

RP553

**SIERRA LEONE/WORLD BANK
HEALTH SECTOR RECONSTRUCTION AND
DEVELOPMENT PROJECT (HSRDP)**

RESETTLEMENT POLICY FRAMEWORK
(October 2002)

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A. INTRODUCTION

1. After a decade of war, political and social instability during which some of the most horrific war crimes were inflicted against its people, Sierra Leone, which is a well endowed country with abundant quantities of geo-physical and human resources, is struggling to uplift itself out of a desperate economic situation .

2. The health sector is facing many challenging issues associated with development which have been exacerbated by the additional environmental and social burdens associated with the aftermaths of a post conflict era. The health status of the population in general is characterized as critical.

3. For example, in Sierra Leone life expectancy at birth is only 43 years, and infant, under-five and maternal mortality rates are as high as 170, 286, and 18 per thousand live births, respectively. The people suffer from diseases for which cost-effective interventions are available. Among these diseases are malaria, tuberculosis, acute respiratory diseases, diarrhea, leprosy, lassa fever, onchocerciasis and cholera and other water borne diseases. Malnutrition is widely spread among children and contributes significantly to the high mortality rates cited above.

4. Also, the HIV/ AIDS epidemic is more significant in comparison to neighboring countries. The prevalence rate of HIV sero-positivity is now estimated at about 4.9% and may be at 18% in some groups such as the military.

5. In addition to this, as a result of the war atrocities, the country was left with thousands of amputees, a huge number of traumatized and psychologically affected people, among them mostly are internally displaced people, women who were raped and /or lost their children and families, and children who are orphaned or living away from their parents.

6. As part of its post war recovery efforts in September 2001 the Government of Sierra Leone (GOSL) launched the Interim Poverty Reduction Strategy Plan (I-PRSP). The World Bank as part of its country assistance strategy for Sierra Leone developed a Transitional Support Strategy (TSS) as part of its plans to support the implementation of the I-PRSP.

7. The GOSL has asked for a credit from the IDA for support of the proposed Health Sector Reconstruction and Development Project (HSRDP) whose objectives are aligned with the goals of the TSS and are;

- a) to increase access to affordable essential health services by improving primary and first referral health facilities in four districts of the country.
- b) to improve the performance of key technical programs responsible for coping with the country's major public health problems.
- c) to strengthen health sector management capacity to improve efficiency and further decentralize decision-making to the districts.

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- d) to support development of the private health sector and involvement of the civil society in decision-making.

8. The proposed HSRDP is structured to achieve its objectives within two major investment components of the project, which are;

- a) **Component 1: Restoring Essential Health Services**, will (i) provide assistance to four priority districts to deliver adequate health services and (ii) support for five priority technical programs to improve their performance and control infectious diseases of high public health importance in Sierra Leone.
- b) **Component 2: Strengthening Public and Private Sector Capacity**, will support the decentralized process, strengthen key Ministry of Health and Sanitation (MOHS) support services and promote the development of the private sector and civil society participation in the health sector.

9. Specifically, under Component 1, is a **sub component 1.2 Sanitation**, under which support will be provided for Sanitation measures (solid waste management mostly) in the four districts and in the capital city, Freetown. Regarding sanitation, a program of importance for all infectious disease control programs and for prevention in general, the project will support activities to be contracted out to private providers and advocacy for involving municipalities and communes in waste management (thus redefining the task of the MOHS from a provider of services to contract management and environmental monitoring; the ultimate objective of this program will be to transfer sanitation responsibilities.

10. Under implementation of Sanitation sub-component 1.2, land would have to be acquired to use as Land fill sites for waste management purposes. Significant efforts would be made to select these sites to avoid or minimize impacts on people, land, property, including people's access to natural and other economic resources, as far as possible.

11. Notwithstanding, land acquisition that will lead to involuntary resettlement of people seems inevitable. When that occurs, the World Bank Operational Policy, OP4.12 on Involuntary Resettlement will be triggered.

