GOVERNMENT OF SIERRA LEONE/WORLD BANK
MINING SECTOR TECHNICAL ASSISTANCE PROJECT

RESETTLEMENT POLICY FRAMEWORK

FINAL DRAFT

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List of Acronyms
ARAP Abbreviated Resettlement Action Plan
CAS Country Assistance Strategy (of the World Bank)
DO District Officer
EIA Environmental Impact Assessment
1.0. Project Description

1.1 Background to the project

Sierra Leone occupies about 28,000 square miles on the west coast of Africa and has a population of approximately 5 million people. It is richly endowed with natural resources including fertile soils, regular rainfall (an annual rainfall....) and substantial surface water bodies such as the Mano, Rokel and Sewa rivers. Sierra Leone also has an impressive array of mineral endowment, including deposits in diamonds and alluvial diamonds, gold, rutile, bauxite, chromite, iron ore, manganese, cassiterite, platinum, and molybdenite.

The country experienced a decade long civil war that left a trail of human tragedy, infrastructural destruction and a devastating social and economic impact. The war claimed an estimated 20,000 lives, and thousands more were injured or maimed; and over 2 million people were displaced from their homes.
During the decade of the war, economic growth plunged to an average rate of –4.5 percent per annum between 1990 and 2000, resulting in pervasive and intense poverty. Between 1990-2002 about 57 percent of Sierra Leoneans lived below US$1 a day and about 74.5 percent below US$2 a day. By 2000, GDP per capita had declined to US$142. Consequently, from 1996 to 2004, Sierra Leone was at the bottom of the Human Development Index. The country was ranked second to last in the 2005 Index.

Sierra Leone is emerging from a period of post-conflict reconstruction, and economic performance during this period has been encouraging. The economy recorded a Gross Domestic Product (GDP) growth of 4.3 percent in 2002, 9.3 percent in 2003 and 7.4 percent in 2004. This post-conflict economic performance owes much to recovery in the mining sector, which is the second most important productive sector after agriculture and fisheries in terms of employment and income generation. In 2004, raw diamonds accounted for 88 percent of export earnings and 20 percent of GDP.

However, there are problems with the sector, which continues to be hindered by a weak regulatory regime and lack of technical support, among others, from realizing its potential. In recognition of the government of Sierra Leone’s (GoSL’s) strategic commitment and priorities as articulated in the Sierra Leone Poverty Reduction Strategy Paper (SLPRSP), and the problems hampering growth of the mining sector, the Bank and other development partners, through ERRC III, supported initial reforms in the administration of mining rights (cadastre) and extension services. In furtherance of Strategic Objective (2) of the SLPRSP, the Bank’s Country Assistance Strategy (CAS) for Sierra Leone for the Financial Year (FY) 2006-2009 supported, in FY06, capacity building within MMR and a Strategic Environmental Assessment on Extractive Industries.

The strategic objective of the GoSL is to build capacity in the mining sector in order to enhance its productiveness as well as its technical, environmental and social performance. This is to be done, largely through promoting large scale mining growth and reorganizing small-scale and artisanal mining activities. The proposed Mining Sector Technical Assistance Project (MTAP) is intended to further this strategic objective and the focus of CAS 2006-2009 on SLPRSP.

1.2 MTAP: Project Description

1.2.1 Objectives:

MTAP has two main objectives, which are to:

i. Increase mining sector revenues to the government through (a) increased capacity for negotiations and application of fair mineral development agreements; and (b) better assessment and collection of payments due from the mining industry; and

ii. Facilitate sustainable development and growth of the sector through strategic actions around (a) shared infrastructure use in one region, and (b) preparatory work towards development of mining-sector driven “growth poles”
1.2.2 Outcomes

The outcomes which the project is expected to yield are:

In the short-term, it is expected that the project will facilitate:

i. developing a road-map for the review of mining contracts, and assessing fiscal terms and procedures for renegotiations

ii. incorporating new fiscal terms and conditions into legislation

iii. developing model agreements that will be used for future mineral development projects

The mid-term anticipated outcomes are:

i. Develop framework for public-private partnerships around mining, including shared infrastructure

ii. Equip tax office with tools to assess and evaluate collections from mining operations to ensure compliance with fiscal terms of the agreements

iii. Finalize and make operational mining cadastre system for all types of mining licenses

iv. Enable mines departments to carry out inspections and check for compliance of mining operations

In the long-term, it is anticipated that:

i. at least one PPP with shared infrastructure use to boost local economic growth would have been achieved

ii. a successful Implementation of the growth-pole concept around at least one mining area would be achieved

1.2.3 Project Components:

The proposed MTAP is apportioned into four components within which project objectives are to be achieved. These are:

1.2.3.1 Component A. Increasing Extractive Industries Revenues

This component would assist preparing the government team for negotiations of mineral agreements through capacity building, development of model mineral development agreements and capacity building of taxation office to verify payments. Key activities will include:

i. Preparation for mineral agreements review;
ii. Development model mineral development agreements;

iii. Strengthening revenue collection (through NRA and regional offices housed within MMR regional offices) including:

- develop and implement financial models to estimate various rents and taxes due from the mining operations;
- build capacity of tax offices for technical audit of mining production and assessment/collection of revenues.

1.2.3.2 Component B. Increasing Extractive Industries Benefits

Using mining as a catalyst for regional economic growth, strong development policies are needed, such that mining stimulates road, rail, power and ports that can in-turn facilitate other sustainable land-use developments. This component will build government’s capacity (i) to approach large-scale mining projects and facilitate dialogue between private sector and the government in developing private-public partnerships (PPPs) around large-scale mining development; and (ii) assess potential and start developing a roadmap for “growth poles” around mining areas.

The component will be structured around proposed large-scale mining developments in Port Loko/Marampa area with a view to increase benefits from these developments for local economy. This project will be treated as a pilot for Sierra Leone and based on the frameworks developed under this project and taking into account lessons learnt, the “growth poles” development concept would facilitate ongoing development action around proposed mining projects.

In preparation for the Port Loko large-scale mining and infrastructure development, this component will also finance required safeguards assessments for the government, public consultations, as well as will assist with setting up a community development fund as a benefit sharing mechanism for this area.

1.2.3.3 Component C. Regulatory Capacity Building for Growth

To ensure good sector governance such that mining activities are implemented in sustainable manner and promote growth and development, the government would carry out institutional reform and capacity building to enforce regulatory compliance on holders of mineral rights. More specifically, the project will focus building mining regulatory services.

The project will finance development of mining regulations and refining licensing procedures for mining, as well as making operational an independent mining cadastre (mineral licensing) office. It will also strengthen such areas as monitoring of environmental and social compliance of operations through building capacity for technical review of Environmental Impact Assessment (EIAs) and Social Impact Assessments (SIAs) for mining projects, and mine closure regulations/requirements and monitoring.
1.2.3.4 **Component D. Project Management**

This component will assist in ensuring proper implementation and coordination of MTAP activities, including financial management, disbursements, procurement, safeguards and monitoring and evaluation requirements. To this end, the Project Support Team has been established within the MMR. The project will finance cost associated with building capacity of the MMR to manage implementation and coordination of project activities, including project management, procurement, disbursement, and financial management and reporting to the MMR, MoFED and the World Bank. The component also will provide training and undertake workshops to improve implementation and project management capacity, as well as to raise awareness about the project activities and results. Monitoring and evaluation system will be designed and maintained as a part of this component.

2.0 Principles and Objectives Governing the Preparation and Implementation of the RPF

2.1 Impacts, Land Acquisition and Resettlement

Activities under components B, which are structured around proposed large-scale mining developments in Port Loko/Marampa area and activities under component C, will compel the preparation of environmental and social assessments. These assessments will identify areas to be protected and specific locations where new mining activity will be carried out. They will also elaborate on the framework for mine closures. Key criteria for the selection of new locations for mining activities will have to be the avoidance or limiting of impacts on people, land and property. In spite of this
caution, however, these activities will inevitably lead to land acquisition and/or denial of, or restriction to, or loss of access to, economic assets and resources. Consequently, the resettlement and compensation of people will be required.

The impacts due to involuntary resettlement from development projects may give rise to economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive assets or income sources are lost, people being relocated to environments where their productive skills may be less applicable and the competition of resources increases; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost.

The resettlement policy may be triggered because the project activity causes land acquisition, namely: a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on that land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people will appropriately be compensated for their loss (of land, property or access) either in-kind or in cash, of which the former is preferred.

In this context, it becomes necessary to apply relevant provisions in the laws and policies of Sierra Leone which prescribe procedures for compensation while acquiring land from citizens, such as the 1991 Constitution, the Mines and Minerals Act 1996, The Public Lands Ordinance (Cap. 116), The Unoccupied Lands Act (Cap. 117), the Concessions Act (Cap 121), The Provinces Act (Cap. 122), and the National Lands Policy etc. Besides the national regulatory regime, the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) will also have to be activated.

Although the Port Loko/ Marampa area has been identified by the project for large-scale mining activities, specific sites for new mining activities and mines closures have not yet been identified. Consequently, the GoSL is not required to prepare a Resettlement and Compensation Plan at this stage. However, the GoSL is required to prepare a Resettlement Policy Framework (RPF), which according to World Bank policy (see paragraphs 22 and 26 of OP 4.12) must be made accessible to the public in Sierra Leone and the Bank before the date for appraisal of the project.

2.2 Resettlement Preparation and Implementation

The RPF establishes the resettlement and compensation principles, organizational arrangements and criteria to be applied to meet the needs of persons affected by the project.
When specific planning information, such as land areas identified in the environmental and social assessments for acquisition and preservation becomes available; and the exact locations of the prospective activities have been determined, specific costed sub-project Resettlement Action Plans (RAPs) consistent with this RPF will be prepared for project impacted areas as well as for impacts from associated activities during project implementation.

These RAPs will have to be prepared and submitted to the Bank for approval before any land acquisition, compensation, resettlement or any other impact on livelihood occurs. This serves to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place.

2.2.1 Contents of the RFP

In accordance with World Bank OP 4.12 and the Terms of Reference provided to the consultants, this RPF will cover the following sections:

i. Introduction and Project Description.

ii. Principles and objectives governing resettlement and compensation preparation and Implementation.


iv. Land acquisition and likely categories of impact.

v. Eligibility criteria for defining various categories of project affected persons.

vi. A legal framework reviewing the relationship between the laws of Sierra Leone and regulations and Bank policy requirements and measures proposed to bridge any gaps between them.

vii. Methods of valuing affected assets.

viii. Organizational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer.
ix. A description of the implementation process, linking resettlement and compensation implementation to civil works.

x. A description of mechanisms for redressing grievances.

xi. A description of the arrangements for funding resettlement and compensation, including the preparation and review of costs estimates, the flow of funds, and contingency arrangements.

xii. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring

3.0 Principles and Objectives Governing Resettlement Preparation and Implementation.

3.1 Basic Principles of the Resettlement Program

The impacts due to involuntary resettlement from development projects are varied. The dismantling of production systems may result in the impoverishment of people whose productive assets or income sources are lost. Also, people may be relocated to environments where their productive skills may be less applicable, and where they may not be suited to the competition for the harnessing of available resources. Further, community institutions and social networks may be weakened due to relocation, with kin groups being dispersed. Ultimately, cultural identity may be diminished or lost, and the structure of social organization and peoples’ accustomed functioning in it may be disturbed.
This resettlement policy shall be activated because the project activity will cause land acquisition. That is, a physical piece of land will be needed and people will be affected who are cultivating that land or have buildings on that land or use the land for water and grazing of animals or otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people will appropriately be compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred. The laws for resettlement and land acquisition in Sierra Leone establish procedures for compensation while acquiring land from citizens. These laws, as well as the World Bank’s OP 4.12 should be adhered to in designing and implementing compensation and resettlement policy.

3.2 Objectives and Ambit of the Resettlement Policy

Therefore, the objectives of this policy are the following:

i. Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, by exploring all viable alternatives.

ii. Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share project benefits. Displaced and compensated persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.

iii. Displaced and compensated persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.

The resettlement policy applies to all components under the project, whether or not they are directly funded in whole or in part by the Bank. The RPF will also apply to projects associated with MTAP, whether or not funding is received from the World Bank.

