



Concept Environmental and Social Review Summary

Concept Stage

(**ESRS Concept Stage**)

Date Prepared/Updated: 07/11/2023 | Report No: ESRSC03654



I. BASIC INFORMATION

A. Basic Operation Data

| | | | |
|-------------------------------|---|----------------------------|----------------------------|
| Operation ID | Product | Operation Acronym | Approval Fiscal Year |
| P500529 | Investment Project Financing (IPF) | SPF-SL-LAND | 2024 |
| Operation Name | SPF: Sierra Leone, Innovative solutions for land dispute resolution | | |
| Country/Region Code | Beneficiary country/countries (borrower, recipient) | Region | Practice Area (Lead) |
| Sierra Leone | Sierra Leone | WESTERN AND CENTRAL AFRICA | Urban, Resilience and Land |
| Borrower(s) | Implementing Agency(ies) | Estimated Appraisal Date | Estimated Board Date |
| Ministry of Finance | Ministry of Lands, Housing, and Country Planning | | 30-Nov-2023 |
| Estimated Concept Review Date | Total Project Cost | | |
| 15-Aug-2023 | 3,360,300.00 | | |

Public Disclosure

Proposed Development Objective

The objective is to pilot innovative approaches for reducing fragility and conflict in the context of the land administration reform process and build capacity among land sector Civil Society Organizations to support communities and land governance in Sierra Leone, with particular emphasis on the needs of women, youth and other disadvantaged and vulnerable populations in Sierra Leone.

B. Is the operation being prepared in a Situation of Urgent Need of Assistance or Capacity Constraints, as per Bank IPF Policy, para. 12?

No

C. Summary Description of Proposed Project Activities

Sierra Leone has made progress towards development goals in the face of many challenges since the end of the country’s civil war (1991-2002). The reestablishment of democracy since 2002 is an important achievement but signs of fragility remain, which include unresolved land disputes and gender inequality in the land sector that pose a significant risk to Sierra Leone’s social cohesion and economic development. Land related disputes played a prominent role in the country’s civil war, and it is estimated that 60 percent or more of all cases in the High Court arise from land disputes.



Large-scale land acquisitions that ignore local rights and do not comply with international standards for good governance also fuel Sierra Leone’s fragility risks. Women are negatively affected disproportionately by land issues. These and other issues led the government to adopt a National Land Policy in 2015 and pass the Customary Land Rights Act and the National Land Commission Act in 2022. The project activities consist of four components: (1) Piloting of legal aid, alternative land dispute resolution mechanisms to legally empower communities; (2) Piloting of training program for women in new land institutions; (3) Piloting of local governance structures for land sector dialogue and compliance of national investors with responsible land-based investment principles; and (4) Bank-Executed Grant Implementation Support.

D. Environmental and Social Overview

D.1 Overview of Environmental and Social Project Settings

The project will be implemented in all the 16 districts in Sierra Leone. Sierra Leone benefits from its favorable geography and abundant natural resources, with agriculture and mining driving the economy. The country is among the largest producers of minerals such as iron ore, diamonds, titanium, bauxite, and gold. Despite experiencing an average annual economic growth rate of five percent over the past decade, Sierra Leone’s economy has been volatile.

