Resettlement Policy Framework (RPF) for the West Africa Regional Communications Infrastructure Program (WARCIP), Sierra Leone

DRAFT REPORT
Table of Contents

TABLE OF CONTENTS ................................................................................................. I
LIST OF TABLES ......................................................................................................... III
ACRONYMS AND ABBREVIATIONS ......................................................................... IV
EXECUTIVE SUMMARY ............................................................................................ V

PROJECT MEASURES TO ENSURE COMPLIANCE WITH WORLD BANK POLICY ............................................................. VII

1.0 INTRODUCTION .................................................................................................. 1

1.1 BACKGROUND .................................................................................................... 1
1.2 PURPOSE OF THE RESETTLEMENT POLICY FRAMEWORK (RPF) .................................................. 1
1.3 REPORT OUTLINE ............................................................................................... 2

2.0 DESCRIPTION OF THE PROPOSED PROJECT AND PROJECT SITES .................................................. 3

2.1 PROJECT JUSTIFICATION .................................................................................... 3
  2.1.1 Connectivity challenges in Sierra Leone ....................................................... 3
  2.1.2 Existing Data Transmission Capacity in West Africa .................................. 3
2.2 BENEFITS OF THE PROJECT ............................................................................. 4
  2.2.1 Primary Benefits .......................................................................................... 4
  2.2.2 Indirect Benefits .......................................................................................... 4
2.3 PROJECT COUNTRY SETTING .......................................................................... 5
2.4 PROJECT BACKGROUND ................................................................................... 7
2.5 PROJECT COMPONENTS AND LOCATIONS ...................................................... 8
  2.5.1 The submarine cable (to be located within both international and territorial waters) .................. 8
  2.5.2 Proposed Landing Stations ........................................................................ 10
  2.5.3 Selection criteria for consideration of proposed landing stations ................. 13
2.6 OVERVIEW OF SUBMARINE CABLE SYSTEMS .............................................. 13
  2.6.1 Subsea Cables ............................................................................................ 14
  2.6.2 Repeaters and Branching Units ................................................................. 16
2.7 OVERVIEW OF PROJECT PHASE ACTIVITIES .............................................. 16
  2.7.1 Construction Phase .................................................................................... 16
  2.7.2 Operation Phase ........................................................................................ 18
  2.7.3 Decommissioning Phase ............................................................................ 19
2.8 BEST PRACTICE ............................................................................................... 19
2.9 PROJECT SCHEDULE AND MANAGEMENT ................................................... 19

3.0 RELEVANT LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORKS ............................................. 20

3.1 NATIONAL LEGAL AND REGULATORY FRAMEWORK ...................................... 20
3.2 INSTITUTIONAL FRAMEWORK ......................................................................... 24
3.3 WORLD BANK SAFEGUARD POLICY ON INVOLUNTARY RESETTLEMENT ........................................... 25
3.4 GAPS BETWEEN SIERRA LEONE REGULATIONS AND WORLD BANK POLICIES ........................................... 26
3.5 PROJECT MEASURES TO ENSURE COMPLIANCE WITH WORLD BANK POLICY ....................................... 27
3.6 LAND TENURE ........................................................................................................... 28
3.7 PUBLIC INSTITUTIONS INVOLVED IN LAND ADMINISTRATION ........................................... 29

4.0 POTENTIAL PROJECT IMPACTS ON ASSETS AND LIVELIHOODS ............................................. 30
4.1 ASSESSMENT OF SOCIAL IMPACTS ...................................................................................... 30

5.0 VALUATION, ELIGIBILITY AND ENTITLEMENTS .............................................................................. 34
5.1 PRINCIPLES AND OBJECTIVES ............................................................................................... 34
  5.1.1 Regulatory Framework ............................................................................................................ 34
  5.1.2 Minimization of Displacement ................................................................................................. 34
  5.1.3 Fair and adequate compensation ............................................................................................ 34
  5.1.4 Compensation payment ........................................................................................................... 35
  5.1.5 Community involvement and sensitisation .............................................................................. 35
5.2 IDENTIFICATION OF VULNERABLE GROUPS .................................................................................. 35
5.3 ASSISTANCE TO VULNERABLE PEOPLE ..................................................................................... 35
5.4 VALUATION .................................................................................................................................. 36
5.5 DESCRIPTION OF ELIGIBILITY CRITERIA ..................................................................................... 37
5.6 ENTITLEMENT ............................................................................................................................... 37

6.0 PROPOSED MITIGATION MEASURES AND COST ESTIMATES .......................................................... 39
6.1 MITIGATION MEASURES ............................................................................................................. 39
  6.1.1 Livelihood restoration measures .............................................................................................. 39
6.2 BUDGET ....................................................................................................................................... 40

7.0 GRIEVANCE MANAGEMENT AND REDRESS MECHANISM .......................................................... 43
7.1 POTENTIAL GRIEVANCES/DISPUTES ......................................................................................... 43
7.2 PROPOSED GRIEVANCE MANAGEMENT AND REDRESS MECHANISM ....................................... 43
  7.2.1 Overview ................................................................................................................................ 43
  7.2.2 Registration of grievances ....................................................................................................... 43
  7.2.3 Amicable mediation and settlement .......................................................................................... 44
7.3 APPEAL TO COURT ....................................................................................................................... 44
7.4 DOCUMENTATION AND TRACING ............................................................................................... 44
7.5 PROPOSED SCHEDULE FOR GRIEVANCE REDRESS .................................................................... 44

8.0 PROPOSED ADMINISTRATIVE AND INSTITUTIONAL FRAMEWORK ............................................. 46

9.0 IMPLEMENTATION AND MONITORING PLANS AND INDICATORS ............................................... 48
9.1 SEQUENCE OF IMPLEMENTATION AND RESPONSIBILITIES .................................................. 48
9.2 PROCEDURES FOR DELIVERY OF ENTITLEMENTS ..................................................................... 49
9.3 MONITORING PLANS AND INDICATORS ..................................................................................... 50

10.0 STAKEHOLDER CONSULTATIONS .................................................................................................. 51
10.1 LIST OF INDIVIDUALS/ORGANIZATIONS CONTACTED .............................................................. 51
10.2 STAKEHOLDER DISCUSSIONS AND CONCERNS ......................................................................... 51
11.0 REFERENCES .................................................................................................................................................. 57

ANNEX ...................................................................................................................................................................... 58

ANNEX 1: MONITORING INDICATORS ........................................................................................................................... 59
ANNEX 2: TEMPLATE FOR THE DESIGN OF RESETTLEMENT ACTION PLAN ................................................................. 60
ANNEX 3: PICTURES OF CONSULTATION ACTIVITIES AND PROPOSED LANDING SITES ............................................. 62

List of Tables

<table>
<thead>
<tr>
<th>TABLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>TABLE 1</td>
<td>POTENTIAL ADVERSE SOCIAL IMPACTS/ ISSUES</td>
<td>30</td>
</tr>
<tr>
<td>TABLE 2</td>
<td>INSTITUTIONS AND THEIR MANDATES /INTERESTS</td>
<td>24</td>
</tr>
<tr>
<td>TABLE 3</td>
<td>COMPARISON OF SIERRA LEONEAN REGULATIONS WITH WORLD BANK POLICIES</td>
<td>27</td>
</tr>
<tr>
<td>TABLE 4</td>
<td>GENERAL GUIDELINES AND METHODS FOR COSTS PREPARATION</td>
<td>36</td>
</tr>
<tr>
<td>TABLE 5</td>
<td>ELIGIBILITY CRITERIA</td>
<td>37</td>
</tr>
<tr>
<td>TABLE 6</td>
<td>ENTITLEMENT MATRIX</td>
<td>38</td>
</tr>
<tr>
<td>TABLE 7</td>
<td>PROPOSED MITIGATION MEASURES FOR SOME POTENTIAL IMPACTS</td>
<td>39</td>
</tr>
<tr>
<td>TABLE 8</td>
<td>ITEMISATION OF BUDGET</td>
<td>42</td>
</tr>
<tr>
<td>TABLE 9</td>
<td>PROPOSED SCHEDULE FOR GRIEVANCE REDRESS</td>
<td>44</td>
</tr>
<tr>
<td>TABLE 10</td>
<td>INSTITUTIONAL FRAMEWORK</td>
<td>46</td>
</tr>
<tr>
<td>TABLE 11</td>
<td>SEQUENCE OF IMPLEMENTATION TASKS AND INSTITUTIONS</td>
<td>48</td>
</tr>
</tbody>
</table>
### Acronyms and Abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACE</td>
<td>Africa Coast to Europe</td>
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<tr>
<td>ARP</td>
<td>Abbreviated Resettlement Plan</td>
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<tr>
<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
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<tr>
<td>GoSL</td>
<td>Government of Sierra Leone</td>
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<tr>
<td>IDA</td>
<td>International Development Agency</td>
</tr>
<tr>
<td>LI</td>
<td>Legislative Instrument</td>
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<tr>
<td>MoIC</td>
<td>Ministry of Information and Communication</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>RAPs</td>
<td>Resettlement Action Plans</td>
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<tr>
<td>RoW</td>
<td>Right of Way</td>
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<tr>
<td>RP</td>
<td>Resettlement Plan</td>
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<tr>
<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<tr>
<td>SALCAB</td>
<td>Sierra Leone Cable Limited</td>
</tr>
<tr>
<td>SEA</td>
<td>Strategic Environmental Assessment</td>
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<td>SLEPA</td>
<td>Sierra Leone Environmental Protection Agency</td>
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<td>WARCIP</td>
<td>West Africa Regional Communications Infrastructure Program</td>
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<td>WB</td>
<td>World Bank</td>
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</tbody>
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EXECUTIVE SUMMARY

Introduction

Through World Bank assistance, Liberia and Sierra Leone have recently signed the Consortium agreement to be part of a new Cable system, ACE. This support forms part of the West Africa Regional Communications Infrastructure Program being prepared by the World Bank.

The Bank’s environmental and social safeguards policies require that the recipient country prepare an Environmental and Social Management Framework (ESMF) (consistent with national laws, any applicable treaty concerning international waters, and OP 4.01) and a Resettlement Policy Framework (RPF) for the lateral cables and any associated equipment that will be laid from the junction with the main cable through territorial waters and onto the national shores.

The development of an RPF is a requirement for projects that may entail involuntary resettlement, acquisition of land, impact on livelihood, or restricted access to natural resources under the World Bank safeguard policy on involuntary resettlement. Apart from meeting World Bank requirements, the RPF will provide project stakeholders with guidance on how to address compensation issues as related to affected properties/livelihoods including land and income generated activities during Project implementation.

Brief Description of Project and Proposed Sites

The West Africa Regional Communications Infrastructure Program aims to contribute to lowering the cost and improving quality of regional and international connectivity by facilitating:

i. the connection of all countries in West Africa to global broadband fiber optics infrastructure, and

ii. the creation of a coordinated regional and national transmission network which would ensure that all countries in West Africa are able to connect effectively within and between national borders.

The first phase of the program will be implemented in Liberia, and Sierra Leone where there is least access to submarine cables.

The ACE submarine cable is going to be deployed over 14,000 km and will provide access to more than 24 countries starting in 2012. With a planned capacity of about 1.92 Tbit/s, the ACE system will provide sufficient and redundancy capacity for the future country needs.

The main components of the project will comprise:

- A deep sea cable in the international waters from France to Sierra Leone;
- A connecting cable from the submarine or deep sea cable to the shores of Sierra Leone in Freetown; and
- A landing or cable station.
The submarine cable route will be in both the territorial waters of Sierra Leone and international waters. The United Nations Third Conference on the Law of the Sea (UNCLOS) introduces a number of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones (EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes. The convention sets the limit of various areas, measured from a carefully defined baseline.

A cable landing station is the location where a submarine or other underwater cable makes landfall. The landing or termination station can also be the point at which the submarine cable connects into the land-based infrastructure or network. Sierra Leone Cable Limited (SALCAB) has proposed two (2) sites for consideration for the cable landing station. The two areas are Lumley Golf course area and the Juba Barracks site. Both sites are in Freetown, the national capital.

**Lumley Golf Course Area (behind Atlantic Restaurant)**

The site is located in Freetown and under the Freetown City Council, Ward 392 jurisdiction. This site is located behind the Atlantic Restaurant. The approximate coordinate of the land is 8°27.551′N and 13°16.711′W. This proposed landing site is about 5.2 acres with length about 455m and is bounded by a perimeter fence wall and a revetment. Two coconut trees and very few acacia trees may be counted on the land. Demarcation pillars have been planted on a section of the land for a road construction project which will most likely not interfere with the project.

The land currently has no permanent structures except for a movable metal container being used by the caretakers of the site. A pit latrine at the site serves as a place of convenience for the caretakers. There is a State Lands sign post which suggests that the piece of land belongs to the State. However, some squatters on the land claim they are guarding the land for an investor who has so far, apparently not made any counterclaim to the land. The date on the sign post is given only as 2009.

The site is open to the Atlantic Ocean and the beach is made up of white fine sand. The beach forms part of the Lumley beach which is known for its recreational usage. The area does not serve as a port or ferry landing site. Artisanal fishing can be observed offshore. No sewage pipes were observed. There was neither sand/salt mining nor hydrocarbon activity observed in the area. The area is not used as waste dump sites and minimal onshore waste was observed during the site visit.

**Juba Barracks Area**

The proposed site is on the current premises of the Juba barracks. The approximate coordinate of this land is 8°27.316′N and 13°16.750′W. There are some permanent structures on the land. The open space available for the landing station will not be enough and some adjoining residential structures (shanty houses and dilapidated Women Education Centre block turned into a dwelling) may need to be removed to provide adequate space for the project. There is also a filling station under construction on the military property on the opposite side of the road to the proposed
location of the landing station. It is not clear how this piece of military land was ceded to a private person to construct the filling station, as this will most likely interfere with the project.

The site is open to the Atlantic Ocean and the beach is made up of white fine sand. The beach forms part of the Lumley beach which is known for its recreational usage. The area does not serve as a port or ferry landing site. Artisanal fishing can be observed offshore. No sewage pipes were observed. There was limited sand mining activity ongoing during the site visit but there was no hydrocarbon activity or salt winning observed in the area. The area is not used as waste dump sites and minimal onshore waste was observed during the site visit.

**National legal and regulatory provisions**

Some relevant laws and regulations are the following:

- The Constitution of Sierra Leone, 1991
- The Land Policy, 2005
- Environmental Protection Agency Act, 2008 and the Environmental Protection Agency (Amendment) Act, 2010
- The Local Government Act, 2004
- The Sierra Leone Maritime Administration Act, 2000
- The Telecommunication Act, 2006
- The Factories Act, 1974
- The Fishery Products Regulations, 2007 (The Public Health Act, 1960)

**Project Measures to ensure compliance with World Bank Policy**

In general the Sierra Leonean laws and regulations make provision for resettlement framework, including land acquisition and compensation matters. There are however some differences between the World Bank guidelines and the Sierra Leonean laws. This Resettlement Policy Framework combines the World Bank Safeguard Policy on involuntary resettlement (OP 4.12) and the national laws. In circumstances where gaps exist between national laws and World Bank policy, the World Bank policy applies in such cases as provided in the Resettlement Policy Framework. The Resettlement Policy Framework is therefore the main guide for the implementation of land acquisition and compensation under the project.

**Potential social impacts and mitigation**

The potential social impacts associated with the project are described as follows:

**Physical displacement**

At the Lumley Golf course area, the project may assist 4 individuals (squatters) acting as caretakers of the site to relocate.

