Resettlement Policy Framework

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*NaCSA Resettlement Policy Framework*
List of Abbreviations and Acronyms

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<th>Description</th>
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<tbody>
<tr>
<td>CRS</td>
<td>Catholic Relief Services</td>
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<tr>
<td>DFID</td>
<td>Department of Finance and International Development</td>
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<td>IDP</td>
<td>Internally Displaced Persons</td>
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<td>IP</td>
<td>Implementing Partner</td>
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<td>IR</td>
<td>Involuntary Resettlement</td>
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<td>LIRP</td>
<td>Livelihood and Income Restoration Plan</td>
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<td>LOMACOS</td>
<td>Low Cost Housing Corporation</td>
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<td>NaCSA</td>
<td>National Commission for Social Action</td>
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<td>NCDDR</td>
<td>National Commission for Disarmament, Demobilization and Reintegration</td>
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<td>NCRRR</td>
<td>National Commission for Rehabilitation</td>
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<td>NRC</td>
<td>Norwegian Relief Council</td>
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<td>NRS</td>
<td>National Recovery Strategy</td>
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<td>NSAP</td>
<td>National Social Action Project</td>
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<td>OCHA</td>
<td>Office for the Co-ordination of Humanitarian Affairs (UN)</td>
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<td>RAP</td>
<td>Resettlement Action Plan</td>
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<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<td>SLRA</td>
<td>Sierra Leone Roads Authority</td>
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<td>SALHOC</td>
<td>Sierra Leone Housing Corporation</td>
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<td>UNHCR</td>
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*NaCSA Resettlement Policy Framework*
1.0 INTRODUCTION AND OVERVIEW OF NACSA'S NATIONAL SOCIAL ACTION PROJECT (NSAP)

The resettlement policy framework (RPF), has been prepared in compliance with the World Bank (WB) requirements as stated in the WB’s policy on involuntary resettlement (OP 4,12). The RPF is also designed to meet the legal requirements of government.

The National Commission for Social Action (NaCSA) recognizes that involuntary resettlement of people (incl. squatters) as a result of the National Social Action Project (NSAP) could lead to economic, social and environmental concerns. These concerns may lead to disruptions in social structure, community structure, dislocations of social networks, chiefdoms and loss of assets and income sources. These in turn may lead to long-term hardship, impoverishment, and environmental impacts, unless appropriate measures are well thought out and implemented.

The Government of Sierra Leone has requested the World Bank’s assistance to fund a National Social Action Program. The development objective of the NASP is to assist the Government of Sierra Leone through the National Committee for Social Action (NaCSA) to support selected rural population groups in financing a full spectrum of community-based initiatives that are identified, proposed, agreed upon, put in place and maintained by them as a means of ensuring sustainable community reintegration and development, supporting transition from war to peace in parallel to improved living conditions and/or increased incomes. The proposed program would support Sierra Leone's transition from post-conflict reconstruction to sustainable poverty reduction. In addition, IDA funds would be used to address longer term development challenges in Sierra Leone.

Shelter and Housing Rehabilitation Program in “Newly Accessible Areas”
This component would provide matching grants for imported building materials. The target beneficiaries of this facility would be mainly internally displaced population groups, returning refugees, and female headed households;

Community-Based Demand Driven Initiatives:
This component would provide funds to support productive investments such as agricultural inputs (excluding pesticides), rehabilitation of markets, small-scale irrigation facilities, etc as well as non-productive investments (e.g. rehabilitation of schools, rural health clinics/posts, vocational skill centers, provision of water and sanitation, community markets and support to functional literacy programs).

Community-Based Capacity Building:
This component would support capacity building of local level institutions such as district authorities, village development committees, chiefdom development
committees and other community groups (such as parent teacher association). Target interventions would include the acquisition of basic knowledge and skills in project management, procurement and accounting, participatory local planning, and maintenance of community-based infrastructure.

**Project Management**

This component would provide support to the National Commission for Social Action to effectively and efficiently carry out its functions, mandates and responsibilities (e.g. co-ordination, planning, monitoring, and supervising humanitarian aid; reintegration, resettlement of refugees and displaced people). The project would support capacity building of NaCSA staff with a focus on community participation, outreach techniques, financial management and skills development for M&E and beneficiary impact assessments.

