Resettlement Action Plan (RAP)

FOR THE 33 kV SUB TRANSMISSION LINE IN THE WESTERN AREA AS WELL AS THE 161 kV TRANSMISSION LINE CONTIGUOUS TO THE 33 kV LINE

Prepared for:
National Power Authority  SIERRA LEONE
Power and Water Project (P087203)
Ministry of Energy and Power
Project Implementation Unit

Prepared by:
Paul T. Willcott, Land Compensation Consultant
with the collaboration of
the NPA Staff
Date: April 25th 2004

Prepared by Paul T Willcott

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Document received by the Client:

Date: .............................

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Mr. Patrick Tarawalli
DGM/Project Coordinator (the NPA)
EXECUTIVE SUMMARY

Relocation Action Plan
National Power Authority
Line construction & rehabilitation
In Freetown

1 Introduction

The National Power Authority is committed to the construction of the Power Line in Freetown with the collaboration of the World Bank, they engaged a Canadian consultant to prepare this RAP. Together with the team of NPA staff and 16 national surveyors the preliminary census was undertaken and the corresponding data base prepared. On the basis of this information an analysis was made which has resulted in the preparation of a detail Resettlement Action Plan.

In the following sections the RAP has been structured according to the Appendix A of the World Bank’s Operational Policy.

2 Scope of work

The Power and Water Project is a project of the Government of Sierra Leone and its National Power Authority (NPA). The power component includes the improvement of electricity supply in the Western Area. The rehabilitation of power lines required for the expansion of the Western Area Supply and Distribution Network will affect the population living under the transmission and distribution lines. This Resettlement Action Plan addresses this aspect of the Project and it will mitigate the loss encountered by that population. During the operational phase of the project those lines will provide reliable transmission of electricity to Freetown’s customers at an economical cost and with a high level of efficiency for domestic use as well as for other sectors such as
commercial and transformation. It will also support economic development in an environmentally sustainable way.

To achieve this Project, the Government of Sierra Leone has secured credits from National and International sources among which is the World Bank. The loan from the World Bank for such a project is subject to the approval of a Resettlement Action Plan (RAP). This Plan must meet the World Bank requirements defined in the document OP 4.12 on Involuntary Resettlement. This document is attached as Appendix 1.

3 Description of the project

The power component of the Power and Water Project will rehabilitate and reinforce a 161 kV transmission line to carry electricity to Freetown and other major cities; a 33 kV distribution system in Freetown and two diesel generator facilities to supply electricity during high demand periods.

This portion of the Power and Water Project concerns the rehabilitation of facilities in the Western Area of the City of Freetown.

It is important to underline that this project was planned and partly implemented (40%) prior to the escalation of the war in Sierra Leone.

The towers in the sector concern by this RAP are in most cases (80%) erected and some portion of lines are already installed. Some damages were made to the lines and will have to be restored. Certain numbers of towers are to be erected, rehabilitated or completed.

The war affected nearly every individual as well as public and private institutions. Among these, NPA suffered much loss and damage on its equipments and material which included newly installed power lines and towers.
Settlers establish themselves on public property and constructed houses, shacks beneath and along side the electrical towers and lines. This settlement under the lines was an expedient solution that was tolerated for humanitarian concerns by all parties (Government, NPA, NGOs, UN Organizations in Sierra Leone). The displaced persons received support from the international community, which included supply of food, plastic sheeting, cement for construction, installation of water lines etc. Much of this was supplied by UNHCR, International Committee of the Red Cross and other International and National NGO’s. Obvious signs of this support can still be observed along most of the power lines.

4 Potential impact

The route of the two power lines was designed in 1997, and efforts were made then to minimize negative impacts on the population. When approximately half the construction was completed everything had to be stopped because of the war. Since no power was running in the lines people established themselves on the ROW. Completion and operation of the lines will oblige people in the ROW to relocate. In the case of the 33 kV line the ROW is 10 m wide and 153 household and 1144 individuals will be affected along the 9.2 km of the ROW. In the case of the 161 kV line, the ROW is 30 m wide and 115 households will be affected including 1574 persons over the 3 km of line. In this last section, the NPA is considering other alternatives to reduce the impact on the displaced population.

5 Objective of resettlement program

The NPA will implement the work on the improvement of the supply of electrical power to Freetown. The implementation of such a Project has to be done without putting undue pressure on the population directly affected by the power lines. This resettlement program attempts to mitigate the negative impact of such land reacquisition. Persons affected by this Hydro Power Project should be assisted in their efforts to improve their livelihoods and standard of living. The results of the resettlement
should restore the living standards to pre-Project levels or at least to levels prevailing prior to the beginning of the Project implementation, whichever is more advantageous to the population.

6 Socioeconomic studies

The Socio-economic Survey was done during the same period as the evaluation of all assets within the ROW. The survey had several primary objectives:

- To inform the affected population about the Electrical Power Project
- To obtain feedback from the affected population about the Project
- To establish a social profile of the affected population
- To identify the affected households and individuals
- To identify vulnerable individuals or groups
- To record the base line situation of all affected people
- To record all assets and impacts within the ROW

Consultation took place at 3 levels: National, local and household level.

Affected persons and their representatives have been informed of the project and about the process leading from census to construction of new homes, compensation and physical relocation. Consultation has allowed the avoidance of sensitive sites.

- The number of PAP is:

<table>
<thead>
<tr>
<th></th>
<th>Number of Households</th>
<th>Number of Individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>161 KV</td>
<td>115</td>
<td>1574</td>
</tr>
<tr>
<td>33 KV</td>
<td>153</td>
<td>1144</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>268</strong></td>
<td><strong>2718</strong></td>
</tr>
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</table>

- Almost all of the structures are used for residential purposes. Sometimes during the day some are used for commercial purposes (restaurant or shop) but are transformed into sleeping places for the night
Among the households to be relocated, it is estimated that only 50% will require the Program to physically resettle them. The other 50% will require cash compensation and will accept to proceed on their own to a relocation of their choice, independent of the program (20% inland, 30% elsewhere in Freetown). More accurate information will be provided by the household members throughout the RAP implementation process.

The value of reconstruction of residential affected structures is based on the total of square meter of construction to be relocated or compensated (Valuation methods- Chapter 9):

\[
\begin{align*}
161 \text{ kV} & \quad 16,072 \text{ m}^2 \times 100$ = 1,607,200$
\text{33 kV} & \quad 14,098 \text{ m}^2 \times 100$ = 1,409,800$
\text{Total} & \quad 3,017,000$
\end{align*}
\]

The estimated value of land surface is based on $20 per square meter:

\[
\begin{align*}
161 \text{ kV} & \quad 31,538 \text{ m}^2 \times 20$ = 630,760$
\text{33 kV} & \quad 17,459 \text{ m}^2 \times 20$ = 349,180$
\text{Total} & \quad 979,940$
\end{align*}
\]

The average area of land per household is 140 m\(^2\).

The added value of land surface done by land user is estimated at 10%:

\[
\begin{align*}
161 \text{ kV} & \quad 31,538 \text{ m}^2 \times 200$ \times 10\% = 63,076$
\text{33 kV} & \quad 17,459 \text{ m}^2 \times 200$ \times 10\% = 34,918$
\text{Total} & \quad 97,994$
\end{align*}
\]

The total value of resettlement and compensation:

\[
\begin{align*}
\text{Structures} & \quad \text{Land Added Value} & \quad \text{Total Value} \\
161 \text{ kV} & \quad 1,607,200$ & \quad 63,076$ & \quad 1,670,276$
\text{33 kV} & \quad 1,409,800$ & \quad 34,918$ & \quad 1,444,718$
\text{Total} & \quad & \quad & \quad 3,114,994$
\end{align*}
\]

Excluding land for land compensation

7 Legal framework

The World Bank is expected to finance the Project. This document has therefore been prepared in accordance to the World Bank requirements.
stipulated in its Operational Policy (OP 4.12) titled “Involuntary Resettlement” and dated December 2001. This document has been provided to the RAP preparation team by the Africa Environment & Social Development Unit of the World Bank.

This RAP complies with national requirement: The Constitution, the National Power Authority Act, and the Public Land Act are the national laws applicable to this power line rehabilitation Project. The RAP component of the Project is to acquire land or reacquire the NPA land for the public interest. In full respect of the law, it is technically feasible to acquire or reacquire in a compulsory way, the land required for this Project. However the Law requires that land acquisition should be acquired by private treaty or agreement in the Western area and that expenses and compensation shall be paid by the Authority. On demand, a reasonable payment can be made by the Authority to cover expenses resulting in loss due public needs. Specifically concerning the 161 kV line ROW, the law gives larger land acquisition power to the public agency.

Overall, the World Bank requirements are more favorable to Project Affected People than the applicable National Laws. For this RAP and its implementation, the World Bank policies take precedence and in this case, WB policies will be the guiding principles.

8 Institutional Framework

National Power Authority is the sponsor of the Project and is responsible for the implementation of this Resettlement Action Plan. The NPA has developed contractual relation with an independent consultant team of 16 members who is in charge of preparing the resettlement and compensation action plan for this Project. The NPA will contract some or all members of the present team to implement this RAP. This team has already carried out the census exercise and therefore has a good knowledge of the affected people and area. The team will be completed with 4 new members. It includes community liaison officer, traditional & cultural specialist, legal expert, land surveyor, civil engineer, data
The team will have national and international members. An independent office will be opened. Equipment, including 3 vehicles and 4 computers will be made available to this team and provision made in the budget.

The following institutions will be involved in the implementation of the RAP:

- An independent legal counseling firm will advise the PAP on legal issues relevant to compensation & resettlement;
- An independent Non Governmental Organization of Sierra Leone will be appointed to witness the implementation of the RAP and to report publicly on a quarterly basis. This NGO, a member of SLANGO, has experience in resettlement activities in Sierra Leone. This NGO has not yet been contracted and it will be selected through the NPA bidding process.
- A Freetown financial institution, the Standard Chartered Bank will participate in the training of the PAP to manage their financial compensation.
- The Government of Sierra Leone will be represented on the Project Steering Committee to be set up by the sponsor. The Committee will provide guidance and will review the results of the process on a regular basis.
- A National Compensation Commission (NCC) will do all payment of compensation, Cash or In-Kind. It will be done publicly; although the amount of compensation will not be revealed publicly. The NCC members are:
  - 1 Representative of the NPA,
  - 1 representative of the Government of SL,
  - 1 representative of Ministry of Land,
  - 1 representative of a National NGO,
  - 1 representative of the WB or of an International NGO,
  - 1 representative of the Traditional Authority,
  - 1 representative of a Financial Audit Firm
- The NCC is responsible of the identification of the Land User and that each payment is made to secure each PAP.
- A contract between the NPA and each household representative will be signed allowing the disbursement of the compensation cash or in-kind.
- The remaining residents along the line will be contracted for the protection of the line way leave. In return of this responsibility they will be allowed to use the concern land under the applicable restrictions.
9 Eligibility

Project Affected People (PAP) are all persons who lose assets or lose the use of assets as a result of the Project, whatever the extent of the loss. Loss of assets may be loss of land rights or land use, structures, crops, or a combination of these. Not all PAP have to relocate as a result of the Project as in some cases only a narrow strip of the concerned asset will be encumbered. In these cases they will receive cash compensation for their loss.

Eligibility to resettlement and compensation is based upon the census mentioned above. Any household who has been identified in the field at the census stage as having interests affected by the Project is eligible to resettlement and compensation packages proportionate to the level of impact. All types of land rights give eligibility to compensation and/or resettlement whatever the land tenure regime (formal or customary, ownership or tenancy etc...)

10 Valuation methods

The general amount per square meter of floor space for a permanent structure is estimated to be 250,000 Leones or 100 US$. This figure comes from international organizations involved in the reconstruction process in Sierra Leone between 2002-2004 and was confirmed by national evaluator services of the Ministry of Land.