The project may affect the neighbouring properties at the proposed Juba Barracks site. Thus, the inhabitants of the dilapidated Women Education Centre and the nearby 13 shanty houses which all belong to the military may have to be relocated. A resettlement plan may be prepared for the Juba barracks site, if selected.
Employment and loss of livelihood

At Lumley Golf course area: According to the four caretakers, they are paid US$100 a month, i.e. US$25 per month per person on the average, by the Lebanese investor for taking care of the site. This income will be lost to them if the site is acquired for the project.

At Juba barracks site: The military personnel will not lose their jobs because of the project. Some individuals are engaged in petty trading – tabletop/small shops at the area. There will be temporary break in these income generating activities should they be relocated because of the project. These activities could however be re-established at new locations. The intended fuel/filling station at the Juba barracks area is not in operation at the moment and therefore livelihood and employment issues may not arise. The construction work has also been temporarily suspended to allow for the realignment of the road currently under construction in front of the station. There are no workers currently on site. Any entitlements will be captured in the resettlement plan when prepared.

Deprivation of use of land

Juba barracks site: The land largely belongs to the State and currently being used by the military. However, it appears a local investor has acquired a portion of the military land which is currently being developed into a fuel/filling station. The acquisition of the whole land including the intended fuel station site for the project will lead to deprivation of land to the owner of the fuel station site, if it is so established. Compulsory acquisition as spelt out under Section 21 of the Constitution may be considered if necessary, but with due regard to the provisions of the WB OP 4.12 and this RPF.

Lumley Golf course area: The Government has erected a sign board indicating ownership of the proposed site behind the Atlantic Restaurant. However, the caretakers allude that the site belongs to a Lebanese investor, who currently pays for the maintenance and security of the site. If the ownership issue is resolved and the Lebanese investor is established to be the landowner, then there will be loss of land in lieu of the acquisition for the project. If it is established that the proposed site belongs to the State, then no land acquisition issue will arise.

Loss of structures/properties

Lumley Golf course area: (i) The site has a permanent fence wall constructed by a Lebanese investor and will lose these structures to the project. It is unclear who constructed the revetment to protect the land from sea erosion. (ii) There is a 40-foot container currently being used by the caretakers and this movable property will have to be relocated.

Juba barracks site: (i) The buildings (residential and offices) at the Juba barracks belong to the military and the use of the site for the project will result in the loss of property by the military. Accompanying issues will need to be discussed and negotiated at the highest levels of government. (ii) The acquisition of the intended fuel/filling station site will lead to the loss of a huge uncompleted structure to the owner and the relocation of the fuel storage tanks.

Impact on vulnerable groups

No major negative impacts on vulnerable groups in the society are likely as a result of the proposed development. However, the women involved in petty trading in front of their houses at
Juba will suffer temporary loss of income and may require some assistance. The Project has no inherent negative impact or bias towards any vulnerable group.

Impacts on communal use for recreation
The Lumley beach is one of the beaches popularly used for recreation. Beach sports such as beach football, sea bikes, swimming take place especially on public holidays and weekends. There are no resorts at the beach fronts of the two proposed landing sites. The Lumley beach is long about 4km and should provide options for tourists or visitors to carry on with their recreational activities vis-a-vis the project activities.

Impacts on artisanal fishing
The laying of the cables nearshore to the landing station will temporary disrupt activities of some artisanal fishermen who ply their fishing along the cable route corridor. Artisanal fishing occurs at the Lumley coast and the fishermen make use of drag nets or beach seining which is illegal and has been banned. About 8 boat owners operate in the Wanpole area of the Lumley coast which covers both landing station sites. The project will not affect artisanal fish landing sites. The beach fronts of the two proposed landing station sites do not serve as artisanal fish landing sites. There is a local fish landing site about 1km north of the Atlantic Restaurant. Other commercial fish landing sites exist at Goderich, about 2.1km from the Juba barracks.

Impact on livelihoods of artisanal fishermen
As explained above, ample opportunities exist for the local fishermen to operate outside the proposed cable route corridor during the installation period. Moreover, there are no local fish markets at the beach fronts of the proposed landing station sites.

Compensation Principles
Any impact of the Project on land and/or people (land acquisition, resettlement, livelihood restoration of affected people) will be addressed in compliance with this RPF.
- As much as possible physical displacement will be avoided.
- Fair and adequate compensation will be paid to affected people.
- Compensation will be paid before destruction of property.
- Compensation will be determined at full replacement cost.

Valuing entitlement & eligibility criteria
Buildings
Replacement cost method would be used to determine market value and will be based on (1) land in comparable site, (2) drawings of buildings, related structures and support services, (3) average replacement costs of different types of buildings based on information on quantities and types of materials for construction, (4) prices of items on the local market, (5) costs of transportation, (6) estimates for construction of new buildings.
Loss of income
Estimation of net monthly profit for business based on records and application of net monthly profit to the period when business is not operating would be applied.

Disturbance allowance
A disturbance allowance of about 10% of the total compensation value would be applied.

Entitlement
Issues to be considered include cost of affected property, loss of income, disturbance allowance, relocation assistance, and special assistance if vulnerable.

Eligibility criteria
Assets
These include: Physical and non-physical assets such as homes, communities, commercial/business properties, income earning opportunities, and social and cultural networks and activities.

Category of affected persons and compensation
- Persons with formal legal rights to land: To be provided compensation for land lost and other assistance
- Persons without formal legal rights to land at time of notification but have claims to property recognisable by resettlement plan: To be provided compensation for land lost and other assistance
- Persons with no recognizable legal right or claim to land they are occupying, e.g. squatters: To be provided resettlement assistance in lieu of compensation for land occupied.
- Persons encroaching on land after the notification: Not eligible for compensation or any form of resettlement assistance.

Mitigating measures and cost estimates
Detailed social assessment studies will be carried out within the communities as and when required. The framework for the compensation/resettlement will then be applied incorporating specific (1) institutional arrangements, (2) resettlement/compensation eligibility criteria, (3) implementation procedures, (4) financial responsibilities, (5) monitoring and evaluation plan, and (6) recommendations from the social assessment.

Livelihood restoration measures will consider issues such as (1) income levels of affected persons, (2) other non-monetary sources of livelihood, (3) constraints and opportunities for income generation, (4) number of persons not able to revert to previous occupation, and (5) existing skills of affected persons.

Vulnerable persons will be identified and special assistance offered during the compensation implementation process.
The cost will be derived from expenditures relating to (1) the preparation of the resettlement and compensation plan, (2) relocation and transfer, (3) income and means of livelihood restoration plan, and (4) administrative costs.

**Administrative and institutional framework**
SALCAB has the overall responsibility for preparing the RPF and implementing the Resettlement Plan with World Bank approval. It will ensure that all compensation, resettlement and rehabilitation activities are carried out satisfactorily before the disbursement of funds for construction work to commence.

Much of the work will be facilitated by the SALCAB. The Freetown City Council and Warden Committee which are the local administrative authorities will be involved ensure that:

- Communities or affected persons are properly and adequately informed (timely) of the Plans, and also their rights and options relating to their properties that may be affected by the project.
- Coordinate activities on resettlement or compensation plans
- Ensure timely provision of compensation, in cash and/or kind
- Attend to any grievances submitted by the affected persons

The Ward Committees will engage and involve all sections of the community in discussions on the Plan. They will:

- Schedule open meetings to ensure that all community members are informed and they are fully aware of their rights and options regarding the resettlement activity.
- Identify impacts on lands and assets and the members of the community to be affected and to what extent they will be affected.
- Consider voluntary contributions or else negotiated land acquisition.
- Facilitate alternatives including compensations in kind and exemptions from local contributions.

**Procedures for delivery of entitlements**
Entitlements may range from cash payments and/or building materials to the provision of new land, new homes and compensation for other lost properties. Compensation will be paid before owners/occupiers are made to vacate their properties for commencement of construction works. Payments will be funded like any other activity under the project’s administrative and financial management rules and manuals. Procedures for establishing Committees, consultations, notifying affected persons, documentation, preparation of contract agreements, redress of grievances etc will be established.

**Monitoring plans and indicators**
The monitoring programme will provide a continuous feedback on the implementation of the RPF and the Plan itself. Monitoring teams at the district and regional levels will be constituted and will report regularly at the national level through SALCAB. The team will comprise the SLEPA, Freetown City Council and Ward Committee. The monitoring indicators should cover areas such as
(1) basic information on affected persons’ households, (2) restoration of living standards and livelihoods, (3) levels of affected persons’ satisfaction determined by number of grievances registered, and (4) effectiveness of resettlement planning.

An evaluation programme will be implemented periodically to also check on compliance with policy and provide lessons to amend strategies, especially in the longer term. The evaluation will be based on current WB procedures and also national provisions on resettlement/compensation.
1.0 INTRODUCTION

1.1 Background

Through World Bank assistance, Liberia and Sierra Leone have recently signed the Consortium agreement to be part of a new Cable system, ACE. This support forms part of the West Africa Regional Communications Infrastructure Program being prepared by the World Bank. The West Africa Regional Communications Infrastructure Program aims to contribute to lowering the cost and improving quality of regional and international connectivity by facilitating:

i. the connection of all countries in West Africa to global broadband fibre optics infrastructure, and

ii. the creation of a coordinated regional and national transmission network which would ensure that all countries in West Africa are able to connect effectively within and between national borders.

The project triggers two of the ten World Bank safeguards policies; the Involuntary resettlement policy, OP 4.12 and the Environmental Assessment, OP 4.01. The Bank’s environmental and social safeguards policies require that the recipient country prepares an Environmental and Social Management Framework (ESMF) (consistent with national laws, any applicable treaty concerning international waters, and OP 4.01) and a Resettlement Policy Framework (RPF) for the lateral cables and any associated equipment that will be laid from the junction with the main cable through territorial waters and onto the national shores. These safeguard documents will be prepared through consultations, and disclosed before appraisal. Once the specific sites are known, Environmental and Social Impact Assessments (ESIAs) and Resettlement Action Plans (RAPs) for the lateral cable and equipment will be prepared as part of project implementation but before the cable is laid or any related civil works carried out.

Messrs SAL Consult Limited of Accra, Ghana was contracted by the Ministry of Information and Communication of Sierra Leone to prepare the Environmental and Social Management Framework (ESMF) and the Resettlement Policy Framework (RPF) for the project.

This Resettlement Policy Framework is prepared to contribute to the smooth execution of the Project by offering mitigation and monitoring solutions to any adverse social impacts including livelihood issues which may emerge from the implementation of the project.

1.2 Purpose of the Resettlement Policy Framework (RPF)

The preparation of the RPF is a requirement for projects that may entail involuntary resettlement, issues of compensation, acquisition of land, impact on livelihood, or restricted access to natural resources under the World Bank safeguard policy on Involuntary Resettlement. Thus, in meeting this World Bank requirement, the RPF provides guidance to project stakeholders to adequately address all resettlement related challenges.
1.3 Report Outline

The RPF has the following outline:

1. Introduction;
2. Description of the Proposed Project
3. Relevant Legal, Regulatory and Administrative Framework
4. Potential Project impacts on Assets and Livelihood
5. Valuations, Eligibility and Entitlements
6. Proposed Mitigation Measures and Cost Estimates
7. Proposed Administrative and Institutional Framework for Prevention and Mitigation
8. Implementation and Monitoring Plans including Description of Indicators
9. Stakeholder Consultations
10. References
2.0 DESCRIPTION OF THE PROPOSED PROJECT AND PROJECT SITES

2.1 Project Justification

The Project is intended to increase the capacity for international telecommunication services to Sierra Leone, Liberia, Gambia, Senegal, Guinea, Cote d’Ivoire, Ghana, Benin, Nigeria and to other counties along the west coast of Africa. This region has experienced explosive growth in phone use in recent years. The region however remains severely constrained with respect to access to cable capacity for international transmission and global connectivity.

The Project will provide open access to regional telecommunication operators and internet services. The system will ease the difficulties and reduce the costs of switching telecommunication traffic between African countries without the need to go through Europe, as well as provide broadband capacity to expand internet access in the sub-Saharan region. The network ACE SUBMARINE CABLE SYSTEM will facilitate transmission of data of various bandwidths, voice, internet and television signals allowing for inter country transmission of data thereby reducing the cost of data transfer and bridging the information gap between Africa, West Africa and the rest of the world.

2.1.1 Connectivity challenges in Sierra Leone

High-speed internet access has remained elusive to Sierra Leoneans in spite of the progress made in recent post conflict years. Internet cafes are packed with people during the day, yet most spend their time idly staring at pages loading at a snail's pace or at lost network connections.

Most of the country and the region rely on satellite networks, which, by the time signals are beamed to earth and dispersed, are very slow and discouraging. Purchasing extra capacity on satellites is costly and often does little to increase speeds. An hour of computer time can cost US$1.25, but little can be accomplished because of the network traffic crawl.

Africa has the lowest household broadband penetration rate in the world at 2.3 percent as of September 2009, according to research firm Informa Telecoms & Media. The penetration rate in the Middle East, the next lowest, is 9.4 percent.

A way out for Sierra Leone to get its share of broadband subscribers is to bring fiber optic cables that can carry across the Atlantic Ocean vast amounts of web, voice, data and video traffic at high-speeds that would improve internet access and bring connection costs down for providers and consumers.

2.1.2 Existing Data Transmission Capacity in West Africa

Currently, the SAT-3 system is the only international fibre optic cable serving the West African coast. It has been in service since 18 April 2002. The landing towns and beneficiary countries
include Melkbosstrand-South Africa, Luanda-Angola, Libreville-Gabon, Douala-Cameroon, Lagos-Nigeria, Cotonou-Benin, Accra-Ghana, Abidjan-Ivory Coast, Dakar-Senegal, Alta Vista-Gran Canary Island, Chipiona-Spain, Sesimbra-Portugal. Sierra Leone is not a beneficiary of the SAT-3 system.

Capacity on the SAT-3 system is severely constrained. The system currently has an overall capacity of 120 gigabits per second (Gbps). Access to the SAT-3 system is by contractual agreement and this has limited the number of telecommunication companies and other commercial businesses who wish to access the system. One effect of the SAT-3 pricing structure and the high demand for access is a relatively high price for usage.

2.2 Benefits of the Project

2.2.1 Primary Benefits

Increased Capacity

The Project will have direct benefits through the increase in available international transmission capacity and the lower cost for such access. For existing businesses, increased capacity and lower cost will allow for faster and more reliable transmission for data and voice. This can result in an improvement of business performance as well as create opportunities for expansion. Lower entry costs will also facilitate the start-up of new businesses. The Project will also improve the connectivity between African countries on the system. This will also allow for improved voice transmission quality. It could also facilitate increased business cooperation between the countries on the system.

2.2.2 Indirect Benefits

In addition to the direct macroeconomic benefits of increased telecommunications access and reliability in West Africa, many other indirect social and economic benefits would be associated with the proposed development. These include:

- improved educational opportunities through increase in access to information and education resources;
- development of a regional sense of community through greater equality of information sharing across geographical regions and across groups in society;
- economic benefits from the enhanced opportunities for new and small enterprises that may have previously been excluded from technologies by high costs;
- macroeconomic benefits of the potential expansion of technology-reliant industries in West Africa, such as information technology services and software development businesses
- temporary employment from construction activities.
2.3 Project Country Setting

Sierra Leone is located on the west coast of Africa and covers an area of about 72,000 square kilometres (28,000 square miles). It extends from latitude 7 degrees north to 10 degrees north, and from longitude 10 degrees west to 14 degrees west. The Republic of Guinea borders it on the north and northeast, and the Republic of Liberia borders it on the east and southeast. On the west and southwest, the Atlantic Ocean extends approximately 340 kilometres (211 miles). Figure 1 shows the location map of Sierra Leone and its provinces.