1.1 **Purpose and Requirement of the RPF**

The RPF presents a framework for the development of a specific Resettlement Action Plan for NaCSA project components for people who may be displaced or relocated by project activities. NaCSA will be responsible for implementing, monitoring and following up on the actions that may emanate from the plan that may succeed this framework.

This Resettlement Policy Framework is prepared against the backdrop that in the case of the project’s first two components, people may lose land to the construction of shelter, schools, markets or health posts etc. Peoples houses may be affected by the laying of water or sewage lines or those who will be excluded from land they occupy or enter for grazing resources.

The interventions as presented in the project description in the EA and in this RPF might result in some form of physical displacement and involuntary land take. Some internally displaced persons, ex-combatants, returnees and refugees might have ‘settled’ on other people’s land, found shelter and sources of subsistence and income.

The primary aim of this framework is to set out a strategic response to the challenges from involuntary resettlement which may result from the National Social Action Program (NSAP) of NaCSA. The secondary aims are:

- Learn lessons from ongoing resettlement activities and reinsertion programs by NCDDR as Sierra Leone changes from war to peace and from relief to development
- Prioritize responses in order to formulate a realistic agenda for resettlement
- Provide guidelines/plans for any resettlement activity
- Provide procedures for the borrower’s to follow in any resettlement activity associated with the borrower’s sub projects.
By showcasing priority areas for the resettlement process, this policy framework should make for co-ordination of resettlement activities countrywide serve as a vehicle for decision making and the mobilization of resources.

Objectives of the RPF are to:

- Set out the policies, principles, institutional arrangements,
- Articulate a resettlement policy for NaCSA
- Describe arrangements for resolving potential conflicts involving displaced persons
- Describe the arrangements for implementing and monitoring the resettlement process.

2.0 PROPOSED NACSA RESETTLEMENT POLICY COMMITMENT

NaCSA is committed to a resettlement policy designed to improve the local conditions and economic opportunities in the communities to be affected by the project components. NaCSA will provide sufficient financial support to assure that every resettled household or individual maintains an equivalent or better standard of living and income earning capacity as they had prior to the resettlement. NaCSA will proactively solicit input from affected individuals and other stakeholders through public consultation program in order to integrate stake holder inputs into the resettlement planning and decision making process.

2.1 Policy Statement

NaCSA will avoid resettlement where possible, but when it is inevitable or unavoidable, the resettlement policy is to assure that every affected household or individual is moved in an expeditious manner and that after relocation every household or individual is at least as well of, if not better than before the move.

2.2 Specific Goals

To demonstrate NaCSA’s commitment and compliance with the resettlement policy, NaCSA will:

- Establish effective communications with affected individuals, households and stakeholder groups throughout the resettlement process
- Procure adequate land at the new relocation site to accommodate all houses, and amenities and other improvements that existed at the previous location
- Provide equivalent or improved housing and infrastructure
- Compensate affected individuals, households for all direct losses associated with land takes in a timely fair and equitable manner
- Provide interim compensation to re-settlers whose income generating capacity has been adversely affected, until their livelihood base can be adequately re-established.
- Assist with the physical move and provide support to resettled individuals and
households during the transition period.

- Ensure that every resettled household or individuals can effectively restore its household food and income livelihood and
- Monitor all aspects of the resettlement program after the move relative to pre-move conditions and demonstrate compliance with NaCSA’s and government resettlement policy.

3.0 INSTITUTIONAL ARRANGEMENTS

3.1 Responsible Organizations and Responsibilities:

There are various organizations charged with the responsibility of post-war resettlement. According to their tasks they can be divided into government, International and others.

3.2 Government Organisations

At present NaCSA (formally called NCRRR) and NCDDR are two government institutions charged with the responsibility of resettling war affected persons. NaCSA is the commission responsible for Rehabilitation, Reconstruction and Resettlement and NCDDR is the commission charged with the Disarmament Demobilization and Reintegration of ex-combatants. These two commissions have been undertaking complementary activities in Sierra Leone’s post-war context. They both administer the "community reintegration program " which has as it’s thrust the reintegration and resettlement of ex-fighters and IDP’s back into their various societies.

