territories, and natural and cultural resources, and may restrict their ability to participate in and benefit from development projects

This standard contributes to poverty reduction and sustainable development by ensuring that projects supported by the Bank enhance opportunities for Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities to participate in, and benefit from, the development process in ways that do not threaten their unique cultural identities and well-being

In the case of physical displacement, the Borrower will develop a plan that covers, at a minimum, the applicable requirements of this ESS regardless of the number of people affected. The plan will be designed to mitigate the negative impacts of displacement and as warranted, to identify development opportunities. It will include a resettlement budget and implementation schedule and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to gender aspects and the needs of the poor and the vulnerable. The Borrower will

document all transactions to acquire land rights, provision of compensation, and other assistance associated with relocation activities.

### **3.8.Gap analysis ESS and national legislation**

The legal gap analysis compares objectives rather than requirements of ESS 5 with national laws and requirements. The reason for this is that the nearly complete lack of a legal system, including laws and institutions means that the ESS 5 requirements are barely reflected in the national laws and requirements. Requirements, such as establishment of cut-off-date, eligibility criteria, replacement value, criteria for Voluntary Land Donations, and stakeholder engagement therefore follow ESS 5 closely.

Whenever there is discrepancy between the national legislation and the WB ESS-5, the later will prevail. This RF and ESS 5 will be followed, and where necessary, specific instruments, such as Resettlement Action Plans (RPs, Livelihood Restoration Plans (LRPs), Voluntary Land Donation (VLD) protocols will be prepared and implemented in consistent with the requirements of ESS-5 and this RF. Moreover, the Project Stakeholder Engagement Plan (SEP) will be adopted to meaningfully engage the project affected persons (PAPs) and other relevant stakeholders, with a particular focus on women and vulnerable groups.

Table x. Gap Analysis between the WB ESF ESS5 and the National Legislation	National Laws and Requirements	Gaps	
ESS 5: ESS 5 Objectives  To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, o pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	Transitional Constitution: Every person shall have the right to acquire or own property as regulated by law and as stipulated in Article 32 (1) of the Constitution.	limited legal infrastructure to properly allocate land rights and ensure that they are respected	This RPF and ESS5 will be followed, and where necessary, specific instruments, such as RAPs will be prepared and implemented.
	Transitional Constitution: It classifies land as public, community, or private land and provides with respect to the registration of rights in land.	In regard to privately owned land, there is minimal legal protection for land owners, as their right to land is often unrecognized by the State government	
ESS5 classifies affected persons: Who have formal legal rights to land or assets; Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or	Transitional Constitution: Pursuant to Article 32 (2), no right in land shall be expropriated or confiscated save by law in the public interest and in consideration for a prompt and fair compensation.	Limited legal infrastructure to properly allocate land rights and ensure that they are respected	This RPF and ESS5 will be followed, and where necessary, specific instruments, such as RAPs will be prepared and implemented.

<p>(c) Who have no recognizable legal right or claim to the land or assets they occupy or use.</p>		<p>There is no definition of compensation, land valuation is only implemented by the Judiciary</p>	<p>If acquisition is unavoidable, this RPF will be followed. The RPF defines the necessity of a cut-off date, valuation of assets, entitlements to ensure fair compensation in such cases.</p>
<p>Mitigate unavoidable adverse impacts from land acquisition or restrictions on land use through timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to improve livelihood.</p> <p>ESS5: In conjunction with the census, the Borrower will establish a cutoff date for eligibility</p> <p>ESS5: The Borrower will give a notification period for displacement</p>	<p><b>The Land Act of 2009</b> provides for fair and prompt compensation to any person whose right of occupancy, ownership or recognized long standing occupancy of customary use of land is revoked or otherwise interfered with by the Government.</p>	<p>There is no definition of compensation, land valuation is only implemented by the Judiciary</p> <p>In terms of eligibility for compensation, persons without recognizable legal rights or claims to the land or assets they occupy or use may not be included</p> <p>Cut-off dates and notification periods for displacement are not defined under the law.</p>	<p>This RPF and ESS5 will be followed, and where necessary, specific instruments, such as RAPs will be prepared and implemented. The RAP preparation process will include cut-off dates and define notification periods for displacement.</p> <p>The project will provide timely compensation to all PAPs for loss of assets at replacement costs. Replacement costs will be determined through calculation of output value for land or productive assets, or the undepreciated value of replacement material</p>



			and labor for construction of structures or other fixed assets, plus transaction costs. The amount of compensation will be determined during the valuation process, in which the value of the land or assets are assessed.
	<p><b>The Land Act of 2009</b> reinforces the Government's recognition of customary land tenure: 'Customary land rights including those held in common shall have equal force and effect in law with freehold or leasehold rights.'</p> <p>Community land can be allocated to investors as long as investment activity 'reflects an important interest for the community' and 'contributes economically and socially to the development of the local community'.</p>	<p>There is a risk that the absence of legislation can lead to dispossession and displacement. In some cases a few individuals in a Payam signed leases with corporations leading to the displacement of large numbers of community members, without any appropriate consultations of the broader community.</p>	<p>Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.</p> <p>Provide Project GM.</p>

<p>ESS 5:</p> <p>To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.</p> <p>To avoid forced eviction.</p>	<p><b>The Land Act of 2009</b> also requires that state authorities approve land acquisitions above 250 feddans (105 hectares) and create a regulated ceiling on land allocations</p>	<p>States often do not have a County Land Authority ('Ayam Land Council') to handle these issues</p>	<p>Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.</p> <p>This RPF will be followed, and where necessary, specific instruments, such as RAPs will be prepared and implemented.</p> <p>Land acquisitions above 105 hectares shall not be allowed under the Project</p>
<p>ESS5:</p> <p>Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and informed participation</p>	<p><b>The Land Act of 2009</b></p> <p>The Land Act requires the Government to consult local communities and consider their views in decisions about community land.</p>	<p>In reality, land acquisition deals take place promoting business, but hurting local populations.</p> <p>While the land law from 2009, which is pre-independence, allowed ethnic groups to possess land through customary rights, in the practice today such land can be leased by the government to foreign investors, as there is no formal recognition of the rights to land by landowners.</p>	<p>The valuation process includes stakeholder consultations, and it will be consistent with the World Bank's ESS5 and national legislation</p>