The current system of government in Sierra Leone, established under the 1991 constitution, is modeled on the following structure of government: the Legislature, the Executive and the Judiciary. Sierra Leone is a Republic with an Executive President and a multi-party system of government with a 124-seat parliament (112 elected members and 12 paramount chiefs). Administratively, Sierra Leone is divided into 4 provinces or administrative regions—the Western Area, and three provinces (Northern, Eastern, and Southern provinces). The Western Area includes the capital, Freetown. Northern Province is divided into five districts, Southern Province into four, and Eastern Province into three. Each district is headed by a district chairman who is elected.

The districts are also subdivided into constituencies and each constituency is represented by a member of parliament. The constituencies are divided into chiefdoms, which are controlled by paramount chiefs. The chiefdoms are further divided into wards represented by local government councilors. At the lowest level i.e. the community level, there are sections and villages. There are 149 chiefdoms and 394 wards in Sierra Leone. The chiefs are hereditary rulers who are elected for life. The representatives and councilors are all elected.

At the local level, there are 12 district councils and 5 town councils outside the Western Area. The five town councils are Bo, Kenema, Makeni, Bonthe and Koidu each headed by a Mayor. These are large urban settlements in the provinces. The Western Area has a rural area council and a city council for Freetown, the nation’s capital. The Freetown City Council is headed by the Mayor of Freetown and has 49 councilors. There are 49 ward committees in the Freetown City Council and each headed by a councilor. There are in addition to the councilors 10 selected residents. The projected landing sites fall under the Jurisdiction of the Freetown City Council.
Figure 1 Location Map of Sierra Leone and showing the Provinces
2.4 Project Background

When ultimately completed, the ACE submarine cable system will comprise a submarine communications cable that will run along the west coast of Africa to provide telecommunications capacity for international and internet connectivity to countries beginning from France to South Africa (as shown Figure 2). The cable system will span over 14,000 km along the entire route.

Figure 2: Proposed ACE submarine cable configuration
The ACE submarine cable system will link Africa to Europe with Terminal Stations in South Africa, Namibia, Angola, Democratic Republic of Congo, São Tomé and Principe, Gabon, Equatorial Guinea, Cameroon, Nigeria, Ghana, Côte d’Ivoire, Liberia, Sierra Leone, Guinea, The Gambia, Senegal, Mauritania, Canary Islands (Spain), Portugal and France. Terminal Stations are the locations where ACE is terminated.

The ACE submarine cable system shall consist of four (4) Segments:

**Segment S1:** The Segment between the Penmarch Terminal Station in France and the Dakar Terminal Station in Senegal;

**Segment S2:** The Segment between the Dakar Terminal Station in Senegal and the Abidjan Terminal Station in Côte d’Ivoire;

**Segment S3:** The Segment between the Abidjan Terminal Station in Côte d’Ivoire and the Santana Terminal Station in São Tomé and Principe; and

**Segment S4:** The Segment between Santana Terminal Station in São Tomé and Principe and the Cape Town Terminal Station in South Africa.

Sierra Leone falls under Segment S2 as illustrated in Figure 2.

### 2.5 Project Components and Locations

The main components of the project comprise:

- A deep sea cable in the international waters from France to Sierra Leone;
- A connecting cable from the submarine or deep sea cable to the shores of Sierra Leone in Freetown; and
- A landing or cable station.

#### 2.5.1 The submarine cable (to be located within both international and territorial waters)

The submarine cable route will be in both the territorial waters of Sierra Leone and international waters as illustrated in Figure 2. The United Nations Third Conference on the Law of the Sea (UNCLOS) introduces a number of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones (EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes. The convention set the limit of various areas, measured from a carefully defined baseline. The areas are as follows (see Figure 3):

**Internal waters**

It covers all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.
**Territorial waters**

Out to 12 nautical miles from the baseline, the coastal state is free to set laws, regulate use, and use any resource. Vessels were given the right of innocent passage through any territorial waters, with strategic straits allowing the passage of military craft as transit passage, in that naval vessels are allowed to maintain postures that would be illegal in territorial waters. "Innocent passage" is defined by the convention as passing through waters in an expeditious and continuous manner, which is not “prejudicial to the peace, good order or the security” of the coastal state.

**Contiguous zone**

Beyond the 12 nautical mile limit there was a further 12 nautical miles or 24 nautical miles from the territorial sea baselines limit, the contiguous zone, in which a state could continue to enforce laws in four specific areas: pollution, taxation, customs, and immigration.

**Exclusive economic zones (EEZs)**

This zone extends from the edge of the territorial sea out to 200 nautical miles from the baseline. Within this area, the coastal nation has sole exploitation rights over all natural resources. In casual use, the term may include the territorial sea and even the continental shelf. Foreign nations have the freedom of navigation and over flight, subject to the regulation of the coastal states. Foreign states may also lay submarine pipes and cables.

**Continental shelf**

The continental shelf is defined as the natural prolongation of the land territory to the continental margin’s outer edge, or 200 nautical miles from the coastal state’s baseline, whichever is greater. Coastal states have the right to harvest mineral and non-living material in the subsoil of its continental shelf, to the exclusion of others. Coastal states also have exclusive control over living resources "attached" to the continental shelf, but not to creatures living in the water column beyond the exclusive economic zone.
Figure 3: Legal boundaries of the ocean from territorial sea to exclusive economic zone and onto the high seas (figures in parenthesis refer to treaty articles)

2.5.2 Proposed Landing Stations

A cable landing station is the location where a submarine or other underwater cable makes landfall. The landing or termination station can also be the point at which the submarine cable connects into the land-based infrastructure or network. Sierra Leone Cable Limited (SALCAB) has proposed two (2) sites for consideration for the cable landing station. The two areas are Lumley Golf course area and the Juba Barracks site as shown in Figure 4. Both sites are in Freetown, the national capital.
Figure 4: Location map of Proposed Landing Stations in Freetown
Lumley Golf Course Area (behind Atlantic Restaurant)

The site is located in Freetown and under the Freetown City Council, Ward 392 jurisdiction. This site is located behind the Atlantic Restaurant. The approximate coordinate of the land is 8°27.551′N and 13°16.711′W. This proposed landing site is about 5.2 acres with length about 455m and is bounded by a perimeter fence wall and a revetment. There is a proposal to construct a new road which may take up a portion of the land. Demarcation pillars were identified on the site but this is not seen to disturb the project. **Plate 1** shows some photos of the site. Two coconut trees and very few acacia trees may be counted on the land.

The land currently has no permanent structures except for a movable metal container being used by the caretakers of the site. A pit latrine at the site serves as a place of convenience for the caretakers. There is a State Lands sign post which suggests that the piece of land belongs to the State. However, the land ownership is contested by a Lebanese investor.

The site is open to the Atlantic Ocean and the beach is made up of white fine sand. The beach forms part of the Lumley beach which is known for its recreational usage. The area does not serve as a port or ferry landing site. Artisanal fishing can be observed offshore. No sewage pipes were observed. There was neither sand/salt mining nor hydrocarbon activity observed in the area. The area is not used as waste dump sites and minimal onshore waste was observed during the site visit.

**Plate 1  Site Photos (Proposed Lumley Golf Course Area).**

Juba Barracks Area

The proposed site is on the current premises of the Juba barracks. The approximate coordinate of this land is 8°27.316′N and 13°16.750′W. There are permanent structures on the land. These include residential and school buildings, and a church building. A small open market activity also takes place at the barracks area. There is also a filling station under construction on the military property. The ownership of the land for the filling station is also under contention between the State and a local investor.
The site is open to the Atlantic Ocean and the beach is made up of white fine sand. The beach forms part of the Lumley beach which is known for its recreational usage. The area does not serve as a port or ferry landing site. Artisanal fishing can be observed offshore. No sewage pipes were observed. There was limited sand mining activity ongoing during the site visit but there was no hydrocarbon activity or salt winning observed in the area. The area is not used as waste dump sites and minimal onshore waste was observed during the site visit. **Plate 2** shows some photos of the site.

![Plate 2: Site Photos (Juba Barracks Area)](image)

### 2.5.3 Selection criteria for consideration of proposed landing stations

Cable landing stations or points are usually carefully chosen to be in areas:

- that have little marine traffic to minimise the risk of cables being damaged by ship anchors and trawler operations;
- with gently sloping, sandy or silty sea-floors so that the cable can be buried to minimise the chance of damage; and
- without strong currents that would uncover buried cables and potentially move cables.

In addition to the above environmental issues, the social issues or cost should also be considered especially when funding is obtained from multilateral agencies such as the World Bank, African Development Bank etc.

### 2.6 Overview of Submarine Cable Systems

**Figure 5** shows a typical submarine cable system. Submarine cable systems usually consist of subsea cables, repeaters and branching units. These components are briefly described below.
2.6.1 Subsea Cables

The proposed system will comprise an optical fibre submarine communications cable to carry telecommunications between France and Sierra Leone. An optical fibre is a glass or plastic fibre that carries light along its length. Optical fibres are widely used in fibre-optic communication. They permit transmission over longer distances and at higher data rates than other forms of communications.

The construction of subsea cables varies with manufacturer and seabed conditions. Cable engineering specifications for the proposed Project will be based on cable industry standards. The diameter of subsea cables varies between 17 and 20 mm for sections without protective armor; armored cables may be as large as 50 mm in diameter. The cable consists of an inner optical fibre, surrounded by a polyethylene or fibre-glass core for strength and fibre separation. The core is normally surrounded by two polyethylene jackets and copper conductor layer and the outer layers comprise a steel wire protective armour layer and an outer protection and wire containment (polypropylene yarn).

A summary of cable types that are likely to be used for the ACE submarine cable route, including the stub segments, is provided in Table 1 below. Illustrations of typical cable designs are provided in Figure 6 and Figure 7.
### Table 1  Submarine Telecommunication Cable Types

<table>
<thead>
<tr>
<th>Cable type</th>
<th>Approximate length</th>
<th>Application</th>
<th>Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Double armour buried</td>
<td>90 km</td>
<td>-Rocky terrain</td>
<td>Two armour wire layers applied to core cable</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-High risk of trawler damage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Moderate abrasion risk</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Depth to 600 m</td>
<td></td>
</tr>
<tr>
<td>Single armour</td>
<td>10 km</td>
<td>-Very rocky terrain</td>
<td>Heavy armour wire layer applied to core cable</td>
</tr>
<tr>
<td>Single armour buried</td>
<td>30 km</td>
<td>-High risk of trawler damage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Depth to 1,200 m</td>
<td></td>
</tr>
<tr>
<td>Light weight armour</td>
<td>10 km</td>
<td>-Rocky terrain</td>
<td>Light armour wire layer applied to core cable</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Moderate risk of trawler damage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Depth to 1,500 m</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Normally used for burial</td>
<td></td>
</tr>
<tr>
<td>Light weight</td>
<td>7,150 km</td>
<td>-Benign, sandy bottom</td>
<td>Core cable, light protection</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Depth to 8,000 m</td>
<td></td>
</tr>
</tbody>
</table>

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**Source:** Main Street Technologies (2008)

**Figure 6**  Illustration of cable design and types
2.6.2 Repeaters and Branching Units

Repeaters are installed along the cable to boost the signal because the signal loses strength en route. Branching Units (BUs) are pieces of equipment used in submarine telecommunications cable systems to allow the cable to split to serve more than one destination.

2.7 Overview of Project Phase Activities

The project phase activities could be put into the following:

1. Construction Phase
   - Pre-installation activities
   - Installation activities
2. Operation Phase
   - Repair/recovery activities
3. Decommissioning Phase

2.7.1 Construction Phase

Pre-Installation Activities

Pre-installation activities will include a detailed cable route survey to investigate the safest possible environment for the cable and prepare for its installation as well as engineering design and fabrication of the subsea equipment.

Cable Route Survey

A marine geophysical survey will be performed to investigate the safest route for the cable system. The geophysical survey will be complemented by diver surveys in the area of the shore approach to the landing sites. A detailed topographic survey will be performed to assess the conditions and feasibility of the landing. A limited seabed-sampling program will also be
conducted to supplement the side-scan sonar and sub-bottom profiler data in the areas where the cable will be buried.

The marine survey equipment will be capable of collecting quality bathymetry and side-scan intensity data. The survey will investigate the conditions of the seafloor and shallow subsurface layers, including sediment characteristics along the corridor and taking into consideration the seabed profile or water depth variations.

The diver work will include probing of the seabed and visual recording in order to assess the feasibility of cable burial. After the detailed cable route surveys a pre-installation grapple run will be undertaken along the exact route of the cable to ensure that no debris, fishing materials or other pipelines far within the route of the cable.

**Engineering Design and Fabrication of Subsea Equipment**

Detailed cable design would be carried out using input from the cable route survey. Generalized guidelines on the types of cables that might be required for the system are provided under Section 2.6.1. Cable specifications will be developed to ensure protection of the cable system in a manner appropriate for the environment.

**Installation Activities**

During installation, a special built ship will accurately place the cables on or under the seabed along the route determined by the pre-installation survey. Shallow water-laying may be aided by scuba divers while deepwater laying is sometimes aided by remote operated vehicles.

**Cable Burial**

In general, the best protection against external risks, such as cable damage from fishing or shipping activities, is achieved by burial. However, some seabed areas are not suitable for burial such as rocky and highly mobile sand areas. The pre-installation survey will confirm the potential threats existing in the nearshore and offshore marine environment with regard cable burial.

**Nearshore**

Due to the shallow water depth, cable burial at the shore ends may be undertaken by excavation of a trench using a single grab dredger and through the placing of the cable within the trench by divers. After the cable has been laid inside the trench, it would be covered with concrete mats and backfill materials. It is expected that this method of cable installation will only be necessary for shallow water depth where the cable burial machine or plough cannot be used.

**Offshore**

Offshore, cables would be buried in a narrow (≤1 m wide) trench that would be cut by a water jet or plough while the cable is being laid. Typical ploughs are shown in Figure 8. A cable plough works by lifting a wedge of sediments just enough to insert a cable below the seabed. Cables are typically buried under the seabed to protect the cable from fishing and other marine activities.
Backfilling and or cementing as appropriate of cable trench should be done to ensure proper burial.

Actual final depth of cable trench should be confirmed after seabed survey or condition is established. It is recommended that the cable should be buried wherever possible to a target depth of between 0.5 m and 1 m below the seabed.

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**Marine Services**

- **Sea Plough VIII**:
  - Operating depth: 2,000 meter depth
  - Weight: 16 mt (air); 13 mt (water)
  - Burial depth: 1.5 meter
  - 60-ton maximum pull (at plough)
  - 40-ton pulling winch
  - Deployed from Reliance Class Vessel
  - Buries cable hardware and repeaters

- **SMD MD-3**:
  - Operating depth: 2,000 meter depth
  - Weight: 20 mt (air)
  - Burial depth: 3 meter
  - 80-ton maximum pull (at plough)
  - 50-ton pulling winch
  - Deployed from may vessels
  - Buries cable hardware and repeaters

*Source: Main Street Technologies (2008)*

**Figure 8** Typical Submarine Ploughs

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2.7.2 Operation Phase

Once in place and connected, the cable system requires no intervention. Power is provided to the system through electrical connection in the cable. This also provides power to the repeaters. The electrical current is fully shielded from the environment.