Recently the government inaugurated the National Recovery Committee to oversee the resettlement of war victims and support the National Recovery Strategy (NRS)

The National Recovery Committee is headed by the Vice President. Its secretariat is housed in the Ministry of Development and Economic Planning and NaCSA plays a significant operational role in the implementation of the NRS.

The National Recovery Committee controls these activities and draws up plans, policies and programs in collaboration with concerned line Ministries.

3.3 International Organisations

The major international organisation responsible for resettlement of IDPs and refugees is the United Nations High Commission for Refugees (UNHCR). This UN agency works in collaboration with NaCSA and NCDDR to administer the resettlement program.
3.4 Other Stakeholders

These include international and local NGO’s involved in various shelter projects countrywide, which provides not only shelter in newly acquired areas leased by government, but also in the rehabilitation of shelter in previously destroyed villages and towns. These include CARE, NRC, CRS SALHOC, DFID, LOMACOS etc. The newly acquired areas are state lands, that the government can lease or make available for development purposes.

4.0 PROJECT DESCRIPTION

The program has four main components.

4.1 Shelter and Housing Rehabilitation Program In “Newly Accessible Areas”

This component would provide matching grants for imported building materials to be used for individual shelter construction and rehabilitation by mainly internally displaced population groups, returning, refugees and female headed households. This component will cover mainly the northern areas of Sierra Lone which have been brought under control of the GOSL following the May 14, 2002 general elections and parts of the east and south of the country and ‘pockets’ in the Western Area.

The shelter and housing rehabilitation activities will be confined to villages and towns that were destroyed during the 10 years of civil war. It is envisaged that road networks will also be rehabilitated.

Land use requirements for this project will include land that was formerly available to the original sites where the communities/villages were located, and probably ‘new areas’ for vulnerable groups (amputees, disabled, etc) as envisaged by the project.

4.2 Community-Based Demand Driven Initiatives

4.2.1 Agricultural Inputs

It is expected that the project will support productive investments in terms of agricultural inputs for these target beneficiaries in the form of crop seedlings to farmers, tree nurseries, fruit trees, and peripherals such as water hoses, watering cans, garden lines, hoes, cutlasses and so on. The project is clear on the fact that pesticides will not be provided as agricultural input.

Most of the target beneficiaries are internally displaced people, refugees from neighboring countries, (mostly women and children). Most of these people are traditionally farmers who practice the shifting cultivation and rotational bush fallow system. The common practice is exploitation, followed by a period of
fallow during which the nutrient reserves are mobilized (Greenland and Nye, 1960).

The crops grown by these people include, sorghum, corn cassava, yam, groundnuts. Fruit trees include banana, plantains, citrus fruits, palm trees, coconut trees, piassava, ginger etc.

Tools such as cutlasses, hoes and rakes are used to clear the land, turn the soil and remove the grass.

4.3 Rehabilitation of Community Infrastructure

4.3.1 Markets

People (IDPs, returnees) need to sell their products in markets. Before the war, there were markets at District and Chiefdom headquarter towns. Most markets were destroyed in the war and now need to be reconstructed. As the ISDS calls for the rehabilitation of markets, minimal environmental impacts are envisaged. The main question is whether new land will be acquired but most market rehabilitation will occur at existing market sites. Therefore, no new land acquisition is envisaged. The environmental impact is expected to stem from earthworks related to building projects such as an excavation, noise, dust pollution (temporary), etc.

4.3.2 Small-scale Irrigation Facilities

There are no major irrigation schemes in the country due to high costs of development and lack of government policy to encourage the system. There were a few minor irrigation facilities that could result in unforeseen health impacts from agricultural runoff into canals and streams, growth of aquatic weeds, expansion of snail populations, and outbreaks of schistosomiasis (snails being a vector of this disease). These were small schemes that did not store any appreciable amount of water. The war destroyed these schemes. Recently in Koinadugu district and the Western Area, simple gravity-fed systems have been developed.

The project will not fund major irrigation schemes associated with large-scale river diversion, flooding, etc. The environmental impact of small schemes are manageable. Such impacts are discussed below.