<p>ESS 5:</p> <p>Ensure that women's perspectives are obtained in consultation processes.</p>	<p><b>The Land Act of 2009:</b> Right to land shall not be denied by the Government of Southern Sudan, State Government or community on the basis of sex, ethnicity or religion. Women shall have the right to own and inherit land together with any surviving legal heir or heirs of the deceased as stipulated in Article 20(5) of the Constitution.</p>	<p>In the implementation of land rights, women are often still excluded</p>	<p>This RPF and ESS5 will be followed, and where necessary, specific instruments, such as RAPs will be prepared and implemented. Implement the Project Stakeholder Engagement Plan (SEP), with a particular focus on women and vulnerable groups. Ensure that women's perspectives are obtained in consultation processes.</p> <p>Provide Project GM</p>
	<p><b>The Land Act of 2009:</b> Traditional Authority within a specific community may allocate customary land rights for residential, agricultural, forestry, and grazing purposes. the act sets out procedures for and conditions limiting such allocation. Traditional Authority may on behalf of the community, in accordance with customary law and practices, cancel a customary land right.</p>	<p>The voices of women or other vulnerable groups may be excluded from such decision making</p>	<p>Implement the Project Stakeholder Engagement Plan (SEP), with a particular focus on women and vulnerable groups. Ensure that women's perspectives are obtained in consultation processes.</p>

	<p><b>The Land Act of 2009:</b> The Act defines powers and duties of the GoSS and of states in respect of land administration. It requires County Land Authorities to be established. These authorities shall, among other things, hold and allocate public lands vested in them. There shall also be established at the Payam level a Payam Land Council that shall be responsible for the management and administration of land in the different Bomas composing the Payam.</p>	<p>States often do not have a County Land Authority to handle these issues</p>	<p>This RPF and ESS5 will be followed, and where necessary, specific instruments, such as Resettlement Action Plans (RAPs) will be prepared and implemented.</p> <p>Implement the Project Stakeholder Engagement Plan (SEP), with a particular focus on women and vulnerable groups. Ensure that women's perspectives are obtained in consultation processes.</p>
	<p><b>The Land Act of 2009:</b> Any allocation of land for investment purposes shall be subject to a social, economic and environmental impact assessment to ensure that the social, economic and environmental implications of the activities on the land are taken into account before any decision is made thereon.</p>		<p>This RPF and ESS5 will be followed, and where necessary, specific instruments, such as RAPs will be prepared and implemented.</p> <p>The ESMF will be followed, and where necessary, ESIA or</p>

			ESMPs will be prepared.
	<b>The Land Act of 2009:</b> The Act provides with respect to resettlement and restitution of rights in land resulting from involuntary displacement during the civil war. Proceedings for eviction may be instituted against any person who unlawfully occupied a piece of land in contravention of the provisions of this Act or any other law.		Activities on land that was previously inhabited by communities that were displaced are part of the project's negative list.
	<b>The Local Government Act (2009).</b> The Act defines the primary responsibility of local government and traditional authorities to regulate and manage land, including charging customary institutions with particular responsibilities for the administrations of community land rights.	States often do not have a County Land Authority to handle these issues	This RPF and ESS5 will be followed, and where necessary, specific instruments, such as RAPs will be prepared and implemented.

## **4. Preparing a Resettlement Plan**

### **4.1 Screening**

E&S screening will show potential land risks and impacts and will help identify the appropriate mitigation measures or the need to assess alternative sites. The E&S screening pays attention to any activity that may require land, impact any community members and vulnerable groups. Furthermore, the screening should indicate where land designated for project activities has previously been used by other communities that had to vacate the land due to conflict, and where the land has been occupied by others. Where such is determined through the E&S screening process, the activity will be ruled out. All potential activity sites will be screened using the E&S screening form, which is also annexed to the ESMF. The form will facilitate an assessment of the need for any land acquisition, restriction on land use and involuntary resettlement, and will help determine whether a RP or LRP should be prepared.

The screening will further help to confirm that all reasonable efforts have been made to avoid and minimize land acquisition/resettlement; determine whether proportionate RP or LRP are required; determine whether there are vulnerable PAPs that require special provisions in the RP or LRP; and ensure the initiation of consultations for the RP or LRP preparation. The consultation process provides opportunities for continuous identification and communication of issues of interest for the proper management of the land and resettlement issues.

### **4.2. Preparation of RP/LRP**

All projects causing physical or economic displacement through land acquisition or project-related restrictions on resource access or use are required to prepare a resettlement plan for World Bank approval. Responsibility for preparation and implementation of the RP (or RPs) rests with the Ministry of Health. It will further exercise its authority to coordinate actions with any other involved agencies, jurisdictions, or project contractors to promote timely and effective planning and implementation.

RP preparation begins once the physical footprint of a proposed investment has been determined, establishing that a particular site (or sites) must be acquired for project use. Management organizations (MOs – WHO and UNICEF) will initially screen proposed sites to identify current usage and tenorial arrangements and identify the site (or sites) that will minimize physical and economic displacement. The implementing agencies— MOs, in coordination with the Ministry of Health subsequently carries out, or causes to be carried out, a census survey to identify and enumerate all displaced persons on the selected site (or sites) and to inventory and value land and other assets that are to be acquired for project use.

Each RP is based on the principles, planning procedures, and implementation arrangements established in this RF,<sup>4</sup> and normally includes the following contents:

- a. Description of the project (with appropriate maps and illustrations), including explanation for the necessity of acquiring particular sites for project use and efforts undertaken to avoid or minimize the amount of land acquisition or other potential impacts deemed necessary.
- b. Results of a census survey of displaced persons and inventory and valuation of affected land and assets
- c. Description of any project-related restrictions on resource use or access.

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Additional details regarding preparation of an RP are included in ESS5, Annex 1.

- d. Description of tenure arrangements, including collective, communal, or customary use or ownership claims.
- e. Review of relevant laws and regulations pertaining to land acquisition, compensation, and other assistance to displaced persons, and identification of gap-filling measures needed to achieve ESS5 requirements.
- f. Description of land and asset valuation procedures and compensation standards for all categories of affected assets
- g. Eligibility criteria for compensation and all other forms of assistance, including a cutoff date for eligibility.
- h. Organizational arrangements and responsibilities for RP implementation
- i. Implementation timetable
- j. Estimated budget and financial contingency arrangements
- k. Consultation and disclosure arrangements
- l. Description of grievance mechanism
- m. Arrangements for monitoring implementation progress.

The RP should be complemented by a separate set of individual compensation files for each displaced household or persons. These files are to be handled confidentially by the borrower to avoid any prejudice to displaced persons. In fragility, conflict, and violence (FCV) environments, RPs should also clarify procedures to be applied to ensure the security of displaced persons when they receive compensation payments.