Sierra Leone’s Constitution of 1991 recognizes a dual land tenure system that dates back to the colonial period. Lands in the Western Area, including Freetown, is administered under freehold tenure while customary land in the provinces is covered by customary tenure systems (community and family tenure). World Bank assessments revealed that only a tiny percentage of land in the rural and urban areas are mapped and recorded while institutional arrangements are opaque. Sierra Leone’s legal framework for the land sector stems from the 1960s and is not aligned with new technologies or principles of modern land administration and does not address women’s land ownership or land use rights adequately. The Ministry of Lands, Housing, and Country Planning (MLHCP) and the Office of the Administrator and Registrar General (OARG) under the Ministry of Justice are responsible for the administration of land tenure. Land in the provinces is administered under uncodified customary law covering both communal and family tenure, with the bulk of land administered under the latter. Family tenure tends to involve large, extended families with rights over a single parcel. Paramount Chiefs or traditional rulers who are members of landowning families serve as trustees/custodians of all land within their chiefdoms. Boundary disputes occur between Chiefdoms, communities and private individuals or investors, and between extended families and individual households. Women and girls, persons with disabilities and other vulnerable groups are at an increased risk of land tenure insecurity, gender-based violence and being excluded from decision making on lands. The project is complementary to the Sierra Leone Land Administration Project (P177031) approved in 2022 and will support the piloting of legal aid, alternative land dispute resolution mechanisms to legally empower communities under component 1 to improve access to legal support from legal aid institutions for women, men and communities. It would include piloting the establishment of grievance redress committees to facilitate resolution of land disputes arising from investments, piloting new digital tools to monitor and document land dispute resolution processes and provide tailored capacity building to judicial and law enforcement institutions. Component 2 will pilot the design and implementation of the very first generation of training programs for women to support them in taking up roles in the new land institutions such as Chiefdom, Town and Village Area Land Committees created by the new land laws and the newly enacted Gender Equality and Women's Empowerment Act, 2022. Component 3 will focus on piloting of local governance structures for land sector dialogue and compliance of national investors with responsible land-based investment principles. This component would support the establishment of local (district level) multi-stakeholder platforms (MSP) composed of local government, traditional authorities, Village Area Land Committees and Chiefdom Land Committees, CSOs as well as the private sector. Knowledge generated at this level, would feed into the national land sector Technical Working Group (TWG). Component 4: Bank-Executed Grant



Implementation Support will provide technical support for coordination of activities with the Sierra Leone Land Administration Project (SLLAP, P177031).

D.2 Overview of Borrower’s Institutional Capacity for Managing Environmental and Social Risks and Impacts

The recipient of the grant is the Ministry of Lands, Housing and Country Planning (MLHCP). MLHCP will hire the Food and Agriculture Organization of the United Nations (FAO) due to the limited capacities within MLCHP to supervise the implementation of the project. MLCHP will have oversight to ensure alignment of activities with the 2015 National Land Policy as well as the new land and gender laws of 2022 and the SLLAP(P177031) prepared under the World Bank Environmental and Social framework with satisfactory environmental and social risk management to date although capacity remains weak. The SLLAP has E&S staffing and E&S focal points who will work closely with FAO to implement the project in communities.

MLHCP will engage FAO by using the Standard Form Agreement (SFA) for use by World Bank Borrowers for the provision of technical assistance by FAO under Bank-financed projects. FAO will coordinate with MLHCP and CSOs on the work plan and activities implementation, ensuring delivery of planned outputs. This will include oversight on environmental and social risk management. FAO is best placed to provide oversight given the capacity weakness of the MLHCP to manage related risks. FAO has also built trust between MLHCP, FAO and the CSOs due to FAO’s continuous engagement in Sierra Leone’s land sector since 2012 and has capacity to provide oversight over the management of the project environmental and social risks in accordance with the ESF. The FAO E&S Focal Person(s) with necessary experience and qualification will work closely with the E&S Specialists at the SLLAP PIU to ensure better coordination and management of E&S risks and impacts. The FAO will be given orientation on the ESF requirements to ensure adequate environmental and social oversight over the project.

CSOs which will implement the activities on the ground are yet to be identified. However, capacity gaps may exist in the implementation of the ESS. FAO will be responsible for providing technical assistance to further develop the CSOs’ capacities to manage project related environmental and social risks and impacts. CSOs will designate one officer as focal points on ESF with necessary experience and qualification. These focal points will work closely with the E&S focal point of FAO Specialists at the Secretariat to ensure better coordination and management of E&S risks and impacts. These staffing requirements are reflected in the Environmental and Social Commitment Plan (ESCP).

II. SCREENING OF POTENTIAL ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS

A. Environmental and Social Risk Classification (ESRC)

Moderate

A.1 Environmental Risk Rating

Low

Environmental Risk Rating is Low as the project does not involve civil/physical works or the handling of hazardous materials.