The project appraisal document makes provision for small-scale irrigation facilities in rural communities. The negative potential environmental impacts of irrigation facilities depend on the size of the facility, its technical details and the scale of irrigation activities involved.

For small irrigation facilities, the potential negative environmental impact is
associated with the creation of a small pool of water in the reservoir from where the water is pumped. This pool of water can act as a breeding ground for mosquitoes if not properly managed. Another impact relates to stream damming. Partial transmission pipes or hoses to the reservoir are often small. Such dams have very little effect on stream flow during the rainy season. However, during the dry season, when the volume of stream flow is low, sediments can accumulate in the dams and may interfere with the stream sediment transport dynamics.

4.3.3 Rehabilitation and Schools and Vocational Skill Centres

The project is expected to finance the rehabilitation of primary schools which involves earth-works such as landscaping and movement of earth material. It also involves provision of water and sanitation facilities (toilets).

The environmental concerns of school rehabilitation are the generation of construction waste materials, (nails, pieces of wood, paint containers, bits and pieces of corrugated iron sheet, etc); as well as dust associated with earthworks. Also some degree of vegetation cover removal will be involved. However, the impact of these wastes from isolated project sites on land, water and surrounding air is not expected to be significant.

4.3.4 Rehabilitation of Rural Health Clinics

Statistics show that the health situation in Sierra Leone is the worst in the world. Life expectancy is 38 years compared to 45 years for Sub-Saharan Africa (UNDP, 2000). The low-life expectancy is due to very high infant, child and maternal mortality rates.

The dismal health situation is also attributable to inadequate health and sanitation facilities. Over 415 health units, including 15 hospitals and 150 primary health centres have been destroyed. Health workers have abandoned workstations in most rural communities. The 2000 Baseline Service Delivery Survey reported that about 65%, 60% and 80% of the population are without access to safe drinking water, health services and sanitation, respectively.

The MICS2 study reported sewage and refuse disposal facilities to be grossly inadequate, and contribute to the spread of waterborne diseases and malaria. Also, environmental management practices are very poor.

The rehabilitation of rural health clinics presents some environmental problems relating to land degradation, water and air pollution. These problems may arise from construction and waste disposal activities associated with the rehabilitation process.
4.3.5 Rehabilitation of Security Posts and Court Barries

The war destroyed many security posts and court barries. Their rehabilitation will usually be accompanied by some environmental degradation since construction activities are required. Environmental degradation associated with building and construction relate to land modification and disposal of construction waste materials and pollution of air and water.

4.3.6 Provision of Water and Sanitation

The ten years of civil conflict destroyed almost all the facilities for water and sanitation especially in the rural areas. Hand-dug wells on which rural communities depended for water were littered with corpses during the conflict and rendered unfit as water supply facilities. Toilet facilities in the rural areas were inadequate before the war. The war destroyed the meagre existing facilities. Garbage collection and disposal facilities were also destroyed. The rehabilitation of such facilities will cause environmental problems similar to those identified for community infrastructure.

5.0 IMPACT, LAND ACQUISITION, AND RESETTLEMENT

5.1 Land Rights in Sierra Leone

Resettlement may require land acquisition and restrictions to access. In developed societies, involuntary resettlement may be necessary and, therefore, the need for a RPF may exist. In Sierra Leone however, the procedure for land acquisition is clear under existing laws and are discussed below.

Land in Sierra Leone is considered common property and tenure is based on non-title usufruct and traditional rights. The Paramount Chief is considered the traditional custodian of the land and ultimately grants access to households. Most households have access to family farm plots that are allocated to family members by the family elder (head of household). Households without access to family lands may be allocated land to be used only for food crops, however, the land reverts back to the household with the original traditional rights after use. Land ownership for a specific use such as resettlement of a village, can be considered on condition of an agreed sum being paid to the traditional household owner(s).

5.2 Procedures for Land Acquisition in the Provinces

The request for any land goes through a defined chain of command. The government makes its request for land through the District Officer, who passes on the request to the respective Paramount Chief(s) (which will include Women’s Groups). The Chief in turn calls its administration and community representatives together so the land acquisition may be agreed. Once agreed, the land is handed over to the government in order to carry out its development objectives.
government compensates the Chiefs through the District Officers for their subjects or landowners. Mechanisms are being designed to ensure that compensation actually goes to the land user. For mining purposes, mining companies pay in the form of surface rents and other benefits. Under these circumstances, squatting and other illegal occupation of land is ruled out.