Eligibility criteria for compensation and all other forms of assistance will be defined based on the activity-specific resettlement assessment, and their entitlements in the different anticipated displacement scenarios (Annex 1). Eligibility classification as per ESS 5 includes persons a) who have formal legal right to land or assets; b) who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law; c) who have no recognizable legal right or claim to the land or assets they occupy or use.

Additional planning measures must be incorporated into RPs for projects causing physical displacement, or significant economic displacement, as described below.

For projects causing physical displacement,<sup>5</sup> the RP should include planning measures relating to the following, as relevant for project circumstances:

- a. Description of relocation arrangements, including options available to displaced persons, and including transitional support for moving or other expenses.
- b. Description of resettlement site selection, site preparation, and measures to mitigate any impacts on host communities or physical environment, including environmental protection and management.
- c. Measures to improve living standards and otherwise address particular needs of relocating poor or vulnerable households, including measures to ensure that replacement housing is at least consistent with minimum community standards and is provided with security of tenure.
- d. Description of project design measures to improve living standards, access to or functioning of community services or facilities, or for providing other project-related benefits.
- e. Any measures necessary to address impacts of resettlement on host communities.

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Additional details regarding planning measures for physical displacement are provided in ESS5, Annex 1, paras. 17–23.

For projects causing significant economic displacement,<sup>6</sup> the RP describes (as relevant):

- a. The scale and scope of likely livelihoods-related impacts, including agricultural production for consumption or market, all forms of commercial activity, and natural resource use for livelihoods purposes.
- b. Livelihoods assistance options (for example, employment, training, small business support, assistance in providing replacement land of equivalent productive value, other) available to persons losing agricultural land or access to resources.
- c. Assistance measures available to commercial enterprises (and workers) affected by loss of assets or business opportunities directly related to land acquisition or project construction.
- d. Project measures to promote improvement of productivity or incomes among displaced persons or communities.

The following steps will have to be implemented as part of the preparation of the RAP or LRP:

**Step 1 Consultation Process.** Public consultations start during the planning stages of the activity, when designs are decided on, and at the E&S screening stage. Consultations will be held early on during this process, and extend throughout the RAP/LRP preparation process, including throughout the survey activities.

**Step 2 Disclosure and Notification.** Stakeholders will be informed about the planned project activity, and the RAP or LRP process. A cut-off date is announced to the stakeholders to help determine eligibilities for compensation and other forms of assistance. PAPs must be notified of the cutoff date both in writing and by verbal notification delivered in the presence of all the relevant stakeholders. Where there are no identifiable owner or user of a piece of land or asset, the PMU or MOs team must notify the respective local authorities and leaders. The team may opt to seek further information from the respective PAPs, Payam or Boma leaders, local government authorities or a land valuation expert.

**Step 3 Documentation and verification of assets.** Meetings with all PAPs will be arranged by the local authorities responsible for the socio-economic survey and determination of PAPs. The meetings will include local government authorities, Payam and Boma leaders, as well as community elders. The purpose of the meetings will be to discuss the compensation and valuation process. For each individual or household affected, the survey team will complete a compensation report containing necessary personal information of the individual or household, their total land holdings, inventory of assets affected, and demographic and socio-economic information for the monitoring of impacts. These reports will be regularly updated and monitored by the respective local authorities.

The socio-economic survey is the census that will be undertaken by the local authorities with assistance from the PMU under the MoH and MOs. For this matter, the local authorities will recruit a consultant specialist to implement the survey. The survey will be implemented jointly with a Land Asset Inventory to determine the assets affected by the activity and determine which assets require to be compensated as per the entitlement.

The survey will be based on data collected with the aim to identify the PAPs that will likely have to be displaced, and/or the PAPs that are eligible for compensation payments and other types of assistance. The data will also provide exact information of the scale of the resettlement and displacement that is necessary

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Consideration of scale of loss of productive assets as well as changes in institutional, technical, cultural, economic, and other factors may be important in determining the significance of economic displacement. In general practice, however, loss of 10 percent or more of productive land or assets from a household or enterprise often is considered significant. Additional details regarding planning measures for economic displacement are provided in ESS5, Annex 1, paras. 24–29.



for the implementation of the activity; help identify gaps in information and point out any further socio-economic research that will need to quantify the losses; it will help prepare appropriate development interventions where necessary; it will help prepare indicators to assist in the monitoring and evaluation of the implementation of the RAP or LRPs.

Implementing entities will further liaise closely with the respective local authorities in order to obtain their agreement and willingness to support the RAP or LRP process. They will then assist the local authorities in the defining of the number of PAPs affected by the activities, implementation of the census and socio-economic survey of PAPs, the asset inventory, the proposed assistance to the PAPs, and the development of the options for compensation (including the calculation of compensation amounts, or the types of in-kind compensation, and determination of PAPs to receive compensation or other assistance). Implementing entities will then work closely with the respective local authorities to assist them in the implementation of compensation payments or other measures that are determined by the RAP or LRP.

**Step 4: The valuation report will be prepared, and on the basis of the report, the RAP / LRP will be drafted.** MOs, jointly with the local authority, will submit the draft RAP or LRP to the PMU for review. When the PMU deems the plans satisfactory, it will submit them to the World Bank for approval. The plans must be approved by the World Bank prior to any resettlement and land acquisition for the activity.

**Step 5: Disclosure of draft entitlements matrix, valuation report, RAP/LRP.** After World Bank approval is obtained, PMU in coordination with the MOs will prepare a final version of the plan for public disclosure. The copies of the plan will be prepared in English and in any other local languages that is relevant for communication in a particular area and made accessible to all the project stakeholders and on the World Bank external website. Potential comments from the public consultation will be incorporated into the final plan prior to implementation. The names of the identified PAPs and the respective entitlements will be removed in disclosed versions of the plans.

#### 4.3 Special Restoration Measures for Vulnerable Groups/PAPs

One objective of ESS5 is ‘to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.’ During the preparation of the RP or LRP, Management organizations (MOs – WHO and UNICEF) in coordination with the MoH will pay particular attention to the identification of vulnerable groups and ensure that their specific needs are considered. In the case of the project area this includes women, children, IDPs, returnees, marginalized ethnic groups, pastoralists etc. The RP or LRP will include a vulnerable group support plan with a detailed implementation plan in which these groups will be consulted in partnership with BHI, local NGO representatives and IPs..