The policy also applies to all affected persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Affected people, according to the Bank policy, refer to people who are directly affected socially and economically by Bank-assisted investment projects caused by:
i. relocation or loss of shelter

ii. loss of assets or access to assets

iii. loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

iv. the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children, indigenous groups and ethnic minorities, orphans, or other affected persons who may not be protected through national land compensation legislation.

The policy further requires that RAPs also include assistance required for relocation prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to displaced persons. Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons be implemented in accordance with the resettlement and compensation plan of action.

It is particularly important to neutralize to the extent possible any socioeconomic pressures in the communities that are likely to be exacerbated by involuntary resettlement by ensuring that affected communities are meaningfully consulted, have participated in the planning process and, are adequately compensated. Thus all attempts must be made at the restoration of their pre-displacement incomes, and the process towards such restoration must be a fair and transparent one.

3.3 Review of Laws Regulating Land Acquisition and Resettlement in Sierra Leone

3.3.1 Land Tenure and Ownership
Administratively, Sierra Leone is divided into the Western Area (which includes Freetown) and three provinces from which twelve districts emanate. Each district is divided into several chiefdoms, which are in turn subdivided into sections, towns, and villages. The administrative heads of the districts are the District Officers. In all, there are 149 chiefdoms, each headed by a Paramount Chief. The sections are headed by Section Chiefs, the towns by the Town Chiefs, and the villages by the Village Chiefs. The chiefs are not appointed by government but by their communities under customary law.

Land administration in Sierra Leone is governed by a dual system of law, dispersed in about twenty statutes and regulations. Among these are the general Property Statutes consisting mainly of received English law adopted by the Courts Act of 1965 which regulate land tenure in the Western Area and Bonthe Island. In the rest of the country, customary law governs land tenure in conjunction with statutes.

The Law of Property Act 1925, forms the basis for land law, but this has been amended and supplemented by a number of key legislation, such as:

- The Public Lands Ordinance Cap 116
- The Unoccupied Lands Act Cap 117
- Defense lands Acquisition Ordinance Cap 119
- Compulsory Acquisition of property (Constitutional Safeguards) Act of 1961
- The Non-Citizen Interest in Land Act 1966
- Provinces (or Protectorate?) Lands Act cap 122
- Tribal Authorities Act Cap 61
- Protectorate Lands (Amendment) Act No 15 of 1961
- The national Power Authority Act of 1982, as amended by an Act in 2006

3.3.1.1 In the Western Area

In the Western Area of Sierra Leone, land tenure is governed by Property Statutes. Land is either State (publicly) owned or privately owned. The right of the state to public land is inalienable and indefeasible. Rights of occupation over public land may be granted under warrant. National public property includes water flows, lakes, ponds, and springs, islands, sandbanks and riverbanks formed in rivers, underground streams, mineral and mining deposits, navigation and irrigation channels, waterways, drainage and sewage systems, communication means, airports, telecommunication systems, power generation
works for public utility, and protective devices, geodesic and topographic boundaries and landmarks, national defense works and their perimeters of protection, public monuments, and collections or objects of cultural interest belonging to the state or to a subordinate public entity.

The state has the power, conferred by the Unoccupied Lands Act, Cap 117, to take possession of unoccupied land. All land shall be deemed to be unoccupied land where it is not proved, by the person/persons claiming the same, that beneficial use thereof for cultivation, inhabitation or industrial purposes, has been made for twelve years. A legal title, obtained from the Land Registry, suffices to establish private rights over land. Private Land may be held in freehold or leasehold.

The compulsory acquisition of land owned privately by government is regulated predominantly by the Public Lands Ordinance cap 116 and Defence Lands Acquisition Ordinance. With regards to land needed for mining, the relevant law providing for acquisition is Section 27 of the Mines and Minerals Act of 1994.

3.3.1.2 In the Provinces

In the provinces, customary Law co-exists with statute. The recognition of the force of customary law in the provinces is established by section 76 (1) of the Courts Act 1965. However, the validity of customary law is contingent on its being compatible with statute law. Four statutes are directly relevant to customary landholding practices in Sierra Leone. These are:

- The Provinces Lands Act Cap 122
- The Chiefdom Councils Act Cap 61
- The Local Government Act 1994

Through customary law, ownership of land is vested in the chiefdoms and communities; and can never be owned freehold. Land always belongs to the communities under the different forms of tenure under customary law. This principle is established by the Chiefdom Councils Act as well as by Section 28 (d) of the Local Government Act 1994.

The Provinces Lands Act Cap 122 regulates the ownership of land by non natives in the provinces. According to Section 4 of Cap 122, non-natives can only acquire a leasehold interest of fifty years in land in the provinces. A non native is defined by the Provinces Lands Act, as amended by the Adaptation Act No 29 of 1972, as “any person who is not entitled by customary law to rights in land in the provinces”. For the purposes of this policy, then, non-natives would denote those who do not have any inheritance rights in the chiefdoms.
Ironically, flowing from the above, the government of Sierra Leone was considered a “non-native” for the purposes of land acquisition in the provinces. However, this paradox was resolved by the Protectorate Lands (Amendment) Act No 15 of 1961 which excluded the government from the category of “non-natives”.

In section two of the Local Courts Act, customary law is defined as "any rule or law other than the general law having the force of law in any chiefdom in the provinces." There is a local court authorized to administer customary law in every chiefdom. Regarding land tenure, the principles and practices of customary law common to the folk groups in Sierra Leone are:

- Family Tenure
- Communal Tenure
- Individual Tenure

3.3.1.2.1 Family Tenure

This is the most common form of tenure found in the provinces. A cluster of families constitute a clan or lineage, which is a primordial unit of social organization in most African countries. Individual members in a family trace their descent to a particular ancestor or group of ancestors who are identified as founders of that family or clan. Hence under family tenure, a person is entitled by rights to land belonging to that family if that person is able to prove his kinship which, in Sierra Leone, is established by patrilineal affiliation within a particular family in a chiefdom.

Such family units are legal bodies with the right to claim and hold land, and have paramount title to the land vested in itself. The paramount title to family land is vested in the family as a group. Responsibility for the management of family land is vested in a head of family assisted by a council comprising of principal family members. The right to allocate portions of family land to members of the family and litigate on trespass on family land by outsiders is vested in the head of family. Although title to land is vested in the family, varying degrees of lesser interests in specific portions of family land may be held by some family groups or individuals.

3.3.1.2.2 Communal Tenure
For the purposes of this RPF, a community is conceived of as a bigger block of social organization than a family or clan, with members who are not necessarily related to each other. At its broadest and highest level, the community is co-extensive with the chiefdom. Under communal tenure, title to land is claimed by or on behalf of the community as a whole and not by or on behalf of families or individuals. Thus under this tenure, the community assumes legal personage, endowing it with the capacity to legally enforce and defend its claims and rights to land.

The title to such land is vested directly in the socio-political head of the community (such as the paramount chief, section chief etc.) in trust for the community members. Thus the community heads are not owners, but trustees, of land. The trustees have direct control only of unapportioned and unappropriated portions of communal lands and strictly public lands, such as sacred bushes, common grazing lands and communal farms.

3.3.1.2.3 Individual Tenure

Individual tenure is a somewhat controversial concept in land tenure under customary law and practices. This is because the position that no individual land ownership exists under customary land tenure is quite defensible. However, individual tenure can be found among some communities in Sierra Leone, in the following forms:

i. Families owning large pieces of land may allocate portions of it to individual members of the family for the purpose of establishing their individual households. Although the paramount title remains vested in the family, such individual members hold interest in that land. When the individual dies, the land is inherited by his immediate family or next of kin rather than by the family or clan.

ii. A man may allocate portions of land to which he has acquired title to each of his wives for her use and that of her own children. When that man dies, the land is inherited by the wife to whom the land was given and her children. Similarly, when a stranger marries into a land owning family, land may be given to him for his use and for the use of his wife and children. These forms of individual ownership may be said to be acquired by deed of gift.

iii. It is increasingly common in contemporary times, that the ownership alluded to in (ii) above may be acquired by straight forward purchase from a recognized owner.
3.3.2 The Local Government Act 2004

The Local Government Act 1994 establishes the system of local government, which is based on localities (districts or metropolis), and their sub-structures. Regarding land tenure, the Act affirms provisions of the Land Laws and Customary Law, by affirming the Chiefdom Councils Act.

Localities include District Councils, Town Councils, and City or Metropolitan Councils. The councils are constituted by a Chairman, elected councillors and a number of Paramount Chiefs, and are the highest political authorities in these localities. They are vested with legislative and executive powers, to be exercised in accordance with the Act, or other enactments. Section 20 of the Act invests the Councils with the responsibility of “promoting the development of the locality and the welfare of the people in the locality with the resources at its disposal”. Towards this, the council is empowered, among others to:

i. promote and support productive activity and social development in the locality

ii. initiate and maintain programmes for the development of basic infrastructure

iii. be responsible for the development, improvement and management of human settlements and the environment in the locality

iv. initiate, draw up and execute development plans

Section 60 of the Act also entitles Local Councils to a share of revenues derived from mining.

3.3.3 The Minerals and Mining Act 1994

Section 27 of the Mines and Minerals Act of 1994 allows for compulsory acquisition by Government of rights over private land for mining purposes, provided that fair and reasonable compensation is provided to the owner or lawful occupier of such land for the forced acquisition: section 28. Section 26 also provides for compensation for the disturbance of rights of ownership and damage done to property ceded voluntarily.

Section 63 of the 1994 Act makes the granting of a mining lease contingent upon the preparation and presentation of a Resettlement Action Programme (RAP).
The lease holder must comply with the RAP as well as with environmental laws (section 68). The provisions of this Act have been affirmed by The Sierra Rutile (Ratification) Act of 2002.

3.4 Comparisons between Laws and Policy on forceful acquisition of Land and compensation and Comparisons between these and the World Bank’s OP4.12

Compulsory acquisition confers on the acquiring party the comprehensive interests of the former owner. Therefore, the interest acquired will depend on the way the property was held. The basis of the law regulating the compulsory acquisition of land for public use in Sierra Leone is the Public lands Ordinance of 1961 Cap 116 which re-enacted the Public lands Ordinance 1898. Thus Cap 116 nullifies section 8 (1) of the Interpretation Act of 1971, which makes all Acts passed before the first day of July 1953 inapplicable to the provinces unless otherwise stated by the concerned Act. Thus Cap 116 applies to the whole of Sierra Leone. The procedure to be applied in the case of compulsory acquisition is stipulated in The Compulsory Acquisition of Property (Constitutional Safeguards) Act of 1961.

Although enacted purposely to further the implementation of the Bumbuna Hydro-Electric Power Project, The national Power Authority Act No. 3 of 1982 may also be counted among the corpus of laws that regulate compulsory acquisition of land for public benefit and welfare. So too does Section 21 (1) (a) of the 1991 Constitution.

As noted earlier on, the Mines and Minerals Act of 1994 allows for compulsory acquisition by Government of rights over private land for mining purposes provided fair and reasonable compensation is paid to the owners of such land. For large-scale mines, arrangements for surface rent payments and compensation are additionally included in the agreements with the Government. Loss of revenue as a result of the acquisition is covered by the surface rent payment. Mining companies are also required to contribute of 0.1% of their gross sales to an Agricultural Development Fund (section 107); be fully responsible for the reclamation and rehabilitation of closed mines (section 92); and the construction of infrastructure which are necessary or useful in carrying out its operations under this agreement.

Generally, the object of compensation is to restore a person who has been lawfully deprived by the state of property to a position as nearly as possible to that in which s/he was prior to the forced acquisition. The laws distinguish between “Agreed compensation” and “disputed compensation”. Thus Section 47 of the 1982 power Authority Act provides that where there is dispute as to the
amount of compensation payable, the amount shall be determined by a Magistrate exercising jurisdiction at where the land is situated, or by the High Court.

Under Sierra Leonean Law, compensation is usually made in cash, for the actual value of the land as well as to damages to property sustained by reason of the appropriation. Thus according to Cap 116 and Cap 119, factors to be considered in determining what just compensation is are:

i. the market value of the land at the date of the publication of the warrant

ii. damage sustained as a result of the severance of affected land from the remainder of the person’s land

iii. general damage

iv. expenses involved if the person is forced to change his occupation or place of business

v. damage suffered by people having other rights over the land

A significant number of problems are associated with the national compensation regime. Compulsory acquisition confers on the acquiring party the total interest of the former owner, and entitles the land owner to fair compensation for the land itself as well as any investments made on it. As stated earlier, the Land Laws and the 1991 constitution provides for compensation for forceful acquisition by the state. The object of this is to restore a person who has been lawfully deprived of his property through forced acquisition to a position as nearly as possible to that which obtained prior to the acquisition.