5.3 Principles and Objectives Governing Resettlement Preparation and Implementation

The basic principles governing resettlement are to ensure that movement of people is done expeditiously and in a manner that will not disrupt the normal activities of those required to move. The resettlement objectives are to move or deprive from resources as few people as possible consistent with the requirements of the project, and that general principle of doing no harm, of avoiding or minimizing resettlement are to be followed in all subprojects.

6.0 PROPOSED NATIONAL INSTITUTIONAL FRAMEWORK FOR RESETTLEMENT

The National Commission for Reconstruction Resettlement and Rehabilitation (NCRRR), in October, 2001, prepared a document titled "Sierra Leone Resettlement Strategy: Enabling the displaced to rebuild their lives in their communities with safety and dignity". According to this document, the aim is to support the resettlement and reintegration of internally displaced, refugees and ex-combatants with their dependants back into their communities, strengthen their livelihood security and promote reconciliation.

6.1 Principles of Resettlement Based on SLRS

The groups to benefit from this resettlement strategy are registered IDPs, unregistered IDPs, refugees and returnees, non-displaced, war-affected population in areas of resettlement and ex-combatants and their dependants, vulnerable groups (female-headed households, pregnant and lactating women, orphans, the elderly, etc).

The principles on which the resettlement strategy are based are:

- GoSL will only facilitate resettlement into an area when it is deemed that the area in question is sufficiently safe to allow for the return of displaced people in safety and dignity.
- As far as possible support measures provided during the resettlement process will be standardized and in parity to avoid inter and intra-community tensions.
- As far as possible support for integrated resettlement, reconstruction and
rehabilitation will be community-based, incorporating resettling internally displaced persons (IDPs), displaced returnees, repatriating refugees, ex-combatants, their dependants and existing resident populations.

- The geographical unit that will be used for assessing safety of resettlement and for resettlement planning will be the chiefdom.

- All beneficiary groups are fully informed of the support they are entitled to and of the procedures for accessing them.

- Resettlement and reintegration programmes for IDPs, refugees and ex-combatants are integrated as far as possible.

- Every effort will be made to ensure that there is close co-ordination of all aspects of assistance for the resettlement process to ensure appropriate targeting and efficient use of resources.

- The resettlement process is closely monitored to ensure that appropriate interventions are made for those beneficiaries failing to cope adequately during this transitional period.

The strategy aims at a resettlement framework for post-war Sierra Leone and does cover involuntary resettlement due to project or subproject development and implementation. However, it does describe the institutional/legal framework for resettlement within which the RPF can operate.

The SLRS also makes provision for a National Resettlement Assessment Committee at district level and within the Western Area, criteria for Resettlement Assessment and a Resettlement Steering Committee.

6.2 Procedures for Entry into the Resettlement Program:

According to the SLRS, all affected people will be registered and verified by NaCSA.

6.3 Resettlement Planning SLRS

The SLRS made provision for a Resettlement Working Group (RWG) to be formed under the auspices of the Inter-Agency Forum operating within each District and the Western Area to plan and co-ordinate resettlement activities. The RWG will have adequate representation of women. The proposed membership includes: District Supervisor, (NCRRR/NaCSA) as Chair, Reintegration Officer of NCDDR, UN Representatives, senior representatives of key operational groups, food aid agency, transportation agency, camp management agency, agricultural sector, water and sanitation sector, health sector, education sector, shelter sector, child protection agency and representative of IDPs.
6.4 Entitlements

- Eligible for transportation assistance to areas of relocation
- Eligible to receive food and non-food assistance and accommodation. The food and non-food assistance will be distributed in bulk from centralized distribution points within chiefdom of resettlement
- Eligible for self reliance job at places or chiefdom of resettlement

As Sierra Leone transits from war to peace, relief to development, NaCSA should capitalize on this post-war structure for the implementation of this RPF. For instance one of the responsibilities of the RWG is to prepare and disseminate policies pertaining to resettlement. This will include ensuring that all relevant stakeholders understand policy and procedures within the Resettlement Strategy.