**Repair /Recovery Activities**

Cable repair and maintenance may be required as a result of damage, failure, age /redundancy or clearance of congested routes. To effect repairs on deep cables, the damaged cable is cut at the seabed and each end separately brought to the surface, whereupon a new section is spliced in. The repaired cable is longer than the original, so the excess is deliberately laid in a ‘U’ shape on the seabed.
2.7.3 Decommissioning Phase

As cables reach the end of their design life or become redundant due to technological advances, their removal from the seabed or decommissioning may be considered. In the case of a buried cable, its removal may result in some disturbance or impact.

To ensure that due consideration is given to all the relevant issues it is recommended that a detailed evaluation of facility decommissioning options (options to include leaving the submarine cable in-sit) is carried out. The evaluation should consider environmental issues in conjunction with technical, safety and cost implications to establish the best practicable environmental options (BPEO) for the decommissioning of the cable.

2.8 Best Practice

Most of the larger companies operating in the submarine cable industry typically work to standards and quality management systems set by the International Organization for Standards under the ISO 9000 and ISO 9001 schemes. In addition, the International Cable Protection Committee (ICPC) publishes recommendations on key issues such as cable routing, cable protection and cable recovery that are available to anyone on request.

Although their observance is not mandatory, these recommendations are designed to facilitate quality improvement and are often cited by third parties as examples of best practice in the industry (ICPC, 2009). Guidelines relating to submarine cable activities are also published by the Submarine Cable Improvement Group (SCIG, 2009) and the UK Cable Protection Committee (UKCPC, 2009).

2.9 Project Schedule and Management

The submarine cable is expected to be landed in Sierra Leone between the last quarter of 2011 and the second quarter of 2012. Sierra Leone Cable Limited (SALCAB) a company duly incorporated under the Company’s Act 2009 of the laws of Sierra Leone is established to participate in the ACE Fibre – Optic submarine landing project as the maintenance authority.
3.0 RELEVANT LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORKS

3.1 National Legal and Regulatory Framework

Some relevant laws and regulations are the following:
- The Constitution of Sierra Leone, 1991
- The Land Policy, 2005
- Environmental Protection Agency Act, 2008 and the Environmental Protection Agency (Amendment) Act, 2010
- The Local Government Act, 2004
- The Sierra Leone Maritime Administration Act, 2000
- The Telecommunication Act, 2006
- The Factories Act, 1974
- The Fishery Products Regulations, 2007 (The Public Health Act, 1960)

The Constitution of Sierra Leone, 1991
This is an Act to make provision for a new Constitution of Sierra Leone, and for connected purposes. The Constitution includes some provisions to protect the right of individuals to private property, and also sets principles under which citizens may be deprived of their property in the public interest (described in Section 21). Section 21 provides that:

No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say:

a) the taking of possession or acquisition is necessary in the interest of defence, public order, public morality, public health, town and country planning, the development or utilisation of any property in such manner as to promote the public benefit or the public welfare of citizens of Sierra Leone; and
b) the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having any interest in or right over the property; and

 provision is made by law applicable to that taking of possession or acquisition:
   i. for the prompt payment of adequate compensation; and
   ii. securing to any person having an interest in or right over the property, a right of access to the court or other impartial and independent authority for the determination of his interest or right, and the amount of any compensation to which he entitled and for the purpose of obtaining prompt payment of that compensation.
Environmental Protection Agency Act, 2008 and the Environmental Protection Agency (Amendment) Act, 2010

The Environmental Protection Agency Act, 2008 is an Act to establish the Sierra Leone Environmental Protection Agency, to provide for the effective protection of the environment and for other related matters.

Sections 24 of the Act list project activities requiring an Environmental Impact Assessment license. Sections 25 and 26 of the Act describe factors for determining whether a project requires an environmental impact assessment and the contents of environmental impact assessment respectively. The Act describes the procedures to be followed to obtain permits for both existing and proposed undertakings through the conduct of environmental impact assessments.

The Environmental Protection Agency (Amendment) Act, 2010 is an Act to amend the Environmental Protection Agency Act, 2008. The amendment sought to give executive powers to the Board.

The Local Government Act, 2004

This is an Act to consolidate with amendments, the law on local government, and to provide for the decentralisation and devolution of functions, powers and services to local councils and for other matters connected therewith. The Act establishes the local council as the highest political authority in the locality and who shall have legislative and executive powers to be exercised in accordance with this Act. This Act in its First Schedule under section 2 establishes the localities namely: Districts, Towns, and Cities. The part II of this schedule also establishes the number of Paramount Chiefs in each local council. The Third Schedule establishes the functions devolved to the local councils. The Fourth and Fifth Schedules establish departments under each local council, and Valuation list and Rate Books respectively.

National Lands Policy, 2005

Some relevant portions of the Policy are described as follows:

Acquisition, Security of tenure and protection of land rights

Provided that payment of adequate compensation in reasonable time will be made, government may acquire land wherever and whenever appropriate to, among other things.

• Secure and control areas of urban expansion.
• Facilitate urban renewal and redevelopment programmes.
• Implement any rural or urban improvement programme.
• Provide social infrastructure.
• Provide promptly serviced or un-serviced lands at prices, which can secure socially and economically acceptable patterns of economic development.
• Provide for the purpose of national defence, national security, national health and conflict resolution.
• Protect areas of historical, cultural or ecological interest.
The principle describes land as a common national or communal property resource held in trust for the people and which must be used in the long term interest of the people of Sierra Leone. Such principle only holds where it does not violate existing rights of private ownership.

Compensation to be paid for lands acquired through compulsory Government acquisition will be fair and adequate and will be determined, among other things, through negotiations that take into consideration government investment in the area.

Local Authority Assemblies, (District and Town Council), may negotiate for land for development purpose and concessionary prices or as gift, but all such grants should be properly documented and processed.

No interest in or right over any land belonging to an individual or family can be disposed of without consultation with the owner or occupier of the land.

No interest in or right over any land belonging to an individual or family can be compulsorily acquired without payment, in reasonable time, of fair and adequate compensation.

**Ways to minimize land tenure disputes**

Conflicts with respect to land use will have to be resolved at local, district, regional or national level before any economic activity commences.

Land Ministry will pursue the following to minimize land tenure disputes and their associated ethnic conflicts;

a. Implementation of a programme for the production of large scale maps of land parcels and buildings in all urban areas and locations, where disputes are prevalent.

b. enactment of legislation to require individual, traditional, family and other land owners to survey and demarcate their land boundaries with the approval of the Survey’s Division in the Ministry of Lands, Country Planning and the Environment.

b. Establishment of an early warning mechanism to detect potential areas of land disputes for the purpose of taking preventive measures.

d. The Chief Justice shall create a special division of the High Court properly equipped to deal solely with land cases.

**The Sierra Leone Maritime Administration Act, 2000**

This is an Act to establish an autonomous body for the registration of ships and other vessels, the licensing and safety of maritime personnel and for the regulation and development generally of maritime, coastal and inland water transport and for other matters connected therewith. This act establishes the Administration to regulate and develop improved standards of performance, practice and safety in the shipping industry in Sierra Leone, including the coastal and inland water transport system, and in the maritime environment.
The Telecommunication Act, 2006

The Telecommunication Act, 2006 is an Act to establish the National Telecommunication Commission and to provide for the licensing and regulation of telecommunications operators and for the promotion of universal access to basic telecommunication services, fair competition for the benefit of investors in, and end users of telecommunication networks and services, to improve the national, regional and global integration of Sierra Leone in telecommunications and to provide for other related matters.

The Act also under Section 73 establishes penalties to be meted out offenders who seek to disrupt the delivery of telecommunication.

The Factories Act, 1974

The Factories Act, 1974 is an Act to consolidate and amend the law relating to factories and is applicable to factories belonging to or in the occupation of the state. This Act establishes under Section 8 that;

1. Before any person occupies or uses as a factory any premises which were not so occupied or used by him at the commencement of this Act, or at the date of application of the Act to such premises, he shall apply for the registration of such premises by sending to the Chief Inspector a written notice containing particulars set out in the First Schedule.

2. Upon receipt of such notice and on being satisfied that the premises are suitable for use as a factory of the nature stated in the notice, the Chief Inspector shall cause the premises to be registered and shall issue to the applicant a certificate of registration in the form set out in the Second Schedule.

The Act under Section 8 establishes the First Schedule which provides particulars to be submitted by occupier or intending occupier of a factory. The Second Schedule also under section 8 provides a template for the certificate of registration of a factory.

The Fishery Products Regulations, 2007 (The Public Health Act, 1960)

The general objective of these Regulations is to pursue a high level of protection of human life and health and the protection of consumers’ interests, wherever in the world, including fair practices in food trade, taking account of, where appropriate, the protection of animal health and welfare and the environment.

These regulations shall aim also to achieve the free movement in the world of fishery products and feed for aquaculture animals manufactured or marked according to the general principles and requirements thereof.
3.2 Institutional Framework

The table below describes the mandate of institutions which may be associated with the project.

Table 2: Institutions and their mandates /interests

<table>
<thead>
<tr>
<th>Institution/Organisation</th>
<th>Mandate and interest in project</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 Ministry of information and Communication</td>
<td>Lead ministry representing the GoSL to implement the project</td>
</tr>
<tr>
<td>2.0 Sierra Leone Cable Limited, SALCA</td>
<td>Created for the purpose of becoming the PPP (Public Private Partnership) structure to own and manage the ACE submarine cable landing station</td>
</tr>
</tbody>
</table>
| 3.0 Sierra Leone Environmental Protection Agency, SLEPA | Established by an Act of Parliament for effective protection of the environment  
This Act establishes and mandates the EPA to amongst others;  
- Advice the Minister on the formulation of policies on all aspects of the environment and in particular make recommendation for the protection of the environment.  
- Issue environmental permits and pollution abatement notices for controlling the volume, types, constituents and effects of waste discharges, emissions, deposits or other source of pollutants of substances which are hazardous or potentially dangerous to the quality of the environment or any segment of the environment.  
- Prescribe standards and guidelines relating to ambient air, water and soil quality, the pollution of air, water, land and other forms of environmental pollution including the discharge of waste and the control of toxic substances.  
- Ensure compliance with any laid down environmental impact assessment procedures in the planning and execution of development projects, including compliance in respect of existing projects.  
- Impose and collect environmental protection levies in accordance with this Act or regulations made under this Act.                                                                                       |
| 4.0 Ministry of Fisheries and Marine Resources | Government ministry responsible for the management, development and conservation of the fisheries resources of Sierra Leone – marine, inland and aquaculture                                                                 |
| 5.0 Institutional Support for Fisheries Management, ISFM | This 3 year EU funded project aims to enable the Sierra Leone Ministry of Fisheries and Marine Resources to establish a realistic picture of the status of fisheries resources, thus contributing to the development of fisheries management measures. |
| 6.0 Sierra Leone Marine Administration          | Established by an Act of Parliament in July 2000 with regulatory powers over maritime transport including coastal and river transportation  
The act establishes the Administration to carry out amongst others the following functions:  
- to administer, in addition to the administration of the Registration of Shipping Act, 1965 referred to in the new Clause (14), any other legislation relating to maritime affairs; |
<table>
<thead>
<tr>
<th>Institution/Organisation</th>
<th>Mandate and interest in project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>to ensure the safety of navigation in the territorial sea;</td>
</tr>
<tr>
<td></td>
<td>to fulfil flag state and port state responsibilities in an effective manner having regard to the relevant international maritime conventions, codes and other instruments;</td>
</tr>
<tr>
<td></td>
<td>to deal with maritime search and rescue matters including the coordination of the search and rescue operations of the Armed Forces of Sierra Leone, the Ports Authority, and the Department of Fisheries and Marine Resources;</td>
</tr>
<tr>
<td></td>
<td>to regulate shipping in inland waterways, including the safety of navigation therein;</td>
</tr>
<tr>
<td></td>
<td>to pursue the ratification or accession and implementation of international maritime conventions in conjunction with other appropriate agencies of Government.</td>
</tr>
<tr>
<td>Institute of Marine Biology and Oceanography</td>
<td>Academic department involved in teaching and research into oceanography and the marine environment</td>
</tr>
<tr>
<td>Ministry of Lands and Country Planning</td>
<td>Government ministry responsible for development of appropriate policies and programmes and carrying out activities relating to land and land tenure, state lands, acquisition of lands and buildings, surveys, mapping and triangulation, enforcement of planning and building control through court action and the demolition of unauthorized structures, preparation of urban structure and detailed plans, action area plans, and subject plans for distribution of lands</td>
</tr>
<tr>
<td>Freetown City Council</td>
<td>The city of Freetown is politically divided into eight municipalities or wards in 3 main areas comprising the East End, Central Freetown and West End. The three westernmost wards of the city constitute the West End of Freetown. These wards host the remains of centuries-old Portuguese towers and fortresses, most of the city's nicer tourist hotels, a number of casinos, and the Lumley Golf Course, Beach, and Club House, and the proposed location of landing stations</td>
</tr>
<tr>
<td>Petroleum Resources Unit</td>
<td>The Petroleum Unit was established as an independent coordinator between the Government, donors, institutions, and the petroleum industry to ensure fair pricing (reflecting international oil prices) and an uninterrupted supply of petroleum products. It is supervising the exploration for oil along the country’s off-shore waters.</td>
</tr>
<tr>
<td>NGO- Conservation Society of Sierra Leone</td>
<td>The Conservation Society for Sierra Leone promotes the wise use and management of Sierra Leone’s Natural Resources through Education, Advocacy, Research and Site Action including sea turtle conservation programme along Lumley beach.</td>
</tr>
</tbody>
</table>

### 3.3 World Bank Safeguard Policy on Involuntary Resettlement

The World Bank’s safeguard policy on involuntary resettlement, OP 4.12, (December 2001) is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or
restrictions to natural resources, may take place as a result of the project. It includes requirements that:

a. Involuntary resettlement should be avoided where feasible, or minimised, 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 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.

According to OP 4.12, the resettlement plan should include measures to ensure that the displaced persons are:

a. informed about their options and rights pertaining to resettlement;

b. consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and

c. provided prompt and effective compensation at full replacement cost for losses of assets attributed directly to the project.

If the impacts include physical relocation, the resettlement plan should include 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, location advantages, and other factors is at least equivalent to the advantages of the old site.

Where necessary to achieve the objectives of the policy, the resettlement plan also should include measures to ensure that displaced persons are:

a. 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

b. provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities.