The value of land in Freetown can be estimated at $20 per square meter in the zone where the Project is located. Since in most of the cases, the concerned land users are not titled land owners, they will not receive this amount. They will be compensated for the added value of the land they were using. The average estimated value is $2 per square meter. Also, new land (equivalent to the previous) is provided with property titles, it will be offered as in-kind compensation.
11  Resettlement method and package

The construction of a replacement house will be offered wherever the existing building has to be removed. This may be either on the remaining part of the plot if it is viable (10% for 161 kV 6% for 33 kV) and the affected household agrees to such a solution, or on another resettlement plot of its choice. Resettlement houses will be improved compared to the original ones, and as a minimum it will feature among other improvements, a corrugated iron or zinc galvanized roof, a concrete floor and foundation, and a ventilated latrine pit or an appropriate sewage system for latrines. Structures will be made of:

- Cement block with proper concrete lintel
- Or Stabilized laterite block type “interlocked” (10% cement)
- Or material of higher quality than the ones found on the structures prior to the relocation.

Replacement land will be offered in cases where the surface outside of the ROW and setback tolerances, is not viable. Replacement land will be at least equivalent in surface and in potential to the former one. The household will be consulted on the location and characteristics of this land. Secure and legal land titles will be given to all re-settled families. Furthermore, the new resettlement sites will not incur higher transportation cost to go to work or to the market place.

Cash or in-kind compensation will be offered against encumbered or acquired asset where the remaining assets are economically viable and building has to be totally demolished.

Consultation with the affected persons at the household level will ensure that the final compensation / resettlement package is appropriate for the affected household needs and expectations. Consent of spouse and children will be complied with wherever applicable.
As this is a linear Project with little impact on communities as such, no group resettlement are expected. Resettlement land site will be identified by the NPA in the neighborhood of the affected household or at another site of choice. For this reason no significant impact on “host communities is expected.

Applicable Sierra Leone compensation rates will be used as the basis for the calculation of compensation. Wherever there is a difference between Sierra Leone rates and WB guidelines, an adjustment will be made and applied to meet WB requirements as per the Operational Policies (OP 4.12)

12 Resettlement site

The choice of resettlement sites is determined by mutual consent between the NPA and the household owner. It is estimated that 50% of the households will decide to ask for cash compensation and relocate in other area without the program support. Since in-kind compensation for relocation is a priority, the implementation team will analyze the compensation request of each affected person to assist them in their relocation and to ensure that they are relocated wherever they chose with housing land title and economic activity, to the level of their compensation. For the remaining 50%, where possible the relocation will be in the same area of town. For the 33 KV ROW it will be a case-by-case decision of the household along the 9.2 km of the line. For the 161 kV ROW, the concentration of affected household in a small area will require one or 2 construction Projects on the side of Congo River.

13 House construction

Construction will be done by the individual owner or by a contractor and this will be identified at the beginning of the implementation stage. The type and quality of houses will be better then the one previously used.
Technical advice will be provided to each household and plans will be prepared in consultation between the beneficiary of the compensation and the engineer of the implementation team. The plans will comply with the World Bank policy described in OP 4.12.

Un-employment is a constant problem in Sierra Leone. Many structures if not the large majority are built by the individual owner in Freetown. If for any reason the beneficiary of the relocation is not capable to do the construction he will find in his family or among his neighbors the workers to build his house. The compensation budget for each household will likely be better used by the new land owners investing for themselves than by any construction contractor. Distribution of the compensation will generally advance more smoothly if the relocated individual takes a direct and leading part in their own reconstruction project. This way of proceeding will create income within the family members instead of benefitting a contractor who is not related to the affected people. The budget for the reconstruction will remain the same but will benefit more directly the affected people.

14 Environmental issues on resettlement site

For the resettled household of the 33 kV ROW, the low population density along most of the line will allow each reconstruction to respect the urban environment of resettlement (Note: This refers to the size of plot, stability of soil, surface water drainage, sewage system, in & out access, minimal bush cutting and natural effects, neighborhood and general social acceptance of the construction.) On the case of 161 kV ROW PAP, the population density will require the construction of a larger number of individual houses will require a specific environmental assessment. Such a construction would be erected on a riverside and soil studies will be required. The resettled families will need to be protected from possible flooding. However, It is likely that resettlement for the 161 kV ROW will not be implemented due to redesign of the route.
A specific study was done to cover environmental issues and was presented separately.

The ROW reacquired by the NPA will be secured from contracted land owners residing outside of the ROW. Their contract will allow them to use a defined portion of the ROW under specific restrictions: No plants higher than 1.8m; no construction other than fences; permanent access given to the NPA for maintenance or construction.

15 Community participation

The implementation team will encourage affected persons to take an active part in the reconstruction and when possible the program planning.

- Contribution during census
- Contribution for choice of relocation sites
- Construction of houses
- Contribution in relocating

The implementation workers will be chosen in priority from among PAP. They will be contracted and supported to build their house on their new plot of land.

16 Host communities

As this is a linear Project with little impact on communities as such, no group resettlement will be required. For this reason, replacement land will be identified in the immediate area of affected households and only limited impact is anticipated on host communities.

17 Grievance procedures

The NPA has taken steps to minimize the potential for disputes. Legal Counsel is put in place to advise the Project Affected People on legal issues, and all survey and valuation results are crosschecked by community members and the concern asset owner, a picture of the
owner is incorporated in the valuation file and will be available to local
Counselors. Valuation has been made by independent surveyors. Also, in
the event were the identified land owner would unfortunately decease
during the compensation/resettlement process, the potential heirs are
already known through the survey. As well, reference to the Land Act
provides mechanisms for inheritance.

Aggrieved persons have a right of access to the Court as guaranteed by
the Constitution of Sierra Leone, the Land Act, and The National Power
Authority Act. When properties disputes occur, the Land NPA team will
encourage aggrieved persons to find a mutual understanding of the case
and come to an applicable mutual solution to the problem without having
recourse to the Court.

In the case of persistent disputes concerning the amount of
compensation or of the persons entitled to any form of compensation,
the case may be brought to the Magistrate exercising jurisdiction in the
place were the land is situated. If it cannot be resoved in this instance,
the case can be brought through the justice system up to the High Court
of Sierra Leone.

This Resettlement Action Plan has been prepared by an independent
consultant in close consultation with the NPA, who has helped to develop
the Plan and has provided all relevant information. The present
Resettlement Action Plan is fully endorsed by the NPA. The NPA is
committed to its implementation and agrees to carry out all obligations
under this Plan.

18 Organizational responsibilities

This Resettlement Action Plan has been prepared by an independent
consultant in close consultation with the NPA, who has helped to develop
the Plan and has provided all relevant information. The present
Resettlement Action Plan is fully endorsed by the NPA. The NPA is
committed to its implementation and agrees to carry out all obligations under this Plan.

19 Implementation time frame

It is planned that the implementation of the Resettlement Action Plan will need about 8 months for the bulk of the plan. No construction work will take place where the implementation of the compensation and/or resettlement measures is not completed. A conservative estimate of consultation and preparation time requirements is taken into account in the schedule.

20 Budget

The total cost of the RAP is estimated at this interim stage at 5,500,000 $USD. This includes approximately 55% for the 161 kV ROW and 45% for the 33 kV ROW. This amount has been incorporated the cost of compensation and resettlement for all affected people of all categories, together with cost of the implementation organization, monitoring, evaluation and assistance to vulnerable people. An additional 10% is included to the total of these items for potential contingencies.

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<th>US$</th>
<th>%</th>
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<td>4</td>
<td>Compensation for business</td>
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## EXECUTIVE SUMMARY

### 21 Monitoring and Evaluation

Evaluation and monitoring are key components of the Resettlement Action Plan, and as such are part of the whole programme under the NPA responsibility / obligations. The NPA will be operating power facility permanently which allows for various evaluations and monitoring actions to be undertaken over a sufficient period of time.

### RAP Budget for the 161 kV ROW

<table>
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<th>Item</th>
<th>US$</th>
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<td>161 kV Transmission line</td>
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<td>1</td>
<td>Compensation for loss asset</td>
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<td>2</td>
<td>Compensation for land</td>
<td>630 760</td>
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<td>10% of disturbance</td>
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<td>Cultural property mitigation</td>
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<td>Legal Counsel</td>
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<td>Final Evaluation &amp; compensation contract</td>
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<td>Contingencies 10%</td>
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<td>Total</td>
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### Grand Total

- **33 kV**: 2 502 478
- **161 kV**: 3 120 432
- **Grand Total**: 5 622 910
The monitoring and evaluation procedures will have the following general objectives:

- Evaluation of the compliance of the actual implementation with objectives and methods as set in this document, and of the impact of the Compensation/resettlement program on incomes and standard of living;
- Monitoring of specific situations of economic/social difficulties arising from the compensation/Resettlement process.
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LIST OF ACRONYMS

RAP Resettlement Action Plan
NPA National Power Authority (Sierra Leone)
ROW Right of Way
RPF Resettlement Policy Framework
NGO Non Governmental Organization
PAP Project Affected People
CCC Contractual Compensation Certificates
1. **INTRODUCTION**

The **National Power Authority** is committed to the construction of the Power Line in Freetown with the financing from the World Bank, they engaged a Canadian consultant to prepare this RAP. Together with the team of NPA staff and 16 national surveyors the preliminary census was undertaken and the corresponding data base prepared. On the basis of this information an analysis was made which has resulted in the preparation of a detailed Resettlement Action Plan.

In the following sections the RAP has been structured according to the Appendix A of the World Bank’s Operational Policy.

2. **SCOPE OF WORK**

The power component of the Power and Water Project is part of a Project of the Government of Sierra Leone and the National Power Authority (the NPA) for the improvement of electricity supply in the Western Area of the country. The rehabilitation of distribution and transmission lines required for the expansion of the Western Area Supply and Distribution Network will benefit but also negatively affect the population living and working in the Right of Way under the lines (30 m for 162 kV line; 10 m for 33 kV line). The Resettlement Plan is concerned with the socio-economic aspects of the Project and in particular it describes the process of compensation and physical relocation of the affected people. During the operational phase of the Project, these lines will provide reliable transmission of electricity to customers in Freetown at a reasonable cost and with a high level of efficiency for domestic use as well as for other users. It will also support economic development in an environmentally sustainable way by replacing fuel generated power by hydro power.

To achieve the objectives of this Project, the Government of Sierra Leone has secured credits from National and International sources including the World Bank. The loan from the World Bank for such a Project is subject to the approval of a Resettlement
Action Plan (RAP), a Resettlement Policy Framework (RPF), as well as other environmental assessments (EA) and an environmental audit. These documents must meet the World Bank requirements defined in the safeguard policy OP 4.01 (Environment Assessment) and in the Operational Policies on Involuntary Resettlement OP 4.12. (Appendix 2)

The content of the RAP is:

- Description of the national legal frame work;
- Description of gaps and differences between national legal frame work and WB policy on resettlement;
- The institutional arrangement;
- Results of social-economic study;
- Information database on PAPs;
- Estimate of the impact on PAPs;
- Eligibility criteria;
- Methodology of asset valuation;
- Description of the compensation framework, the compensation package and agreement;
- New resettlement sites and reconstruction criteria;
- Mitigation measures against negative impacts on small business;
- Impact on host community;
- Description of the grievance process;
- Evaluation and monitoring methodology.

3. DESCRIPTION OF THE PROJECT

The power component of the Power and Water Project includes rehabilitation and reinforcement of a 161 kV transmission line to carry electricity to Freetown and other major cities; a 33 kV distribution system in Freetown and two diesel generator facilities to supply electricity during high demand periods.

This portion of the Power and Water Project directly concerns the rehabilitation of the fuel generated power transmission and distribution facility in the city of Freetown. It is located in the area enclosed between King Tom, Wilberforce and Black Hall Road substations. The transmission lines will traverse three densely populated areas. They will circle the central area of Freetown with a 33 kV line on a length of approximately 9.2 km. A section of 33 kV line of 1 km will connect the Wilberforce substation to the main
33 kV circle line. Also part of this Project includes an existing section of the 161 kV line that runs for approximately 3 km parallel to the 33 kV line. Eventually, this 161 kV line will be connected to the Bumbuna hydropower line to supply the Freetown distribution station presently supplied by generators.