A.2 Social Risk Rating

Moderate

Social risk rating is moderate considering the potential social risks and impacts of activities under Components 1, 2, and 3. Although none of the component activities will involve any civil works activities, there are still some risks related to exclusion of women, youth and persons with disabilities participation in project activities at the local level

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in particular Chiefdom, Town and Village Area Land Committees due to cultural barriers and practices, lack of education, lack of understanding of their tenure rights, limited knowledge and understanding of their newly created land rights per the new land laws in the context of large-scale land-based investments, lack of understanding about legal aid services, limited access to land information in accessible formats and lack general of skills to utilise digital tools. Activities under component one and three involving support to pilot interventions to provide legal aid, alternative land dispute resolution mechanisms, application of new digital tools and establishment of local governance structures for land sector dialogue and compliance of national investors with responsible land-based investment principles could be male dominated if conscious effort is not made to ensure adequate representation of women. Lack of transparent selection process under Component 2: Piloting of training program for women in new land institutions could lead to elite capture, potential for discrimination, unequal opportunity, and SEA/SH as women seek to be selected to participate in trainings that would build their capacity and enhance their legitimacy to take up roles in the new land institutions such as Chiefdom, Town and Village Area Land Committees created by the new land law. Inadequate stakeholder engagement and weak grievance system could lead to unfavorable public response to activities and internal stakeholder conflicts if the grievance redress committees to be established under component 1 are not done in a transparent manner and awareness about their roles publicized in project communities to facilitate the resolution of land disputes. Labor risks related to working conditions of CSO workers and consultants to be hired to support delivery of any aspect of the project could be a potential risks to the project. There is also the risk of community health and safety such as exposure to communicable diseases such as COVID-19 infection, lack of consideration for accessible venues in community consultation activities could exclude physical access to persons with disability, the aged and other vulnerable groups participation in the project. Related to component 1, low digital literacy, poor access to digital information and inaccessible software and application may restrict women, persons with disabilities (PWDs) access to project information. The project requires cooperation among numerous stakeholders, including national and local government, customary institutions, and communities with limited social, economic and political empowerment. This will require significant coordination and consultation with different stakeholders, ensuring differentiated measures for effective participation of local communities, disadvantaged or vulnerable groups. Local elites and private sector actors benefitting from the status quo may attempt to undermine the project. Distrust between government and customary institutions could be elevated. The existing Stakeholder Engagement Plan under SLLAP will be updated to adequately include additional stakeholders introduced under the project

B. Relevance of Standards and Policies at Concept Stage

B.1 Relevance of Environmental and Social Standards

ESS1 - Assessment and Management of Environmental and Social Risks and Impacts

Relevant

The ESS 1 is relevant to this project. The proposed activities will entail trainings, establishing local governance structures for land sector dialogue and compliance of national investors with responsible land-based investment principles, use of digital tools among other. These activities are not envisaged to present significant adverse environmental and impacts. However, there are some low risk environmental issues including solid waste generation consumables during stakeholder engagement and capacity building activities at the local levels. There are Occupational Health and Safety (OHS) concerns from travel-related accidents/incidents as people travel to participate in the project activities. These risks will be largely direct and localized and could be easily managed by the implementing institutions using their existing systems. There are also potential social risk of complex consultations



and coordination among wide range of stakeholders including CSOs and other platforms. Inadequate stakeholder engagement and weak grievance system may result in lack of public interest in project activities. Elite capture due to lack of transparent selection processes, weak grievance redress system, discrimination on the basis on gender and social status, exclusion of vulnerable groups, risk of disputes over land rights since the lack of clear boundaries demarcation and recording of individual or family land tenure rights. The project will also need to deal with a legacy of politicization of and conflicting land ownership with private individuals of supposedly public land and Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) are some of the anticipated risks. The proposed project activities align with Component 1 and 3 of the SLLAP (P177031). The project will leverage on the existing Labor Management Procedures (LMP) and will update the Stakeholder Engagement Plan (SEP) of SLLAP to adequately cover the activities and additional stakeholders that needs to be consulted.. The project will prepare Environmental and Social Commitment Plan (ESCP), which shall set out the substantive measures and actions required for the project to meet environmental and social requirements. These measures shall be implemented within specified timeframes, and the status of implementation will be reviewed as part of project monitoring and reporting.