The RPs and LRPs will include solutions to the following aspects:

- Ensure that local decision-making mechanisms for land allocation and ownership pay attention to women land users and other vulnerable or marginalized groups (see HSTP Stakeholder Engagement Plan) and their needs.
- Ensure that compensation payments are made to women directly in the case of women-headed households.
- Provide livelihood enhancement trainings to women groups and other vulnerable groups organized in Micro and Small Enterprises (MSE's) with special attention to female-headed households.

- Provide special attention to the impact of resettlement on women and other vulnerable groups during monitoring and evaluation of the RP or LRP.
- Income restoration measures must target the vulnerable persons or groups to ensure that they are reasonably assisted to overcome potential economic shocks and maintain the quality of life not less than prior to the activity.
- Ensure that assessments identify potential risks and impacts as well as mitigation measures, especially those that affect vulnerable groups.
- Where necessary, conduct a social, legal and institutional assessment in order to identify potential economic and social risks and impacts, in particular those of vulnerable groups.
- Consider alternative project design to avoid and minimize land acquisition or restrictions on land use, with particular attention to vulnerable groups.
- When establishing entitlements, pay particular attention to gender aspects and the needs of vulnerable groups.

Since vulnerable individuals or groups often do not participate in decision-making meetings, it is crucial for MoH PMU in coordination with MOs and local authorities to identify them prior to any consultations. MOH PMU in coordination with MOs will assess vulnerabilities and their cause and impacts, based on identification mechanism proposed by the respective communities, as well as those developed during the implementation of the SEP.

Payment of compensation and any other type of assistance will then be adjusted to the vulnerable persons' requests and needs. This can include assistance in the compensation payment procedure (e.g. specifically explain the process and procedures, make sure that documents are well understood); assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery; assistance in moving, e.g. by providing vehicle, driver and assistance at the moving stage, assistance in the identification of a resettlement plot; assistance in construction, including through provision of materials and work force; assistance during the post-resettlement period, particularly if the solidarity networks that the vulnerable person was relying on have been affected: food support, health monitoring, etc...; and health care if required at critical periods, particularly the moving and transition periods.

#### 4.4. RAP/LRP Implementation Procedures and Schedule

All compensation and other forms of assistance will have to be completed prior to the commencement of activities. Compensation payments will be clearly explained to the individual and households eligible, including the basis for valuing all assets. Monetary or in-kind compensation payments will be undertaken in the presence of the PAPs and the Payam or Boma leaders. Acquired assets will be compensated at replacement costs, and in calculating replacement cost, depreciation of structures and assets is not taken into account, nor is the value of materials salvaged by the PAP from an asset (e.g. building materials, the pump from a well etc.) acquired under a community project. For houses and other structures, the replacement value, if provided as cash compensation, is the market costs of materials to build a similar or better structure than the one affected, plus costs of labor/contractors, and the cost of any registration and transfer taxes. For agricultural land, the replacement cost is the pre-project or pre-displacement (whichever is higher) market value of land that is of equal size or use plus the cost of any registration and transfer taxes.

Displaced individuals or households will receive relocation assistance for the costs of moving to the new location, as well as an allowance equal to the local average costs of living during a two-month period to resettle in their new location of residence or business.

Community Payments: In cases where land or assets belong to an entire community and no individual owner or user can be allocated, the community will be compensated. Such compensation can be in the form of reconstruction of the facility (in case of damages) or replacement (at least the same standard or equivalent or better standard).

## **5. Consultation and Disclosure Arrangements**

### **5.1 RF Preparation and Implementation**

The PMU at the Ministry of Health will be responsible for the preparation of the appropriate RPs/LRPs in accordance with the principles, procedures and provisions of this RF. This will include the definition of objectives, project site description, description of scope of the RP/LRP, description of eligibility criteria, description of the planned activity, definition of impacts caused by the activity, description of alternatives that have been considered, definition of the valuation methodology, description of proposed institutional arrangements, description of the GM, RP or LRP budget estimate for implementation of the instrument, description of M&E, preparation of survey instrument and monitoring of data collected during census and socio-economic surveys, support to livelihood improvement or restoration program, and the implementation of stakeholder consultations for the preparation of the instrument.

Adequate consultations will accompany the preparation of the RPs. Consultations will involve PAPs, other local community members, local authorities including Payam and Boma chiefs, as well as other leaders. PAPs must be informed about the activities, their scope and the intention to use the site for project activities and structures. The PAPs and other stakeholders must be made aware of their options and compensation entitlements (in kind and in cash); the precise technically and economically feasible options and alternatives for replacement agriculture lands or other assets; the process and proposed dates for compensation; effective compensation rates (at full replacement cost) for loss of assets, services or ancillary items; and the proposed measures and costs to maintain or improve their livelihoods. During consultations, entitlement criteria for compensation will be clarified, and details of the Project GM communicated. Activities will follow the SEP in the implementation of consultations.

### **5.2. The implementation arrangements**

The MOs (UNICEF and WHO) will be responsible for implementing the RF which will include screening, assessment and compensation based on the terms and conditions of the RPs. The Social Safeguard Specialist within the PMU will be responsible for the RF supervision and monitoring. The local governments (state county, payam) will supervise the implementation and monitoring of the RF, and eventually RPs and LRPs.

### **5.3. Institutional Setup**

The institutional setup of the **Health Sector Transformation Project (HSTP)** involves multiple key entities responsible for the project's implementation, management, and oversight, ensuring comprehensive coordination across various levels of health services in South Sudan.

#### **1. Ministry of Health (MoH):**

- **Primary Implementing Agency:** The Ministry of Health is responsible for overall coordination and management of the HSTP. It will lead the execution of key health interventions and monitor compliance with national policies and World Bank guidelines. The MoH also manages the project's Environmental and Social Management Framework (ESMF).
- 2. **Project Management Unit (PMU):**
  - **Operational Hub:** The PMU is established within the Ministry of Health and is tasked with day-to-day project operations, including procurement, financial management, and coordination with partners.
- 3. **World Health Organization (WHO):**
  - **Technical Lead for Health System Strengthening:** WHO supports health system strengthening under Component 2. This includes emergency preparedness, disease control, and laboratory services. WHO ensures technical quality and global health standards.
- 4. **United Nations Children's Fund (UNICEF):**
  - **Lead for Basic Health Service Delivery:** UNICEF manages Component 1 of the project, focusing on the provision of essential health and nutrition services, especially in underserved areas.
- 5. **Third Party Monitoring Agencies (TPM):**
  - TPM agencies are contracted to provide independent verification and monitoring of project activities, ensuring transparency and accountability, especially for service delivery.
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- 6. **Stakeholders and Local Government:**
  - **Local Health Authorities:** At the subnational level, district and state health authorities collaborate with MoH and implementing agencies to execute health service delivery and ensure the project's reach in rural and vulnerable communities.
- 7. **Other Stakeholders:**
  - **Community-Based Organizations (CBOs) and Civil Society Organizations (CSOs)** play an essential role in community engagement, monitoring service quality, and fostering social accountability.
- 8. **Bilateral and Multilateral Donors:**

In addition to the World Bank, various donors contribute financial and technical support, helping to ensure comprehensive project implementation across South Sudan.