It is important to underline that this Project was planned and partially implemented (40%) prior to the escalation and spread of hostilities in Sierra Leone. The towers in the sector included in this RAP are in most cases erected and some portions of the power lines are already installed. Some damage was sustained to the lines and to the towers; they will have to be restored. Half of the towers are yet to be erected, rehabilitated or completed.

During the war many people built their homes in the Right of Way (ROW) of the power lines, some claim to have legal property documents, others have occupied land in an informal way. In accordance with the World Bank policy on resettlement and for the purpose of this document, they are all considered users of the land. They are living, working, running business, going to school or to place of worship under these lines and they will all be affected by this Project. Many of these Sierra Leones were displaced during the war. People fled from the rural zone to Freetown to save their lives and that of their families. The war affected nearly every individual as well as public and private institutions. Among these, the NPA suffered much loss and damage to its equipment, and materiel which included newly installed power lines and towers. The flow of displaced people had severe consequences on the NPA’s plans. Settlers establish themselves on public property and constructed houses, shacks in the ROW beneath and along side the towers and electrical lines. The movement of this population largely contributed to the demographic change of the city, leading to an increase in population from a conservative estimate of half a million to well over two million individuals. The scarcity of land forced the most vulnerable of the new arrivals to settle wherever they could find space. The settlement in the ROW was an expedient solution that was tolerated for humanitarian concerns by all parties (Government, NPA, NGOs, and UN agencies). The transmission lines at that time did not represent any immediate danger to the settlers since they did not carry any electricity. In many parts of the ROW, the displaced persons received support from the international community, which included supply of food, plastic sheeting, cement for construction and installation of water lines.
Much of this was supplied by UNHCR, International Committee of the Red Cross and other international and national NGO’s. Obvious signs of this support can still be seen along most of the power lines.

With the completion of the present Project, the NPA intends to increase the quality of power supply to Freetown. The people living in the ROW have to be relocated because of the danger of living in the immediate vicinity of high voltage power lines. The distance from the central line of each of the 2 lines are:

- 5 m on each side for the 33 kV line and a 2 m offset tolerance for structures
- 15 m on each side of the 161 kV line.

The NPA commissioned an independent Canadian consultant with a team of 16 Sierra Leone professionals to undertake the production of the Relocation Action Plan. The study is being carried out to comply with Sierra Leone laws and WB safeguard policies.

The Resettlement Action Plan (RAP) for the Transmission System was prepared in collaboration with the consultant responsible for the Environmental Impact Assessment. This RAP is independent of the RAP that will be prepared for the Completion of the Bumbuna Hydroelectric Project.

3.1. Transmission line route selection and optimization

The route selection process is described in detail in Chapter 4. It was undertaken in 1994. It aimed to achieve the selection of economically and technically feasible options on the basis of the following criteria:

- Avoidance of settlements where possible;
- Minimize passage through areas of high environmental sensitivity;
- Avoidance of major infrastructures;
- Utilizing existing infrastructure or public corridors where possible;
- Minimizing the total length of the route.
A number of corridor options were first compared and the corridor with the least impact on settlements was selected. Cultural sites were also taken into account, and the selected corridor avoided any impact on these sites. This scoping study investigated a proposed corridor, which would avoid Forest Reserve and settlements. Alignment was adjusted so as to take into account the result of detailed studies and resulted in minimal impact on houses, churches and schools.

Socio-economic surveys and consultations with potentially affected persons were undertaken by the NPA as part of the iterative process described above, while the valuation of affected assets was carried by an independent consultant.

For the 3 km of the 161 kV line, the census revealed significant impacts on the population, therefore the NPA is considering alternative routings to minimize the impacts. The impact on a group of 40 households was avoiding by rerouting the transmission lines in the area of Black Hall Road.

4. POTENTIAL IMPACT

The route of the two power lines was designed in 1997, and efforts were made then to minimize negative impacts on the population. When approximately half the construction was completed everything had to be stopped because of the war. Since no power was running in the lines people established themselves on the ROW. Completion and operation of the lines will oblige people in the ROW to relocate. In the case of the 33 kV line the ROW is 10 m wide and 153 household and 1144 individuals will be affected along the 9.2 km of the ROW. In the case of the 161 kV line, the ROW is 30 m wide and 115 households will be affected including 1574 persons over the 3 km of line. In this last section, the NPA is considering other alternatives to reduce the impact on the displaced population.
4.1. **Project activities which will cause economic & physical displacement**

This Project is proposing to reacquire the NPA ROW property for public use in order to transmit electricity securely. The impact on the squatter community will be immense, thereby creating the need for mitigation measures. These measures will include the application of a resettlement policy that will take into account the vulnerability of the displaced persons.

4.2. **Zone of Impact**

The Project will restore the transmission and distribution lines in the Western Area and is presently originating from a fuel generated power transmission and distribution facility in the City of Freetown, Sierra Leone. It is located in the area enclosed between King Tom, Wilber-Force and Black Hall Roads, three areas that are Swell populated. The lines will circle the central area of Freetown with a 33 kV line on a length of approximately 9.2 km. A section of 33 kV line, 1.5 km in length, will connect the Wilber Force substation to the main 33 kV circle line. An existing section of the 161 kV line runs approximately 3 km parallel to the 33 kV line which is also part of this Power Project. The 161 kV line will eventually be connected to the Bumbuna hydropower line to supply King Tom distribution station presently supplied by a nearby fuel generator.

The following paragraphs provide an overview of the environmental and settlement features of the transmission line route.

- The two lines cross an industrial zone, a cemetery and a dumpsite in the King Tom sector. No residential structure will be affected. Both lines, after crossing Ascension Bay, are in a highly populated area along the Congo River.

- Between Ascension Town and Congo Cross Bridge, the 33 kV line will affect homes and small businesses. Some structures will remain viable due to the reduced size of the required ROW.

- In the same area on the East side of the river the 161 kV line runs for less than 6 km with its 30m easement, it will affect 115 private structures, small businesses, a community school, houses etc. These structures will have to be relocated with their 1574 Project affected...
persons. The NPA is presently studying other alternatives to reduce resettlement.

- From the River Side substation a section of 33 kV line will run for approximately 3 km to the Wilberforce Substation. This line will go through a residential area highly occupied before entering on the military barrack ground near the Wilberforce sub station.
- From Riverside substation the 33 kV line will continue to run on the hilltop of a mountain crest towards the East.
- From Hill Cut Road to the Government Printing Department, the lines will cross a low-density residential area.
- Between the Governments Printing Department and the Bellaire Park base No..... Household will be affected.
- Between Bellaire Park and Mountain road 28 household will be affected and will have to relocate in the near by vicinity.
- From the base of Mountain Road then Around Fourah Bay College to the Quarry looking over Kissi Road Cemetery, no structures will be affected.
- Quarry Mountain: To avoid a new high density populated area on the West side of Quarry Mountain the 33 kV line will be rerouted. It will require 2 towers on top of the Quarry Mountain. This will avoid about 45 household and over 300 individuals that were to be affected.
- Between the top of the Quarry at the North Cliff to the Kissy Road cemetery, half a dozen households will be affected and relocated.
- From the foot of the Quary, the ROW crosses the Kissy Road Cemetery before entering a Government property parking lot where there is a tower site (Tower 44). The lines go over the compound of a Catholic mission before crossing Black Hall road before arriving at the Black Hall Road S/Station.

The total surface affected by the 33 kV line is estimated at 220,000 square meters, the area affected by the 161 kV line is estimated at 180,000 square meters.

4.3. **Alternatives to minimize resettlement**

Normally, the 33 kV line requires 10 m of ROW. However, a derogation of a minimum of 2 m of horizontal offset from the closest power lines is permitted for existing structures. With this derogation some structures will be permitted to remain, the people will be affected, however only by minor restrictions with regards to the uses of the land. (Appendix 9: “Line Design and Construction Standards”)

In the case of the 161 kV line the ROW is 30 m and no derogation will be permitted for any structures. In this Project, the 161 line kV is in a highly populated area. The population was established during the war and for most of them they could still be...
considered as vulnerable persons. Putting the 161 kV lines in operation in this sector would require moving and relocating some 1000 individuals living in 110 households. At the beginning of the production of this RAP, the NPA were aware of the financial cost of such relocation; they realized also the social impacts of the proposed move and other related costs. The NPA started immediately to study other alternatives such as cable isolation to be able to reduce the ROW, installing under ground cable, and moving the distribution center to a less populated location. It was however also decided to continue the data collection analysis in order to determine the overall social and financial impact of putting this line in operation using the existing design.

4.4. Mechanism to minimize resettlement during implementation

At the implementation stage, sites where towers remain to be erected will be positioned and adjusted to avoid impacts on as many households as possible. Wherever possible, reconstruction will be done on the same plot and in some cases only a portion of the building will be relocated in order to respect the ROW setbacks. To avoid certain populated areas the lines will be rerouted. This is the case of the Section between the Quarry above the Kissy Cemetery and Forah Bay College. The addition of 2 towers will avoid some 40 houses.
5. OBJECTIVE OF RESETTLEMENT PROGRAM

The NPA and the World Bank agree to work on the improvement of the supply of electrical power to Freetown. The implementation of such a Project has to be done without putting undue pressure on the population directly affected by the power lines. This resettlement program attempts to mitigate the negative impact of such land reacquisition. Persons affected by this these project activities should be assisted in their efforts to improve their livelihoods and standard of living. The results of the resettlement should restore the living standards to pre-Project levels or at least to levels prevailing prior to the beginning of the Project implementation, whichever is more advantageous to the population.

To achieve this objective the NPA team for implementing the Involuntary Resettlement Program will follow the following rules:

   a) Involuntary resettlement will be avoided were feasible, or the number of relocation minimized by exploring all possible alternatives.
   
   b) Where resettlement can not be avoided; resettlement activities will be conceived and executed as sustainable development activities with the participation and consent of the affected population.
   
   c) In all cases, the affected parties will be in a better situation after the Project then prior to it. As a minimum requirement, the relocated population will be in a situation that is equivalent to the one they were prior to the Electrical Power Project.

6. SOCIO-ECONOMIC SURVEY

The Socio-economic Survey was done during the same period as the evaluation of all assets within the ROW. The survey had several primary objectives:

- To inform the affected population about the Electrical Power Project
- To obtain feedback from the affected population about the Project
- To establish a social profile of the affected population
- To identify the affected households and individuals
- To identify vulnerable individuals or groups
- To record the base line situation of all affected people
- To record all assets and impacts within the ROW
A group of 12 surveyors, divided in four teams of three each, visited all households to ask questions on socioeconomic situation of the family and of the people living in each specific compound. One technician took a digital picture of each household with the occupant and took a GPS reading of the position of the plot.

All information were transferred into a database and stored on a CD-ROM.

Various consultations took place at different levels:

At the National Level with relevant institutions and Ministries:

- The direction of the NPA invited all Ministries to a consultation conference where an overview of the Power and Water Project was presented. The main theme of the presentations concerned the Plan for resettlement and Compensation. The Ministries of Finance, Development, Land, and Justice expressed their views about resettlement with respect to public utilities as well as for the construction and rehabilitation of power lines. The NPA presented their requirements for resettlement. The direction of the NPA stressed that appropriate compensation was a requirement for approval of World Bank funding. National financial constraints were discussed and alternative solutions brought forward by the participants. Compensation should be in-kind; Land and Land title should be offered to affected person. The meeting participants reiterated that the NPA and the Government would not have sufficient funds to cover the cost of the Program without adequate financial support for the total compensation program. They recommended that the World Bank should consider raising the global amount of the loan to include the 2/3 of the cost of the compensation program. The other 1/3 will be covered by land and land title compensation.