3.4 Gaps between Sierra Leone Regulations and World Bank Policies

There are significant gaps between Sierra Leonean regulations and World Bank policies. These are summarised in Table 3.
### Table 3  Comparison of Sierra Leonean Regulations with World Bank Policies

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sierra Leone legislation requirement</th>
<th>WB policy requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timing of compensation payment</td>
<td>Prompt</td>
<td>Prior to displacement</td>
</tr>
<tr>
<td>Calculation of compensation</td>
<td>Adequate</td>
<td>Full replacement cost</td>
</tr>
<tr>
<td>Squatters</td>
<td>No provision. Are deemed not to be eligible</td>
<td>Are to be provided resettlement assistance (but no compensation for land)</td>
</tr>
<tr>
<td>Resettlement</td>
<td>Any amount of compensation to which the displaced person is entitled.</td>
<td>Affected people who are physically displaced are to be provided with residential housing, or housing sites, or, as required, agricultural sites (...) at least equivalent to the old site. Preference to be given to land-based resettlement for displaced persons whose livelihoods are land-based.</td>
</tr>
<tr>
<td>Resettlement assistance</td>
<td>No specific provision with respect to additional assistance and monitoring.</td>
<td>Affected people are to be offered support after displacement, for a transition period</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>No specific provision</td>
<td>Particular attention to be paid to vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities...</td>
</tr>
<tr>
<td>Information and consultation</td>
<td>The owner/occupier of the land must be formally notified in advance of the intent to enter.</td>
<td>Displaced persons and their communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.</td>
</tr>
<tr>
<td>Grievance</td>
<td>Access to Court of Law or other impartial and independent Authority</td>
<td>Appropriate and accessible grievance mechanisms to be established</td>
</tr>
</tbody>
</table>

### 3.5 Project Measures to ensure compliance with World Bank Policy

In general the Sierra Leonean laws and regulations make provision for resettlement framework, including land acquisition and compensation matters. There are however some differences between the World Bank guidelines and the Sierra Leonean laws as indicated above.
This Resettlement Policy Framework combines the World Bank Safeguard Policy on involuntary resettlement (OP 4.12) and the national laws. In circumstances where gaps exist between national laws and World Bank policy, the World Bank policy applies in such cases as provided in the Resettlement Policy Framework. The Resettlement Policy Framework is therefore the main guide for the implementation of land acquisition and compensation under the project.

3.6 Land Tenure

The National Land Policy acknowledges the problems besetting land administration and land tenure in Sierra Leone and describes these as including:

- General indiscipline in the land market
- Indeterminate boundaries
- Illegal acquisition of State lands
- Inadequate security of land tenure
- Difficulty to access land for development purposes
- Weak land administration and management systems
- Low level consultation, coordination and cooperation
- Inadequate coordination with neighbouring countries

The National Land Policy, 2005 is however seen as providing a foundation for the review of existing laws and the enacting of new ones, to regulate and streamline access to, and the use of land. The categories of land ownership recognised in Sierra Leone are as follows:

- State public land: defined as lands ceded by the Colonial Government to the Government of Sierra Leone after Independence in 1961, Unoccupied Land, and land compulsorily or other acquired by the government.
- Private land: land in which the owner has a freehold interest.
- Communal (Chiefdom or Community) land; land held in trust by the Chief on behalf of the community.
- Family land: is that in which the principle interest in the land is vested in a ‘family’ group with a common ancestry.

The Ministry of Land is empowered to carry out all land management and two important functions it performs are administration of all state and public lands and the acquisition of property and the payment of compensation.

The Western Area of Sierra Leone is a small but valuable part of the country. Land titles in the Western Area, including Freetown, are derived either from a grant of State land, or, more commonly, are claims to possessory title to State land based on adverse possession. It is generally believed that the main reason conveyance of land in the Western Area of Sierra Leone is so fraught with confusion is because the received law provides that courts hearing land matters give unqualified reception to statutory declarations. This situation is seen as an inherent weakness and which has been unscrupulous exploited by parties as evidenced by the numerous land litigations in courts, (Williams et al, 2006).
There is currently no system of registration of titles in Sierra Leone. The Registration of Instruments Act, Cap 256 of the Laws of Sierra Leone 1960 created a system of registration of instruments of conveyance. In this system, it is the conveyance itself which confers title, not the registration of the instruments under which the conveyance was executed.

3.7 Public Institutions involved in Land Administration

Management of state land
The Ministry of Land and Country Planning has the mandate to manage state lands, embark on compulsory acquisition, oversees surveyors and surveying, mapping, planning, town planning schemes, development of standards, building codes etc but not the registration of deeds.

Land Dispute Resolution
The Local Courts are the only judicial forum available for many embroiled in land disputes, as they are the courts of first instance for matters relating to customary law. They are empowered by the Local Courts Act, No 20 of 1963 to dispense justice in consonance with the doctrines of equity, good conscience and natural justice. However, according to Shaun Williams et al (2006) they have been widely criticized for the low standard of justice they provide, referral of cases to higher courts under the control of Customary Law Officers, the close association which exists between Local Court Chairman and ruling families and the barriers to access by women created by the dominance of Local Courts by men.
4.0 POTENTIAL PROJECT IMPACTS ON ASSETS AND LIVELIHOODS

The project is not expected to have extensive impacts on assets and livelihoods. In any case, provisions are made under this RPF to minimize all such impacts including those of socio-economic significance and on environmentally sensitive sites. However, as the project is not known in sufficient detail at this stage of preparing this Resettlement Policy Framework (RPF), provisions are made in the RPF to accommodate all potential situations, including cases that may entail actual displacement and livelihood restoration assistance in accordance with the World Bank Policy on Involuntary Resettlement, OP4.12.

4.1 Assessment of social impacts

The potential social impacts associated with the project are described in the table below:

Table 4 Potential adverse social impacts/ issues

<table>
<thead>
<tr>
<th>Type of impact</th>
<th>Description of Potential Impact/ Issue</th>
<th>Social Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrestrial Activities /Environment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical displacement</td>
<td>The Project will not result in the physical displacement of any community.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) <strong>Lumley Golf course area</strong>: The project will displace 4 individuals acting as caretakers for the site.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td>(b) <strong>Juba Barracks site</strong>: The project will displace about 13 households, but these households comprise military families, and will need to be relocated but will require the cooperation of the military authorities.</td>
<td>Major</td>
</tr>
<tr>
<td>Employment and loss of livelihood</td>
<td>(a) <strong>Lumley Golf course area</strong>: According to the four caretakers, they are paid US$100 a month, i.e. US$25 per month per person on the average, by the Lebanese investor for taking care of the site. This income will be lost to them if the site is acquired for the project.</td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>(b) <strong>Juba barracks site</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) The military personnel will not lose their jobs because of the project.</td>
<td>Negligible</td>
</tr>
<tr>
<td></td>
<td>(ii) Some households are engaged in petty trading – tabletop/small shops at the area. There will be temporary break in these income generating activities should they be relocated because of the project. These activities could however be re-established at new locations.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td>(iii) The intended fuel/filling station at the Juba barracks area is not in operation at the moment and therefore livelihood</td>
<td>Negligible</td>
</tr>
</tbody>
</table>
and employment issues may not arise. Construction work has been temporarily suspended due to the realignment of the ongoing road works in front of the proposed filling station and there were no workers on site.

<table>
<thead>
<tr>
<th>Deprivation of use of land</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) <strong>Juba barracks site</strong>: The land largely belongs to the State and currently being used by the military. However, it appears a local investor has acquired a portion of the military land which is currently being developed into a fuel/filling station. The acquisition of the whole land including the intended fuel station site for the project will lead to deprivation of land to the owner of the fuel station site and loss of investment, if it is so established. If need be, the project may invoke Section 21 of the Constitution of Sierra Leone for compulsory re-acquisition while ensuring that the provisions of the WB OP 4.12 and the RPF are also met.</td>
<td></td>
</tr>
<tr>
<td>(b) <strong>Lumley Golf course area</strong>: The Government has erected a sign board indicating ownership of the proposed site behind the Atlantic Restaurant. However, the caretakers allude that the site belongs to a Lebanese investor, who currently pays for the maintenance and security of the site.</td>
<td></td>
</tr>
<tr>
<td>(i) If the ownership issue is resolved and the Lebanese investor is established to be the landowner, then there will be loss of land in lieu of the acquisition for the project. If need be, the project may invoke Section 21 of the Constitution of Sierra Leone for compulsory re-acquisition while ensuring that the provisions of the WB OP 4.12 and this RPF are also met.</td>
<td></td>
</tr>
<tr>
<td>(ii) If it is established that the proposed site belongs to the State, then no land acquisition issue will arise.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Loss of structures/properties</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) <strong>Lumley Golf course area</strong></td>
<td></td>
</tr>
<tr>
<td>(i) The site has a permanent fence wall constructed by a Lebanese investor and will lose these structures to the project. <em>It is unclear who constructed the revetment to protect the land from sea erosion.</em> The owner may need to be identified and compensated.</td>
<td></td>
</tr>
<tr>
<td>(ii) There is a 40-foot container currently being used by the caretakers and this movable property will have to be relocated.</td>
<td></td>
</tr>
<tr>
<td>(b) <strong>Juba barracks site</strong></td>
<td></td>
</tr>
<tr>
<td>(i) The buildings (residential and offices) at the Juba barracks belong to the military and the use of the site for the project will result in loss of property to the military. This will be addressed at the highest levels of government.</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Major</td>
<td></td>
</tr>
<tr>
<td>Major</td>
<td></td>
</tr>
<tr>
<td>Negligible</td>
<td></td>
</tr>
<tr>
<td>Moderate to Major</td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td></td>
</tr>
<tr>
<td>Moderate to Major</td>
<td></td>
</tr>
</tbody>
</table>
(ii) The acquisition of the intended fuel/filling station site will lead to the loss of a huge uncompleted structure to the owner and the relocation of the fuel storage tanks, which have not yet been buried on the site.

### Impact on vulnerable groups

No negative impacts on vulnerable groups in the society will occur as a result of the proposed development. Petty traders who are mostly women, may require some livelihood assistance. The Project has no inherent negative impact or bias towards any vulnerable group.

### Impact on Social and Cultural Structures

The Project will have no negative impacts on social and cultural structures as the Project activities will have very little interaction with or impact upon population, social or cultural processes and activities or customs.

### Impact on educational and health facilities

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lumley Golf course area</td>
<td>No negative impacts on educational and health facilities are predicted. There are no health/educational facilities at or close to the proposed site</td>
</tr>
<tr>
<td>Juba barracks area</td>
<td>There are primary and JSS schools at the barracks but these are not located in the vicinity of the proposed stations and will not be affected.</td>
</tr>
</tbody>
</table>

### Impact on Cultural Heritage/Archaeological interest

There are no known sites of significant cultural heritage or archaeological interest in the vicinity of the proposed landing sites. The risks to cultural heritage would be on buried resources encountered during excavation on land.

### Impacts on communal use for recreation

The Lumley beach is one of the beaches popularly used for recreation. Beach sports such as beach football, sea bikes, swimming take place especially on public holidays and weekends. There are no resorts at the beach fronts of the two proposed landing sites. The Lumley beach is about 4km long and should provide options for tourists or visitors to carry on with their recreational activities vis-a-vis the project activities.

### Marine /Near-shore Activities/ Environment

<table>
<thead>
<tr>
<th>Impact on artisanal fishing</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>The laying of the cables nearshore to the landing station will temporary disrupt activities of some artisanal fishermen who ply their fishing along the cable route corridor. Artisanal fishing occurs at the Lumley coast and the fishermen make use of drag nets or beach seining which is illegal and has been banned. About 8 boat owners operate in the Wanpole area of the Lumley coast which covers both landing station sites.</td>
</tr>
<tr>
<td>(b)</td>
<td>The project will not affect artisanal fish landing sites. The beach fronts of the two proposed landing station sites do not serve as</td>
</tr>
</tbody>
</table>

Minor to Moderate
artisanal fish landing sites. There is a local fish landing site about 1km north of the Atlantic Restaurant and their activities will not be affected by the project. Other commercial fish landing sites exist at Goderich, about 2.1km from the Juba barracks.

| Impact on livelihoods of artisanal fishermen | The local fishermen can operate outside the cable route corridor during the installation period. No local fish mongering site exist at the beach fronts of the proposed landing station sites. | Minor |
| Impacts on cultural heritage/archaeological interest | It is not know whether there are significant cultural heritage resources or archaeological interests or coastal wrecks occur in the project marine or near-shore environment. Damage to such cultural heritage resources could occur during cable installation. Buried cultural heritage resources could also be damaged during trenching or ploughing of seabed. | Minor to Moderate |
| Impact on existing marine infrastructure and services | Damage to existing marine infrastructure networks (other submarine cables and pipelines) is possible as a result of the installation activities. | Minor to Moderate |
| Impacts on Human Health and Safety | (a) Accidents and unplanned events that may occur during the Project activities could result in collision of Project vessels with fishing boats and nets or other vessels causing damage to vessels and equipment, or injury or loss of life. At particular risk are artisanal fishermen and other vessels that may move at night-time or in reduced visibility conditions when the Project activities are taking place. (b) Old and poorly maintained project vessels could breakdown at sea resulting in threat to life and equipment. | Minor to Major |
5.0 VALUATION, ELIGIBILITY AND ENTITLEMENTS

5.1 Principles and objectives

These principles are intended to minimize negative impacts. However, it will not always be feasible to avoid displacement or land acquisition. In addition to impact minimization measures, mitigation measures are therefore needed, hence this RPF.

5.1.1 Regulatory Framework

Any impact of the Project on sea, land and/or people (land acquisition, resettlement, livelihood restoration of affected people) will be addressed in compliance with the Constitution of Sierra Leone, with other Sierra Leonean regulations and international convention to which the country subscribes, and with the World Bank safeguard policy on involuntary resettlement (OP 4.12). Where there are gaps or inconsistencies between Sierra Leonean laws and the World Bank policy, the World Bank policy OP 4.12 will apply.

5.1.2 Minimization of Displacement

In line with the World Bank safeguard policy OP 4.12, the Project will minimize displacement through the following design procedures:

- Wherever inhabited dwellings may potentially be affected by a component of a project, the project shall be redesigned (facility relocation, rerouting) to avoid any impact on such dwellings and to avoid displacement/relocation accordingly;
- Wherever the impact on the land holding of one particular household/family/individual is such that the household/family/individual may not be sustainable in the long term, even if there is no need for physical displacement, the project shall be redesigned (facility relocation, rerouting) to avoid any such impact;
- To the extent possible, Project facilities will be located in public spaces;
- Cables, other linear infrastructures (power lines) required by the Project will be routed inside right-of-ways, easements or reservations (roads, streets, power lines) wherever possible.

5.1.3 Fair and adequate compensation

One paramount principle of World Bank safeguards is that where people are affected by an undertaking, the aim of compensation or resettlement must be that they should be “no worse-off if not better off” after the compensation or resettlement has taken place. The compensation package will include loss of income or livelihood restoration assistance or relocation assistance as appropriate plus a disturbance allowance.
5.1.4 Compensation payment

Compensation principles will be as follows:
- Compensation shall be paid prior to displacement or destruction;
- Compensation will be at full replacement value.

By contrast with the depreciated or net value of a structure, the “replacement value” includes the full cost of materials and labour required to reconstruct a building of similar surface and standing. In other words, the affected person must be able to have their structure rebuilt in a different location using the compensation paid for the old building.

5.1.5 Community involvement and sensitisation

Communities within the project areas will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts will be well communicated to the community.

5.2 Identification of Vulnerable groups

The initial field assessment has not identified any likely vulnerable persons but this will be ascertained when the project scope is properly identified and confirmed. This section is therefore included in the RPF for guidance purposes.

Vulnerable groups are those at risk of becoming more vulnerable due to the displacement, compensation, and resettlement process. Vulnerable people include, but not limited to:
- Disabled persons, whether mentally or physically;
- The elderly, usually above 60 years;
- Widows;
- Children; and
- Female heads of households.