12. The GOSL is not required to prepare a Resettlement Plan at this stage since the land fill sites have not yet been identified. However, the GOSL is required to prepare a Resettlement Policy Framework (RPF) to be disclosed by the GOSL and the Bank before appraisal. The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The RPF is prepared to the standards of the Government's own policy on resettlement and the policy of the World Bank, OP4.12.

13. When the land fill sites are identified, resettlement/compensation plans will be subsequently prepared consistent with this policy framework and will be submitted to the

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Bank for approval before any land acquisition, resettlement, or any other impact on livelihood occurs.

14. This RPF will cover the following sections;

- B. Principles and objectives governing resettlement preparation and implementation.
- C. A description of the process for preparing and approving resettlement plans.
- D. Land acquisition and likely categories of impact.
- E. Eligibility criteria for defining various categories of project affected persons.
- F. A legal Framework reviewing the fit between the laws of Sierra Leone and regulations and Bank policy requirements and measures proposed to bridge any gaps between them.
- G. Methods of valuing affected assets.
- H. Organizational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer.
- I. A description of the implementation process, linking resettlement implementation to civil works.
- J. A description of the grievance redress mechanisms.
- K. A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements.
- L. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring.
- M. Arrangements for monitoring by the implementation agency and, if required, by independent monitors.

B. Principles and objectives governing resettlement preparation and implementation.

The impacts due to involuntary resettlement from development projects, if left unmitigated, often gives rise to severe economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive skills may be less applicable and the competition for resources greater; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. The resettlement policy, in most cases, is not triggered because people are being affected by physical replacement. It is triggered because the project activity causes land acquisition, whereby a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on the land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which the former is preferred.

Therefore, the objectives of this policy are the following;

- (i) Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternatives.
- (ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share in project benefits. Displaced and compensated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (iii) Displaced and compensated 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 levels prevailing prior to the beginning of project implementation, whichever is higher.

Affected people, according to the Bank policy, refers to people who are directly affected socially and economically by the bank assisted investment projects, caused by:

- (a) the involuntary taking of land and other assets resulting in:
 - a. relocation or loss of shelter
 - b. loss of assets or access to assets
 - c. loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

or

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

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The resettlement policy applies to all components under the project, whether or not they are directly funded in whole or in part by the Bank.

The policy applies to all displaced persons regardless of the total number affected, the severity of impact and whether or not they have legal title to the land. Particular attention should be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the land less, the elderly, women and children, indigenous groups and ethnic minorities or other displaced persons who may not be protected through Sierra Leone Land compensation legislation.

In particular for HSRDP, the policy also requires that the implementation of individual resettlement plans are a prerequisite for the implementation the project activities requiring land acquisition, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to displaced persons. Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons are implemented in accordance with the resettlement plan of action.

In this project, the implementation of the waste management plan calls for the acquisition of landfill sites in the capital city of Freetown and four districts namely, Kono, Koinandugu, Bombali and Moyamba. Internationally accepted minimum standards for the selection of landfill sites (see section C for details) establishes certain conditions that should determine the location of such sites to protect local communities and to aid the bio-degradable process that is desired. For instance, some of these environmental and social protection conditions include; selecting sufficiently large sites that have a potential ten year life capacity, to establish buffer zones around the perimeter of these sites to push back residential development and for relocation outside these zones of public services such as electricity lines, water and sewer lines, and the relocation of farming activities, irrigation, livestock etc. These are clearly public health requirements. Therefore, land acquisition would have to be done in a way that satisfies these conditions. When this occurs, people would be impacted and resettlement cannot be avoided.

The project activities under the Sanitation component of this project, supports the contracting out to private providers and advocacy for involving municipalities and communes in waste management. This could provide additional income generating opportunities to a significant number of persons in these targeted areas who may potentially have to be resettled. This is particularly significant in a post war environment where socio-economic pressures like high unemployment, are critically strenuous and are likely to be exacerbated by involuntary resettlement. Therefore, this opportunity for local employment is being taken advantage of in this resettlement policy framework (RPF), by including it for discussion in the consultative process with the affected communities. This RPF prefers to encourage potential waste management providers through the provision of incentives in their contracts to show preference for employing project displaced persons and not through legal provision. One way of promoting this

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would be for the project to train displaced persons to acquire the skills needed by these waste management firms/service providers.