At Local Level during meetings with community members and leaders:

- Six meetings were held with the local community along the ROW. They were attended by 300 persons. The Project was exposed and compensation requirements were presented. People understood the necessity of the Electrical Power Project for the benefit of everyone. They expressed their fears about loosing what they have in the ROW. They referred to past compensation programs implemented for electricity, roads and other utilities. They asked that avoiding the relocation of houses should be a priority, that there should be serious reconsideration of relocating the 161 kV distribution center and that rerouting of lines to avoid houses should be chosen wherever possible.

At Household Level during the Socio-economic Survey:
Household meeting allowed the survey team to disseminate information to all potentially affected people. The participation of affected people was very collaborative. The result of this survey is presented in Appendix 4 and in the Figures presented below.

Affected persons and their representatives at local and national levels have been informed of the Project and about the process leading from the initial survey to construction of new homes, compensation and physical relocation. Consultation has provided information concerning sensitive cultural sites, a reliable identification of affected persons, as well as an effective implementation of the census exercise.

Project Affected People (PAP) consists of all of those persons who will lose assets or will lose the use of assets as a result of the Electrical Power Project whatever the extent of the loss. Loss of asset includes loss of land rights or land use, structures, crops, or a combination of the above. Not all PAP have to be relocated as a result of the Project, because in those cases only a small portion of the asset will be encumbered.

- The number of files opened is:

  161 KV: 119
  33 KV: 160
  **Total 279**

  (11 files are government properties or property were no compensation is expected to be paid ex.: ROW over a cemetery were no damage is expected)

- The number of PAP is:

  161 KV: 1574 individuals
  33 KV: 1144 individuals
  **Total 2718**

  (An average of 10 persons are living in one household)

- The estimated number of people that will have to move as a result of the Project are:

  161 KV (90%): 1417 individuals
  33 KV (94%): 1075 individuals
  **Total 2492**
- Of these households a small portion will relocate to an area of the same plot, thereby respecting the required setbacks. In these cases there will be little disruption:

161 kV: 10%
33 kV: 6%

- Almost all of the structures are used for residential purposes. Sometimes, during the day some are used for commercial purposes (restaurant or shop) but are transformed into sleeping places at night.

- Among the households to be relocated, it is estimated that only 50% will require the Program to physically resettle them. The other 50% will require cash compensation and will accept to proceed on their own to a relocation of their choice, independent of the program (20% inland, 30% elsewhere in Freetown). More accurate information will be provided by the household members throughout the RAP implementation process.

- The value of reconstruction of residential affected structures is based on the total of square meter of construction to be relocated or compensated (Valuation methods - Chapter 9):

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<th>Structures</th>
<th>Land Added Value</th>
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<tr>
<td>161 kV</td>
<td>1 607 200$</td>
<td>63 076$</td>
</tr>
<tr>
<td>33 kV</td>
<td>1 409 800$</td>
<td>34 918$</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3 017 000$</strong></td>
<td><strong>97 994$</strong></td>
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The average household area is 83 m$^2$.

- The estimated value of land surface is based on $20 per square meter:

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<th>Structures</th>
<th>Land Added Value</th>
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<tbody>
<tr>
<td>161 kV</td>
<td>31 538 m$^2$ x 20$ = 630 760$</td>
<td></td>
</tr>
<tr>
<td>33 kV</td>
<td>17 459 m$^2$ x 20$ = 349 180$</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>979 940$</strong></td>
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The average area of land per household is 140 m$^2$.

- The added value of land surface done by land user is estimated at 10%:

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<tr>
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<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>97 994$</strong></td>
<td></td>
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- The total value of resettlement and compensation:

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<th></th>
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<tbody>
<tr>
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<td>34 918$</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3 114 994$</strong></td>
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Paul T. Willcott
April 2004
- Valuation of small structures including latrines, garages are valued at the same rate used for all structures (square meter)

- Only a few cases of damages to crop and trees were identified, because the Project is being implemented in a high-density urban area. The compensation value will be established case by case. Land use restrictions under the power lines allow plants of 1.8 m in maximum height. Provision is made in the budget to plant trees for each one damaged or destroyed on public or private property.

  Forest asset: 5 000$
  Crop: 5 000$

- Land and Land Title for resettlement are entirely provided by the Government of Sierra Leone; the value is estimated at 20$/ m² and is included in a separate budget:

  161 kV 630 760$
  33 kV 349 180$
  Total 979 940$

- A provision of 20,000$ for the 33 kV ROW and 25,000$ for the 161 kV ROW were made for additional assistance to vulnerable affected persons. It was estimated that 10% of the affected people are especially vulnerable (single mothers, very old age, young children, amputees, intellectually disabled, sick person etc.) or are at survival stage with no specific earning. They are generally totally dependent on other family members and are the first to be affected by major changes such as relocation. An amount of 170$ or 450,000 Leones is budgeted to cover family support to vulnerable members, to pay medication or treatment, special services required by the condition of the vulnerable affected person (prosthesis, adapted tools, wheal chairs, special house access etc.)

- A provision (50,000$ for each 33 kV ROW and 161 kV ROW) for loss of revenue has been made to mitigate loss due to relocation of petty trade activity, to mitigate loss of apartment rental value and to implement a development Project in collaboration with a local NGO, which will start 50 micro enterprises.

- A provision of 10,000$ has been made to mitigate loss of any affected cultural property. Though no specific cultural property was identified during the present survey, it is anticipated that they will be identified during the implementation phase. If this amount is not spent on the mitigation of cultural loss at the end of the construction of the transmission line, this amount will be made available to generate other micro enterprises in collaboration with the local NGO.

During the field census stage, the PAPs were informed that data was collected for valuation purposes and that they should not do any new investment in the ROW. Nor
should new comers be allowed to establish themselves in the ROW. It was explained that the consequence of any new housing or households would be to reduce the individual value of the compensation affecting everyone.

The questionnaire addressed to PAP included items concerning: the type of income activities practiced by the family members, their religion, their origin, ethnicity, their marital status, the gender distribution of the family members, the type of water supply, the type of sanitary facilities and a general assessment of their living standards.

The level of impact was assessed for each structure. If a structure was not affected at 100%, the affected portion was assessed as either being viable or not. Whenever a structure was more than 30% affected, it was considered as not viable.

Most of the people in the lower portion of the Congo River can be considered as very poor and often vulnerable people. They do not generally hold any legal documents or titles for the land they occupy. In most of the cases they originate from the inland portion of Sierra Leone (less than 5% are from Freetown) and were displaced by the war. They have low incomes if ever they have any.

For other vulnerable people, a few special cases were observed. They were not necessarily permanently vulnerable (sick person, pregnant women etc.). They will be considered during the implementation stage. Provision will be made in the budget for this purpose.

After the census stage and during the analysis phase for the production of this RAP, some individuals who were not present at the moment of the field visit, came to the census team office to fill-in their form and have their data included in the analysis. During the implementation phase these same local offices will be opened to the affected people and will provide information as well as accepting grievances from Project Affected People.

Since most of the people from a specific ethnic group have settled near one another, the relocation practice will group these people accordingly to their language and tribe.
in a way to minimize adaptation problems. In most cases, they will remain in the vicinity of their original household site and adaptation problem should be a less important issue.

Public structures belonging to the community will be included as part of the compensation program and will be compensated like other PAP (local schools, mosque, church, etc.). They will be rebuilt in the immediate vicinity to accommodate persons who were previously using it but who are not directly affected by lose of property.

Public utilities, such as water fountains, will remain in place and will be renovated to offer the service to the population that remains. For relocated people, provision will be made to offer similar or better services at the new resettlement sites.

Resettlement sites will offer school and health care services to families within a similar distance range. Distances for PAP will not exceed 1 mile for primary school, 2 miles for secondary school and 5 miles for health care services.

Land Title documents were not produced by any of the affected people. All owners of Land Title will deliver copies of them to the Compensation Team. They will be invited to do so by public announcement along the ROW; by radio announcements and by newspaper announcements. A delay of one month will be allowed. Equivalent Land Title will be delivered for the resettlement location.

All affected households using a piece of land with no Land Title will be compensated for leaving the pre-Project piece of land. The compensation will include an equivalent area of land with official Land Title.

The affected owner in possession of a Land Title will be refund for all costs related to the Title transfer, plus 10% for disturbance allowance.
7. **LEGAL FRAMEWORK**

The World Bank is expected to finance the Project. This document has therefore been prepared in accordance to the World Bank requirements stipulated in its Operational Policies (OP 4.12) titled “Involuntary Resettlement” and dated December 2001. This document has been provided to the RAP preparation team by the Africa Environment & Social Development Unit of the World Bank.

This RAP complies with national requirement: The Constitution, the National Power Authority Act, and the Public Land Act are the national laws applicable to this power line rehabilitation Project. The RAP component of the Project is to acquire land or reacquire the NPA land for the public interest. In full respect of the law, it is technically feasible to acquire or reacquire in a compulsory way, the land required for this Project. However the Law requires that land acquisition should be acquired by private treaty or agreement in the Western area and that expenses and compensation shall be paid by the Authority. On demand, a reasonable payment can be made by the Authority to cover expenses resulting in loss due public needs. Specifically concerning the 161 kV line ROW, the law gives larger land acquisition power to the public agency.

The Land Law in the Western Area refers to the colonial “Public Lands Ordinance” known as the “Land Act” and subsequent adaptation Act of 1961 and other amendments.

Payment of adequate Compensation is specified in the Article 42 Section 16 of the “Land Act” and title:

“Compulsory Acquisition of Property (Constitutional Safeguards)” “For the Compensation to be allowed, either in respect of the actual value of the land or in respect of damages incurred by reason of exercise of any of the said power, and any sum or sums so agreed on as last aforesaid, or which shall be awarded under the provision of this Ordinance, shall be paid by the Accountant General.”

Section 18 gives detail about the method of evaluation of compensation:
- Market value or replacement value
- Increases in value expected in near future
- Damages
- Division of the total asset and access difficulties
- Relocation necessity
- Devaluation of land due to implementation of a specific public utility implementation
- Loss of clientele due to implementation of a specific public utility implementation

For a period of 2 years after the notice to the owner that the land is to be taken for public utility “All increased value by means of any improvement made by the owner will be disregarded”.

Compensation for compulsory acquisition is considered by the Court of Law after a claim has been deposited. The claims will be prepared by the NPA compensation team and signed by the PAP prior to its presentation for compensation.

Partial demolition of a structure within the ROW needed for public utility: No partial compulsory structure acquisition is authorized. (Section 12 of the Public Land ACT 116). In these cases, it will be accepted if required by PAP and household members.

If land remains after compulsory acquisition and is considered as not viable, the land should be acquired totally by the NPA (Section 10 of the Public land ACT 116).

Overall, the World Bank requirements are more favorable to Project Affected People than the applicable National Laws. For this RAP and its implementation, the World Bank policies take precedence and in this case, WB policies will be the guiding principles.

People affected by public Project were generally not compensated. To avoid reproducing this situation the NPA in this Project will compensate the affected people prior to any construction in accordance to World Bank requirements.

Protection of women and girls is describe in Chapter 30 Section 2, 3 of the Law.
Protection of disabled or other persons not able to defend their right the Attorney-General appoints a curator to make any such application on behalf of the person Ref. Act no 42 Section 3 (b).

More information about the national laws for expropriation for public use is included in Appendix 6.