7.0 RAP PREPARATION, REVIEW, AND APPROVAL

Based on the RPF, individual RAPs will have to be prepared. The contents of these RAPs will be specific to the various components of resettlement to be addressed under projects interventions and the procedures to be followed. For instance, if civil works would include new construction, extensions and rehabilitation, some transactions involving acquisition of new land may happen, then the RAP for this case would spell out the processes of ‘land take’, compensation and other payment procedures.

If new markets would be built in new locations, then the safeguard policies on IR would be triggered thus leading to the development of an RAP that will identify socially cost effective and practical solutions to the IR.

A framework for asset compensation and entitlements based on the RPF will be developed in the RAP for several classes of assets, including land and crops. Compensation rates will be agreed with the participation of the government and other stakeholders. However, NaCSA will seek to ensure that compensation is adequate at least equivalent to replacement cost as required in World Bank OP 4.12 on resettlement. These entitlements will include access to community development programs specifically planned, implemented and budgeted under the Resettlement Action Plan to be developed for affected people. In addition, affected people will have access to programs being implemented under a regional community development plan that will be planned, managed and budgeted for by NaCSA.

The resettlement process, including post relocation, will be monitored to ensure that the process is carried out according to this plan. Monitoring will continue for a minimum period of three years or until it can be demonstrated that livelihoods of the resettled households have been restored. Specific indicators and tools to determine this equivalency will be defined. RAPs can be written by the technical
staff of NaCSA involved in the current post-war resettlement activities.

NaCSA can, together with NGOs, review and approve the individual RAPs and supervise their implementation. In the case of NSAP, the RAP can contain the following a) description of how land will be acquired. b) determination of processes that respect the principles of the RPF.

8.0 ESTIMATED POPULATION DISPLACEMENT AND CATEGORIES OF AFFECTED PEOPLE

It is difficult to estimate the amount and categories of people to be affected by the relevant project components at present. However, some procedures for data collection and analysis are given below.

8.1 Socio Economic Conditions

For every village concerned, the socio-economic situation should be studied with respect to the specific project component envisaged for the chosen site that may require resettlement.

The following issues with regards to villages or individuals to be relocated should be addressed:

- Population/person and housing infrastructure
- Land use and agriculture
- Household assets, economic activities and incomes
- Gender issues (heads of households, particularly female-headed).

8.2 Community Perceptions in Involuntary Resettlement

This should be articulated within the context of views on the NaCSA project components, and views on possible relocation of people or villages. The views of the paramount chiefs should also be determined.

9.0 LEGAL FRAMEWORK FOR RESETTLEMENT

The legal framework governing land delivery is complex and there are no fewer than twenty statutes and regulations that have implications for land and land use. Important statutes include the Public Lands Act (Cap 166), the Unoccupied Lands Act (Cap 117) and the Provincial Lands Act (Cap 122). The last statute regulates land in the provinces with the central aim of securing the welfare of local communities.

In Greater Freetown, land for shelter development is delivered through (a) the formal market (b) the informal market and (c) administrative government
arrangements. The formal market is generally not well organized and to obtain land through it can be complex, costly and time consuming. The market confers private tenure in the form of either leasehold or freehold land. Over 70% of the residential properties in Freetown are under private leasehold with terms ranging from a few months to much longer periods.

The informal land market, which serves large numbers of low-income households, does not follow the official institutional processes of registering deeds. Because it is usually found in marginal sites, land in the informal market is comparatively cheaper, and therefore more affordable to the poor, than land in the formal market. Land transactions in this market are also simpler, less costly, and more flexible, attributes that the poor find attractive. The insecurity of tenure that characterizes this type of land market contributes to the growth of slums without access to infrastructure services or respect for administrative government arrangements. People acquire land though standard residential and commercial leases of state land or through temporary licenses to occupy state land. Leases of state lands are granted to individuals for an initial period of three years for residential purposes with certain conditions, e.g. payment of the ground rent and survey charges. More importantly, if a substantial house is erected on the site, Government commonly sells the freehold interest to the lessee at a price recommended by the Director of Surveys and Lands, and approved by the Minister. Licenses and leases are granted to occupy state land temporarily and the term is one year, renewable on the anniversary of the commencement of the lease. These leases are found mostly in depressed or slum areas such as Kroo Bay, Red Pump and in Banana Water.