Although land administration in Sierra Leone is diffuse, compensation for land ceded is essentially based on right of ownership. Hence persons with no titles to land, such as squatters, have no rights to rights be resettled. However, the issue of compensation for land is intimately tied to the problem of resettlement and livelihood security. It is not enough to give ‘fair market value’ for their land and then expect rural, uneducated farmers to begin life anew

While the 1996 Mines and Minerals Act allows for relocation, there are no formal procedures and it is normally left with the company and affected parties to decide on the best mode.
Also, no compensation is paid for unoccupied land, which Cap 116 defines as land left for a period of over twelve years without any use being made thereof either for habitation, water storage or cultivation. But from the point of view of Customary law, especially under Family Tenure or Communal Tenure, this is problematic as land may be reserved for future use by members of the family or community.

The World Bank’s Safeguard Policy is fundamentally different from this corpus of national laws and policy, as it stipulates that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut-off date. It applies to all components of the programme, all associated activities, and to all economically and/or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. The OP 4.12 further requires particular attention to be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities, orphans, and other disadvantaged persons.

OP 4.12 requires that a resettlement action plan shall be prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to Project Affected Persons, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

Therefore, as MTAP is a Bank funded project and the principles of OP 4.12 are not negotiable, the Bank OP.4.12 must be adhered to. As a result, all land to be acquired by the government for this project would be so acquired subject to the Laws of Sierra Leone in conjunction with the Bank OP4.12. Where, there is conflict, the Bank OP 4.12 must take precedence if the Bank is to fund this project.

3.5 Environmental Laws

The main Statute harnessing efforts to protect the environment is The Environment Protection Act 2000 and concentrates only on the bio-physical environment. This act established the National Environment Protection Board, the main function of which is to facilitate the coordination, cooperation and collaboration among government ministries, local authorities and other governmental agencies in all areas relating to environmental protection. Additionally, the board is mandated to review environmental impact
assessments prepared pursuant to this act and make recommendations to the Director. The act also sets the procedure for the preparation, review and approval of environmental assessments for projects, which include making the EA’s available for public inspection and comment in two consecutive issues of the Gazette and two issues in a local newspaper. However, The Act does not make the preparation of a Strategic Environmental Impact Assessment and mandatory for all the sectors including mining. The roles of the community should be clearly stated. Further, there is no clause in the Act demanding permission of the Board, Minister or Parliament for the exploitation of ecologically fragile and sensitive areas. Also, the Act does not provide for mechanisms for complying with its provisions. Towards this, an Environmental Protection Agency may be established with a legal department endowed with prosecuting powers. Further, standards, byelaws and regulations should be developed with immediate effect to make sure that the Act functions well.

Section 68 of The Mines and Minerals Act also compels compliance with environmental laws and best practices. Thus section 92 requires the holder of a mining lease to prepare an EIA with a view to conserving natural resources. Failure to comply with this may result in the cancellation of the lease: section 69. Further, section 95 of the Act specifies that willful damage to the environment could also lead to the cancellation of the lease, conviction and imprisonment.

4.0 The Process for the Preparation, Review and Approval of RAPs.

As stated in the previous chapter, the World Bank policy on Involuntary Resettlement OP4.12 is required for the implementation of MTAP activities because MTAP will finance productive investments that would require the involuntary loss of land and other assets. Since the specific location of the properties that must be forfeited were not known at the time of the preparation of the project, the preparation and disclosure of this RPF by the Government of Sierra Leone is a conditionality for appraisal of this project.

This chapter defines the process for the identification of land that is to be acquired. When this is done, mines will be closed and land will be acquired for new mining activities. Thus people will be affected. At that stage, OP4.12 calls for
the preparation of individual Resettlement and compensation Plans (RAPs) that must be consistent with this RPF, to guide and mitigate the effects of the loss of land and assets. Further, the World Bank’s OP/BP 4.10, which prescribes the conduct of baseline surveys when sites that would necessitate resettlement of PAPs are identified, must be complied with at this stage.

4.1 The Screening for Land Identification and Acquisition

4.1.1 Composition of the Land Identification and Acquisition Team (LIAT)

The preparation of individual resettlement and compensation plans commences with a screening process to identify the land/areas that will cause resettlement. This process would lead to the creation of a list identifying a number of potential or proposed mines to be closed and new prospective mining areas. Towards this, the Project Support Team (PST) of the Ministry of Mineral Resources (MMR) will compose an ad hoc team, namely the Land Identification and Acquisition Team (LIAT) to undertake this task. The team will comprise of:

i. A Member from the Mines Department of MMR

ii. A member from the Department of Environment of the Ministry of Lands and Environment

iii. A member from the Department of lands of the Ministry of Lands and Environment

iv. One State Counsel from the Ministry of Justice

v. An elected councilor of the Local Council where land is identified for acquisition. Preferably, the councilor should be from the Chiefdom or Ward from where acquisition is envisaged. Such a member should liaise with the Paramount Chief but should be independent of him, since the Paramount Chief’s Council, over which the Paramount Chief presides, is the ultimate arbiter in the grievance redress process, which is presented in Chapter Nine.

vi. A member representing Miners. This member could be drawn from the National Association of Coalitions on Extractives (NACE) or from organizations identified through the Extractive Industries Transparency Initiative (EITI)

Based on the foreseeable implementation plan for this project, it is likely that project activities that would lead to resettlement and compensation cannot occur
without compliance with the provisions of the Environmental and Social Management Plans (ESMP) formulated in the Environmental and Social Impact Assessment (ESIA) prepared by the GoSL for MTAP, in compliance with the World Bank’s OP 4.01, BP 4.01 and GP. 4.01. the ESMP provides a framework for mitigating the adverse impacts during MTAP implementation.

Further, the findings and recommendations of the Strategic Environmental and Social Assessment (SESA) of the mining sector in Sierra Leone, undertaken by the World Bank in response to the Government of Sierra Leone’s (GoSL) request for assistance in developing its Minerals Policy, in the implementation of MTAP.

The identification of prospective locations for the development of mining operations and mine closure sites will be determined by the findings of the above-mentioned assessments as well as of geophysical, geological, geo-chemical and minerals surveys.

Once information from all these studies becomes available, the LIAT will prepare a list of mine closure sites and new prospective mining locations. Some of the considerations that should guide their selection of land for the list are:

i. Compliance with the provisions of the ESMP for MTAP (see the final draft of the ESIA Report)

ii. Compliance with World Bank Safeguards Policies on Natural Habitats (OP 4.04), Cultural Property (OP4.11), and Projects in Disputed Areas (OP7.60). Acquisition of land constituting such areas will not be permitted under MTAP.

iii. Prospective MTAP activities should be consistent with the long term development plans for the area to be selected.

Members of the LIAT will benefit from training and technical assistance to build the required capacities that would enable them to carry out their tasks, professionally and competently.

4.2 The Approval Process:

The list will then be subjected to a comprehensive sensitization and consultation process, which is outlined in detail in Chapter 11 of this RPF, with the potentially impacted communities. The outcome of this process would be documented for each site. The list, and the outcome of the consultative process for each site on the list, would then be sent to the Minister of Mineral Resources who will confirm, approve, disapprove each proposed site; or refer the list for further consultation.
The final decision taken by the GoSL will forwarded to the World Bank for approval.

Once the GoSL and the World Bank agrees on the location of mines to be closed and on new prospective sites to be declared, every chosen site will be the subject of baseline surveys and the preparation of either an Individual Abbreviated Resettlement Plan (ARAP) or a Resettlement Action Plan (RAP). The term ‘baseline surveys’ here refers to the following two types of surveys:

i. A census of all affected persons and assets, and

ii. A survey of the socio-economic conditions of the affected persons.

Baseline surveys are essential since they form the basis for identifying the various types of project impacts, and are vital guides for designing effective resettlement programmes as they form the basis of all resettlement planning. They also constitute a baseline against which the incomes and standards of living of PAPs can be measured after the project.

The entitlement policies, costs and budgets, and institutional arrangements for implementation elaborated in the subsequent chapters of this RPF, can only be determined once the baseline surveys are completed.

Regarding the ARAP and RAP, there will be two separate and distinctly different paths upon which these may be developed:

i. For sites affected by mine closures, the baseline surveys and the individual ARAP or RAP are to be prepared by the MMR on behalf of MTAP. That is, they are to be prepared by the government.

ii. For mining sites in new prospective locations, the baseline surveys and individual ARAPs or RAPs are to be prepared by the holders of an exploration license or mining lease. This assumes that all mining activities carried out by large-scale, small-scale and artisanal miners are consistent with, and pursuant to the Mines and Minerals Act 1994, the Core Minerals Policy and the Environmental Protection Act 2000.

4.3 Baseline Socio-economic Study:

The purpose of the socio-economic study would be to update and contextualize ESIA and SESA, which initially guided the selection of these sites. The study will
focus on collecting baseline data within the chosen sites, thereby facilitating the social assessment of potentially affected populations and communities. The study will investigate the following items, among others:

i. the identification of stakeholders (demographic data),

ii. the participation process,

iii. the potential compensation process

iv. baseline information on livelihoods: identification of persons who will be affected by the project and the impact on their property and production systems (including production levels and incomes derived from both formal and informal economic activities; standards of living and health status of the displaced population) etc.

v. the institutional analysis and the system for monitoring and evaluation.

4.4 Baseline Census:

A comprehensive base line census will also be conducted to identify potentially affected people on the individual and household levels, vulnerable groups (women, children, the elderly, female headed households, affected internally displaced people, affected internally displaced households, etc.) and to discourage inflow of people ineligible for assistance.

On completion of the socio-economic study and baseline census, a resettlement and compensation plan is to be prepared for each site. Where the impacts on the entire displaced population are minor (i.e. if affected people are not physically displaced and less than 10% of their productive assets are lost) or fewer than 200 people are displaced, then the Bank may approve the preparation of an Abbreviated Resettlement Plan (ARAP). The contents of the ARAP are to be:

i. a census survey of displaced persons and valuation of assets.

ii. Description of compensation and other resettlement assistance to be provided.

iii. Consultations with displaced people about acceptable alternatives.
iv. Institutional responsibility for implementation and procedures for grievance redress.

v. Arrangements for monitoring and implementation

vi. A time table and budget.

For impacts that are not considered minor, the preparation of a Resettlement Action Plan (RAP) is required for each site. World bank OP 4.12 article 25 sets the requirements of the RAP to include:

i. Baseline census and socio-economic survey information

ii. Specific compensation rates and standards

iii. Policy entitlements related to any additional impacts identified through the census or survey

iv. A description of the resettlement sites and programs for improvement or restoration of livelihoods and standards of living

v. Implementation schedule for resettlement and compensation activities

vi. Detailed cost estimates.

For sites affected by mine closures, the ARAP and RAP prepared by MMR must be approved by the Minister of Mineral Resources. The ARAP or RAP prepared by a holder of exploration license or mining lease must be submitted for approval to the MMR in compliance with the conditions of their license or lease. The final list of approved sites by GoSL, the process of selection of the sites, and the ARAP and RAP would all be subject to a final review and approval by the World Bank to ensure compliance with bank safeguards. The approval process is meant to ensure that before any mine is closed or any new prospective area is approved, individual resettlement and compensation plans are prepared consistent with this RPF and the provisions of ESIA.

4.5 Public Consultation and Participation

Development projects often owe their success to community participation and involvement from the planning stage to implementation. Hence public consultations through participatory rural appraisal shall be mandatory for all projects requiring land acquisition, compensation and resettlement for MTAP project activities. This will grant the project the integrity and transparency it needs to allow all stakeholders to have confidence in it.
Besides, international best practices in the implementation of large-scale mining projects, which MTAP seeks to promote, confirms that the actions and responsibilities of the various parties with respect to environmental and social costs and benefits are determined in consultations and negotiations that include representatives of local communities, including civil society and local government. However, perceptions of community members during fieldwork for ESIA, disclosed dissatisfaction of PAPs and communities with consultation processes, especially those of mining companies.