This institutional setup ensures that the HSTP leverages the expertise of multiple partners to strengthen the health sector, improve service delivery, and enhance health system resilience across the country. The PMU and the IPs will assess and identify training needs that will lead to the development of a tailored capacity building plan.

## 6. Grievance Redress Mechanism (GRM)

The main objective of a Grievance Redress Mechanism (GRM) is to assist to resolve complaints and grievances in a timely, effective and efficient manner that satisfies all parties involved. It provides a transparent and credible process for fair, effective and lasting outcomes. It also builds trust and cooperation as an integral component of broader community consultation that facilitates corrective actions. The Project

will use the GRM outlined in the SEP. The GRM shall include separate channels for GBV/SEA/SH complaints that are handled in a survivor-centered manner.

Reporting channels will be clearly displayed in health facilities, ensuring accessibility. Actions related to SEA and GBV will be coordinated with the Project GBV Action Plan to ensure a cohesive and effective response.

Specifically, the GRM:

- Provides affected people with avenues for making a complaint or resolving any dispute that may arise during the implementation of projects.
- Ensures that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and
- Avoids the need to resort to judicial proceedings.
- Rumor tracking analysis and response through radio talk shows, community engagement, house to house interpersonal communication as relevant.

The GRM is also designed to capture conflicts that may arise during project implementation. The project itself may cause grievances, or existing community and inter-community tensions may play out through the project. The source of grievances, in regard to project implementation, can also sometimes be the local governance or power distribution itself. It will therefore be key in the fragile environment of South Sudan to ensure that grievances and perceived injustices are handled by the project, and that the project helps mitigate general conflict stresses by channeling grievances that occur between people, groups, government actors and beneficiaries and project staff or contractors. Aggrieved parties need to be able to refer to institutions, instruments, methods and processes by which a resolution to a grievance is sought and provided. The GRM provides an effective avenue for expressing concerns, providing redress and allowing for general feedback from community members.

RPs provide an accessible and responsive grievance mechanism to ensure that displaced persons can raise complaints regarding the land acquisition process, calculation or payment of compensation, provision of assistance, or other relevant matters. The RP describes submission procedures, organizational arrangements, and responsive performance standards for handling grievances, and measures to be taken to inform displaced persons or communities about grievance initiation and response standards. The grievance mechanism does not preclude displaced persons from pursuing other legal remedies available to them.

Project Management Unit (PMU) of the Ministry of Health with support from MOs (WHO and UNICEF) keeps a record of all complaints referred to the GRM, including a description of issues raised and the status or outcome of the review process.

### **Submitting complaints to the WBG GRS and Inspection Panel**

The World Bank Group has two mechanisms for handling complaints related to their projects:

1. **Grievance Redress Service (GRS):** This is for people who believe a World Bank-supported project has or is likely to harm them or their community.
2. **Inspection Panel:** This is an independent body that investigates if the World Bank followed its own policies when designing and implementing a project.

### **Submitting Complaints**

#### **WBG GRS**

**The GRS considers a complaint admissible when:**

- The complaint relates to a World Bank-supported project that is under preparation, active, or has been closed for less than 15 months.
- The complaint is submitted by individuals or communities affected by a World Bank-supported project, or by their authorized representative; and
- The complainant(s) allege that they have been or will be affected by the World Bank-supported project.

**Complaints must be in writing and addressed to the GRS. They can be sent by the following methods:**

- By Online access form,
- By email to [grievances@worldbank.org](mailto:grievances@worldbank.org)
- By letter or by hand delivery to the World Bank Headquarters in Washington D.C., United States or any World Bank Country Office.

**Information to include in a complaint**

Complaints must:

- Identify the project subject of the complaint
- Clearly state the project's adverse impact(s)
- Identify the individual(s) submitting the complaint
- Specify if the complaint is submitted by a representative of the person(s) or community affected by the project
- If the complaint is submitted by a representative, include the name, signature, contact details, and written proof of authority of the representative.

Supporting evidence is not necessary but may be helpful in reviewing and resolving the complaint. The complaint may also include suggestions on how the individuals believe the complaint could be resolved. All complaints will be treated as confidential. The GRS will not disclose any personal data that may reveal the identity of complainants without their consent.

**WBG Inspection Panel**

The Panel will review complaints from any group of two or more people in the country where the Bank-financed project is located and who believe that, as a result of the Bank's violation of its policies and procedures, their rights or interests have been, or are likely to be, adversely affected in a direct and material way. They may be an organization, association, society or other group of individuals.

A duly appointed local representative acting on explicit instructions as the agent of adversely affected peoples.

In exceptional cases, a foreign representative acting as the agent of adversely affected peoples.

A World Bank Executive Director in special cases of serious, alleged violations of the Bank's policies and procedures.

**Requirements:**

The Requesters need to show in writing that:

They live in the project area (or represent people who do) and have been or are likely to be adversely affected by project activities.

They believe that they may suffer actual or future harm resulting from a failure by the Bank to comply with its policies and procedures.

Their concerns have been brought to the attention of Bank Management, and they are not satisfied with the outcome.

**Format:** Requests should be submitted in writing in any language, and no specific form or format is required. The Request should be dated and signed by the Requesters or their representative, and may be submitted via mail or electronically, with any supporting documentation. Requesters may ask for confidentiality in the handling of the Request.

## **7. Monitoring and Evaluation**

The monitoring and evaluation processes will be closely linked to the Project's general M&E Plan and will be embedded in the broader monitoring of environmental and social monitoring plans as part of the implementation of the ESMF and other E&S instruments. With that, the overall monitoring of the implementation of the RF and its related instruments will be the responsibility of the PMU. The Social Safeguards Specialist in the PMU will be the key responsible person for the monitoring activities, and will report on the implementation, and flag potential non-compliances with the Project Manager. The extent of monitoring activities will be proportionate to the project's risks and impacts as defined in this RF and in the ESMF. Affected persons will be consulted during the monitoring process. Periodic monitoring and supervision field trips will be undertaken, and reports will be prepared and affected persons will be informed about monitoring results in a timely manner.