5.3 Assistance to vulnerable people

Assistance to vulnerable people may include the following:
- Identification of vulnerable people and identification of the cause and impacts of their vulnerability through direct interviews. This step is critical because often vulnerable people do not participate in community meetings (because most often they are shielded by the society and fronted by other individuals), and their disability/vulnerability may remain unknown.
- Identification of required assistance at the various stages of the process: negotiation, compensation, moving;
- Implementation of the measures necessary to assist the vulnerable person; and
• Monitoring and continuation of assistance after resettlement and/or compensation, if required.

Assistance may take the following forms, depending upon vulnerable persons’ requests and needs:
• Assistance in the compensation payment procedures (e.g., going to the bank with then person to cash the compensation cheque);
• Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery;
• Assistance in moving: providing vehicle, driver and assistance at the moving stage;
• Assistance in building: providing materials, workforce, or building houses; and
• Health care if required at critical periods: moving and transition period.

5.4 Valuation

With the assistance of the Ministry of Lands and Country Planning, SALCAB will appoint a Valuation and Assessment Committee to calculate the rates based on the general guideline and method for the preparation of costs given in Table 5 below.

<table>
<thead>
<tr>
<th>Item</th>
<th>Types</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building, structures</td>
<td>Cement, roofing sheets, doors, wood, paint, sand, stones, etc.</td>
<td>Replacement cost method would be used to determine market value and will be based on (1) land in comparable site, (2) drawings of buildings, related structures and support services, (3) average replacement costs of different types of buildings based on information on quantities and types of materials for construction, (4) prices of items on the local market, (5) costs of transportation, (6) estimates for construction of new buildings, (7) disturbance allowance</td>
</tr>
<tr>
<td>Businesses</td>
<td>Kiosks, containers, workshops, etc.</td>
<td>Pay cash for every tree felled and in addition plant two more at location similar to where the other was felled.</td>
</tr>
<tr>
<td>Standing trees</td>
<td>-</td>
<td>Estimation of net monthly profit for business based on records; application of net monthly profit to the period when business is not operating.</td>
</tr>
<tr>
<td>Losses of income and livelihood</td>
<td>Fishing, Fish mongering, etc.</td>
<td>10% of total compensation</td>
</tr>
<tr>
<td>Disturbance allowance</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
5.5 Description of Eligibility Criteria

Project affected persons are described as persons affected by land acquisition, relocation, or loss of incomes associated with the acquisition of land and/or other assets, and restriction of access to legally designated sites and protected areas.

It is not possible to provide an exhaustive list of such persons at this project preparatory stage. However, based on an understanding of the social structure of the locality and the nature of the projects, it is possible to suggest that the most likely affected persons will be individuals.

**Table 6  Eligibility criteria**

<table>
<thead>
<tr>
<th>Category of affected persons</th>
<th>Assets</th>
<th>Type of compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons with formal legal rights to land.</td>
<td>Physical and non- physical assets such as residential structures,</td>
<td>To be provided compensation for land lost and other</td>
</tr>
<tr>
<td></td>
<td>productive lands, farm lands, cultural sites commercial/</td>
<td>assistance</td>
</tr>
<tr>
<td></td>
<td>business properties, tenancy, income earning opportunities, and social</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and cultural networks and activities</td>
<td></td>
</tr>
<tr>
<td>Persons without formal legal rights to land at time of notification but have claims to</td>
<td></td>
<td>To be provided compensation for land lost and other</td>
</tr>
<tr>
<td>property recognized by community leaders</td>
<td></td>
<td>assistance</td>
</tr>
<tr>
<td>Persons with no recognizable legal right or claim to land they are occupying, e.g.</td>
<td></td>
<td>To be provided resettlement assistance in lieu of</td>
</tr>
<tr>
<td>squatters</td>
<td></td>
<td>compensation for land occupied.</td>
</tr>
<tr>
<td>Persons encroaching on land after the notification</td>
<td></td>
<td>Not eligible for compensation or any form of resettlement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>assistance</td>
</tr>
</tbody>
</table>

5.6 Entitlement

The entitlement matrix for compensation issues for the Projects is given in the table below.
### Table 7  Entitlement Matrix

<table>
<thead>
<tr>
<th>Asset</th>
<th>Type of impact</th>
<th>Entitled person</th>
<th>Eligibility criteria</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>Permanent acquisition of land</td>
<td>Landowner (individual)</td>
<td>Person with formal legal right to land /without formal legal right to land but have claims to property recognized by the State</td>
<td>Replacement with an equivalent piece of land located in the vicinity of the affected area. If land is not available then cash compensation at full replacement value as well as disturbance allowance (10%)</td>
</tr>
<tr>
<td></td>
<td>Temporary acquisition of land</td>
<td>Landowner (individual)</td>
<td>As above</td>
<td>Full reinstatement to pre-project conditions; Rent to be agreed upon for the period during which land is occupied.</td>
</tr>
<tr>
<td></td>
<td>Acquisition of RoWs</td>
<td>Landowner (individual)</td>
<td>As above</td>
<td>Cash compensation to be negotiated based on value; Disturbance allowance (10%)</td>
</tr>
<tr>
<td>Structures</td>
<td>Destruction of permanent immovable structures</td>
<td>Owner</td>
<td>Confirmed owner (with evidence) of affected structure irrespective of land ownership</td>
<td>Resettlement to a similar dwelling in a similar location, or Cash compensation at full replacement value of structure. Cost of moving Disturbance allowance (10%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Occupant</td>
<td>Confirmed owner (with evidence) of affected structure irrespective of land ownership</td>
<td>Cost of moving Disturbance allowance (3 months’ rent)</td>
</tr>
<tr>
<td></td>
<td>Temporary displacement of moveable structure</td>
<td>Owner</td>
<td>Confirmed owner (with evidence) of affected structure irrespective of land ownership</td>
<td>Cost of displacing the affected structure Cost of moving the affected structure back to project affected land Disturbance allowance of 10%</td>
</tr>
<tr>
<td>Livelihood</td>
<td>Businesses</td>
<td>Business person as distinct from owner of structure</td>
<td>Been operating business on project affected land irrespective of ownership (includes squatters)</td>
<td>Cash compensation for temporary loss of income Assistance to livelihood restoration</td>
</tr>
<tr>
<td></td>
<td>Use of communal resources</td>
<td>User of such resources (individuals/ communities)</td>
<td>Use of communal resources for livelihood</td>
<td>Assistance to identify and access similar resource elsewhere Cash compensation of temporary loss of income</td>
</tr>
</tbody>
</table>

RPF for the West Africa Communications Infrastructure Program, Sierra Leone

04 November 2010
6.0 PROPOSED MITIGATION MEASURES AND COST ESTIMATES

6.1 Mitigation measures

The potential social impacts to be addressed within the context of preparing this Resettlement Framework are generalized as previously shown in Table 4. It is not possible at this time to prepare specific mitigation measures. It is expected though that social assessment studies will be carried out within specific localities, as and when required. The framework for the compensation/resettlement will then be applied incorporating specific (1) institutional arrangements, (2) resettlement/compensation eligibility criteria, (3) implementation procedures, (4) financial responsibilities, and (5) monitoring and evaluation plan.

6.1.1 Livelihood restoration measures

Furthermore, the livelihood restoration measures will consider issues such as (1) income levels of affected persons, (2) other non-monetary sources of livelihood, (3) constraints and opportunities for income generation, (4) number of persons not able to revert to previous occupation, and (5) existing skills of affected persons.

Table 8 Proposed mitigation measures for some potential impacts

<table>
<thead>
<tr>
<th>Type of impact</th>
<th>Description of mitigation measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Terrestrial Activities /Environment</strong></td>
<td></td>
</tr>
<tr>
<td>Physical displacement</td>
<td>Lumley beach Golf course area</td>
</tr>
<tr>
<td></td>
<td>If this site is acquired, the four caretakers should be given relocation assistance (cash or kind) by the Project to enable them move the container and their properties to new locations.</td>
</tr>
<tr>
<td></td>
<td>Juba barracks site</td>
</tr>
<tr>
<td></td>
<td>If this site is acquired, the project should relocate the military and their families in collaboration with the military authorities. The affected families should not be made to incur any cost during the relocation period. A resettlement plan should be prepared for this activity.</td>
</tr>
<tr>
<td>Employment and loss of livelihood</td>
<td>Lumley beach Golf course area</td>
</tr>
<tr>
<td></td>
<td>If this site is acquired, the four caretakers should be provided with livelihood assistance based on their current income levels (at least 3 months income should be given in bulk) or the project should assist the caretakers obtain new jobs immediately without any loss of income.</td>
</tr>
<tr>
<td></td>
<td>General</td>
</tr>
<tr>
<td></td>
<td>Contractors should use local labour as much as possible and where available. As much as possible, all unskilled labour should be contracted or obtained from the local community.</td>
</tr>
<tr>
<td>Deprivation of use of land</td>
<td>Lumley beach Golf course area</td>
</tr>
<tr>
<td></td>
<td>Due process should be followed to establish the true owner of the site, be the State or the Lebanese investor bearing in mind the tight time schedules under which the...</td>
</tr>
</tbody>
</table>
If it is established that the Lebanese investor is the owner of the site then the project should acquire the site by paying appropriate compensation. The land compensation should be based upon current market value of land in the area.

**Juba barracks site**

If the intended fuel station site will be used, then the site should be acquired by paying appropriate compensation. The land compensation should be based upon the current market value of land in the vicinity. A Resettlement Plan should be developed outlining details of land acquisition and compensation process to be followed, and the principles should be in line with the RPF.

<table>
<thead>
<tr>
<th>Loss of structures/properties</th>
<th>Lumley beach Golf course area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Juba barracks site</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Loss of structures/properties</th>
<th>Lumley beach Golf course area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Juba barracks site</strong></td>
<td></td>
</tr>
</tbody>
</table>

Appropriate compensation should be paid for any damaged or destroyed propriety that belongs to the affected families. If the fuel station site will be used, irrespective of the land compensation, appropriate compensation should be paid for the uncompleted structures or building at the site. No depreciation during valuation of these properties.

In addition, the fuel station owner should be given relocation assistance (cash or kind) to enable him move the fuel storage tanks to new locations to be identified with the support of GoSL.

<table>
<thead>
<tr>
<th>Impacts on recreation</th>
<th>Appropriate notices and warning signs will be erected around working areas of beach or shore areas to warn prospective trespassers of any danger or risk</th>
</tr>
</thead>
</table>

### Marine /Near-shore Activities/ Environment

**Impacts on artisanal fishing and loss of livelihood**

- SALCAB should inform the local fishermen/local communities early of the marine activities or programme for the area.
- Ongoing artisanal fishing activities should not be stopped or banned because of the project but the fishermen should be advised or educated to move away from the proposed cable route corridor.
- However, if loss of income occurs because some fishermen cannot operate during the period of the installation or nearshore activities, agreed compensation measures with affected persons/fishermen prior to start of work should be in accordance with this Resettlement Policy Framework.

#### 6.2 Budget

The budget will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets.

The cost will be derived from expenditures relating to (1) the preparation of the resettlement/compensation plan, (2) relocation and transfer, (3) income and means of
livelihood restoration plan, and (4) administrative costs. These bullet points give the cost centres:

Preparation of Plan
- Cost of survey of affected persons, valuation and inventory of assets;
- Compensation payments for structures

Relocation and transfer
- Cost of moving and transporting items
- Cost of site and infrastructure development and services
- Subsistence allowance during transition
- Cost of replacement of businesses and downtime

Income and means of livelihood restoration plans
- Cost of estimating income losses
- Cost of income restoration plans

Administrative costs
- Operation and support staff
- Training and monitoring
- Technical assistance

Table 9 is a template for the itemization of budget centres to be prepared under the compensation plan or RP with mainly cash compensation in mind. No resettlement housing is included. The template may be modified to suit the specific situation.
<table>
<thead>
<tr>
<th>#</th>
<th>ITEM</th>
<th>LEONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>PREPARATORY PHASE COST</td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Inventory of affected persons, assets and livelihoods</td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Valuation fees (Assessment Committee or private valuer)</td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Preparation of resettlement plans or compensation reports</td>
<td></td>
</tr>
<tr>
<td>1.4</td>
<td><strong>Subtotal 1 (Preparatory phase cost)</strong></td>
<td></td>
</tr>
<tr>
<td>2.0</td>
<td>COMPENSATION COST</td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Compensation for permanent acquisition of land</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Compensation for temporary occupation of land</td>
<td></td>
</tr>
<tr>
<td>2.3</td>
<td>Compensation for destruction of permanent immovable structures</td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Compensation for temporary displacement of moveable structures</td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td><strong>Subtotal 2 (Compensation cost)</strong></td>
<td></td>
</tr>
<tr>
<td>3.0</td>
<td>LIVELIHOOD RESTORATION/MITIGATION MEASURES COST</td>
<td></td>
</tr>
<tr>
<td>3.1</td>
<td>Compensation for business persons’ loss of income</td>
<td></td>
</tr>
<tr>
<td>3.2</td>
<td>Cost of special assistance to vulnerable persons</td>
<td></td>
</tr>
<tr>
<td>3.3</td>
<td><strong>Subtotal 3 (Livelihood restoration/mitigation cost)</strong></td>
<td></td>
</tr>
<tr>
<td>4.0</td>
<td>CAPACITY BUILDING &amp; IMPLEMENTATION COST</td>
<td></td>
</tr>
<tr>
<td>4.1</td>
<td>Capacity building for key stakeholders –consultant</td>
<td></td>
</tr>
<tr>
<td>4.2</td>
<td>Overhead cost for compensation disbursement/grievance redress/monitoring &amp; evaluation</td>
<td></td>
</tr>
<tr>
<td>4.3</td>
<td>Legal fees (in case of court dispute)</td>
<td></td>
</tr>
<tr>
<td>4.4</td>
<td><strong>Subtotal 4 (Capacity building &amp; implementation cost)</strong></td>
<td></td>
</tr>
<tr>
<td>5.0</td>
<td>TOTAL COST (addition of all subtotals)</td>
<td></td>
</tr>
<tr>
<td>6.0</td>
<td>CONTINGENCY (5%-10% OF TOTAL COST)</td>
<td></td>
</tr>
<tr>
<td>7.0</td>
<td>GRAND TOTAL COST (Total Cost + Contingency)</td>
<td></td>
</tr>
</tbody>
</table>
7.0 GRIEVANCE MANAGEMENT AND REDRESS MECHANISM

7.1 Potential grievances/disputes

In practice, grievances and disputes that arise during the course of implementation of a resettlement and compensation program may be related to the following issues:

- Mistakes in inventorying or valuing properties;
- Disagreement on plot boundaries, either between the affected person and the expropriation agency;
- Disputed ownership of a given asset (two or more affected people claiming that the affected asset is theirs);
- Disagreement on plot/asset valuation; and
- Disagreement on the resettlement package (the location of the resettlement site does not suit them, proposed housing or resettlement plot characteristics are not in their view adequate).

7.2 Proposed grievance management and redress mechanism

7.2.1 Overview

In such compensation and resettlement operations, it often appears that many grievances derive from misunderstandings of project policy, which can usually be resolved through adequate mediation. Most grievances can be settled with additional explanation efforts and some mediation. This is why a first instance of dispute handling will be set up with the aim of settling disputes amicably.

Court cases are known to be cumbersome and time consuming. It is therefore proposed here to make available a simple procedure for affected persons to be able to follow easily, and which will provide aggrieved people with an avenue for amicable settlement without necessarily opening a Court case. Aggrieved people would however remain free to open a Court case without having registered their grievance.