During screening for land acquisition, there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the MTAP activities, facilities and structures. The affected persons must be made aware of:

i. their options and rights pertaining to resettlement and compensation

ii. specific technically and economically feasible options and alternatives for resettlement sites

iii. process of and proposed dates for resettlement and compensation

iv. effective compensation rates at full replacement cost for loss of assets and services

v. proposed measures and costs to maintain or improve their living standards.

The aim of public consultations at the screening stage will be to:

i. disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities

ii. promote a sense of ownership for the project and resettlement activities

iii. invite contributions and participation on the selection of project sites

iv. determine the willingness of communities to contribute in kind towards the implementation of the project; and determine community willingness to contribute towards long term maintenance of the project facilities.
During public consultation, there is the need to negotiate compensation and resolve conflicts. Grievance redress is very important to the success of implementation of resettlement action plans. Grievance redress is covered in more detail in Chapter Nine of this RPF.

5.0 Estimated Population Displacement and Eligibility Categories

5.1 Estimation of Displaced Population

At indicated in chapters three and four, it is feasible, at this stage in the project, to estimate the number or likelihood of people to be negatively impacted by the project, since the specific locations of the mines to be closed and those of new prospective sites have not yet been determined.

5.2 Categories of Mining Activities

Three categories of mining activities are distinguished in the Mines and Minerals Act 1996 and the MTAP Project Appraisal Document (PAD). An understanding of these categories is crucial to appreciating the expected project impacts.

In consonance with the 1996 Act and the PAD, the term ‘Large-Scale Mining’ is employed in the RFP to refer primarily to mining activities undertaken by international mining companies, perhaps in association with local companies, that are well capitalized and endowed with current technologically informed
methods. They are thus able to realize large production levels and often operate with an advanced environmental and social restoration plan.

‘Small-Scale Mining’ refers to individual miners or groups of miners using motorized equipment (e.g. pumps, compressors, hoists, etc.) and other small power tools to extract and process minerals. The use of this equipment increases economies of scale and allows the miner to reach depths required to mine hard-rock vein mineralization in addition to the alluvial deposits.

Finally, ‘Artisanal Mining’ refers primarily to individual or collective miners who use very little or no powered equipment. They use simple hand tools, pulverize the materials using mortar and pestle, and wash powders using crude sluices and rudimentary sieves to pick the flakes. Artisanal mining is often considered as a seasonal occupation that provides supplementary income for rural inhabitants. In Sierra Leone, however, it would be legitimate to consider artisanal mining as a full-time engagement for youth confronted with perennial unemployment and poverty.

5.3 Categories of Likely Impact

The implementation of activities in Components A and B of MTAP will occasion impacts on land and people resulting from:

i. Mine closures. Since large scale mining is not presently a significant feature of the mining sector in Sierra Leone, mine closures will impact only small scale and artisanal miners.

ii. Creation and identification of new prospective mining areas are targeted for all categories of miners.

iii. Creation of protected areas

Mine closures may have either positive or negative social impacts. Positive social impacts include environmental restoration of land and water resources for agricultural and other uses. This provides an opportunity for farming to small scale and artisanal miners who may have to be resettled due to mine closures. This opportunity serves as a possible mitigation measure, besides compensation, for forced acquisition and resettlement.

Negative social impacts of mine closures include denial of access to the economic resources of artisanal and small-scale miners. They forfeit their economic assets and ultimately become objects of resettlement. When this occurs, OP 4.12 will be
necessarily activated whether or not the affected people have to physically move to another location.

Likewise, the creation of new mining areas presents positive and negative social impacts. Positive social impacts include opportunities for employment creation as large-scale mining activities increase in these areas. Also, the increased prospects of significant finds provide opportunities for small-scale and artisanal miners who wish to operate in these new areas. Opportunities for the implementation of environmentally friendly and sustainable practices in these new areas from the very start of mining activity, is another positive social impact.

Negative social impacts from creating new prospective mining areas include, the effects of converting agricultural land to mining areas. The effect of this conversion is the resettlement of farmers and fishing communities. Since this means the denial of access of these communities to their economic (agricultural) resources, OP4.12 will apply. Following resettlement and compensation, additional income generating opportunities could be provided to these agricultural communities in the form of training and technical assistance to acquire new skills should they wish to be employed in the newly established large-scale mines or participate in small scale and artisanal mining activities in these new mining areas.

As indicated in the previous chapter, it is particularly important to mitigate as much as possible socio-economic pressures in the communities that arise from involuntary resettlement by facilitating the participation of those impacted in the project activities. Therefore, offering impacted people the opportunity to continue to participate in their mining activities or to give new opportunities to farmers and others to get involved in small-scale and/or artisanal mining activity, should they wish to do so, is critical for the success of this project. Consequently, such opportunity provision is being promoted as an objective of this RPF.

Ways of achieving this particular RPF objective will be tabled for discussion in the consultative process with affected communities. The objective of MTAP, to offer technical assistance and other services to existing small scale and artisanal miners fits perfectly with this RPF objective. It may serve MTAP well to extend this service to other potentially impacted people.

Furthermore, rush migration to newly designated mining areas to participate in small scale and artisanal mining activity is bound to occur. This will initiate additional pressures on already strained social services, such as health, sanitation

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and housing and compensation budgets. These factors must also be considered when establishing a cut-off date for compensation.

5.4 Categories of Project Affected Persons

The persons who are likely to be displaced by project activities can be categorized into four groups. These are:

5.4.1 Affected Individual

This refers to an individual who suffers loss of assets or investments, land and property; and/or access to natural and/or economical resources as a result of the project activities. To such a person compensation is due.

5.4.2 Affected Household

A household is affected if one or more of its members is affected by project activities, either by loss of property, land, loss of access or otherwise affected in any way by project activities. The compensation must provide for:

i. any members in the households, men, women, children, dependent relatives and friends, tenants

ii. vulnerable individuals who may be too old or ill to farm along with the others

iii. members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence. In indigenous cultural settings, family members may exchange domestic or farming services on a regular basis even though they live separately. Such settings are still common in the provinces. Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the "household". For example, among polygamous settings, each wife has their own home.

iv. members of households who may not eat together but provide housekeeping, or reproductive services critical to the family’s maintenance, and
v. other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

5.4.3 Vulnerable Households

Although it is over five years since the war ended in Sierra Leone, the trail of atrocities and destruction it left may result, presently, in vulnerable households which may have different land needs from most households or needs unrelated to the amount of land available to them. This may include any one of the following:

i. **Internally Displaced Peoples**: these are people who had to flee their homes during the war and have not returned. Because the phase of rehabilitation is officially over, they would have lost their livelihood support from NGOs and may be depending on the community and others for support.

ii. **Amputees**: these are people whose limbs were severed during the war. Many in this group try to eke out a living in growth towns and cities. However, most of them currently depend on able-bodied relatives, and society in general. As they cannot farm in the traditional sense, they will not be affected in the project's need for agricultural land. If a building of theirs lies on land needed, they will receive replacement cost compensation. If someone on whom they depend is resettled, they are to be protected as part of the household. If they are affected by loss of access to economic resources, they would be compensated accordingly. Perhaps part of their compensation package could go to equipping them with skills that can grant them a measure of economic independence from their dependents.

iii. **The Elderly**: elderly people farm as long as they are able. Their economic viability does not depend on how much land they farm or how much they produce because, by producing even small amounts of food to "exchange" with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbors. Losing land will not affect their economic viability. What will do so is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.
iv. **Internally Displaced Orphaned and Vulnerable Children**: In spite of the laws of Sierra Leone and the International Labor Organization prohibiting the exploitation of children, forced or paid employment of displaced orphaned children or children separated from their parents is not uncommon in Sierra Leone. They can often be found loitering or hawking on the streets in the towns, with its associated health and safety hazards. They also participate in artisanal mining activities. If they are impacted by this project in a way that means they have to be physically relocated, their compensation cannot be in cash. Instead, efforts should be made to rehabilitate and educate them. Their compensation would take the form of paying for their rehabilitation and training to acquire useful vocational skills.

v. **Women**: may depend on husbands, sons, brothers or others for support. In many cases too, women are the main breadwinner in their household. They need relatively easy access to health service facilities, as mothers and wives. As they are central to the survival and stability of the household, women should not be resettled in a way that separates them from their households. Particularly vulnerable may be unmarried women. Efforts may also be made to involve them in mining, either by affirmative action towards working in the pits or encouraging them to form pressure groups that will advocate against restrictive practices and perceptions which prohibit women from working underground. Their compensation must take into account all these factors.

5.4.4 **Affected Community:**

A community is affected if project activities affect their socio-economic and/or social-cultural relationships or cohesion. For example land the majority of land owned by a community may be subject to acquisition. Further, project activities could lead to such socio-economic changes that social organization is significantly changed in such a way as to occasion cultural erosion etc.

5.5 **Eligibility Criteria for the Categories of Project Affected Persons**

Three criteria are suggested by OP4.12 for the classification of persons affected by a project (PAPs). These are:

i. Those who have formal rights to land (including customary land traditional and religious rights, recognized under the Laws of Sierra Leone)
ii. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Sierra Leone or become recognized through a process identified in the resettlement plan

iii. Those who have no recognizable legal right or claim to the land they are occupying.

Those covered by (i) and (ii) above are to be compensated for the land they lose, and given other assistance in accordance with this policy. Provided that they occupy the project area prior to a cut-off date established by the GoSL and acceptable to the Bank, persons covered by (iii) above are to be provided with resettlement assistance instead of compensation for the land they occupy, and other assistance necessary to the achievement of the objectives of this policy. All persons included in categories i–iii above are to be provided with compensation for loss of assets other than land. Thus all affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

5.5.1 Eligibility for Community Compensation

Communities (districts, chiefdoms, towns and villages and families), permanently losing land and/or access to assets under customary rights will be eligible for compensation.

5.6 Method to Determine the Cut-off Dates

The entitlement cut-off date refers to the time when the assessment of persons and their property in the project area is carried out, i.e. the time when the project area has been identified and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. The establishment of a cut-off date is required to prevent opportunistic invasions into the selected land, thereby posing risk to the project.
When the Minister of Mineral Resources and the World Bank approve the list of mines to be closed and the location of new sites, the PST and LIAT will meet to discuss and finalize a programme of implementation. During this meeting, a cut-off date will also be determined. The Local Councillor will inform the Paramount Chief of the affected communities, who will in turn communicate this to the affected communities through their respective Section Chief, Town Chief and Village Chief.

6.0 Methods of Valuing Affected Assets.

Three types of land ownership under Sierra Leone law were distinguished in Chapter Three. These are:

i. State (publicly) owned Land
ii. Privately owned Land
iii. Land held under Customary Law

The evaluation methods for affected land and assets will vary in accordance with these types of land and assets ownership.

The project would acquire State owned land for free and pay compensation only where the land is being used by farmers, settled upon or otherwise being used. Privately owned property would have to be acquired at the market value. The
overriding aim in compensating for this, should be providing the user of such land with other land of equal size and quality.

Assets held under customary rights would have to be valued and compensated for differently. The project would compensate for assets and investments, including labor, crops, buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided. The current prices for cash crops would have to be determined. Compensation would not be made after the entitlement cut-off date in compliance with this policy.

Under customary law land belongs principally to communities (chiefdoms, towns and villages) and families. The permanent loss of any such land will be covered by community compensation, which will be in-kind only.

However, as seen in Chapter Three, the bank policy on resettlement, OP4.12, collapses the distinction between statute and customary rights. And since all variance between national laws and regulations and OP4.12 are to be resolved in favour of the Bank policy, a customary land owner or land user on state owned land, will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss.

6.1 Calculations for Compensation Payments and Related Considerations

Generally, the calculations for compensation payments should comply with this RFP and take cognizance of the Environmental and Social Management Plan of ESIA. In kind compensation should be strongly recommended to an affected person his or her loss amounts to more that 20% of the total loss of subsistence assets. However, affected individuals and households may opt for compensation in cash and/or through assistance.