The monitoring indicators for the Resettlement Framework (RF) under the **Health Sector Transformation Project (HSTP)** are designed to track the progress and effectiveness of resettlement activities, ensuring that they comply with both national regulations and World Bank standards (ESS5). These indicators focus on key aspects such as the compensation process, livelihood restoration, and the well-being of Project-Affected Persons (PAPs).

### **Key Monitoring Indicators:**

#### **1. Identification and Registration of Project-Affected Persons (PAPs):**

- **Indicator:** Number of PAPs identified and registered.
- **Purpose:** Ensure that all individuals and households affected by the project are properly recorded.

#### **2. Compensation Payment:**

- **Indicator:** Percentage of PAPs who have received full compensation according to the Resettlement Action Plan (RAP).
- **Purpose:** Monitor the timely and accurate payment of compensation to PAPs.

#### **3. Land Acquisition and Resettlement:**

- **Indicator:** Area of land acquired for the project, and the number of PAPs successfully resettled.
- **Purpose:** Track the land acquisition process and the relocation of affected persons, if applicable.

#### **4. Livelihood Restoration:**

- **Indicator:** Percentage of PAPs who have successfully restored or improved their livelihoods post-resettlement.
- **Purpose:** Ensure that PAPs are able to restore or enhance their pre-project living conditions and income sources.
- 5. **Grievance Redress Mechanism (GRM):**
  - **Indicator:** Number of grievances received, resolved, and pending.
  - **Purpose:** Evaluate the effectiveness of the GRM in addressing complaints and conflicts related to resettlement.
- 6. **Vulnerability Support:**
  - **Indicator:** Number of vulnerable groups (e.g., women, elderly, disabled) receiving additional assistance during resettlement.
  - **Purpose:** Ensure that vulnerable groups are provided with adequate support throughout the resettlement process.
- 7. **Consultation and Participation:**
  - **Indicator:** Number of community consultations conducted with PAPs.
  - **Purpose:** Track the level of community involvement and engagement in the resettlement process, ensuring that PAPs are informed and actively participating in decision-making.
- 8. **Completion of Resettlement Action Plans (RAPs) and Livelihood Restoration Plans (LRPs):**
  - **Indicator:** Number of RAPs and LRPs completed and approved by relevant authorities, including the World Bank.
  - **Purpose:** Monitor the progress of preparing and implementing RAPs/LRPs for sub-projects requiring land acquisition and resettlement.
- 9. **Income and Living Standards:**
  - **Indicator:** Changes in income levels and living standards of PAPs after resettlement.
  - **Purpose:** Measure the socio-economic impact of resettlement on affected households.
- 10. **Training and Capacity Building:**
  - **Indicator:** Number of stakeholders (local authorities, PMU staff, Resettlement Committees) trained on resettlement processes.
  - **Purpose:** Ensure that all parties involved in resettlement are well-equipped with the necessary skills and knowledge.
- 11. **Monitoring and Evaluation Reports:**
  - **Indicator:** Number of monitoring and evaluation reports produced on the resettlement activities.
  - **Purpose:** Ensure that regular and comprehensive assessments of the resettlement process are conducted.

The concrete objectives of the monitoring are to determine whether PAPs were paid in full and whether they were paid prior to the activity implementation; whether PAPs have a better standard of living than before, or at least if their standards of living are unchanged; whether grievances were solved in a timely manner; whether assistance to vulnerable persons was provided; and whether livelihood restoration was effective. The site-specific instruments to be prepared such as RPs or LRPs will indicate the parameters to be monitored and provide the concrete monitoring tools and frameworks and indicate the resources required to carry out the monitoring.



MOH PMU will further organize for monitoring implementation and will provide periodic monitoring reports to the Bank regarding the status of land acquisition and implementation of the RPs or LRPs. The involvement of an assessment report from a Third-Party Monitoring agent plays a bigger role in implementation of the RPs and LRPs. The implementation review evaluates the effectiveness of mitigation measures in achieving RP and ESS5 objectives and recommends corrective measures to meet objectives not yet achieved. Implementation of a RP will be considered complete when the adverse impacts of resettlement have been addressed in a manner that is consistent with the RF.

## ANNEXES

### Annex 1. Entitlement Matrix for HSTP

The Entitlement Matrix represents eligible groups and their entitlements, as they are anticipated at this stage. This will help standardize entitlements across the project for similar types of cases. Entitlements include relocation of PAPs, rehabilitation or case by case assistance

IMPACT	AFFECTED PERSONS	PERCENTAGE OF LOSS	ELIGIBILITY CRITERIA	ENTITLEMENT IN PRINCIPLE
<b>A. Loss of agricultural land</b>  - Irrigated land - Rainfed land - Pasture - Groves - Fishpond - Other	Owners          Users with legalizable claims, Renters/Lessee s          Other users (squatters, encroachers)	Partial loss: 20% Greater loss: >20%	Persons with formal legal rights to the asset          Persons with a claim to land or assets that is recognized or recognizable under national law          Persons with no recognizable legal right or claim to the land or assets they occupy or use	Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use.          Prorated compensation for the remainder of time; assistance with identification of new rental location if temporary or permanent move if necessary          Compensation in kind
<b>B. Loss of residential land</b>	Owners          Users with legalizable claims, Renters/Lessee s          Other users (squatters, encroachers)		Persons with formal legal rights to the asset          Persons with a claim to land or assets that is recognized or recognizable under national law          Persons with no recognizable legal right or claim to the land or assets they occupy or use	Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use.          Prorated compensation for the remainder of time; assistance with identification of new rental location if temporary or permanent move if necessary          Compensation In kind
<b>C. Loss of commercial land</b>	Owners		Persons with formal legal rights to the asset          Persons with a claim to land or assets that	Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use.