ESS10 - Stakeholder Engagement and Information Disclosure

Relevant

This standard is currently relevant. The project requires consultation and coordination among numerous stakeholders, including MLHCP FAO, Chiefdom, Town and Village Area Land Committees, local government authorities, private land actors, women, youth organizations, NGOs/ CSOs etc. The project will update the existing Stakeholder Engagement Plan (SEP) of SLLAP to adequately cover the activities and additional stakeholders that needs to be consulted consistent with the requirements of ESS10. The SEP includes stakeholder mapping and communication strategy for interested parties and affected persons, ensuring adequate inclusion of vulnerable people and providing for meaningful stakeholder consultations and inputs in the design of land related engagement and piloting activities. The SEP describes the stakeholders in this project and how they will be engaged throughout the Program lifecycle, including measures to remove barriers to the participation of vulnerable groups. Consultation meetings will be conducted in a manner consistent with prevailing government guidance on COVID-19 measures for public meetings. The SEP includes a framework for open and transparent consultations and differentiated measures to allow the effective participation of, and communication with, disadvantaged or vulnerable groups, including women, persons with disabilities, and youth from remote and rural areas. A project Grievance Mechanism (GM) has been included in the SEP and established as per ESS10 to handle complaints and queries under SLLAP. The GM has a SEA/SH Plan to respond to the risk of SEA/SH and will be accessible to a wide diversity of stakeholder groups.

ESS2 - Labor and Working Conditions

Relevant

This standard is relevant. The FAO and CSOs may be supervised by government staff and consultants working in the SLLAP PCU. The project will also engage CSOs to deliver the project activities. Government, FAO and CSO staff working in connection with the Project full-time or part-time will remain subject to the terms and conditions of their existing employment contracts or agreement. Labor risks are anticipated to be low and include labor management issues associated with unfair treatment, discrimination and unequal opportunity, and also SEA/SH. The LMP under SLLAP adequately cover the types of labour anticipated under this project. The ESCP for this project will outline measures to ensure compliance with ESS2 requirements including measures to mitigate SEA/SH risks e.g, a requirement for all employees and staff of CSOs working on the project to adhere to Code of Conduct prohibiting any form of SEA/SH. Accessible means to raise workplace concerns and complaints will also be ensured for workers through the CSO GM process in addition to the GM set up under ESS 10/SEP.



ESS3 - Resource Efficiency and Pollution Prevention and Management Not Currently Relevant

None of the component activities will generate pollution or involve civil or physical works

ESS4 - Community Health and Safety Relevant

ESS 4 is relevant to the Project. COVID-19 infection, SEA/SH and other communicable diseases could occur during implementation of project activities. The Labour Management procedures of the SLLAP include measures to ensure that the health and safety of workers are given adequate attention. The project will not employ security forces in any aspects of its intervention.

ESS5 - Land Acquisition, Restrictions on Land Use and Involuntary Resettlement Not Currently Relevant

None of the component activities will lead to land acquisition or physical or economic displacement.

ESS6 - Biodiversity Conservation and Sustainable Management of Living Natural Resources Not Currently Relevant

None of the component activities will take place in sensitive locations

ESS7 - Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities Not Currently Relevant

This standard is not applicable to the context of Sierra Leone

ESS8 - Cultural Heritage Not Currently Relevant

None of the component activities will involve civil or physical works or commercial use of cultural heritage

ESS9 - Financial Intermediaries Not Currently Relevant

None of the activities involve the use of Financial Intermediaries

B.2 Legal Operational Policies that Apply

OP 7.50 Operations on International Waterways No

OP 7.60 Operations in Disputed Areas No

B.3 Other Salient Features

Use of Borrower Framework

None

Use of Common Approach

Not applicable

No

Public Disclosure



C. Overview of Required Environmental and Social Risk Management Activities

C.1 What Borrower environmental and social analyses, instruments, plans and/or frameworks are planned or required by Appraisal?

III. CONTACT POINT

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IV. FOR MORE INFORMATION CONTACT

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V. APPROVAL

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