In the provincial towns and villages, there is a communal form of land tenure. Land is allocated to private individuals by land owning families/clans through the Paramount Chief and Tribal Authorities. No formal registration takes place but the need for some form of security has compelled some people to register their “Agreements” with land owning families at the Administrator and Registrar General’s Office in Freetown. Others obtain building permits from the central government as a proxy for land registration. However, the community driven nature of the project does not require resettlement based on the procedures of land acquisition and delivery in the provinces.

9.1 Political Issues Relating to Involuntary Resettlement

Following the signing and implementation of the Abuja Peace Accord mentioned earlier in the background, it was agreed that with the restoration of government’s control to newly accessible areas, the ex-combatants and other groups occupying illegal shelters were to vacate and return to their original chiefdoms and villages. This aspect of the resettlement policy of government is to ensure compliance with the reconciliation and reintegration process that is a direct result of the Abuja Peace Treaty.
9.2 World Bank’s Operational Policy (OP 4.12) on Involuntary Resettlement

The World Bank Group’s OP 4.12 on Involuntary Resettlement provides that land-for-land resettlement is generally the preferred option. However, the resettlement plan must take into account legal and customary land rights in the country. The increasing pressure on agricultural land in the country and the traditional land rights pattern makes land-for-land resettlement impractical in most cases. Purchase of an equivalent area of agricultural land for relocating the affected people would transfer potential land shortage effects to the host community, which is not acceptable. Therefore, land-based resettlement will be carried out where possible but a major emphasis of a RAP will be to develop a Livelihood Assessment and Income Restoration (LAIR) Plan to ensure that affected households are able to restore and sustain incomes previously gained from agriculture (to at least equivalent levels). Interim compensation payments for loss of assets and general disturbance will also be made to assist with the transitional period.

World Bank Operational Policy (OP) 4.12 will apply for the involuntary resettlement of owners and users of project lands. OP 4.12 requires that planning for resettlement be an integral part of the project design, and should be initiated as early in the project as possible. The Policy sets out the following policy statements for consideration during resettlement planning:

a. Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs.

b. Where displacement is unavoidable, resettlement plans should be developed. All involuntary resettlement should be conceived and executed as development progress with re-settlers provided sufficient investment resources and opportunities to share in project benefits. Displaced persons should be (i) compensated for their losses at full replacement cost prior to the actual move; (ii) assisted with the move and supported during the transition period in the resettlement site; and (iii) assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them. Particular attention should be paid to the needs of the poorest groups to be resettled.

c. Community participation in planning and implementing resettlement should be encouraged. Appropriate patterns of social organization should be established, and existing social and cultural institutions of re-settlers and their hosts should be supported and used to the greatest extent possible.

d. Re-settlers should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized. The best way of achieving this integration is for resettlement to be planned in areas benefiting
from the project and through consultation with future hosts.

e. Land, housing infrastructure, and other compensation should be provided to the adversely affected population, indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project. The absence of legal title to land by such groups should not be a bar to compensation.

10.0 ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF AFFECTED PEOPLE

This should determine, who gets what and for which purpose, for instance, surface rent (where applicable), real estate (where applicable), crops and trees, sacred sites, other assistance.

11.0 VALUATION AND COMPENSATION OF ASSETS

This component of the RPF would look into the valuation of built structures, crops and trees, common natural resources and community infrastructure and sacred sites. Compensation for such losses (if they occur where applicable should be made to those who will be involuntarily resettled.

11.1 Compensation and Resettlement Assistance

This component must address the type of assistance needed to support relocation medical care, etc. Also, a livelihood and Income Restoration Plan (LIRP) should be drawn up. The components of this plan should include:

- Support of economic activities
- Agricultural support
- Women’s micro-credit and training
- Literacy and skills development

11.2 Site Selection, Preparation and Relocation

The government authority (NaCSA), Ministry of Lands, Country Planning, Forestry and the Environment together with the paramount chiefs (custodian of provincial and chiefdom lands) must agree on the sites selected, and site preparation should involve all stakeholders. The relocation should be considered within the framework of existing formats.