	Users with legalizable claims, Renters/Lessee s  Other users (squatters, encroachers, illegal businesses)		is recognized or recognizable under national law  Persons with no recognizable legal right or claim to the land or assets they occupy or use	Prorated compensation for the remainder of time; assistance with identification of new rental location if temporary or permanent move if necessary  Compensation for improvements; assistance in lieu of land compensation
D. Temporary loss of land	Owners, occupants, users		Persons with formal legal rights to the asset	Compensation for duration of project use; restoration of land to prior condition
E. Loss of agricultural production  - crops -fruit/nut trees -timber trees -aquaculture -forest produce -livestock forage -livestock	Producers		All PAP's	Opportunity to bring to market, or compensation at market value at maturity (or compensation at net present value for trees and livestock)
F. Loss of productive fixed assets  -irrigation facilities -fencing -wells -troughs -sheds -barns -other	Asset owners/users		Persons with formal legal rights to the asset	Compensation at replacement cost (non-depreciated value including labor and materials)
I. Loss of agricultural livelihood	Affected agricultural producer		TBD, requires definition of significant impact caused by severity of loss or imposed changes in livelihood methods	In addition to compensation for lost land and assets, persons whose livelihoods are significantly affected receive alternative employment, skills training, business development assistance, or other additional assistance linked to livelihoods restoration or improvement
J. Temporary loss of business income	Owner, enterprise		All PAP's	Payment of support for period of disruption
K. Temporary loss of employment or wages	Employees		All PAP's	Payment of wages or unemployment support for period of disruption
L. Loss of public or community	Public or private owners		All PAP's	Compensation at replacement cost for damage or destruction of

infrastructure, facilities or services				infrastructure and facilities; assistance in restoring functionality and accessibility of services
M. Material assistance to all groups especially the vulnerable or disadvantaged	<p>Displaced illegal residents, users or occupants</p> <p>Blind or otherwise disabled</p> <p>Occupants displaced from substandard housing</p>		<p>All PAP's</p> <p>All PAP's</p> <p>All PAP's</p>	<p>In addition to applicable forms of compensation and assistance, provision of defined security of tenure</p> <p>Project design provides features relating to safety and accessibility</p> <p>Arrangements for obtaining replacement housing meeting minimum legal or community standards</p>
N. Loss of buildings, structures and community land	Public or private owners		All PAPs	Compensation is calculated at replacement costs. Calculation takes into account market value of building, structure or land of equivalent area of use based on discussions and agreement with the PAP.

## Annex 2. RF Screening Form

SECTION A: General Information	
Date of screening	
Project/Subproject title	
Project/Subproject component	
Implementing Agency	
Proposed project budget	
Proposed project duration	
ES Screening Team Leader and Contact Details	
ES Screening Team Members	
Program/Site/Activity location	
Project Description. Briefly describe project activities, activities that interact with the ES	

Section B: Screening Questions			
Potential Risks	Yes	No	Remarks
Does the sub-project fall into private land?			
Is it necessary to physically or economically relocate residents or businesses? Will there be involuntary acquisition of land? Will there be an impact on assets?			
Are there any third-party assets at the project site?			
Is it required to determine the level of assessment of institutional resources necessary for protection measures?			

Are there any disputed territories			
Will the rehabilitation/construction lead to changes in the social environment, will the incomes of commercial structures and the population decrease?			
Will the sub-project cause protests and concerns among residents?			
Will the sub-project cause inequality between population groups?			
Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods?			
How many people comprise a typical household?			
How many households are without any land/shelter, any squatters?			
Are there any conflicts about the use of local resources			
Are there any facts of the past impact of involuntary resettlement in a given territory, which require corrective actions for not mitigated past relocations?			
Is this subproject linked with any other infrastructure development project?			
Is the proposed sub-project likely to have minimal or no adverse environmental impacts?			

Based on the above checklist it will be determined if a RP is required.

Recommendations: Taking into account responses to monitoring questions, it will be determined whether further actions are required or not to apply procedures of the WB ESS5 \_\_\_\_\_ Completed by (full name and contacts): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Annex 3: Sample Census Survey and Land Asset Inventory Form

The household-level census identifies and enumerates affected persons, and, with the involvement of affected persons, surveys land, structures, and other fixed assets to be affected by the activity, as part of the RAP.

#### Household Survey

Name of Head of Household		
Name of Head of extended Family		
Name of Interviewer		Signature:
Name of Supervisor		Signature:
Date of Interview		
Boma / Payam / County / State		

Name	Relation to Head of Household (Head, Spouse, child, spouse of child, grandchild, parent, other)	Sex (f/m)	Place of Birth	Age	Marital Status (married, widowed, divorced, unmarried)	Status: IDP/refugee/host community member/community member	Ethnic group	Occupation	Education level (illiterate, primary, secondary)	Income earner (yes/no)	Economic activities (primary/secondary)

Survey No.	Name Head of HH	No of persons in HH	Total land holding of HH	Land to be acquired	Land use type	Existing Structures	Loss of % in total	Loss of assets	Loss of income generating commodities	Other losses



#### Annex 4. Outline of RPs

No.	Section	Description
1.	Potential Impacts	<ul style="list-style-type: none"> <li>• Description of activities that will cause displacement, including explanation why the selected land must be acquired for use within the timeframe of the activity.</li> <li>• Description of the zone of impact;</li> <li>• Description of the land acquisition and impacts on structures and other fixed assets;</li> <li>• Description of any project-imposed restrictions on use of or access to land or natural resources;</li> <li>• Listing of alternatives that have been considered to avoid or minimize displacement and why those were rejected.</li> <li>• Description of mitigation measures to minimize displacement</li> </ul>
2.	Objectives	Description of objectives of RAP
3.	Census / socio-economic survey	<ul style="list-style-type: none"> <li>• Description of characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;</li> <li>• Information on vulnerable groups or persons for whom special provisions may have to be made;</li> <li>• Description of public or community infrastructure, property or services that may be affected;</li> <li>• Description of design and budget of resettlement activities in conjunction with establishment of a cut-off date, provide a basis for excluding ineligible people from compensation and resettlement assistance;</li> <li>• Description of baseline conditions for monitoring and evaluation purposes</li> </ul>
4.	Legal Framework	<ul style="list-style-type: none"> <li>• Description of the applicable legal and administrative procedures, including a description of the remedies available to PAPs in the judicial process and the normal timeframe for such procedures, and the available GM;</li> <li>• Description of laws and regulations relating to the agencies responsible for implementing resettlement activities;</li> <li>• Analysis of gaps, if any, between laws of the Republic of South Sudan and ESS5, and the mechanisms to bridge them.</li> </ul>
5.	Institutional Arrangements	Description of entities responsible for resettlement activities