**Involuntary Resettlement Requirements of World Bank adopted by the NPA for the implementation of the RAP:**

- All viable alternative Project designs are explored to avoid or minimize the need for resettlement and when it cannot be avoided, to minimize the scale and impacts of resettlement;
- Resettlement measures are to be conceived and executed as development activities providing sufficient resources to give the displaced persons, the opportunity to share in Project benefits. Assistance is given to the community in their efforts to improve former production levels, income earning capacity and living standards or at least restore them to the levels they would have without the Project;
- Displaced persons are:
  - compensated at full replacement cost prior to the actual move;
  - assisted with relocation;
  - assisted and supported during the transition period.
- Particular attention is given to vulnerable groups;
- Communities should be given opportunities to participate in planning, implementing and monitoring their resettlement;
- Resettlers are helped with integration into their host community;
- Resettlement is linked to the main Project implementation schedule, so that Project Affected People are resettled and/or compensated before being affected by the construction or other activities;
- There is adequate monitoring and evaluation;
- The Project sponsor (the NPA) does offer replacement land. Cash compensation may be appropriate when residual land holdings are economically viable. For households who lose assets/income large enough to make the remainder unviable, compensation is provided as if entire holdings had been taken;
- For losses that cannot easily be valued or compensated in monetary terms e.g. access to public services, customers or suppliers, fishing, grazing land or forests, attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.
Other World Bank Group Safeguard Policies are applicable to the overall Project. As they appear not to be relevant to Compensation and Resettlement, they are not commented here.

8. **Institutional Framework**

National Power Authority is the sponsor of the Project and is responsible for the implementation of this Resettlement Action Plan. The NPA has developed contractual relation with an independent consultant team of 16 members who is in charge of preparing the resettlement and compensation action plan for this Project. The NPA will contract some or all members of the present team to implement this RAP. This team has already carried out the census exercise and therefore has a good knowledge of the affected people and area. The team will be completed with 4 new members. It includes community liaison officer, traditional & cultural specialist, legal expert, land surveyor, civil engineer, data manager etc. The team will have national and international members. An independent office will be opened. Equipment, including 3 vehicles and 4 computers will be made available to this team and provision made in the budget.

The following institutions will be involved in the implementation of the RAP:

- An independent legal counseling firm will advise the PAP on legal issues relevant to compensation & resettlement;
- An independent Non Governmental Organization of Sierra Leone will be appointed to witness the implementation of the RAP and to report publicly on a quarterly basis. This NGO, a member of SLANGO, has experience in resettlement activities in Sierra Leone. This NGO has not yet been contracted and it will be selected through the NPA bidding process.
- A Freetown financial institution, the Standard Chartered Bank will participate in the training of the PAP to manage their financial compensation.
- The Government of Sierra Leone will be represented on the Project Steering Committee to be set up by the sponsor. The Committee will provide guidance and will review the results of the process on a regular basis.
- A National Compensation Commission (NCC) will do all payment of compensation, Cash or In-Kind. It will be done publicly; although the amount of compensation will not be revealed publicly. The NCC members are:

Paul T. Willcott
April 2004
1 Representative of the NPA,
1 representative of the Government of SL,
1 representative of Ministry of Land,
1 representative of a National NGO,
1 representative of the WB or of an International NGO,
1 representative of the Traditional Authority,
1 representative of a Financial Audit Firm
1 representative of the local community (PAP’s)

- The NCC is responsible of the identification of the Land User and that each payment is made to secure each PAP.
- A contract between the NPA and each household representative will be signed allowing the disbursement of the compensation cash or in-kind.
- The remaining residents along the line will be contracted for the protection of the line wayleave. In return of this responsibility they will be allowed to use the concern land under the applicable restrictions.

9. ELIGIBILITY

Project Affected People (PAP) are all persons who lose assets or lose the use of assets as a result of the Project, whatever the extent of the loss. Loss of assets may be loss of land rights or land use, structures, crops, or a combination of these. Not all PAP have to relocate as a result of the Project as in some cases only a narrow strip of the concerned asset will be encumbered. In these cases they will receive cash compensation for their loss.

Eligibility to resettlement and compensation is based upon the census mentioned above. Any household who has been identified in the field at the census stage as having interests affected by the Project is eligible to resettlement and compensation packages proportionate to the level of impact. All types of land rights give eligibility to compensation and/or resettlement whatever the land tenure regime (formal or customary, ownership or tenancy etc...).
9.1. Eligibility of tenants and sharecroppers

Tenants as defined by the Land Act are eligible to land compensation, based upon the extent of rights they hold in the land. They are also eligible for compensation of their crops according to the same rules as landowners.

There is no legal provision in Sierra Leone with respect to any form of land compensation for sharecroppers. However, crops belonging to sharecroppers have been valued as such by the evaluators and shall be compensated in accordance to the same rules applicable to landowners and tenants.

9.2. Compensation sharing among household members (tenant vs. owner)

Compensation of the household is calculated by adding values of lost land, values of lost structures, value of loss of business revenues, amount of disturbance, values of compensation for vulnerable individuals or groups, value of lost crops or trees. The total loss is thus established for the household.

The sharing of compensation among members of the household is established during a meeting of the household members. All members are informed that the sharing has to take into account the principal that every member has to be in a similar or better situation then the one they were in prior to the relocation. They are also informed that the compensation will be in priority and essentially in-kind compensation (land, land title, construction material, daily construction allowance for workers, trees, seeds, tools, etc.) All members must agree and sign the household sharing agreement.
10. VALUATION METHODS

10.1. National valuation methods for expropriation for public use

The Ministry of Land has provided information relative to valuation of structures in the Western Area.

“There are normally four methods used in the valuation of properties. It is usual for two methods to be used at any one time.”

In the present study and for the purposes of compensation the evaluators normally used the Cost / Contractor’s Method and the Investment Method for purposes of comparisons. With the Cost / Contractor’s Method the cost to reproduce the current building per square foot or square meter is applicable.

The buildings or structures are also classified into various classes:

<table>
<thead>
<tr>
<th>Categories</th>
<th>$ Value / m²</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>S-A</strong></td>
<td></td>
</tr>
<tr>
<td>Modern concrete house with all amenities (self contained) ceramic floor</td>
<td>270 to 315 $</td>
</tr>
<tr>
<td><strong>S-B1</strong></td>
<td></td>
</tr>
<tr>
<td>Modern structures, self contained with basic amenities</td>
<td>135 to 270$</td>
</tr>
<tr>
<td><strong>S-B2</strong></td>
<td></td>
</tr>
<tr>
<td>Concrete structure not self contained</td>
<td>90 to 135$</td>
</tr>
<tr>
<td><strong>S-C</strong></td>
<td></td>
</tr>
<tr>
<td>Mud structures with zinc roofing</td>
<td>45 to 90$</td>
</tr>
<tr>
<td><strong>S-Cl</strong></td>
<td></td>
</tr>
<tr>
<td>Traditional hut &amp; thatch roofing</td>
<td>Cost of material + time</td>
</tr>
<tr>
<td>Kiosk and stick structures</td>
<td>Cost of material + time or Contractor Cost multiplied by % of completion</td>
</tr>
<tr>
<td>Structures under construction</td>
<td></td>
</tr>
</tbody>
</table>

*Table 1. Buildings and structures classification*
In this relocation program most of the structures are in categories S-B2, S-C, S-CI. Exceptionally, there are structures in other categories.

The general amount per square meter of floor space for a permanent structure is estimated to be 250,000 Leones or 100 US$. This figure comes from international organizations involved in the reconstruction process in Sierra Leone between 2002-2004 and was confirmed by national evaluator services of the Ministry of Land.

The value of land in Freetown can be estimated at $20 per square meter in the zone where the Project is located. Since in most of the cases, the concerned land users are not titled land owners, they will not receive this amount. They will be compensated for the added value of the land they were using. The average estimated value is $2 per square meter. Also, new land (equivalent to the previous) is provided with property titles, it will be offered as in-kind compensation.

10.2. **Basis for compensation calculation**

The methodology for calculating crop compensation takes into account both the 2004 market value of agricultural produce, and the time period required to re-establish perennial crops.

The disturbance allowance is 10% of the C1 amount when prior notice of 2 months or more is given to vacate the land. Otherwise, it is 15% of C1. No additional amount will be paid on top of the disturbance allowance. (Note: C1 refers to the basic compensation, Section 10.3).

All assets that can be removed, such as building materials, will be an additional benefit to affected people. Their value will not be deducted from the amounts of compensation.
10.3. **Compensation under Sierra Leone Law and the NPA supplement**

As shown above, compensations must comply with two sets of rules; the Sierra Leone law and WB safeguard policies. The latter is potentially more advantageous to PAPs, especially with regard to the "full replacement cost". However, the Government of Sierra Leone is desirous to not set precedents with respect to compensation amounts.

In line with the compensation system which is proposed for the power Project, it is proposed to distinguish clearly two terms within the compensation amount:

- C1 will be the amount calculated under Sierra Leone law, according to official methods of calculation, excluding the disturbance allowance.
- C2 will be the NPA supplement intended at fulfilling WBG requirements,
- C is the total compensation = C1+C2
- In the case of in-kind compensation, part of the above-mentioned terms will be the **monetary counter-value of in-kind compensation**.

Disturbance allowance shall be paid on top of C1.

Those terms will be clearly distinguished throughout the whole sensitization, individual consultation and payment process, so that PAPs and authorities will clearly distinguish between the amount payable under Sierra Leone law, and the additional supplement from the NPA.

10.4. **Compensation for land, structures and crops**

**Compensation and resettlement packages – An individual approach**

Cash compensation will be offered where the remaining land is economically viable and structures have to be removed.

The construction of a replacement house will be offered wherever the building has to be removed. This may either be on the remaining part of the plot if it is deemed viable and the affected household agrees to such a solution, or on another resettlement plot.
Replacement land will be offered in cases where the remaining existing land is not viable. Where required, the provision of a replacement house will also be offered. Consultation at the household level with the affected persons will ensure that the final compensation/resettlement package is appropriate to the needs and expectations of the affected household.

As this is a linear Project with little impact on the larger communities, no group resettlement will take place. Replacement land will be identified by the NPA in the neighborhood of affected households, within the same communities from where the affected people originate. For this reason, no impact on “host communities” is expected, as no group relocation will occur. For instance, there will be no major impact on public facilities such as water supply, schools or clinics. All people will be compensated prior to any enforcement of the ROW encroachments.

10.5. Basis for compensation calculations

Legal advisors from Ministry of Justice provided texts of laws confirming full rights of the NPA to acquirer land in a compulsory way. Compensation is to be paid for affected loss asset such as “tree, structures or objects” when ownership is proved. Details in the law shows that compensation should be “reasonable” Details are in the Public Land Act No 116 and in Appendix 6.

11. Resetlement method and package

The construction of a replacement house will be offered wherever the existing building has to be removed. This may be either on the remaining part of the plot if it is viable (10% for 161 kV 6% for 33 kV) and the affected household agrees to such a solution, or on another resettlement plot of its choice. Resettlement houses will be improved compared to the original ones, and as a minimum it will feature among other improvements, a corrugated iron or zinc galvanized roof, a concrete floor and
foundation, and a ventilated latrine pit or an appropriate sewage system for latrines. Structures will be made of:

- Cement block with proper concrete lintel
- Or Stabilized laterite block type “interlocked” (10% cement)
- Or material of higher quality than the ones found on the structures prior to the relocation.

Replacement land will be offered in cases where the surface outside of the ROW and setback tolerances, is not viable. Replacement land will be at least equivalent in surface and in potential to the former one. The household will be consulted on the location and characteristics of this land. Secure and legal land titles will be given to all re-settled families. Furthermore, people will not encounter higher transportation cost to go to work or to the market place.

In the vicinity of most of the ROW there is still open land available for construction within a radius of 2 km which is acceptable in Freetown. There is one exception, if both lines are restored as designed or projected and people have to relocate massively in the sector between Ascension Bay to south of Congo Cross Bridge, people will have to relocate outside of the area.

Cash or in-kind compensation will be offered against encumbered or acquired asset where the remaining assets are economically viable and building has to be totally demolished.

Consultation with the affected persons at the household level will ensure that the final compensation / resettlement package is appropriate for the affected household needs and expectations. Consent of spouse and children will be complied with wherever applicable.