Table 1: Forms of Compensation

<table>
<thead>
<tr>
<th>Forms of Compensation</th>
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<tbody>
<tr>
<td>Cash Payments</td>
<td>Compensation will be calculated in Leones. Rates will be adjusted for inflation.</td>
</tr>
<tr>
<td>In-kind Compensation</td>
<td>Compensation may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.</td>
</tr>
<tr>
<td>Assistance</td>
<td>Assistance may include moving allowance, transportation and labour.</td>
</tr>
</tbody>
</table>
The preference for in-kind compensation is because it offsets inflationary pressures on the costs of goods and services and hence provides better livelihood security for affected persons. For those opting for cash compensation, the trend of inflation may be factored into making adjustments in compensation values. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the Project Support Team. Monetary payments should be made at a time in relation to the seasonal calendar.

6.1.1 Compensation for Land

The Environmental and Social Impact Assessment (ESIA) for MTAP discloses that most persons affected by mining sector projects in Sierra Leone are farmers. A farmer whose land is acquired for project purposes will be compensated not only for the land but also for his labour and crop loss. In this context, "land" is defined as an area in cultivation, or being prepared for cultivation, or cultivated during the previous agricultural season, which lasts from about March to November. Compensation relating to land will cover the market price of labor invested in it as well as the market price of the crops lost.

6.1.1.1 Land measurement

The traditional unit of land measurement in the Western Area of Sierra Leone is the town lot, which measures 50ft x 75ft. There are two common units of measurement in the provinces. These are the town lot and the one bushel of rice, which equals approximately one acre of land. There are between 10 and 11 town lots in one acre.

The minimum compensation for land for project affected persons will be one-quarter town lot. All measurements would be rounded up to the nearest one-quarter town lot. Any farmer who is to receive compensation for a land will measure the amount of land for which compensation is due by dividing it into the resultant number of this minimum unit for compensation.

6.1.1.2 Calculation of Land Compensation Rate

A single and universal rate will apply for compensation for crops on all "land" to be compensated for. This rate will incorporate the value of crops and the value of the labor invested in preparing a new land. This approach is preferable because it is transparent and accessible to all. It also allows assignment of values to previous year's land (land in which a farmer has already invested labor) and land that is newly planted. Further, it avoids contention over crop density and quality of mixed cropping.
The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation is to be updated to reflect values at the time compensation is paid. The following example derives a total value for a one hectare land from the value of the crops on the land and the value of labor invested in preparing a replacement land.

**Table 2: Value of Crops and Labour per Hectare**

<table>
<thead>
<tr>
<th>Item Compensated</th>
<th>Basis of Value</th>
<th>Leone/Ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Crops</td>
<td>Average of the highest 2008 official and market survey land prices per ha of staple food crops (millet, peanuts etc.), plus cash crops (e.g. Sorghum).</td>
<td></td>
</tr>
<tr>
<td>Labor Invested</td>
<td>Labor costs of preparing a replacement land.</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Replacement value of crops plus labor.</td>
<td></td>
</tr>
</tbody>
</table>

Factors that will determine the value of crops are:

i. A combination of staple foods and cash crops. It will be assumed that 80% of the land would be under cultivation for staple foods and the remaining 20% under cash crops cultivation.

ii. Staple crops will be valued at the highest market price they reached during the year. This would most favour farmers because it would afford them top price should they wish to sell their food reserves. Secondly, it improves their livelihood security by affording them the means to purchase food on the market when their prices are highest. Finally, paying the highest price of stable foods yields a high value for land under cultivation. This reimburses for the crops under cultivation that have low market value or almost impossible to measure for compensation.
iii. The labor cost for preparing replacement land is calculated by adding together the average costs of clearing, plowing, sowing, weeding twice, and harvesting the crop. Labor costs will be paid in Leones, at the prevailing market rates. The following table presents an example of a compensation schedule for a one hectare land. The Leone values are based on government minimum daily wage of Le 7,500/day, which will need to be validated at the time payments are made.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Month Paid</th>
<th>Labor in Leones/ha Rate Cost/day x no. of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear</td>
<td>March</td>
<td></td>
</tr>
<tr>
<td>Plough</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Sow</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Weed</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Harvest</td>
<td>November</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The compensation for agricultural labour at a flat rate is favoured for its transparency; and the fact that the best rate in town is being paid constitutes its fairness. Land compensation then covers all investments that a farmer would have made before acquisition. Further, if notification of acquisition occurs after the farming season has begun, assistance will be provided in the form of labor intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. This is because the farmer will no longer have enough time to prepare another land without help. In these cases, the farmer will still continue to receive his or her cash compensation to enable for the payment of sowing, weeding and harvesting.

Besides compliance with this RPF, compensation for land will have to take into consideration the prescriptions by ESIA for socio-economic impact mitigation, especially the provisions that

i. The Ministry of Agriculture, Forestry and Food Security (MAFFS), through the Lands and Surveys Department, identifies lands for farming for PAPs, and

ii. Relocation is phased to ensure that crops being currently cultivated are not lost and that new lands are cultivated prior to the lands being converted to mining purposes.
6.1.2 Compensation for Buildings and Structures

Physical structures such as huts, houses, granaries and other farm outbuildings, latrines and fences will have to be replaced. The main dwelling place of the affected person and those in which household members live will have to be rebuilt on acquired replacement land. Cash compensation would be offered as a preferred option for all other structures lost, and payment will be determined by the going market prices for construction materials. However, if the affected persons insist on in-kind compensation, then a replacement will be made without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.

In short, compensation will be made for structures that are abandoned because of relocation or resettlement of an individual or household, or directly damaged by construction activities. And replacement values will be based on:

i. Drawings of individual’s household and all its related structures and support services

ii. Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.)

iii. Prices of these items collected in different local markets

iv. Costs for transportation and delivery of these items to acquired/replacement land or building site

v. Estimates of construction of new buildings including labor required.
<table>
<thead>
<tr>
<th>Item</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>Raw or Baked brick&lt;br&gt;Straw or tin roof&lt;br&gt;Varying sizes (small, medium, large)</td>
</tr>
<tr>
<td>Kitchen</td>
<td>Open, closed</td>
</tr>
<tr>
<td>Stables/Sheds/pens</td>
<td>Cattle, goat, camel, sheep, other</td>
</tr>
<tr>
<td>Coops</td>
<td>Chicken, duck, other</td>
</tr>
<tr>
<td>Fence</td>
<td>Barbed wire/Straw/poles (per unit poles &amp; mat), raw and/or baked brick/cement blocks (per 1 – m length)</td>
</tr>
<tr>
<td>Private Bathing</td>
<td></td>
</tr>
<tr>
<td>Latrine</td>
<td>Replacement latrines will be similar to those currently operational and financed by the Bank at health centers, schools.</td>
</tr>
<tr>
<td>Open Well</td>
<td></td>
</tr>
<tr>
<td>Storage Building</td>
<td></td>
</tr>
<tr>
<td>Sun Screen Open Huts/Shades</td>
<td></td>
</tr>
</tbody>
</table>

Table 4: Compensation for Buildings and Structures
6.1.3 Compensation for loss of access to minerals due to mine closure

In addition to compensation for buildings and structures and loss of land, small-scale and artisanal miners will be compensated for loss of access to economic resources. This will be done by providing them with a mining license to re-start mining activities in an approved location where necessary. The individual or household income generated from mining activities of small-scale and artisanal miners would have been determined in the socio-economic study discussed in chapter four of this RPF, and any loss of income would be restored through compensation.

6.1.4 Compensation for Sacred Sites

As indicated in section 4.1 of this policy, land acquisition for MTAP must comply with World Bank Safeguards Policies on Natural Habitats (OP 4.04), Cultural Property (OP4. 11), and Projects in Disputed Areas(OP7.60), which does not permit the use of land that constitute the categories above. Consequently, there cannot be compensation for such lands as sacred sites, ritual sites, tombs, cemeteries, disputed land etc.

6.1.5 Compensation for Vegetable Gardens and beehives

Vegetables and green leaves are essential ingredients for food in most Sierra Leonean homes. The family displaced as a result of the land acquisition will have to purchase these items in the market until a replacement garden starts to bear. The compensation will, therefore, be calculated based on the average amount that and average town dweller spends on buying these items for one year per adult from the local market.

Honey gathering is undertaken largely as an income supplement measure in the provinces and rural Western Area. Beehives are placed in various locations in the bush by some individuals that specialize in honey gathering. If such hives would be disturbed by the project activities, or access to hives is denied, beekeepers can move them, and the bees will adapt to the new locations. Beekeepers would be compensated by the value of one season’s production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

6.1.6 Compensation for Fruit Trees
6.1.6.1 Mango and Banana Trees

Mango and Banana trees account for an estimated 80% of all fruit bearing trees in Sierra Leone. They serve as subsistence food, source of income and shade (in the case of mango trees).

Since banana trees do not bear fruit more than once, compensation for them would be at the full market rates for bananas harvested in that year and for another year. The second year payment is for the replacement cost of planting a new tree and nurturing it until harvesting, which could all be done in one year. As such, the farmer should have been restored his pre-project position by the end of the second year.

Mango trees play an important role in the subsistence economy, as their fruits serve as seasonal income for a significant number of rural and poor urban dwellers as well as serving as food supplements. In recognition of this, mango trees will be compensated on a combined replacement and market value basis. Those used for commercial purposes will be compensated at market value based on their production records.

If households choose to resettle, they will be compensated for the labor invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. If a household chooses to transfer ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation rate will be based on information obtained from the socio-economic study. From this study, a compensation schedule for mango trees can be developed incorporating the following goals:

i. Replace subsistence mango production yields as quickly as possible.

ii. Provide subsistence farmers with trees to extend the number of months of the year during which mangoes are produced and can be harvested as a supplemental source of food for their families.

iii. Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season periods.

iv. Provide cash payments to farmers to replace pre-project income derived from the sale of excess mango production until replacement trees produce the equivalent (or more) in projected cash income.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income.
The schedule could assume the following (the figures in Leones (Xno.) to be determined in the socio-economic study. No compensation will be paid for minor pruning of trees.

**Table 5: compensation schedule for Local Mangoes, Palm Trees and Cashew Trees**

<table>
<thead>
<tr>
<th>Local Mangoes, Palm Trees and cashew trees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Avg. Fruit Yield (kg) of Mature tree</td>
<td>800 to 1,300 kg/year</td>
</tr>
<tr>
<td>Estimated Yield used</td>
<td>Almost entire yield due to market value</td>
</tr>
<tr>
<td>Market Price, (varies according to variety)</td>
<td>Leone/kg</td>
</tr>
<tr>
<td>Height of harvest season (June - September)</td>
<td></td>
</tr>
<tr>
<td>Price used as basis of this estimate</td>
<td>Price per fruit or sac (100kg) as quoted by growers</td>
</tr>
<tr>
<td>Years to Production</td>
<td>Four to five</td>
</tr>
<tr>
<td>Years to Maximum Production</td>
<td>Eight</td>
</tr>
<tr>
<td>Costs of Sapling</td>
<td>LEONE, not locally available</td>
</tr>
</tbody>
</table>

**Proposed Schedule for Mango Trees, Palm Trees and Cashew Trees Cut Down**

<table>
<thead>
<tr>
<th>Grafted Mangoes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Avg. Fruit Yield (kg) of Mature tree</td>
</tr>
<tr>
<td>Estimated Yield used</td>
</tr>
<tr>
<td>Market Price, (varies according to variety)</td>
</tr>
<tr>
<td>Height of harvest season (June - September)</td>
</tr>
<tr>
<td>Price used as basis of this estimate</td>
</tr>
<tr>
<td>Years to Production</td>
</tr>
<tr>
<td>Years to Maximum Production</td>
</tr>
<tr>
<td>Costs of Sapling</td>
</tr>
</tbody>
</table>

### 6.1.6.2 Palm Trees and Cashew Trees

Palm trees are also significant to the subsistence economy as they serve as a source of income for palm wine tappers. The most commonly used oil for domestic cooking, the palm oil, is also extracted from the fruits of palm trees. The cashew tree is also increasingly becoming important as a cash crop in the agricultural economy of Sierra Leone. In recognition of these, compensation for palm trees and cashew trees should be subjected to the types and schedule of compensation for mango trees.