6.	Eligibility	Provision of definition of displaced persons and criteria for determining eligibility for compensation and other resettlement assistance, including cutoff dates.
7.	Valuation of and compensation for losses	Description of methodology for valuing losses to determine replacement cost; Description of the proposed types and levels of compensation for land, natural resources and other assets under the national law and such supplementary measures as necessary to achieve replacement cost for them.
8.	Community consultations	<ul style="list-style-type: none"> <li>• List involvement of communities in the in the design and implementation of the resettlement activities;</li> <li>• Provision of a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;</li> <li>• Provision of a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and</li> <li>• Presentation of arrangements through which displaced people can communicate their concerns to the project, and measures to ensure that vulnerable groups are adequately represented.</li> </ul>
9.	Additional Planning requirements	<ul style="list-style-type: none"> <li>• List additional planning requirements where resettlement involves economic displacement</li> <li>• Provision of measures relating to livelihood improvement or restoration (establish entitlements of affected persons or communities; pay particular attention to gender aspects and the needs of vulnerable groups)</li> <li>• Provision of arrangement to monitor the effectiveness of livelihood measures</li> </ul>
10.	Implementation Schedule	<ul style="list-style-type: none"> <li>• Provision of an implementation schedule with dates for displacement, and estimated initiation and completion dates for all resettlement plan activities – and linkages to the overall project.</li> </ul>
11.	Costs	<ul style="list-style-type: none"> <li>• Table showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies;</li> <li>• Timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement.</li> </ul>
12.	GRM	<ul style="list-style-type: none"> <li>• Description of GRM including the availability of judicial recourse and customary dispute settlement mechanisms.</li> </ul>
13.	M&E	<ul style="list-style-type: none"> <li>• Description of the monitoring of displacement and resettlement activities by the local authorities, supplemented by Independent Verification Agents (IVA) to ensure complete and objective information;</li> </ul>

		<ul style="list-style-type: none"> <li>• Listing of performance indicators to measure inputs, outputs, and outcomes for resettlement activities;</li> <li>• Description of involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.</li> </ul>
14.	Arrangements for adaptive management	Provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

## Annex 5. Complaint Recording Form

Reference No. \_\_\_\_\_

Details of the complaint

Full Name: \_\_\_\_\_

☐ I wish to raise my grievance anonymously

☐ I request not to disclose my identity without my consent

Contact: \_\_\_\_\_

By mail, Please provide mailing address: \_\_\_\_\_

Gender of complaint: \_\_\_\_\_

Age of complaint: \_\_\_\_\_

One time incident/ grievance date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Happened more than once (how many times): \_\_\_\_\_

Ongoing (currently experiencing problem): \_\_\_\_\_

Description of the complain

What happened? Where did it happen? Who did it happen to? What is the result of the problem?

## **Annex 6. Indicative Contents for an LRP**

An LRP shall include the intended table of content of need assessment report, and an action plan which shall contains the following key aspects

***Section one: Introduction and Project Background:*** this section should provide introduction with project background, objectives, method (Analytical Framework, Methods of Data Collection, Review of Secondary Sources including Project Documents), Census Survey of PAPs, Participatory Rapid Appraisal (PRA) Methods.

***Description of the Project and Rationale:*** Description of the project activities that caused loss of economic bases or income sources of PAPs, including change of livelihood-Agriculture to Urban Life: Old Challenges and New Opportunities, Access to Basic Infrastructure and Services.

***Section three: Review of Relevant Policy and Institutional Frameworks:*** Discuss the relevant policy and institutional frameworks in the context of South Sudan that could be used as bases for developing the LRP.

***Section four: Findings of the Livelihoods Need Assessment Study:*** Demographic and Socio-economic Characteristics of PAP Households, Economic Characteristics of PAPs: Livelihood and Income, Project Impact and Processes of Land Acquisition, Compensation and Relocation, Impact of the Project on Livelihoods of PAPs, Compensation and Relocation, Assessment of Impoverishment Risks: Insecurity and Vulnerability, PAPs' Income Restoration and Community Development Needs and Priorities, Needs and Priorities of Vulnerable Groups: Special Assistance, Assessment of Opportunities, Implementation Challenges and Constraints, Institutional Capacities and Innovative Financing

***Section five: Livelihood Restoration and Community Development Strategies:*** Planning Approaches and Principles, Income Restoration and Sustainable Livelihood Strategies for PAPs, Agriculture-Related Income Restoration Strategies, Non-Agricultural Income Restoration Strategy: Self-employment, Project-related Employment Opportunities, Women-Specific Interventions, Special Assistance for Vulnerable Groups, Community Development Strategies.

***Section six: Grievance Redress Mechanism:*** The project-level GRM structure, Approach, and Principles, Steps and Procedures with options to appeal in different hierarchies, Monitoring and Feedback Mechanism.

***Section seven: Implementation Modalities, Time Table and Budget:*** Institutional Framework for Implementation, Key Stakeholders and Implementation Partners, Organizational Structure for Implementation, Implementation Capacity Building Support, Time Frame for Implementation, Monitoring and Evaluation (M&E) Framework, and reporting templates

***Section eight:*** Annexes of different types including Training Needs Assessment (TNA), Consultation Records, Baseline Data, Monitoring Reports, etc.

## Annex 7: Voluntary Land Donation (OR Land Lease ) Consent Form

This form or an equivalent document is to be used to record the consent of landowners who offer private land for a community good activity. The essentials of voluntary donation are that the donors have been freely consulted prior to the donation, were not pressured or coerced, that the donation will not affect a significant proportion (more than 10%) of their productive assets, and that they have the right to refuse and to lodge a complaint if they have a grievance about the process.

### Consent Form for Voluntary Donation

I/We: \_\_\_\_\_ male household head \_\_\_\_\_ female household head, and/or person(s) exercising customary rights over land described as (legal description, GPS coordinates if available) in

Kebele Name or Farmer's Association \_\_\_\_\_

District/Woreda \_\_\_\_\_

Region/Zone \_\_\_\_\_

hereby declare that I/we/the group are the owners/users of the land required for (description):

\_\_\_\_\_  
I/we are voluntarily donating the use of land and or/ land-based assets (land area, type of assets /trees/crops etc) \_\_\_\_\_

\_\_\_\_\_  
for the purpose of: (specify activity) \_\_\_\_\_

\_\_\_\_\_  
We agree to this purpose from (date) \_\_\_\_\_ for as long as the purpose is served *or* until (specify end date, typically the life expectancy of the facility) \_\_\_\_\_

I/we make this donation of My/Our own free will. I/We are waiving My/Our right to compensation of any kind for the specified duration of the activity.

I/We affirm that we have been fully and freely consulted and informed about the activity prior to agreement, have not been subject to any form of coercion, understand that I/we have the right to refuse, and to seek redress for any grievance concerning this transaction.

### Signature:

Male household head \_\_\_\_\_ and/or Female household head \_\_\_\_\_

Chief or Local Custom Authority \_\_\_\_\_

Representative of concerned Government Agency \_\_\_\_\_

Witnesses: 1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

Date: \_\_\_\_\_