As this is a linear Project with little impact on communities as such, no group resettlement are expected. Resettlement land site will be identified by the NPA in the neighborhood of the affected household. For this reason no impact on host communities is expected.
<table>
<thead>
<tr>
<th>Lost asset</th>
<th>Compensation under SL Law (C1)</th>
<th>the NPA supplement (C2) To meet WB requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND with title</td>
<td>Cash valuation based upon reasonable market value of land</td>
<td>For all compensation, land for land will be the first option so that people will end up leaving their home for another home at the new site with a: 15% disturbance allowance.</td>
</tr>
<tr>
<td>LAND with no title</td>
<td>No compensation</td>
<td>Replacement by equivalent land &amp; titles, so that people will end up leaving their home for another home at the new site with a: + 10% disturbance allowance.</td>
</tr>
<tr>
<td>LIMITATION OF USE OF LAND with title</td>
<td>Reasonable cash valuation of the loss resulting from the limitation of use</td>
<td>+ 15% disturbance allowance</td>
</tr>
<tr>
<td>LIMITATION OF USE OF LAND with no title</td>
<td>No compensation</td>
<td>Valuation of limitation of use will be compensated in cash for all cases. + 10% disturbance allowance.</td>
</tr>
<tr>
<td>PERMANENT HOUSES with land title</td>
<td>Valuation on a case-by-case basis, based upon the reasonable replacement market value</td>
<td>+ 15% disturbance allowance</td>
</tr>
<tr>
<td>PERMANENT HOUSES with no land title</td>
<td>No compensation</td>
<td>Replacement house for those who opt for land-for-land compensation and for those who wish to be relocated on the remaining part of their plot. + 10% disturbance allowance.</td>
</tr>
<tr>
<td>SEMI PERMANENT or NON-PERMANENT HOUSES or OTHER STRUCTURES when title are produce</td>
<td>Valuation based upon reasonable replacement cost of type of material + time,</td>
<td>+ 15% disturbance allowance</td>
</tr>
<tr>
<td>SEMI PERMANENT or NON-PERMANENT HOUSES or OTHER STRUCTURES when title are not produce</td>
<td>No compensation</td>
<td>Valuation based upon replacement cost of type of material + time, + 10% disturbance allowance.</td>
</tr>
<tr>
<td>PERENNIAL or ANNUAL CROPS ON LOST LAND or ENCUMBERED LAND or LAND SUBMITTED TO LIMITATION OF USE when title are produce</td>
<td>Valuation based upon reasonable loss</td>
<td>+ 15% disturbance allowance</td>
</tr>
<tr>
<td>PERENNIAL or ANNUAL CROPS ON LOST LAND or ENCUMBERED LAND or LAND SUBMITTED TO LIMITATION OF USE when title are not produce</td>
<td>No compensation</td>
<td>Valuation based upon reasonable loss + 10% disturbance allowance</td>
</tr>
<tr>
<td>BUSINESS INCOME when title are produce</td>
<td>Valuation based upon reasonable loss</td>
<td>+ 15% disturbance allowance</td>
</tr>
<tr>
<td>BUSINESS INCOME when title are not produce</td>
<td>No compensation</td>
<td>Establish access to similar opportunities.</td>
</tr>
<tr>
<td>TENANTS</td>
<td>No compensation</td>
<td>Must be compensated whatever the legal recognition of their occupancy. Recommend in-kind compensation + disturbance allowance 10%</td>
</tr>
<tr>
<td>COST OF MOVING</td>
<td>No Compensation</td>
<td>Leones 200,000 per resettled household served in cash + transportation cost</td>
</tr>
</tbody>
</table>

**Table 2. Guide to compensation**
Refer to valuation methods for the interpretation of “reasonable”.
All affected perennial crops will be compensated based upon assessment carried out during census stage. Damaged crops will also be compensated.

Applicable Sierra Leone compensation rates will be used as the basis for the calculation of compensation. Wherever there is a difference between Sierra Leone rates and WB guidelines, an adjustment will be made and applied to meet WB requirements as per the Operational Policies (OP 4.12)

Meetings will be held on a household basis, with each affected head of household and all adult household members. This could take place either in the affected landowner’s house or at sub-country offices. PAPs may be assisted by whoever they wish; family members, Land Compensation Committee Members, lawyers and legal counselors.

The proposed compensation for the land and assets will be detailed. So as to expedite the process and where appropriate, land and replacement of non-land asset compensation will be discussed together with compensation for all other landowner’s lost assets.

Household and family members have to express their agreement on the overall compensation (new land, in-kind goods, and cash); all must be identified and their consents must be sought at this level where applicable.

When the deal is agreeable to all parties, a compensation agreement will be signed by the parties. More specifically all adults (woman and men) living in the household must sign their acceptance.

All agreements will be assembled and the National Compensation Commission will approve them and will issue the contractual compensation certificates.

The National Compensation Commission will hold a public meeting where they will deliver all Contractual Compensation Certificates (CCC).
The CCCs will be applicable to all parties. A certificate can be issued for new land, in-kind goods, cash or other kind of compensation as long as it represents the acceptance of the parts.

Notice to Vacate will be served in accordance with the National regulations. The date of commencement of the notice to vacate period will be the date of signature of the compensation certificate, regardless of the actual date of signature of the transfer deed. The Notice to Vacate will be for a period of no less than 2 months. If it is between 2 and 6 months, an extra 10% disturbance allowance is payable to the affected landowner. Nobody can be forced to leave until fully compensated and moved to their new home if applicable.

11.1. Payment procedure

Compensation certificates: When the affected household for the compensation of lost assets has selected its options, all parties involved will sign a compensation certificate. These compensation certificates will clearly separate the compensation term paid for, under the Land Law requirements (C1), and the term resulting from the NPA supplement.

Signatories of the compensation certificates will be as follows:

- Compensation Recipient,
- And 3 of the following:
  - Government representative,
  - NPA representative,
  - Community Leadership Member
  - Member of the National Compensation Commission
  - Witness NGO
  - Other as required
11.2. Payment

Payments of all amounts more than half a million Leones ($200) will be made by cheque. Payment will be made by the NPA. On payment, the same parties as above will sign a Receipt of Payment.

For all affected people advice will be offered in banking services to able to open a bank account and secure funds. A specific training will be offered to PAP and will be under the responsibility of the NPA with involvement of an NGO, and Standard Chartered Bank, the bank in charge of forwarding payments to PAPs. In many cases the beneficiary of a cash compensation of over ½ million do not have a Bank Account. All charges for the opening of bank account will be covered by the NPA.

11.3. Cultural Property

Concerning affected cultural property, no site of archaeological interest has been identified along the route, and no culturally significant site has been brought to the attention of the NPA during the consultation that was carried out along the ROW. No significant cultural property is known to be affected by the Electrical Power Project based upon consultations held to-date and no payment procedures have been planned.

11.4. Graves

Wherever possible, any impact on structures such as graves or places of offerings in general will be avoided. No graves were observed in the house compound affected by the ROW. Some graves may be affected by the Project. In the event that a grave is in land which is to be cleared for tower construction, compensation will be in accordance with normal cultural practice in Sierra Leone; the household will be offered a specific compensation to relocate the graves.
11.5. **Places of offerings**

Places of Offerings affected by the Project: If any are found, they will be compensated according to the relocating cost of non-permanent structures.

11.6. **Archaeological and cultural sites**

The construction of the transmission system does not include much earthmoving. And the overall impact on the land being used is low; it may be that chance finds are made during the course of the construction. These may include the following:

- Archaeological heritage which has remained unnoticed in the past;
- Sites of cultural significance such as sacred woods or trees or rock outcrops, which the local residents may have not mentioned at the survey stage.

Prior to the commencement of the works, an archaeologist will survey the corridor in the filed to check for any potential finds.

The Contractor will develop a procedure in their Environmental Management Plan to address cultural chance finds. Where the site appears to require a specific intervention, notice will be made to the Ministry in charge of Archaeological sites. Consultation between the Ministry, the NPA, and the local authorities will take place to develop an appropriate response.

11.7. **Organizational framework**

**General organization for implementation**

The general organization of the resettlement will be based on inputs from the following institutions.

- the NPA will be entirely responsible for the plan, and will implement it with their own teams and budgets, in accordance with procedures and obligations outlined in this Plan;
- Government and beneficiaries concerned by the land to be acquired, will participate in the implementation of the land acquisition portion;
- An independent NGO will witness the fairness and appropriateness of the whole process; this NGO (member of Slango) has already been invited by the NPA;
- Independent legal counsel has been commissioned by the NPA to be available to PAPs throughout the RAP implementation;
- External auditors will assess the process from technical, social-economical and financial aspects, by request of one of above-mentioned parties, or at lenders’ request; the cost of these audits will be borne by the NPA unless otherwise agreed.

**Description of the NPA organization for the RAP**

The NPA has developed a dedicated RAP team under a Project Implementation Manager. This team has already been in charge of the whole census/survey/valuation process for the transmission lines and is familiar with the area. They will be supervised by an the NPA permanent Compensation task team composed of 3 permanent employee of the NPA.

The following diagrams show the roles of the main participants in the RAP and the proposed task organization within the NPA teams (See Diagrams).

<table>
<thead>
<tr>
<th>MINISTRY OF LANDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Participate in the Steering Committee</td>
</tr>
<tr>
<td>- Participate in the monitoring</td>
</tr>
<tr>
<td>- Issue land title to the NPA and relocated PAP</td>
</tr>
</tbody>
</table>
**NATIONAL POWER AUTHORITY (THE NPA)**
- Take full responsibility for the Implementation of the compensation / resettlement plans and will implement it with their consultant and their own teams
- Consult, sensitize and inform the Project Affected People
- Pay for compensation
- Organize resettlement
- Co-ordinate with other institution involved
- Organize and implement monitoring and assistance to vulnerable people
- Participate in the process as the final owner of all land on the ROW
- Sign maintenance restriction agreement with the remaining land user of the ROW

**WITNESS NGO (Member of SLANGO)**
- Witness the whole process of Compensation and resettlement
- Participate in the monitoring and in the External audits

**BANKING TRAINING**
- Banking training by Std Chartered Bank

**LEGAL COUNSEL**
- Are available to provide any legal advice requested by PAPs
- Participate in legal document development for the program

**Table 3.** Main participants in the Resettlement Action Plan and their roles

A senior International consultant (with extensive experience in Sierra Leone and in other similar Projects of Compensation elsewhere in the world) is specifically in charge of the implementation of the Resettlement Action Plan. The Consultant is based in
Freetown and is in charge of the coordination of a team of 16 full-time officers all dedicated to the transmission line component.

Apart from the above-mentioned management team, the field and office staff dedicated to the transmission lines component includes the following:

- 1 administrative assistant;
- 1 lawyer;
- 1 database manager
- 2 Community Liaison and Information officers,
- 1 documentation officer;
- 1 task manager in charge of resettlement;
- 9 field officers for “closing”, including information to households at the individual level, and individual disclosure of options.
- Database consultant 2 times for 2 weeks

Within the NPA field teams, a specialized legal firm is in charge of dealing specifically with the legal aspects of the land transactions (obtaining the consents required under the Land Act). This is different from the Legal Counsel mentioned elsewhere, who are dedicated solely to advising the Project Affected People.

Young Sierra Leone graduates are going to form the major part of the implementation team. They will gain a lot of experience by working with experience the NPA staff, manager and consultant.

With national and international backgrounds, it is to be noted that this Project shall contributes to the training of Sierra Leone professionals in the fields of resettlement, community work, technical components of the RAP (housing, legal), database processing and accounting.

**Offices and equipment**

A pool of 3 full-time vehicles is rented for the resettlement and compensation component. Additional vehicles will be rented if needed during implementation. One office equip with 4 computer will be rented. Provisions are made in the following budget.
11.8. **Witness NGO**

**Objectives and requirements**

The objective of a witness NGO is to have an independent observer to witness the whole compensation resettlement process for the duration of the Project, so as to verify the compliance of the RAP implementation with the NPA commitments.