### 6.1.6.3 Other domestic fruit and shade trees

These trees have recognized local market values, depending upon the species and age.
Individual compensation for wild trees "owned" by individuals that are located in lands as defined in this policy will be paid. Wild, productive trees on lands that have not been allocated to individuals for cultivation under family tenure or communal tenure will be deemed to be owned by the family or community in whom paramount ownership is vested. As such, these trees will be compensated for under the umbrella of the family or community compensation.

**Table 6: Individual Compensation for Domestic Fruit and Shade trees**

<table>
<thead>
<tr>
<th>Individual Compensation</th>
<th>Unit</th>
<th>Compensation Value (x n. of LEONES)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sub-Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foodstuffs &amp; others</td>
<td>1 town lot</td>
<td></td>
</tr>
<tr>
<td>N/a</td>
<td>1 town lot</td>
<td></td>
</tr>
<tr>
<td><strong>Domestic Fruit Trees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avocado</td>
<td>Non-Productive Production</td>
<td></td>
</tr>
<tr>
<td>Plantain</td>
<td>Non-Productive Production</td>
<td></td>
</tr>
<tr>
<td>Lemon</td>
<td>Non-Productive Production</td>
<td></td>
</tr>
<tr>
<td>Pineapple</td>
<td>Non-Productive Production</td>
<td></td>
</tr>
<tr>
<td>Lime</td>
<td>Non-Productive Production</td>
<td></td>
</tr>
<tr>
<td>Orange</td>
<td>Non-Productive Production</td>
<td></td>
</tr>
<tr>
<td>Grapefruit</td>
<td>Non-Productive Production</td>
<td></td>
</tr>
<tr>
<td>Papaya</td>
<td>Non-Production Production</td>
<td></td>
</tr>
<tr>
<td><strong>Shade Trees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Young</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Individual Owned Wild Productive Trees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Palm Kernel</td>
<td>Non-Productive</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Productive</td>
<td></td>
</tr>
<tr>
<td>Coconut</td>
<td>Non-Productive</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Productive</td>
<td></td>
</tr>
<tr>
<td><strong>Mango Trees, Palm Trees, Cashew Trees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saplings &amp; Equipment</td>
<td>0-1 Year</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>2 Saplings &amp; Equipment</td>
<td>1-6 Years</td>
<td></td>
</tr>
<tr>
<td>2 Saplings &amp; Equipment</td>
<td>6+ Years</td>
<td></td>
</tr>
<tr>
<td>Vegetable and Leaves Garden</td>
<td>Demonstrable loss</td>
<td></td>
</tr>
<tr>
<td>Beehive</td>
<td>Demonstrable loss</td>
<td></td>
</tr>
</tbody>
</table>

### 7.0 Organizational Structures and Procedures for the Delivery of Entitlements

Compensation (and resettlement) will be funded like any other activity eligible under administrative and financial management rules and manuals. Funding would be processed and effected through the Finance unit of the Ministry of Mineral Resources (MMR). All phases of the compensation process will conform to the individual project resettlement plans (RAPs). Some of these phases are:

#### 7.1 Public Participation

The consultation and participation of affected persons, which would have started at the land selection and screening stage, would have to encompass the compensation process. Chapter 11 presents a detailed outline of the consultation and participation process.

#### 7.2 Notification of land Resource Holders

The aim of notification is to ensure that no affected individual/household is simply "notified" one day that their lands and other assets have been earmarked for acquisition. The local councilor on LIAT will inform the respective Paramount Chief, who will notify the section chief, town chief and village chief and village inhabitants of the prospective acquisition. The owners and users of these properties will then be identified and located and given the news. The user will be informed through both a formal notification in writing and, for as many people are illiterate, by verbal notification delivered in the presence of the village chief or his representative. In addition, the paramount chief, village chiefs, religious leaders, other elders and individuals who control fishing areas, wild trees, or beehives will accompany the survey teams to identify sensitive areas.

#### 7.3 Documentation of Holdings and Assets

Community and project officials will arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the project officials will complete a compensation dossier containing necessary personal information on the affected party and his or her household members, total land holdings, inventory of assets affected, and
information for monitoring their future situation. This information will be confirmed and witnessed by village officials. The dossiers will be kept current and will include documentation of lands surrendered. There must be written versions of all such documentation.

7.4 Agreements on Compensation and Compensation Payments

The various options and types of compensation must be explained to all affected persons, households, families and communities. Once agreement is reached on the type of compensation and mode of payment, LIAT will draw up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the Paramount Chief, village officials and other village leaders prior to signing. All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and the village officials.

7.5 Family and Community Compensation Payments

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or better standard to serve the same function. Examples of community compensation include school buildings, public toilets, boreholes or wells for potable water, market structures, roads, storage warehouses etc. Community compensation may in itself require land acquisition and people may thus be affected. Compensation will be paid for any such change of impacts.
8. **The implementation process and linkages between resettlement implementation to civil works.**

Payment of compensation must precede the implementation of MTAP activities, in consonance with the prescriptions of the RPF. Since MTAP activities will invariably require land acquisition and its concomitant loss of shelter and displacement, it is further required that other assistance required for relocating affected persons and households including moving allowance prior to displacement before the taking of land. The policy further requires preparation and provision of resettlement sites with adequate facilities, and that measures to assist the displaced persons are implemented in accordance with the individual resettlement plan of action (RAPs). As indicated in Chapter six, the process of preparing the resettlement action plans will involve the following:

i. establishment of the cut of date and carrying out of a census to identify PAPs

ii. census will generate information about the PAPs, their entitlements regarding compensation, resettlement and rehabilitation assistance as required

iii. disturbances, especially those affecting income-earning activities, shall be properly recorded for the sake of compensation or asset replacement.

iv. based on the census and inventory of losses, and in consultation with the PAPs, a time phased action plan with a budget for provision of compensation, resettlement, and other assistance as required, shall be prepared.

8.1 **Linking Resettlement Implementation to Civil Works:**

The measures to ensure compliance with this policy directive would be included in the resettlement plans that would be prepared for each land involving resettlement or compensation. In the Implementation Schedule of each RAP, details on resettlement and compensation must be provided. When individual RAPs are presented to the PST for approval, part of the screening process that the PST
would use to approve recommended land would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. Specifically, the schedule for the implementation of activities of the RAP must include:

i. target dates for start and completion of civil work

ii. timetables for transfers of completed civil works to PAPs

Proper timing and coordination of implementation of project activities and the civil works shall ensure that no affected persons will be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.
9.0 Grievance Redress Mechanisms.

At the time that the individual RAPs are approved and individual compensation contracts are signed, affected individuals and households will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and will be administered as far as possible, at local levels to facilitate access by PAPs. Therefore, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the Chiefdom Council, which serves as the existing local courts system of administration of justice. The Paramount chief is the highest appellate "judge" in this system.

To allow for sub-formal means of redressing grievances, grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

All attempts would be made to settle grievances amicably. Those seeking redress and wishing to state grievances would so by notifying their village chief and the District Officer (DO). The DO will consult with the Local Councillor who served on the Land Identification and Acquisition Team, Paramount Chief, Section Chief, Town Chief and Village chief and elders and other records to determine a claims validity. If valid, the village chief will notify the complainant and s/he will be settled. If the complainant’s claim is rejected, then the matter will be brought before the adjudicative institution of the Section, Town of Village chief. If this institution fails to settle the issue, then it will ascend to the Chiefdom Council for resolution.

The decision of this council would be final and all such decisions must be reached within a full growing season after the complaint is lodged. If a complaint pattern emerges, the paramount chief and the DO with village leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once the DO, paramount chief and village leaders agree on necessary and appropriate changes, then a written description of the changed process will be made. The DO, paramount chief and village leaders will be responsible for communicating any changes to the population. Compensation and resettlement contracts will be binding under
statute and customary law. The procedure for handling grievances should be as follows:

i. The affected person should file his/her grievance in writing, to the Local Leader. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance to write the note and emboss the letter with his/her thumbprint. A sample grievance form is provided as Annex 5.

ii. If valid, the Village Chief should notify the complainant of such, within 14 days and a settlement effected. If the complainant’s claim is rejected, a further 14 days should be allowed during which meetings and discussions will be held with the aggrieved person. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a further 30 days. In this case, the aggrieved person must be notified by the village chief that his/her complaint is being considered in this manner.

iii. If the aggrieved person does not receive a response or is not satisfied with the outcome of valuation within the agreed time, the matter will be referred to the Chiefdom Council which must resolve the issue by the next agricultural season.
10. **A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements.**

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. The Government of Sierra Leone or the holder of the exploration license or mining lease would have to finance the resettlement compensation depending on who is impacting livelihoods. At this stage, it is not possible to estimate the likely number of people who may be affected since the location of the mines to be closed and that of the new prospective areas are not yet known.

When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available, thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. For impacts due to mine closures, the resettlement and compensation budget will be prepared and financed by the Government of Sierra Leone. The PST will prepare the budget on behalf of the government and financed through the project’s administrative and financial management rules and manuals like any other activity eligible for payment under the project. This budget will be subject to the approval of the World Bank. For impacts caused by holders of exploration licenses or mining leases, the resettlement and compensation budget is to be prepared and financed by them. The mechanisms and arrangements for payments would be presented in detail in their Resettlement and Compensation plan.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key items that the budget must finance and their costs. Some of these items are:

i. Compensation for loss of land

ii. Compensation for loss of crops

iii. Compensation to loss of access to minerals
iv. Compensation for buildings and structures  
v. Compensation for trees  
vi. Relocation assistance and/or expenses  
vii. Restoration of individual and household income  
viii. Training farmers to undertake other trades (including mining) of miners to farm or enter into other trades
11. **Mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring.**

Public consultation and participation are essential because they provide an opportunity for informing the stakeholders about the proposed project. By providing an opportunity for people to contribute to both the design and implementation of the project activities by present their views and values and allowing consideration and discussion of sensitive social mitigation measures and trade-offs, public consultation and participation fosters a sense of ownership by stakeholders that is necessary for the success of projects.

The Strategic Environmental and Social Assessment of the mining sector in Sierra Leone (SESA) reports that owners affected by land acquired for Sierra Rutile Limited have complaints about their non-involvement determining surface rent payment rates by the mining company, and also about the mode and transparency of the distribution. This is echoed by the findings of ESIA. However, an important development in modern mining laws and practice, in the case of large-scale mines, is that the actions and responsibilities with respect to environmental and social costs and benefits are determined in consultations and negotiations that include the national government, the mining company, and representatives of the local community, including civil society and local government.

The socio-economic situation prevailing in Sierra Leone as discussed earlier, makes public consultation with the communities, indispensable. Furthermore, consultation and participation by local people are invaluable to the success of the project because of their wealth of knowledge of local conditions. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households (PAPs) when resettlement concerns are involved.

As a matter of strategy, public consultation shall be an on-going activity taking place throughout the entire project cycle. Hence, public consultation shall take place during the:
i. project inception and planning

ii. screening process

iii. feasibility study

iv. preparation of project designs

v. resettlement and compensation planning

vi. drafting and reading/signing of the compensation contracts

vii. payment of compensations

viii. resettlement activities and

ix. implementation of after-project community support activities

Public participation and consultation would take place through meetings, radio programmes, request for written proposals and comments, filling in of questionnaires or forms, public readings and explanations of project ideas and requirements, making public documents available at the, district, chiefdom, section, town and village levels at suitable locations like the official residences/offices of local chiefs/elders.

These measures would take into account the low literacy levels prevalent in rural communities by allowing enough time for responses and feedback. Notwithstanding, the best guarantor for public interest is the chiefs who are responsible members of their local communities and can inadvertently be part of the potentially displaced individuals/households either in part or in whole.

The political head of the community will have the responsibility of monitoring this process, and such monitoring will form part of the overall the monitoring and evaluation mechanism of the entire project.

A monitoring plan will be required to assess the extent to which the goals of the resettlement and compensation plan are being realized. This monitoring plan will indicate the features to be monitored, establish monitoring targets, provide resources and define institutions needed to perform monitoring activities.