The proposed mechanisms will comprise of the following steps:

- Registration; and
- Amicable mediation and settlement

7.2.2 Registration of grievances

SALCAB will establish a register of resettlement/compensation related grievances and disputes. The existence and conditions of access to this register (where, when, how) will be widely
disseminated within the community/town as part of the consultation undertaken for the project in general.

7.2.3 Amicable mediation and settlement

Persons to ensure amicable mediation will be selected from among the following members:
- Representatives (preferably two) from the implementing company (SALCAB);
- An attorney of the affected person(s);
- Representative of the relevant government agency;
- A local elder.

When a grievance/dispute is recorded as per above-mentioned registration procedures, the mediation committee will be established, and the mediation meetings will be organized with interested parties. Minutes of meetings will be recorded.

The existence of this mechanism will be widely disseminated to the affected people as part of consultation undertaken for the project in general. It is important that these mediation committees be set up as soon as compensation report or resettlement plan preparation starts.

7.3 Appeal to Court

Courts of law will be a “last resort” option, in view of the above mechanism. The Sierra Leonean Constitution allows any aggrieved person the right to access to Court of law.

7.4 Documentation and Tracing

A complaint log book and file will be opened for all complaints at the project level. The complainant’s name, date of complaint, nature of complaint, follow-up actions and their dates will all be logged for future referencing.

7.5 Proposed schedule for Grievance Redress

The schedule is summarised in the Table below which suggests a period of about 34 to 56 working days to identify and resolve project grievances.

<table>
<thead>
<tr>
<th>Steps</th>
<th>Process</th>
<th>Description</th>
<th>Time frame</th>
<th>Other information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Identification of grievance</td>
<td>Face to face; phone; letter, e-mail; recorded during public/community interaction; others</td>
<td>1 Day</td>
<td>Email address; hotline number</td>
</tr>
<tr>
<td>2</td>
<td>Grievance assessed and logged</td>
<td>Significance assessed and grievance recorded or logged (i.e.</td>
<td>4-7 Days</td>
<td>Significance criteria Level 1 –one off event;</td>
</tr>
<tr>
<td></td>
<td>Activities</td>
<td>Details</td>
<td>Timeframe</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Grievance is acknowledged</td>
<td>Acknowledgement of grievance through appropriate medium</td>
<td>7-14 Days</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Development of response</td>
<td>- Grievance assigned to appropriate party for resolution&lt;br&gt;- Response development with input from management/relevant stakeholders</td>
<td>4-7 Days&lt;br&gt;10-14 Days</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Response signed off</td>
<td>Redress action approved at appropriate levels</td>
<td>4-7 Days</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Implementation and communication of response</td>
<td>Redress action implemented and update of progress on resolution communicated to complainant</td>
<td>10-14 Days</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Complaints Response</td>
<td>Redress action recorded in grievance log book&lt;br&gt;Confirm with complainant that grievance can be closed or determine what follow up is necessary</td>
<td>4-7 Days</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Close grievance</td>
<td>Record final sign off of grievance if grievance cannot be closed, return to step 2 or recommend third-party arbitration or resort to court of law</td>
<td>4-7 Days</td>
<td></td>
</tr>
</tbody>
</table>

**Level 2** – complaint is widespread or repeated; **Level 3** – any complaint (one off or repeated) that indicates breach of law or policy or this RPF provisions

Senior management staff of SALCAB should sign off

Final sign off on by General Manager or Managing Director of SALCAB
8.0 PROPOSED ADMINISTRATIVE AND INSTITUTIONAL FRAMEWORK

This section outlines the institutional arrangements for implementing resettlement or compensation related activities. Some institutions to participate in the exercise are identified as follows:

Table 4 Institutional framework

<table>
<thead>
<tr>
<th>No.</th>
<th>Institution</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>SALCAB, Ministry of Information and Communication, MoIC.</td>
<td>Overall supervision of the preparation and implementation of the RPF and Resettlement/Compensation Plan. Trigger the process through inventory of affected persons and assets and implement plan in close consultation with Consultant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To provide funds for compensation payment</td>
</tr>
<tr>
<td>2.0</td>
<td>Sierra Leone Environmental Protection Agency (SLEPA)</td>
<td>Review and monitor Social Impact Assessment</td>
</tr>
<tr>
<td>3.0</td>
<td>Freetown City Council</td>
<td>To monitor process and approve in consonance with city development plans and objectives</td>
</tr>
<tr>
<td>4.0</td>
<td>Councillors, Ward 394 and 392</td>
<td>Represent community and assist in inventory of affected persons</td>
</tr>
<tr>
<td>5.0</td>
<td>Ministry of Land and Country Planning</td>
<td>To assist in the valuation and compensation payment process and reporting</td>
</tr>
<tr>
<td>6.0</td>
<td>Consultant, NGO (eg Conservation Society of Sierra Leone)</td>
<td>Prepare Resettlement plans and assist with implementation and capacity building. NGOs to help with monitoring and validation of the implementation of the safeguards instruments and action plans and some sensitization/education and capacity building activities</td>
</tr>
</tbody>
</table>

SALCAB in conjunction with the Sierra Leonean Ministry of Information and Communication has the overall responsibility for preparing the RPF and implementing any follow up Resettlement Action Plans with World Bank approval. It will ensure that all compensation, resettlement and rehabilitation activities are carried out satisfactorily before construction work commences.

Much of the work will be spearheaded by SALCAB with the assistance of local authorities to ensure that:
• Communities are properly and adequately informed (timely) of the Plans, and also their rights and options relating to their properties that may be affected by the project.
• Coordinate activities on resettlement or compensation plans
• Ensure timely provision of compensation, in cash and/ or kind
• Attend to any grievances submitted by the affected persons

SALCAB will engage and involve all sections of the community in discussions on the Plan. They will
• Schedule open meetings to ensure that all stakeholders are informed and they are fully aware of their rights and options regarding the resettlement activity
• Identify impacts on lands and assets and the members of the community to be affected and to what extent they will be affected
• Consider voluntary contributions or negotiated land acquisition
• Facilitate alternatives including compensations in kind and exemptions from local contributions
9.0 IMPLEMENTATION AND MONITORING PLANS AND INDICATORS

9.1 Sequence of implementation and responsibilities

The sequence of implementation activities and responsibilities are summarized in the table below. It must be mentioned that the Military authorities will be part of the process in the event that the Juba barracks is selected to host the Landing Station.

<table>
<thead>
<tr>
<th>No</th>
<th>Task</th>
<th>Institutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Preparation of designs for fibre optic cable and landing station</td>
<td>ALCATEL/SALCAB/Consultants</td>
</tr>
<tr>
<td>2.0</td>
<td>Preliminary assessment of resettlement issues</td>
<td>SALCAB/Ministry of Land and Country Planning/Military/SLEPA/Consultants</td>
</tr>
<tr>
<td>3.0</td>
<td>Assessment of the need to do: Re-routing fibre optic cables</td>
<td>SALCAB/ALCATEL/SLEPA/Consultants</td>
</tr>
<tr>
<td>4.0</td>
<td>Confirm need for resettlement/compensation actions</td>
<td>SALCAB/Ministry of Land and Country Landing/Military/SLEPA/Consultants</td>
</tr>
<tr>
<td>5.0</td>
<td>Assess the options for land acquisition</td>
<td>SALCAB/Ministry of Lands and Country Planning</td>
</tr>
<tr>
<td>6.0</td>
<td>Assess the number of affected persons</td>
<td>SALCAB/Ministry of Lands and Country Planning</td>
</tr>
<tr>
<td>7.0</td>
<td>If number of affected persons is less than 200, prepare abbreviated resettlement plan (ARP) for country level approval.</td>
<td>SALCAB/Ministry of Lands and Country Planning/consultant</td>
</tr>
<tr>
<td>8.0</td>
<td>If number of affected persons is 200 and more, prepare RAP for World Bank approval.</td>
<td>SALCAB/Ministry of Lands and Country Planning/consultant</td>
</tr>
<tr>
<td>9.0</td>
<td>Use RP to trigger the process required to undertake land acquisition and compensation payment</td>
<td>SALCAB/Ministry of Lands and Country Planning/Military authority</td>
</tr>
<tr>
<td>10.0</td>
<td>Review Plans</td>
<td>SALCAB/Ministry of Lands and Country Planning/SLEPA/Military authority</td>
</tr>
<tr>
<td>11.0</td>
<td>Budgeting of costs</td>
<td>SALCAB/Ministry of Lands and Country Planning</td>
</tr>
<tr>
<td>12.0</td>
<td>Confirm arrangements for managing funds</td>
<td>SALCAB/Ward Committees</td>
</tr>
<tr>
<td>13.0</td>
<td>Implement Plans</td>
<td>SALCAB/Military</td>
</tr>
</tbody>
</table>
9.2 Procedures for delivery of entitlements

Entitlements may range from cash payments and/or building materials to the provision of new land and compensation for other lost properties. Compensation will be paid before owners/occupiers are made to vacate their properties for commencement of construction works. Payments will be funded like any other activity under the project’s administrative and financial management rules and manuals.

Compensation committee: The committee will comprise representatives of the affected persons (2 to 3no.), Freetown City Council, Ward Committee, Ministry of Land and Country Planning, and SLEPA. The committee will be chaired by the representative of the Ministry of Lands and Country Planning.

Consultations: The affected persons should be engaged in active consultations at the beginning of the project and any displacement should not be last hour notice. Their input to the process is essential and their cooperation will be forthcoming when the project objective is adequately explained to them. They should have access to the Resettlement Plan and be encouraged to provide input.

Notification: Affected persons will be notified through both formal (in writing) and informal (verbal) manner, for example at community meetings called by the Ward Committee and also through the Ministry of Lands and Country Planning.

Documentation: The names and addresses of affected persons will be compiled and kept in a database including claims and assets. The Ministry of Lands and Country Planning will maintain records of these. The records are also important especially for future monitoring activities.

Contract Agreement: A contract listing of all property and land being surrendered and the types of compensation (both cash and kind) would be prepared. The contracts will be presented at meetings prior to signing. The handing over of property and compensation payments will be made in the presence of the affected persons and the Compensation Committee, and in public.

Time Provisions: The affected persons may negotiate with the Compensation Committee on time frames and terms of payment, but no construction work can begin until the project affected persons have been compensated in full or resettled.

Redress of grievances: If affected persons are not satisfied with proposed entitlements or its implementation, they can seek redress through the Grievance Committee. If the affected persons are still not satisfied they could take it up further to the law courts.

Financial obligations: It is the responsibility of the Sierra Leonean Government through the SALCAB to pay compensation and SALCAB will facilitate this through the sector Minister.
9.3 Monitoring plans and indicators

The monitoring programme will provide a continuous feedback on the implementation of the RPF and the Plan itself. Monitoring teams will be constituted and will report regularly to the SALCAB. The team will include SLEPA and appropriate departments under the Ministry of Lands and Country Planning.

It is necessary to periodically juxtapose the objectives of the resettlement plan alongside achievements regarding whether livelihoods and living standards have been restored or enhanced. In case deviations are observed, appropriate measures will be implemented to address the shortcomings. The scope of monitoring will comprise social and economic considerations as well as technical components, which may further look at any physical infrastructure provided the affected persons.

The monitoring indicators should cover areas such as (1) restoration of living standards and livelihoods, (2) levels of affected persons’ satisfaction determined by number of grievances registered and settled, and (3) effectiveness of resettlement planning.

An evaluation programme will be implemented periodically to also check on compliance with policy and provide lessons to amend strategies, especially in the longer term. The evaluation will be based on current WB procedures and also national provisions on resettlement/compensation. It will identify actions which will improve policy and offer higher guarantees of implementation success. The process will be incorporated in the general assessment and review usually undertaken for the project.
10.0 STAKEHOLDER CONSULTATIONS

10.1 List of individuals/organizations contacted

The various stakeholders connected with the project were selected for consultations during the preparation of the Resettlement Policy Framework (RPF). Stakeholder consultations were undertaken from 4th October to 8th October 2010. The list of individuals and organisations contacted and/or consulted are given in the Annex.

10.2 Stakeholder discussions and concerns

The following issues were raised and discussed:

Ministerial/Agency Level

Ministry of Information and Communication (MoIC)

The Ministry is anxious to commence this project on time which will help to improve the communication and internet connectivity in Sierra Leone. It is expected that the ESMF/RPF will be completed as per the timelines given in the terms of reference.

Sierra Leone Cable Limited (SALCAB)

SALCAB is presently under the management of a seven member Interim Management Team comprising seasoned national professionals from different public and private sector institutions, namely:

- Mr. Gilbert Cooper (representing the Ministry of Information and Communication);
- Mr Mohammed Moe Sheriff (member, Engineering);
- Miss Michala C. Mackay (member, Legal);
- Mr. Sewah (member, Engineering);
- Mr. Mohammed Ali Baah (member, Communication);
- Mr. Alpha Sesay (member); and
- Mr. Alhassan Mansaray (member, Financial).

SALCAB is presently 100% owned by the government of Sierra Leone, but will later be turned into a corporate entity. The project is expected to be completed by the first quarter of 2012.

Sierra Leone Environmental Protection Agency (SLEPA)

SLEPA discussed issues of biodiversity as being of major concern in coastal environments. The preservation of manatees and sea turtles were mentioned. The Agency’s mandate, legislative framework and environmental procedures were presented. The EPA Act which was passed in July 2008 was amended this year to institute a Board with executive powers, and which is directly under the Presidency. SLEPA reviews and approves EIA reports prepared by project
developers. Sierra Leone is a signatory to important multilateral conventions including those on Biodiversity, Climate Change and Desertification.

Ministry of Fisheries and Marine Resources

Issues discussed include the following:

- The area of use for the laying of the cables should be clearly demarcated for its protection. Fishing activities may be prevented at these areas.
- The activities of some Chinese trawlers who ply their fishing activities could damage the cables if not well protected.
- Material make-up of the cables should be robust and resistance to marine activities including fishing.
- Areas of large concentrations of fish stock should be investigated and mapped. These areas if possible should be avoided since they are nesting grounds for the marine life.
- Marine Protected Areas (MPAs) which are areas where marine endangered species are preserved such as Manatees and sea turtles should be avoided.

Institutional Support for Marine Management

Concentrations of some fish species within the continental shelf of Sierra Leone have been mapped. As much as possible these concentrated areas of marine species must be avoided.

Further discussions covered:

- The coastline along the Juba area is rocky and so fishing activities there is limited.
- Beach seining is practiced though it has been banned by the government.
- The Ministry is looking forward to introducing the fishermen to sustainable methods of fishing e.g. hook and line.
- The Lumley beach area is well noted for the nesting/breeding grounds for sea turtles.
- Manatees have been spotted in territorial waters but not at both Juba and Lumley beaches.
- Four Marine Protected Areas have been identified and selected for monitoring.

Ministry of Lands and Country Planning

Issues raised at this ministry include the following:

- The current Land Policy is inadequate and it is being further revised.
- Valuation is done based on prevailing market values.
- The government has begun inventorising and reclaiming state lands but persons with legitimate documents are duly recognised as such.
- Land use along the coastal areas includes fishing, recreational purposes.
- Land use map for the country is to be prepared.