A Sierra Leone Freetown based NGO will be selected from among members of SLANGO. This NGO has substantial experience in the relevant fields. It must meet the following requirements:

- Have minimum of 2 years experience in development programs in Sierra Leone, in the fields of development, health, education, financial services;
- Be acceptable to both the Government and the lenders;
- Have impeccable record of integrity;
- Have offices in Freetown.
- Have experienced staff in the Project area.

**General description of services:**

The tasks of the Witness NGO will be to witness the compliance of the implementation of the Resettlement Action Plan with the NPA commitments made under publicly-released RAP and to report accordingly.

**Terms of Reference of the Witness NGO include:**

- Witnessing to the compliance of individual compensation certificates with packages agreed and committed upon in RAP documentation;
- Witnessing to the actual individual disbursements with compensation certificates;
- Witnessing to the actual availability to PAPs of in-kind compensations (land, building materials) and their compliance with compensation certificates and agreed upon compensation packages;
- Contributing to the identification of vulnerable PAPs;
- Witnessing to the assistance to vulnerable PAPs and its compliance with document and the NPA commitments;

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Witnessing to PAPs’ grievance processing;
Witnessing to the on-going consultation process;
Participating as witnesses/observers to significant RAP activities such as public information meetings; dispute settlement meetings...
Witnessing and documenting the resettlement process.

Reporting tasks will include:

- Reporting on a quarterly basis on the above matters;
- Immediate reporting to the NPA on any possible non-compliance of field action or document;
- Any relevant photographs to be made on the field.

Witness NGO`s quarterly reports will be released publicly after comments by the NPA, in the World Bank Info Shop and possibly the NPA web site. Confidential nominative information on PAPs shall not be released publicly.

Whenever an external audit is commissioned at the lender’s or other parties request, the NGO contributes as follows:

- Making all their information available to the auditor;
- Providing the auditor with any independent opinion on the resettlement, compensation, and implementation principles.

11.9. Government involvement

The Government will participate in the Steering Committee (see below).

Government representatives will participate in the whole consultation / compensation process, since it is the ultimate owner of the acquired land. Government representatives will be facilitated by the NPA to perform this task.

11.10. Audits and other external services

Legal counsel is made available to Project Affected People. An independent legal firm with offices in Freetown is being appointed in this purpose by the NPA. They are responsible for the following.
Being available at all times to advise the Project Affected People on compensation, resettlement, and land transaction matters;
- Assist with difficult family situations such as deceased landowners, on-going heritage proceedings, divorces, family conflicts;
- Assist with neighbor disputes and community disputes;
- Assist with neighbor disputes between tenants/licensees and their landlords;
- Report their findings to the NPA on behalf of the Affected People and propose appropriate solutions with both parties;
- Assist with landowners’ children, defend their interests to avoid being deprived of their rights.

11.10.1. External evaluation

External audits will be carried out immediately after the implementation of the Resettlement Action Plan as part of the Evaluation Procedures. The audit will be carried out by an independent consultant and according to Terms of Reference agreed upon by all involved parties. The auditor will assess the following points:

- Resettlement conditions,
- Consultation on compensation options and cash compensation process and procedures,
- Adequacy of compensation, to be assessed through a survey of duly sampled PAP,
- Adequacy of specific measures targeting vulnerable people.

11.10.2. External consultations

External consultants may be hired where required by the NPA to assist in the solution of specific problems, on legal, financial, accounting, social or technical issues.

11.11. Steering committee

The NPA shall set up a Steering Committee immediately upon approval of this Project. It will deal with RAP. It will comprise representatives of the following institutions:
the NPA
- Ministry of Lands
- Ministry of Development
- Ministry of Justice
- Ministry of Finance
- NGO representative
- PAP representative.

Unless otherwise required, this Committee will have quarterly meetings. The NPA will provide the Steering Committee with regular reports of advancement and will facilitate reasonable coverage of costs associated with the meetings.

The functions of the Committee are the following:

- Review strategies and results,
- Inform Government representatives of necessary regulatory or legal actions to be taken (e.g. compulsory acquisition).

11.12. Assistance to vulnerable people

Vulnerable people may be such prior to the compensation process because of a disability or disadvantage, and/or may be made more vulnerable as a result of the compensation process. Vulnerable people include:

- Disabled people or people suffering from serious illnesses,
- The elderly persons, widows or orphans,
- Women and children at risk of being dispossessed of their productive assets –land- as a result of the land compensation process that may benefit the sole male household head.

11.12.1. Assistance to vulnerable people – Safety Mechanism

Assistance to vulnerable people includes the following steps / obligations:

- Identification of person and cause of vulnerability; the person is either self-identified or through the community; this step is critical because often vulnerable people do not participate in community meetings, and their disability/vulnerability may remain unknown;
- Identification of required assistance at the various stages of the process: negotiation, compensation, moving;
\begin{itemize}
\item Implementation of the above measures;
\item Monitoring and continuation of assistance after moving if required.
\end{itemize}

Assistance shall take the following forms depending upon vulnerable person’s requests and needs:

\begin{itemize}
\item Assistance in the compensation payment procedure (going to the bank with the person to cash the cheque);
\item Assistance in moving: providing vehicle, driver and facilitation at the moving stage, providing ambulance services for disable person during moving.
\item Assistance in building: providing materials, workforce, or building house;
\item Health care if required at critical periods: moving and transition period.
\end{itemize}

A designated item within the Budget is available for these specific assistance actions targeting vulnerable people.

12. **Resettlement Site**

The choice of resettlement sites is determined by mutual consent between the NPA and the household owner. It is estimated that 50% of the households will decide to ask for cash compensation and relocate in other area without the program support. Since in-kind compensation for relocation is a priority, the implementation team will analyze the compensation request of each affected person to assist them in their relocation and to ensure that they are relocated wherever they chose with housing land title and economic activity, to the level of their compensation. For the remaining 50%, where possible the relocation will be in the same area of town. For the 33 KV ROW it will be a case-by-case decision of the household along the 9.2 km of the line. For the 161 kV ROW, the concentration of affected household in a small area will require one or 2 construction Projects on the side of Congo River.

The availability of resettlement land in the vicinity of the affected corridor is being investigated by the NPA. Resettlement land will be purchased by the NPA in the vicinity of the corridor. The principles for the identification, purchase and attribution of resettlement land are the following:
- Land with similar or better potential will be attributed to resettlers on an area per area basis;
- Land will be purchased in consultation with potential resettlers and communities;
- People will be resettled within the same area where they were originally residing: this will avoid any impact on public facilities that might result from the large influx of resettlers to one single location; there will not be any group relocation in this Project, but resettlers will be re-inserted in the social fabric on a case-by-case basis.

A secure Land Title will be attributed to resettlers, depending on each situation.

Consultation with affected stakeholders is pursued by the Government and the NPA. The land will be formally titled by the NPA and the Government in the name of the affected stakeholders. All compensation certificates and transfer relating to land will be signed jointly by the vendor, the NPA and Government on the one hand, and by the affected buyer on the other. The payment of the stakeholders is the value of the compensation received for the loss land occupied in the ROW.

The importance of amicable transactions is stressed, and dispute settlement procedures will be presented. Legal counsel will be made available to PAPs at this stage.

13. **HOUSE CONSTRUCTION**

Construction will be done by the individual owner or by a contractor and this will be identified at the beginning of the implementation stage. The type and quality of houses will be better than the one previously used. Technical advice will be provided to each household and plans will be prepared in consultation between the beneficiary of the compensation and the engineer of the implementation team. The plans will comply with the World Bank Requirement described in OP 4.12
Un-employment is a constant problem in Sierra Leone. Many structures if not the large majority are built by the individual owner in Freetown. If for any reason the beneficiary of the relocation is not capable to do the construction he will find in is family or among his neighbors the workers to build his house. The compensation budget for each household will likely be better used by the new land owners investing for themselves than by any construction contractor. Distribution of the compensation will generally advance more smoothly if the relocated individual takes a direct and leading part in their own reconstruction project. This way of proceeding will create income within the family members instead of benefiting a contractor who is not related to the affected people. The budget for the reconstruction will remain the same but will benefit more directly the affected people.

14. **ENVIRONMENTAL ISSUES ON RESETTLEMENT SITE**

For the resettled household of the 33 kV ROW, the low population density along most of the line will allow each reconstruction to respect the urban environment of resettlement (Note: This refers to the size of plot, stability of soil, surface water drainage, sewage system, in & out access, minimal bush cutting and natural effects, neighborhood and general social acceptance of the construction.) On the case of 161 kV ROW PAP, the population density will require the construction of a major building that will require a specific environmental assessment. Such a construction would be erected on a riverside and soil studies will be required. The resettled families will need to be protected from possible flooding. It is likely that resettlement for the 161 kV ROW will not be implemented due to redesign of the route.

A specific study was done to cover environmental issues and was presented separately.

The ROW reacquired by the NPA will be secured from contracted land owners residing outside of the ROW. Their contract will allow them to use a defined portion of the ROW under specific restrictions: No plants higher than 1.8m; no construction other then fences; permanent access given to the NPA for maintenance or construction.

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15. COMMUNITY PARTICIPATION

The implementation team will encourage affected persons to take an active part in the reconstruction and when possible the program planning.

- Contribution during census
- Contribution for choice of relocation sites
- Construction of houses
- Contribution in relocating

The implementation workers will be chosen in priority from among PAP. They will be contracted and supported to build their house on their new plot of land.

16. HOST COMMUNITIES

As this is a linear Project with little impact on communities as such, no group resettlement will be required. For this reason, replacement land will be identified in the immediate area of affected households and only limited impact is anticipated on host communities.

17. GRIEVANCE PROCEDURES

The NPA has taken steps to minimize the potential for disputes. Legal Counsel is put in place to advise the Project Affected People on legal issues, and all survey and valuation results are crosschecked by community members and the concern asset owner, a picture of the owner is incorporated in the valuation file and will be available to local Counselors. Valuation has been made by independent surveyors. Also, in the event were the identified land owner would unfortunately decease during the
compensation/resettlement process, the potential heirs are already known through the survey. As well, reference to the Land Act provides mechanisms for inheritance.

Aggrieved persons have a right of access to the Court as guaranteed by the Constitution of Sierra Leone, the Land Act, and The National Power Authority Act. When properties disputes occur, the Land NPA team will encourage aggrieved persons to find a mutual understanding of the case and come to an applicable mutual solution to the problem without having recourse to the Court.

In the case of persistent disputes concerning the amount of compensation or of the persons entitled to any form of compensation, the case may be brought to the Magistrate exercising jurisdiction in the place were the land is situated. If it cannot be resolved in this instance, the case can be brought through the justice system up to the High Court of Sierra Leone.

A series of mechanisms are in place to minimize disputes to the extent possible, including:

- Legal Counseling body is available to all affected people
- During the survey and valuation stages, the community witnesses participate in the plot delimitation and the evaluation of assets, together with the Affected Person and the NPA representatives; all documents are signed by all the above.
- The Witness NGO is witnessing the fairness of the compensation and resettlement process on a daily basis.

17.1. Grievance processing mechanism

The grievance/dispute processing and settlement mechanism is based on a three-tier system, as per the following sketch:
First instance:
Customary ruling under the auspices of Legal Counsel

If not successful

Second instance:
Amicable settlement outside the scope of the customary law under the auspices of Legal Counsel

If not successful

Third instance:
Court of Law

Figure 1. Grievance processing mechanism

Relying on customary mechanisms as a First Instance:
In such compensation and resettlement operations, many grievances take root in misunderstandings, or result from conflicts between neighbors, which usually can be solved through adequate mediation using customary rules. Most (90%) of grievances can be extinguished with additional explanation efforts and limited mediation. A first instance mechanism is aimed at the amicable settlement of disputes.

When an aggrieved person presents a grievance or dispute to the Legal Counsel, the legal advisor will seek settlement using first the customary mechanisms available in the community. These mechanisms use customary rules well known to all and
considered binding by all. Community leaders typically and rightfully play an important role in achieving settlements acceptable to all parties.