12.0 GRIEVANCE REDRESS MECHANISMS

There are mechanisms available to affected people for complaints about aspects
of their treatment under this policy framework.

12.1 Local Governing Structure

At chiefdom levels the paramount chief is the political and tribal head of a chiefdom. Within the chiefdom are local courts called 'court barries' where cases are heard and judgments made. On receipt of any complaint, the chief summons his administration and chiefdom elders and the complainant. Upon hearing, if no amicable agreement is reached the case will be referred to the District Council for decision. At village levels there are Regent Chiefs and village elders that can serve the same purpose of conflict resolution at that level. Women’s Groups will also be called into the conflict resolution process. This local community structure assures equity across cases, eliminates nuisance claims, and satisfies legitimate claimants at low cost. There is the opportunity to appeal flawed decisions to project authorities and/or courts as is prescribed by law.

13.0 BUDGET AND FUNDING ARRANGEMENTS

One of the major problems facing Involuntary Resettlement is funding for resettlement. Almost all funds for the project are from donors with strict reporting and accounting procedures and the national budget which is grossly inadequate. Under such circumstances the budget for IR should be included in the overall budget for project components that may entail IR. The project, however, does not expect to cause any involuntary resettlement.

13.1 Funding Sources Payment Methods for Entitlements

There are few banking or savings facilities in the provinces, however, as part of the payment method, residents would be encouraged and assisted to set up investments or savings accounts with any compensation amounts. At national level the government of Sierra Leone is the main source of funding, whilst at the international level funds are from donors.

13.2 Payments

No national legal framework exists for payments. However, payments are normally made to the District Officer who is responsible for distribution in equal portions to the landowner, Paramount Chief and Native Administration. A lack of transparency in the process and the relatively small proportion going to the landowner (compared to the aggregated amounts received by the Paramount Chief and Native Administration) has led in the past to disputes and general unhappiness. NaCSA is committed to implementing a fair compensation process with a transparent distribution method (if the need should ever arise), and is looking at arrangements whereby payments can be made directly to recipients. Agreement would be required between NaCSA, the government of Sierra Leone and the Paramount Chiefs. Until such an arrangement can be agreed upon,
NaCSA will maintain current procedures for payment of entitlements to the District Officer for distribution (where applicable). NaCSA will notify each eligible person or group of persons of the entitlements, including details of the acreage, the applicable amount due to the persons and the amount being paid to the Paramount Chief and Native Administration. NaCSA will maintain internal records of amounts accrued by all parties involved. *NaCSA will not actually make payouts until the new system is established.*

**13.3 Other Entitlements**

All other compensation monies (for housing, crops or other assets) will be paid by NaCSA directly to the entitled household or persons in the presence of the District Officer. All eligible parties will be notified in writing of the entitlement amounts and proposed payment dates.

**14.0 METHODS FOR CONSULTATION WITH AND PARTICIPATION OF AFFECTED PEOPLE**

NaCSA will consult with stakeholders to improve transparency in the payment process and address the proportion of payments received by the Paramount Chief and Native Administration. Increased accountability by these parties will be encouraged, such as reporting of total monies received and how these values relate to any taxes or other payments made by the affected people. A monitoring and reporting system of how payments will be made will be put in place.

**15.0 MONITORING ARRANGEMENTS**

Monitoring tracks the performance of the resettlement process (were applicable) under the project components that will generate the IR. It is essential that monitoring be under the responsible charge of key NaCSA personnel who will have enough authority to adjust and modify operating conditions should the monitoring outcomes identify that adjustments are warranted. Monitoring activities will begin with project notification to proceed. Monitoring commencing on project notification to proceed will include:

- Identification of those to be affected by IR
- Registration and determination of resettlement entitlements
- Payment of resettlement emoluments
- Tracking and monitoring of resettled people
- Consultation with affected people
- Addressing grievances

The Sierra Leone Information System housed in OCHA can be the focal point to manage information regarding NaCSA’s Involuntary Resettlement process (if one is needed).
15.1 Monitoring of the IR Process

The existing institutional framework (Inter-Agency Forum) can be used to monitor, not only post-war resettlement within districts, but also IR that may emanate from the NSAP.