The arrangements for monitoring the resettlement and compensation activities will be incorporated into the overall monitoring plan of the entire MTAP and will be executed through the Ministry of Mineral Resources. The Project Support Team, as the primary executing agency will ensure the operation of an effective reporting system which:

i. alerts project authorities on the necessity and procedures for land acquisition for the project activities. This must capture the need to incorporate measures on land acquisition, resettlement, loss of assets and impact on livelihood in the design, implementation sequences and budgets of the project.

ii. provides timely information about the asset valuation and negotiation process,

iii. maintains records of unresolved grievances

iv. documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses, as well as unanticipated, additional construction damage.
v. Capture changes that occur in the execution of resettlement and compensation activities and update the project database accordingly

The Project Support Team will delegate to Local Councils the responsibility of undertaking independent monitoring and evaluation of the project/program. This will take the form of monitoring the implementation of the resettlement and compensation plans at periodic intervals (quarterly or half yearly as circumstances dictate) during the project life from the day of project effectiveness. The council’s report will be forwarded to the Project Support Team and be stored as part of the project documents.

These periodic evaluations will seek to determine whether the PAPs have been paid in full and before implementation of the sub project activities. The ultimate objective will be to make a final evaluation to determine if PAPs are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before.

12.1 Indicators:

Impacts of the compensation and resettlement activities will be measured by a number of objectively verifiable indicators (OVI’s) shall be used to monitor the. These indicators will measure the physical and socio-economic status of the PAPs in order to determine and guide improvement in their social well-being. Therefore, monitoring and evaluating indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, the following Table provides a set of indicators which can be used.

<table>
<thead>
<tr>
<th>Verifiable Indicators</th>
<th>Monitoring</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation and resettlement contracts not completed before the next agricultural season</td>
<td>Outstanding individual compensation or resettlement contracts</td>
<td></td>
</tr>
<tr>
<td>Communities unable to conclude community level compensation after eighteen months</td>
<td>Outstanding community compensation contracts</td>
<td></td>
</tr>
<tr>
<td>Grievances acknowledged as legitimate from the total number of complaints lodged</td>
<td>All legitimate grievances resolved</td>
<td></td>
</tr>
<tr>
<td>Production and income on the year prior to project implementation versus present production and income of settlers, those who opted for non-agricultural jobs and the users of improved agricultural techniques.</td>
<td>Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation</td>
<td></td>
</tr>
<tr>
<td>Pre-project production for crops and land productivity versus present state of affairs</td>
<td>Equal or improved production per household</td>
<td></td>
</tr>
</tbody>
</table>
12.1.1 **Indicators to determine status of affected people**

A number of indicators would be used in order to determine the status of affected people. Pointers such as land being used presently, the standard of house presently occupied, and current level of participation in project activities will be compared to what pertained before the commencement of compensation and resettlement activities. Social services indicators such as the present number of children in school and health standards will also be compared to previous levels. Therefore, the resettlement and compensation plans will set two major socioeconomic goals by which to evaluate its success. These are:

i. Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it

ii. The local communities remain supportive of the project.

12.1.2 **Indicators to measure RAP performances**

The assessment of the achievement of these goals will require RAPs to set parameters to be monitored, institute monitoring targets and provide resources necessary to implement the monitoring activities.

For example the following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance;

i. Questionnaire data will be entered into a database for comparative analysis at the national level

ii. Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.

iii. The MMR will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages

iv. Percentage of individuals selecting cash or a combination of cash and in kind compensation,
v. Use for which payments are proposed

vi. The number of contentious cases out of the total cases

vii. The number of grievances and time and quality of resolution

viii. Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes

ix. Mining and agricultural productivity of new lands

x. Number of impacted locals employed by the new mines and civil works contractors

xi. Seasonal or inter-annual fluctuation on key foodstuffs

xii. General relations between the project and the local communities

12.1.3 Indicators to monitor and evaluate implementation of RAPs

Financial records will be maintained by the Financial Manager within the PST to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual that receives compensation will have a dossier containing

i. Individual bio-data information

ii. Number of people s/he claims as household dependents

iii. Amount of land available to the individual or household when the dossier is opened.

Additional information will be acquired for individuals eligible for resettlement:

i. Level of income and of production
ii. Inventory of material assets and improvements in land, and

iii. Debts

Each time land is used by the project, the dossier will be updated to determine whether the individual or household is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

It is anticipated that some compensation procedures and rates may require revision at some time during the project cycle. The MMR will implement changes through the mandated process in the Monitoring and Evaluation manuals of the project, which will require feedback from:

i. Indicators monitored by the LC to determine whether goals are being met, and

ii. a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.
13 Estimated Budget

At this pre-appraisal stage of the project, it is impossible to estimate the budget for the total costs of resettlement that may be associated with the implementation of MTAP. This is because specific locations of subprojects have not yet determined. Therefore, the number of PAPs cannot be known. Consequently, funding for individual RAPs for sub-projects will be processed and effected through the project’s financial processing arrangements, like any other project activity eligible under MTAP. Funds for implementing inventory assessments and resettlement action plans for mine closures will be provided by the government of Sierra Leone whereas funds for ARAPs or RAPs for new mining areas will come from the leaseholders.
Map 1: District Map of Sierra Leone

Sierra Leone Districts

Map 2: Mineral Reserves in Sierra Leone
Annex One: World Bank
Involuntary Resettlement

This Operational Policy statement was updated in March 2007 to reflect issuance of OP/BP 8.00, Rapid Response to Crises and Emergencies, dated March 2007. Previously revised in April 2004 to ensure consistency with the requirements of OP/BP 6.00, issued in April 2004.

1. Bank experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

Policy Objectives

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank’s policy on involuntary resettlement are the following:

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

   (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing
sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Impacts Covered

3. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by

(a) the involuntary taking of land resulting in

(i) relocation or loss of shelter;
(ii) lost of assets or access to assets; or
(iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

(b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see BP 4.12, para. 7).

Required Measures

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:

(a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
(i) informed about their options and rights pertaining to resettlement;

(ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and

(iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

(i) provided assistance (such as moving allowances) during relocation; and

(ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are

(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and

(ii) provided with development assistance in addition to compensation measures described in paragraph 6(a) (iii), such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which

(a) specific components of the project will be prepared and implemented;
(b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and

(d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them.

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered,
resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area, or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:

(a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.

(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

(c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers’ preferences with respect to relocating in preexisting communities and groups are honored.

**Eligibility for Benefits**
14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project, to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. **Criteria for Eligibility.** Displaced persons may be classified in one of the following three groups:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and

(c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

**Resettlement Planning, Implementation, and Monitoring**

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

(a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified;
(b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified and

(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the “resettlement instruments”), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs. The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the “without-project” circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public
through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.

23. The borrower’s obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also BP 4.12, para. 16).

**Resettlement Instruments**

*Resettlement Plan*

25. A draft resettlement plan that conforms to this policy is a condition of appraisal for projects referred to in para. 17(a) above. However, where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower. The information disclosure procedures set forth in para. 22 apply.

*Resettlement Policy Framework*

26. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy. The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the
FI submit to the Bank a resettlement policy framework conforming to this policy. In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential subborrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

28. For other Bank-assisted project with multiple subprojects that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal. For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

29. For each subproject included in a project described in paras. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

30. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity’s approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

Process Framework

31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that
conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

**Assistance to the Borrower**

32. In furtherance of the objectives of this policy, the Bank may at a borrower’s request support the borrower and other concerned entities by providing

(a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;

(b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;

(c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and

(d) financing of the investment costs of resettlement.

33. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionalities, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.

**Annex Two: Screening Form**
Sub-Project Name:
Sub-Project Location: (e.g. province, district, etc).
(include map/sketch):
Type of Activity: (e.g. new construction, rehabilitation, periodic maintenance)
Estimated Cost:
Proposed Date of Commencement of Work:
Technical Drawing/Specifications Reviewed:
This report is to be kept short and concise.

1. **Site Selection:**
When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid mitigate or manage potential effects.

<table>
<thead>
<tr>
<th>ISSUES</th>
<th>SITE SENSITIVITY</th>
<th>RATING (L, M, or H)</th>
</tr>
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<tbody>
<tr>
<td><img src="image-url" alt="Table" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ISSUES</td>
<td>SITE SENSITIVITY</td>
<td>RATING (L, M, or H)</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cultural property</td>
<td>Low (L) No known or suspected cultural heritage sites</td>
<td>High (H) Known heritage sites in project area</td>
</tr>
<tr>
<td></td>
<td>Medium (M) Suspected cultural heritage sites; known heritage sites in broader area of influence</td>
<td></td>
</tr>
<tr>
<td>Involuntary resettlement</td>
<td>Low population density; dispersed population; legal tenure is well-defined; well-defined water rights</td>
<td>High population density; major towns and villages; low-income families and/or illegal ownership of land; communal properties; unclear water rights</td>
</tr>
<tr>
<td>Indigenous peoples or ethnic minority</td>
<td>No indigenous population</td>
<td>Medium population density; mixed ownership and land tenure; well-defined water rights</td>
</tr>
<tr>
<td></td>
<td>Dispersed and mixed indigenous populations; highly acculturated indigenous populations</td>
<td>Indigenous territories, reserves and/or lands; vulnerable indigenous populations</td>
</tr>
<tr>
<td>Loss of assets or access to resources</td>
<td>No impact to assets and/or access to resources</td>
<td>Minimal impact to assets and/or access to resources</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Significant impact to assets and/or access to resources</td>
</tr>
</tbody>
</table>

2. **Checklist questions:**

**Physical data:**

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site area in ha</td>
<td>Yes/No answers and bullet lists preferred except where descriptive details is essential.</td>
</tr>
<tr>
<td>Extension of or changes to existing alignment</td>
<td></td>
</tr>
<tr>
<td>Any existing property to transfer to sub-project</td>
<td></td>
</tr>
<tr>
<td>Any plans for new construction</td>
<td></td>
</tr>
</tbody>
</table>

**Preliminary Environmental Information:**

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>State the source of information available at this state (proponents report, EIA or other environmental study).</td>
<td>Yes/No answers and bullet lists preferred except where descriptive details is essential.</td>
</tr>
<tr>
<td>Has there been litigation or complaints of any environmental nature directed against the proponent or sub-project</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Refer to application and/or relevant environmental authority for this information.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Identify type of activities and likely environmental impacts:</strong>  Yes/No answers and bullet lists preferred except where descriptive details is essential.</td>
<td></td>
</tr>
<tr>
<td>What are the likely environmental impacts, opportunities, risks and liabilities associated with the sub-project?</td>
<td></td>
</tr>
<tr>
<td><strong>Refer to MTAP Project Document on Impact, Mitigation and Monitoring Guidelines</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Determine environmental screening category:</strong>  Yes/No answers and bullet lists preferred except where descriptive details is essential.</td>
<td></td>
</tr>
<tr>
<td>After compiling the above, determine which category the subproject falls under based on the environmental categories A, B and C.</td>
<td></td>
</tr>
<tr>
<td><strong>Refer to MTAP Project Document on Screening and Review Process</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation of Potential Pollution:</strong>  Yes/No answers and bullet lists preferred except where descriptive details is essential.</td>
<td></td>
</tr>
<tr>
<td>Does the sub-project have the potential to pollute the environment, or contravene any environmental laws and regulations?</td>
<td></td>
</tr>
<tr>
<td>Will the subproject require pesticide use?</td>
<td></td>
</tr>
<tr>
<td>If so, then the proposal must detail the methodology and equipment incorporated in the design to constrain pollution within the laws and regulations and to address pesticide use, storage and handling.</td>
<td></td>
</tr>
<tr>
<td>Does the design adequately detail mitigating measures?</td>
<td></td>
</tr>
<tr>
<td><strong>Refer to MTAP Project Document on Impact, Mitigation and Monitoring Guidelines</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Environmental Assessment Report or environmental studies required:</strong>  Yes/No answers and bullet lists preferred except where descriptive details is essential.</td>
<td></td>
</tr>
<tr>
<td>If screening identifies environmental issues that require an EIA or a study, does the proposal include the EIA or study?</td>
<td></td>
</tr>
<tr>
<td>Indicate the scope and time frame of any outstanding environmental study.</td>
<td></td>
</tr>
<tr>
<td><strong>Required Environmental Monitoring Plan:</strong></td>
<td></td>
</tr>
<tr>
<td>If the screening identifies environmental issues that require long term or intermittent monitoring (effluent, gaseous discharges, water quality, soil quality, air quality, noise etc), does the proposal detail adequate monitoring requirements?</td>
<td></td>
</tr>
<tr>
<td><strong>Refer to MTAP Project Document on Impact, Mitigation and Monitoring Guidelines</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Public participation/information requirements:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the proposal require, under national or local laws, the public to be informed, consulted or involved?</td>
<td>Yes/No answers and bullet lists preferred except where descriptive details is essential.</td>
</tr>
<tr>
<td>Has consultation been completed?</td>
<td></td>
</tr>
<tr>
<td>Indicated the time frame of any outstanding consultation process.</td>
<td></td>
</tr>
</tbody>
</table>