**Second Instance:** Amicable settlement under the auspices of Legal Counsel/Witness NGO and the NPA. When a settlement cannot be reached at the First Instance level, the second instance mechanism is triggered. It will consist of the following members:

- Witness NGO (chairperson),
- the NPA,
- Aggrieved PAPs and/or their representatives or counsels;
- Independent Legal Counsel.

Mediation meetings are organized with the interested parties. Minutes of meetings will be recorded.

**Third Instance:** Appeal to Court
The Constitution allows the right of access to a Court of Law by any person who has an interest or right over the property. According to the Constitution and the Land Law the jurisdiction includes:

- The Determination of disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the National Land Authority or other authority with responsibility relating to land; and.
- The determination of any disputes relating to the amount of compensation to be paid for land acquired.

Appeal to the Court will be therefore through the normal jurisdiction. Given the mechanisms described above, it is not expected that many disputes will reach this level.

**17.2. Management of family conflicts and heritages**

As mentioned above, the Constitution and the Land Act include provisions that ensure adequate protection to heirs and right-holders in the unfortunate event of the eligible
person’s death. The NPA has taken steps to implement these legally required prior consents under the Land Act, using an in-house dedicated legal team to that end. Therefore, in such events, heirs and all right-holders are already identified and this will help greatly in dealing with these situations.

18. ORGANIZATIONAL RESPONSIBILITIES

This Resettlement Action Plan has been prepared by an independent consultant in close consultation with the NPA, who has helped to develop the Plan and has provided all relevant information. The present Resettlement Action Plan is fully endorsed by the NPA. The NPA is committed to its implementation and agrees to carry out all obligations under this Plan.

19. IMPLEMENTATION TIME FRAME

It is planned that the implementation of the Resettlement Action Plan will need about 8 months for the bulk of the plan. No construction work will take place where the implementation of the compensation and/or resettlement measures is not completed. A conservative estimate of consultation and preparation time requirements is taken into account in the schedule.

Following the RAP, where the resettlement and compensation process was defined, all assets in the ROW were estimated and each household and PAP were identified.

- Compensation Process Preparation Phase leads to contractual agreement and ends with signature between the PAP and the NPA, it defines precisely the value of each compensation. (2 months required)
- The Resettlement Process Preparation Phase defines how each compensated person will be compensated (resettlement land plot, in-kind payment, cash payment, etc) and it ends with a signature of how the PAP want to be compensated.
The Direct Implementation Phase is divided in five Sub-Phases:

1. Land acquisition and production of title documents in the name of the PAP
2. Other cash compensations
3. Notice to vacate
4. Construction
5. Physical relocation including specific assistance to move.

Monitoring and Evaluation is a Phase which start at the beginning of implementation of the RAP and will continue after the completion of the implementation.
Figure 2. Project schedule
20. **BUDGET**

The total cost of the RAP is estimated at this interim stage at 5,500,000 $USD. This includes approximately 55% for the 161 kV ROW and 45% for the 33 kV ROW. This amount has been incorporates the cost of compensation and resettlement for all affected people of all categories, together with cost of the implementation organization, monitoring, evaluation and assistance to vulnerable people. An additional 10% is included to the total of these items for potential contingencies.

**Recommendation:** That the funds for compensation be deposited in an In-Trust Account with double signatures NPA – Consultant.

**RAP Budget for the 33 kV ROW**

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Paul T. Willcott
April 2004
RAP Budget for the 161 kV ROW

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**Table 4. Budget**

21. **MONITORING AND EVALUATION**

21.1. **General objectives and evaluation monitoring**

Evaluation and monitoring are key components of the Resettlement Action Plan, and as such are part of the whole programme under the NPA responsibility / obligations. The NPA will be operating power facility permanently which allows for various evaluations and monitoring actions to be undertaken over a sufficient period of time.

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The monitoring and evaluation procedures will have the following general objectives:

- Evaluation of the compliance of the actual implementation with objectives and methods as set in this document, and of the impact of the Compensation/resettlement program on incomes and standard of living;
- Monitoring of specific situations of economic/social difficulties arising from the compensation/Resettlement process.

21.2. Evaluation

Objectives

Reference documentation for the evaluation include the following:

- This Resettlement Action Plan, including possible amendments required as a result of the final consultation process and public release in WB Info shop;
- The Sierra Leone laws and regulations;
- The WBG Safeguard Polices on “Involuntary Resettlement”.

The evaluation has the following specific objectives:

- General assessment of the compliance of the implementation of the Resettlement Action Plan with objectives and methods as set in this document;
- Assessment of the compliance of the implementation of the Resettlement Action Plan with laws regulations and safeguard policies as stated above;
- Assessment of the consultation procedures that took place at individual and community levels, together with the central Government level;
- Assessment of fair, adequate and prompt compensation and resettlement procedures as they have been implemented;
- Evaluation of the impact of the Compensation/resettlement program on incomes and standard of living, with focus on the “no worse-off if not better-off” requirement;
- Identification of actions to take as part of the on-going monitoring to improve the positive impacts of the program and mitigate possible negative impacts.
Evaluation indicators

As part of the preparation of this program, the NPA has established a comprehensive database of all Project Affected People, based on the census and the socio-economic survey, which were carried out. The socio-economic survey has addressed all aspects of the living standard of the PAP. It has included direct questions about monetary incomes. This allows for a first set of indicators to be defined, in relation to monetary incomes, including both agricultural and non-agricultural sources.

During the social-economic survey carried out for this RAP, the direct questions on monetary incomes may have led to overestimated answers motivated by expected increases in compensation. But other objective indicators have been included in the data collection process such as digital pictures of each household, information about the possession of telephone, television, radios, generator or power connection, transport equipment, together with indicators of the pattern of expenditures and the type of cooking energy. The aggregation of quantitative indicators originating from all questions during each visit has been incorporated into the database and will continue to be incorporate new socio-economic information until the signature of compensation agreement. It will allow for crosschecking of data about standards living.

Evaluation methodology

The Evaluation Methodology is the following:

- Identification of a sample of Project Affected Persons, designed to take into account all situations, including the following categories, with appropriate criteria crossing and sample significance tests:
  - Physically Displaced People resettlement under this RAP;
  - Physically Displaced People having chosen not to be resettled under this RAP but having opted for cash compensation;
  - Affected People not physically displaced;
  - Both female and male heads of households;
  - Households of various sizes of individuals, various size of land holding and various levels of impact;
  - People who relocated in various areas, including to in-land district as the case may be;
Vulnerable people.

- Enumerators will survey the sampled households for socio-economic purposes; a questionnaire will be developed with, among others, the same indicators as were used in the initial socio-economic survey; satisfaction indicators will be developed as well;
- Questionnaire analysis will aim at evaluating satisfaction indicators and income/standard of living indicators;
- Situations of specific vulnerability will be put into specific focus, and the methods for addressing them will be assessed;
- Consultation with independent parties will also be part of the evaluation procedures; these parties will include the Witness NGO, the Legal Counsel firm, Local Governments at all levels, and relevant departments of the Central Government.

Auditor

The Auditor will be an independent consultant or NGO with experience in RAP design and practical implementation, and agreeable to all parties involved. The detailed terms of reference for the evaluation will be prepared by the NPA and reviewed by the Independent Panel of Experts, prior to submission to parties involved. The NPA will provide their documentation to the evaluator. The Executive Summary of the evaluation report will be released to the public following an appropriate procedure.

Periods for evaluation

The independent evaluation of the RAP implementation will take place in two successive stages:

- Within 6 months after completion of the implementation: 1st mission of evaluation;
- 2 years after completion of the implementation: 2nd evaluation mission.

Both evaluations will be carried out following similar methodologies and using the same indicators.
21.3. Monitoring

The objectives of the monitoring are the following:

- To identify affected persons who might get into difficulties as a result of the Compensation/Resettlement process;
- To provide a safety mechanism and appropriate responses addressing these situations.

The NPA will maintain in Freetown a Resettlement Task Force for 5 years after completion of this RAP. The Task Force will be available to respond to any specific situation that may be presented to them.

CONSULTANT RECOMMENDATIONS

The following recommendations were made within the main body of the report where a full rational is presented. They have been arrived at as the result of a thorough analysis of the specific details of the design of the Resettlement Action Plan. They also reflect spontaneous suggestions made by people directly affected during the Public Meetings held in Freetown.

Recommendation 1

It is recommended that new construction be undertaken by the people affected directly rather than by building Contractors. This will encourage active participation in the resettlement process.

Recommendation 2

It is recommended that, whenever possible, Compensation be In-kind (land, construction material..) rather than in the form of cash payments. This will help to attain the objective that the quality of the living standards will increase as a result of the resettlement process. The risk is that cash payments will be spent on other purchases.
**Recommendation 3**
That the funds for compensation be deposited in an In-Trust Account with double signatures NPA – Consultant.

**Recommendation 4**
Relocate the 161 kV switch yard from King Tom to the hilltop of Freetown. This will avoid the construction of the line with a 30 m ROW in one of the highest populated areas of Freetown. This relocation will avoid considerably increased resettlement efforts.

**Recommendation 5**
Install 2 or 3 new hydro towers over Black Hall Road Substation to avoid a settlement of 40 households on the west bank of the Quarry.
KEY DEFINITIONS

**Project:** rehabilitation and reinforcement of a 33 kV distribution line circling Freetown, a section of 33 kV line linking this circular line to Wilberforce, a 161 kV line of 6 km going down in the Congo river valley to the King Tom station, and all developments required for their construction or rehabilitation and operation, such as, access roads, borrowing areas, workers sites, transmission lines, switchyards...

**Project-Affected Area:** The Project-affected area for the RAP is the area where the Project may cause direct or indirect impacts to the environment and the residents. This includes the permanent and temporary land take area, the corridors which will be used for rehabilitation or construction and maintenance of the transmission lines, the vicinity of the construction sites and access roads.

**Project-Affected Person:** Persons who lose assets as a result of the Project, whatever the extent of the loss; lost assets include land rights, structures, crops, business, access or a combination of those losses; not all Project Affected Persons (PAPs) have to physically relocate as a result of the Project.

**Displaced Persons:** Those Projected Affected Persons who are affected as a result of the Power Project; they may be either physically displaced or economically displaced; Displaced Persons are only one category of the Project Affected Persons.

**Physically Displaced Persons:** those affected persons who have to physically relocate because they reside within the land to be acquired for the ROW or encumbered as a result of the Power Project.

**Economically-Displaced Persons:** those affected persons who are affected in way that they loose incomes from crops, land, businesses etc.

**Replacement Cost:** WB policies require that all affected assets (land and structures) are compensated for at their replacement cost. Replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition. The replacement cost of land is its market value. The replacement cost of structures is
equal to the cost of constructing/purchasing a similar new structure, without making any deductions for depreciation, and inclusive of the labor cost.

**Household** is the unit which includes all members living under the authority of a household head, they are both family members and other dependants. Under the Land Act, a household would be members of the family whose consent would be required in case of alienation or undertaking any transaction on the family residential land. These members should ordinarily reside on the land. These members typically include the household head, one or several spouses, children and other members of the larger family, tenants, and employee.

**Land-Owner:** means an individual/household/institution recognized as owning land either by customary tenure, freehold tenure, or leasehold including customary occupants of former public land.

**Tenant:** means an individual/household/institution occupying land or space in a home under a private agreement with the owner whereby the right of occupancy is paid for in cash to the owner. Under the Land Act, tenant refers to tenants by occupancy.

**Sharecropper:** (or Licensee) means an individual/household occupying land under a private agreement with the owner for purpose of agricultural use. Normally a licensee will only grow annual crops but may also grow perennial/Annual/Biannual crops if so agreed with the landowner. Licensees do not undertake any developments on the land. A licensee has no proprietary interest in the land and no security of tenure.
APPENDIX 1 – TERMS OF REFERENCE