Ministry of Transport and Aviation

Issues arising from discussion at the Maritime Administration include:

- The Administration is in charge of marine transportation in and out of Sierra Leonean territorial waters and provides safe passage for these ships.
- The Administration was created in 2000 but started effective work in 2004
• It currently does not have adequate capacity for regular inspection and monitoring.
• The Administration registers all boats and vessels including sea water transportation vessels like ferries doing business in the territorial waters of Sierra Leone.
• The cable would not pose a problem within the deep waters since it is expected to lie on the sea bed.
• Specialised ships to be used to lay the cables will need to obtain permission and seek clearance from the Maritime Administration.
• Safety issues in the territorial waters of Sierra Leone are monitored by the maritime Administration in conjunction with SLEPA.
• Patrolling of territorial waters is done in conjunction with the Sierra Leonean Navy.
• Ship wrecks along Aberdeen are yet to be properly identified and planned for salvaging.

Universities and Institutions

Fourah Bay College, Institute of Marine Biology and Oceanography

Issues discussed include the following:
• The Cable needs to be well protected within the territorial waters of Sierra Leone.
• Habitat areas of endangered species such as Manatees should be avoided.
• The route of the cable on the near shore should be greatly protected.
• The harvesting technique for species mainly crustaceans such as shrimps which are bottom dwellers may interfere with the cable if not adequately protected.
• There should be cooperation between authorities responsible for the MPAs and the laying and protection of the Cable.

Issues raised regarding Coastal management include the following:
• The coastline of Sierra Leone is fairly stable, but has been warned of possible volcanic activities by a recent scientific study.
• There is some evidence of cliff instability and human induced erosions at certain sections.
• There is Sand mining along some sections of the coast line but this is not thought to induce erosion.

Non-Governmental Organisations (NGOs)

Conservation Society of Sierra Leone

Discussions with the Society included the following:
• Lumley Beaches are heavily populated areas.
• Sea Turtles comprising Olive Reley and Leather Back nest in the Lumley beach area
• The Juba area is also heavily populated with some sand mining activities.
• Migratory route for birds are found along Juba area.
• The Society has ongoing community conservation sensitisation programmes which includes school outreach activities.
Communities

Lumley Golf Course /Atlantic Restaurant area (proposed first site)
Some squatters were seen on the land and issues which arose from discussions with them include:

- Despite the signpost claiming State ownership of the land, there is a counterclaim that the site belongs to a Lebanese national who allegedly bought it during the previous government’s regime.
- There are four persons living on the site and who have been hired by this ‘owner’ to guard the property;
- They live in temporary metal container structure situated on the site.
- They have no proper sanitary structures, but have a pit as their toilet also situated on the proposed site.
- They are paid a monthly allowance of about 100 US dollars to guard the land.
- They also clean their portion of the beach.
- So far, the supposed owner has not reported to the Ministry of Lands and Country Planning to contest the ownership for the land. The date on the signpost is given as 2009.
- Concrete pillars have been erected on a part of the land demarcating it for a road construction project but which will not interfere with the project.
- All the four ‘guards’ have skills in carpentry, etc.

Juba Barrack (proposed alternate site for the landing station)
An army chaplain was interviewed on this site:

- He is the chaplain for the military at the barracks.
- Lives in a dilapidated structure previously housing the Women’s Education Unit with his wife and four children with their ages ranging from 2 years to 14 years.
- Have been living at the barracks for the past 3 years.
- He earns LE 30,000 (about USD75) monthly as a chaplain at the military chapel.
- There are also about 13 nearby households in shanty structures.
- There is limited access to water supply and they have one toilet facility close by.

The caretaker of the new fuel filling station under construction was interviewed:

- The owner of the filling station is B. A. Mussah, a Sierra Leone/ Nigerian national.
- The land was leased to him by the previous government 3 years ago and has since begun construction.
- He is very confident the owner has got the necessary document to contest ownership of the land.
- The filling station will include rooms for a pharmacy, mini mart, and a warehouse.
Wanpole community

Matters discussed with Mr. Ibrahim Kargbo, Harbour master of Wanpole included the following:

- Mr. Ibrahim is a voluntary worker for the local government City Council and a fisherman.
- As a harbour master he inspects and confirms that all boats operating within his area of authority use the required gears and nets.
- He is also partly responsible for the issuance of licence to boats which operate within his area of authority (Aberdeen –Cockerill Bay-Lumley).
- Currently, the fleet consists of 8 big boats and 2 small boats with 20 and 10 fishermen respectively in each of them.
- He can testify to the existence of a cable which was lying on the Lumley beach many years ago but which has been completely buried with time.
- He supports the project which will bring about better and cheaper mobile telephone service and is prepared to assist to sensitise his fellow fisher folks on the need to protect the cable. Beach seining and drag net fishing methods will be avoided at the cable area.
- He confirmed that they are aware of efforts by the Ministry of Fisheries and Marine Resources to ban these methods of fishing but suggests this should rather be phased out gradually.
- The fishermen should be introduced to more sustainable fishing methods rather than an immediate ban as this is their main source of livelihood.
- They have changed their nets sizes from 25mm to 44mm as a means of practising sustainable methods of fishing.
- Fishing activities are done daily except on Sundays.
- Sundays are reserved for recreational activities along the beach. The fishermen also use Sundays to mend their fishing nets.
- He can confirm the presence of sea turtles around the golf club area.
- Since the passage of the protection of sea turtles in 1991, the fisher folks have also been protecting them. Most of the beaches have been declared as sea turtles protection areas.
- He is concerned about the Koreans who have been fishing within 5 nautical miles of the sea.
- The cleaning of the beach is done by the fisher folks along the three areas of the beach.
- The Tourist Board get people to collect the rubbish.
- Have serious problems with sanitation facilities especially a toilet facility and has been pleading with the government to construct one for them likewise temporary sheds to provide shade during the day.

Issues arising from discussions with Madam Mbalu Sesay, the chairperson of the Fisherwomen Association in Wanpole include:

- The Association is made up of fishmongers along the Aberdeen –Cockerill Bay-Lumley stretch of the beach. They are mostly wives of the fishermen.
• The association has been in existence for about 5 years and has a membership of about 40 fisherwomen.
• The main aim for the Association is to cater for the welfare of its members.
• There are two markets along Aberdeen–Cockerill Bay-Lumley stretch of the beach. These points are at Cape Sand Roundabout and Wanpole.

Issues arising from discussion with Mr. Paul Kamara, owner of two boats at Wanpole
• He gets his regular income from the fishing activities.
11.0 REFERENCES

2. Constitution of the Republic of Sierra Leone
3. Environmental Protection (Amendment) Act, 2010
4. Environmental Protection Act, 2008
5. Factories Act, 1974
7. Local Government Act, 2004
8. Local Government Regulations, 2004
10. Physico-geographic characteristics of the Sierra Leone Coastal Zone
13. Telecommunications Act, 2006
ANNEX
Annex 1: Monitoring Indicators

Budget and Time Frame
- Land acquisition and resettlement team appointed and mobilized for work on schedule
- Resettlement implementation activities achieved against implementation plan
- Funds for resettlement allocated to resettlement agencies on timely and adequate manner
- Funds disbursement according to RP
- Social preparation phase implemented on schedule
- Land acquired and occupied in time for project implementation

Delivery of affected persons entitlements
- Affected persons received entitlements according to numbers and categories
- Affected persons received payments on time
- Replacement land plots or contracts provided
- Income and livelihood restoration activities implemented as given in the income restoration plan

Consultation, grievance and other issues
- Implementation of scheduled consultation including meetings, groups and community activities
- Number of affected persons who know their entitlements
- No of affected persons who have used the grievance redress procedure
- No of resolved conflicts
- Outcomes of resolved conflicts

Benefit monitoring
- Comparison of pre- and post project patterns of occupation, production and resource use
- Comparison of pre- and post project income and expenditure patterns
- Changes in key social and cultural parameters relating to living standards
- Comparison of pre- and post project cost of living
- Impact on vulnerable groups.
Annex 2: Template for the design of Resettlement Action Plan

Introduction
- Briefly describe the project.
- List project components including associated facilities (if any).
- Describe project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.
- Minimizing Resettlement
- Describe efforts made to minimize displacement.
- Describe the results of these efforts.
- Describe mechanisms used to minimize displacement during implementation.

Census and Socioeconomic Surveys
- Provide the results of the census, assets inventories, natural resource assessments, and socioeconomic surveys.
- Identify all categories of impacts and people affected.
- Summarize consultations on the results of the various surveys with affected people.
- Describe need for updates to census, assets inventories, resource assessments, and socioeconomic surveys, if necessary, as part of RAP monitoring and evaluation.

Legal Framework
- Describe all relevant local laws and customs that apply to resettlement.
- Identify gaps between local laws and World Bank Group policies, and describe project-specific mechanisms to address conflicts.
- Describe entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.
- Describe method of valuation used for affected structures, land, trees, and other assets.

Prepare entitlement matrix for Resettlement Sites
- Does the project require community relocation sites? Have affected people been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites?
- Have the affected people been involved in developing an acceptable strategy for housing replacement? Will new housing be constructed / allocated?
- Does the project involve allocation of agricultural land or pasture/rangeland?
- Have the individual households that will be allocated lands been involved in identifying potential new sites, and have they explicitly accepted the selected sites?
- Describe the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites.
- Describe the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.
• Demonstrate that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land. Provide data on land quality and capability, productive potential, and quantity.

Give calculations relating to site requirements and availability.
• Describe mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.
• Provide detailed description of the arrangements for site development for agriculture, including funding of development costs.
Annex 3: Pictures of Consultation Activities and Proposed Landing Sites

Consultations

At Wanpole Community

At the Conservation Society of Sierra Leone

At Forah Bay College

At proposed landing site at Juba Barracks

At proposed landing site behind Atlantic Restaurant
Conflicting Issues at proposed landing site near Lumley Golf Course area and behind Atlantic Restaurant

Proposed Landing site

Metal Container belonging to caretakers

Trees planted on the site

Rubbish washed onto the landing site from the ocean.

Atlantic Restaurant behind the proposed site

Business structures behind the proposed site
Conflicting Issues at proposed landing site near Juba Military Barracks

Residential (shanty) structures on the proposed site

Filling station under construction

Sand mining activities at the shore

Fuel tanks for the filling station

Educational centre converted into residential facility at the barracks.
Other

Fish mongers plying their trade at Juba Barracks

Fishermen at Wanpole using Beach seine method for fishing

Sections of the Public buying fish from the Fish mongers at Wanpole

Sea turtle conservation area at Wanpole

A Beach Resort close to the Atlantic Restaurant.
### Annex 4  Stakeholders contacted towards the preparation of the RPF for the West Africa Regional Communications Infrastructure Program (WARCIP), Sierra Leone

<table>
<thead>
<tr>
<th>No.</th>
<th>Organisation/Institution/Community</th>
<th>Name</th>
<th>Position/Status</th>
</tr>
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<tbody>
<tr>
<td>1a</td>
<td>Ministry of Information and Communication (MoIC), Sierra Leone</td>
<td>Mrs Saibata Sesay, Deputy Minister, Ministry of Information and Communication</td>
<td></td>
</tr>
<tr>
<td>1b</td>
<td>SALCAB Interim Management Team, Ministry of Information and Communication (MoIC)</td>
<td>Mr. Gilbert Heavens Cooper</td>
<td>Member/Administrator</td>
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<tr>
<td></td>
<td></td>
<td>Mr. Mohammed Moe Sherrif</td>
<td>Member/Engineering outfit</td>
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<td></td>
<td></td>
<td>Miss Michala C. Mackay</td>
<td>Member/Lawyer</td>
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<td></td>
<td></td>
<td>Mr. Sewah</td>
<td>Member/Engineering outfit</td>
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<td>2</td>
<td>Sierra Leone Environmental Protection Agency (SLEPA)</td>
<td>Dr. K. A. Bangura</td>
<td>Director</td>
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<td></td>
<td></td>
<td>Mr. Momodu Bah</td>
<td>Acting Deputy Director</td>
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<td></td>
<td></td>
<td>Mr. Edward Bendu</td>
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<tr>
<td>3</td>
<td>Ministry of Fisheries and marine Resources</td>
<td>Dr. S. K. Sankoh</td>
<td>National Project Coordinator, West Africa Regional Fisheries Project (WARFP)</td>
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<td></td>
<td></td>
<td>Dr. Heiko Seilert</td>
<td>Project Manager/EU Technical Assistance Team, Institutional Support for Fisheries Management in Sierra Leone</td>
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<td></td>
<td></td>
<td>Mr. Ibrahim Turay</td>
<td>Research Scientist, Institutional Support for Fisheries Management in Sierra Leone</td>
</tr>
<tr>
<td>4</td>
<td>Ministry of Transport and Aviation</td>
<td>Alhaji Wurrah Jalloh</td>
<td>Deputy Executive Director, Sierra Leone Maritime Administration</td>
</tr>
<tr>
<td>5</td>
<td>Fourah Bay College</td>
<td>Dr. Andrew C. M. Baio</td>
<td>Lecturer (Fisheries Resource Economics and Governance Specialist), Institute of Marine Biology and Oceanography (IMBO)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dr. Johnson</td>
<td>Lecturer, Institute of Marine Biology and Oceanography (IMBO)</td>
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<tr>
<td>6</td>
<td>Ministry of Lands and Country Planning</td>
<td>Mrs. Miatta McCarthy</td>
<td>Deputy Director of Lands and Country Planning</td>
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<tr>
<td></td>
<td></td>
<td>Mr. Buawah Jobo Samba</td>
<td>Geographic Information Systems (GIS) Advisor</td>
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<td>No.</td>
<td>Organisation/Institution/Community</td>
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<td>Position/Status</td>
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<td>7</td>
<td>The Conservation Society of Sierra Leone</td>
<td>Mr. D. D. Saffia</td>
<td>Executive Director</td>
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<tr>
<td></td>
<td></td>
<td>Mr. Edward Aruna</td>
<td>Wetlands/Sea turtle Conservation Officer</td>
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<td></td>
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<td>Mr. Sowa</td>
<td>Coordinator, Marine Protection Agency</td>
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<td>8</td>
<td>The World Bank, Sierra Leone Office</td>
<td>Mr. Tsri Apronti</td>
<td>Procurement Expert</td>
</tr>
<tr>
<td>11</td>
<td>Juba community (Proposed Landing Station site at Juba Barracks)</td>
<td>Pastor Alfred</td>
<td>Chaplain, Military Church at Juba Barracks</td>
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<tr>
<td></td>
<td></td>
<td>Rep. of B. A. Musah</td>
<td>Caretaker of proposed Shell Filling Station</td>
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<td>12</td>
<td>Wanpole</td>
<td>Mr. Ibrahim Kargbo</td>
<td>Harbor Master (along Aberdeen-Cockerill Bay-Lumley Stretch of the Atlantic Ocean)</td>
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<td></td>
<td></td>
<td>Madam Mbalu Sesay</td>
<td>Chairperson, Fisherwomen Association</td>
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<td></td>
<td>Mr. Paul Kamara</td>
<td>Boat Owner</td>
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<td>13.</td>
<td>Proposed Landing Station site, behind Atlantis Restaurant.</td>
<td>Papa Wember</td>
<td>Caretaker</td>
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<td></td>
<td></td>
<td>Tommy</td>
<td>Caretaker</td>
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<td></td>
<td></td>
<td>Saliu</td>
<td>Caretaker</td>
</tr>
<tr>
<td>14</td>
<td>Freetown City Council</td>
<td>Mr. Bowenson F. Phillips</td>
<td>Chief Administrator</td>
</tr>
<tr>
<td>15</td>
<td>Petroleum Resources Unit</td>
<td>Mr. J. Nhabay</td>
<td>Acting Director General</td>
</tr>
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