### Refer to Chapter three of this RPF

### Land and resettlement:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the likelihood of land purchase for the sub-project?</td>
<td>Yes/No answers and bullet lists preferred except where descriptive details is essential.</td>
</tr>
<tr>
<td>How will the proponent go about land purchase?</td>
<td></td>
</tr>
<tr>
<td>What level or type of compensation is planned?</td>
<td></td>
</tr>
<tr>
<td>Who will monitor actual payments?</td>
<td></td>
</tr>
</tbody>
</table>

### Refer to the Resettlement Policy Framework

### Actions:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>List outstanding actions to be cleared before sub-project appraisal.</td>
<td></td>
</tr>
</tbody>
</table>

### Approval/rejection

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>If proposal is rejected for environmental reasons, should the sub-project be reconsidered, and what additional data would be required for re-consideration?</td>
<td>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</td>
</tr>
</tbody>
</table>

### Recommendations:

- Requires an EIA and / or ARAP or RAP, to be submitted on date: ____________
- Does not require further environmental studies

### Reviewer:

- Name: ______________________________________________________________________
- Signature: ______________________________________________________________________
- Date: ______________________________________________________________________
Annex Three: Census Survey and Land Asset Inventory Form

1 A 1  Socio-economic Household Datasheet of PAPs

<table>
<thead>
<tr>
<th>Name of Interviewer</th>
<th>ID Code</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Supervisor</td>
<td>ID Code</td>
<td>(after verification of interview)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community/Village Name</th>
<th>ID Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Concession in Community/Village</td>
<td>(GPS Coordinates)</td>
</tr>
</tbody>
</table>

Date: .........................................................2006.....
Day    Month    Year

<table>
<thead>
<tr>
<th>Name of Head of Extended Family:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Nuclear Families in Extended Residential Group</td>
</tr>
</tbody>
</table>

1 A 2  Household Interview

<table>
<thead>
<tr>
<th>No.</th>
<th>Name and Surname</th>
<th>Relationship to Head of Family</th>
<th>Sex</th>
<th>Place of Birth</th>
<th>Age</th>
<th>Marital Status</th>
<th>Residence Tenure</th>
<th>Ethnic Group</th>
<th>Religion</th>
<th>Educational Level</th>
<th>Income Earner</th>
<th>Economic Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>1.</td>
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</tr>
<tr>
<td>Relation to Head of Family</td>
<td>1. HoH; 2. Spouse of HoH; 3. Child of HoH; 4. Spouse of child of HOH; 5. Grandchild of HOH; 6. Parent of HoH; 9. Other (specify); 0. No Answer</td>
<td></td>
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<tr>
<td>Marital Status</td>
<td>1. Married; 2. Widowed; 3. Divorced; 4. Unmarried; 0. No Answer</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Residential Status</td>
<td>1. PRP (Permanent Resident); 2. RA (Resident Absent) 3. Member of non-resident HH; 4. Visitor; 9. Other (specify); 0. No Answer</td>
<td></td>
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<tr>
<td>Occupations:</td>
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<tr>
<td>Secondary Occupations</td>
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</tr>
<tr>
<td>Educational Level</td>
<td>1. Illiterate; 2. Three Years or Less; 3. Primary School; 4. Secondary School; 5. Technical School; 6. Religious School (literate in Arabic); 0. No. Answer</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religion</td>
<td>1. Muslim; 2. Christian (specify denomination); 3. Animist; 9. Other (specify); 0. No Answer</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Annex Four: Land Asset Inventory for Project Affected Persons**
### Annex Five: Entitlements of Project Affected People

<table>
<thead>
<tr>
<th>Survey no.</th>
<th>Name of Head of Household</th>
<th>Compensation for Land</th>
<th>Compensation for Structures</th>
<th>Compensation for Crops and Trees</th>
<th>Compensation for Other Assets and Losses (e.g. graveyards, wells, business, etc)</th>
<th>Total (local currency)</th>
</tr>
</thead>
</table>

Land types are as follows (please fill in the types of land appropriate for the respective country):

1.  
2.  
3.  
4.

District:_______________________________  Date:_______________________________

Village:_______________________________
### Annex Six: Sample Entitlement Matrix

<table>
<thead>
<tr>
<th>Asset Acquired</th>
<th>Type of Impact</th>
<th>Entitled Person</th>
<th>Compensation Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No displacement:</td>
<td>Farmer / title holder</td>
<td>Cash compensation for affected land equivalent to market value.</td>
</tr>
<tr>
<td>Asset Acquired</td>
<td>Type of Impact</td>
<td>Entitled Person</td>
<td>Compensation Entitlement</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------</td>
<td>-----------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Agricultural Worker</td>
<td>Cash compensation for the harvest of the affected land equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy / lease agreement, which ever is greater.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Displacement:</td>
<td>Farmer / title holder</td>
<td>Land for land replacement where feasible, or compensation cash for the entire land holding according to PAP’s choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration &amp; other cost. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature). Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature)</td>
<td></td>
</tr>
<tr>
<td>Tenant / lease holder</td>
<td>Cash compensation equivalent to average of last 3 years’ market. Value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy / lease agreement, which ever is greater. Relocation assistance (costs of shifting + allowance).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset Acquired</td>
<td>Type of Impact</td>
<td>Entitled Person</td>
<td>Compensation Entitlement</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>No displacement:</td>
<td>Title holder / business owner</td>
<td>Cash compensation for affected land</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Land used for business partially affected, limited loss</td>
<td></td>
<td>Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</td>
</tr>
<tr>
<td>Displacement:</td>
<td>Title holder / business owner</td>
<td></td>
<td>Land for land replacement or compensation in case according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration &amp; other costs. Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).</td>
</tr>
<tr>
<td></td>
<td>Business owner is lease holder</td>
<td></td>
<td>Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</td>
</tr>
<tr>
<td></td>
<td>Business person is lease holder</td>
<td></td>
<td>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, which ever is higher. Relocation assistance (costs of shifting) Assistance in rental / lease of alternative land / property (for a maximum of 6 months) to re-establish the business.</td>
</tr>
</tbody>
</table>

salary.
Relocation assistance (costs of shifting + allowance) Assistance in getting alternative employment.
### Residential Land

<table>
<thead>
<tr>
<th>Asset Acquired</th>
<th>Type of Impact</th>
<th>Entitled Person</th>
<th>Compensation Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Displacement:</td>
<td>Entire structure affected</td>
<td>Owner</td>
<td>Cash compensation for entire structure and other fixed assets (without depreciation, or alternative structure of equal or better size and quality in an available location which is</td>
</tr>
</tbody>
</table>

#### Displacement:
- **Land used for residence**: Partially affected, limited loss, and the remaining land remains viable for present use.

- **Title holder**: Land for land replacement or compensation in cash according to PAP’s choice. Land for land replacement shall be of minimum plot of acceptable size under the zoning law / s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement are with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Relocation assistance (costs of shifting + allowance).

- **Rental / lease holder**: Cash compensation equivalent to 10% of lease / rental fee for the remaining period of rental / lease agreement (written or verbal).

#### No Displacement:
- **Structure partially affected but the remaining structure remains viable for continued use**

- **Owner**: Cash compensation for affected building and other fixed assets. Cash assistance to cover costs of restoration of the remaining structure.

- **Rental / lease holder**: Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence). Disturbance compensation equivalent to two months rental costs.

### Buildings & Structures

<table>
<thead>
<tr>
<th>Asset Acquired</th>
<th>Type of Impact</th>
<th>Entitled Person</th>
<th>Compensation Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Displacement:</td>
<td>Entire structure affected OR</td>
<td>Owner</td>
<td>Cash compensation for entire structure and other fixed assets (without depreciation, or alternative structure of equal or better size and quality in an available location which is</td>
</tr>
</tbody>
</table>

#### Displacement:
- **Premised used for residence**: Severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning law / s.

- **Rental / lease holder**: Cash compensation equivalent to 3 months of lease / rental Fee. Assistance in rental / lease of alternative land / property. Relocation assistance (costs of shifting + allowance).

#### No Displacement:
- **Structure partially affected but the remaining structure remains viable for continued use**

- **Owner**: Cash compensation for affected building and other fixed assets. Cash assistance to cover costs of restoration of the remaining structure.

- **Rental / lease holder**: Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence). Disturbance compensation equivalent to two months rental costs.
<table>
<thead>
<tr>
<th>Asset Acquired</th>
<th>Type of Impact</th>
<th>Entitled Person</th>
<th>Compensation Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure partially affected but the remaining structure is not suitable for continued use.</td>
<td>acceptable to the PAP. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job replacement, skills training)</td>
<td>Rental / lease holder</td>
<td>Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence) Relocation assistance (costs of shifting + allowance equivalent to four months rental costs) Assistance to help find alternative rental arrangements Rehabilitation assistance if required (assistance with job placement, skills training)</td>
</tr>
<tr>
<td>Squatter / informal dwellers</td>
<td>Cash compensation for affected structure without depreciation. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project CBO. Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) Rehabilitation assistance if required (assistance with job placement, skills training).</td>
<td>Street vendor (informal without title or lease to the stall or shop)</td>
<td>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, which ever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business.</td>
</tr>
<tr>
<td>Standing Crops</td>
<td>Crops affected by land acquisition or temporary acquisition or easement</td>
<td>PAP (Whether owner, tenant, or squatter)</td>
<td>Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Trees</td>
<td>Trees lost</td>
<td>Title holder</td>
<td>Cash compensation based on type, age and productive value of affected trees PLUS 10% premium</td>
</tr>
<tr>
<td>Temporary Acquisition</td>
<td>Temporary acquisition</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed).</td>
</tr>
</tbody>
</table>

### Annex Seven: Sample Grievance Form

#### Grievance Form

<table>
<thead>
<tr>
<th>Grievance Number</th>
<th>Name of the Recorder</th>
<th>Province/District/Settlement</th>
<th>Data</th>
</tr>
</thead>
</table>

**Information about Grievant**

**Define The Grievance:**

**Information about Complainant**

<table>
<thead>
<tr>
<th>Name – Surname</th>
<th>Telephone Number</th>
<th>Address</th>
<th>Village / Settlement</th>
<th>District / Province</th>
<th>Signature of Complainant</th>
</tr>
</thead>
</table>

**Details of Grievance**

1. **Access to Land and Resources**
   - a) Fishing grounds
   - b) Lands

2. **Damage to**
   - a) House
   - b) Land

3. **Damage to Infrastructure or community Assets**
   - a) Road/Railway
   - b) Bridge/Passageways

4. **Decrease or Loss of Livelihood**
   - a) Agriculture
   - b) Animal

5. **Traffic Accident**
   - a) Injury
   - b) Damage to
<table>
<thead>
<tr>
<th>c) Pasturelands</th>
<th>d) House</th>
<th>e) Commercial site</th>
<th>f) Other</th>
<th>c) Livestock</th>
<th>d) Means of Livelihood</th>
<th>e) Other</th>
<th>c) Power/Telephone Lines</th>
<th>d) Water Sources, canals and water infrastructure for irrigation and animals</th>
<th>e) Drinking water</th>
<th>f) Sewerage system</th>
<th>g) Other</th>
<th>c) Beekeeping</th>
<th>d) Small scale trade</th>
<th>e) Other</th>
<th>c) Damage to livestock</th>
<th>d) Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Incidents Regarding Expropriation and Compensation (Specify)</td>
<td>7. Resettlement Process (Specify)</td>
<td>8. Employment and Recruitment (specify)</td>
<td>9. Construction Camp and Community Relations</td>
<td>10. Other (Specify)</td>
<td>a) Nuisance from dust</td>
<td>b) Nuisance form noise</td>
<td>c) Vibrations due to explosions</td>
<td>d) Misconduct of the project personal/worker</td>
<td>e) Complaint follow up</td>
<td>f) Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>