A major object of this RPF is to ensure that displaced communities are meaningfully consulted, have participated in the planning process, are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process has been a fair and transparent one.

C. Description of the process for preparing and approving resettlement plans.

As stated earlier, the World Bank policy on Involuntary Resettlement OP 4.12 is triggered because the HSRDP will finance productive investments that would require land acquisition. Since the location of these sites were not known at the time of the preparation of the project, the preparation and disclosure of this RPF by the GOSL is a conditionality for appraisal of this project. However, during implementation of this project, in a process defined here below, the selection of these sites would be made. When that happens, land would be acquired and people will be affected. At that stage, OP 4.12 calls for the preparation of individual Resettlement Plans that must be consistent with this RPF.

To address the impacts under this policy, resettlement plans must 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.
- (c) And provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project.

The first stage in the process of preparing the individual resettlement plans is the screening process to the land to be acquired.

The Land Selection Screening Process

This process would lead to the identification of a number of different potential/proposed landfill sites. In pursuance of this the Project Management Team at the Ministry of Health and Sanitation (**MOHS**) will set up an adhoc team, namely Land Acquisition Team (**LAT**) comprising the following;

Proposed Members of the Land (Land fillsites) Acquisition Team

- One member from the MOHS
- One member from the Department of Environment
- One member from the Department of Lands
- One State Counsel form the Ministry of Justice
- One member from the District Officer's office (1 from each of the four district
Waste Management Specialist plus Freetown)

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The purpose of the **LAT** is to identify potential/required land fill sites in each of the targeted areas. The land screening criteria will be based on the following considerations as a minimum standard;

- The selection of any landfill site that triggers the Worldbank Safeguards Policies on Natural Habitats (OP 4.04), Forestry (OP4.36), Cultural Property (OP11.03), Indigenous Peoples (OP4.20), Projects in International Waters (OP7.50) and Projects in Disputed Areas(OP7.60) will not be approved for funding by the bank
- The selected landfill sites should comply with the Public Health Ordinance of 1960 and the Town and Country Planning Act 1960 No.23 of Sierra Leone. The Public Health Act requires landfill sites to be selected so that they are situated and maintained at such places that shall not be a nuisance or be injurious to the public health. The Town and Country Planning Act sets out planning regulations to be complied with.
- The sites should be consistent with the long term development plans for the areas in which they are located.
- The sites should have adequate land area and volume to provide sanitary landfill capacity to meet projected needs for at least 10 years.
- The sites should be accessible within 30 minutes travel time (a function of road and traffic conditions) so as not to adversely affect the productivity of collection vehicles. At distances greater than 30 min. for collection operations to be economic, investment in either large capacity collection vehicles (5tons per load or greater) or transfer stations with large capacity vehicles would be necessary.
- If transfer stations are necessary, landfill sites should be accessible within 2hours travel time one-way from the transfer station.
- Groundwater's seasonally high table level (i.e., 10year high) should be at least 1.5m below the proposed base of any excavation or site preparation to enable landfill cell development.
- Soils above the groundwater's seasonable high table level to be relatively impermeable (preferably, less than 10^{-9} meters/second permeability when undisturbed).
- No environmentally significant wetlands of important biodiversity or reproductive value are present within the potential area of the landfill cell development.
- None of the areas within the landfill boundaries are part of the 10year groundwater recharge area for existing or pending water supply development.
- No known environmentally rare or endangered species breeding areas or protected living areas are present within the site boundaries.

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- No significant protected forests are within 0.5km of the landfill cell development area.
- No major lines of electrical transmission or other infrastructure (i.e., gas, sewer, water mains) should cross the landfill cell development area, unless the landfill operation would clearly cause no concern or rerouting is economically feasible.
- There should be no residential development within 0.25km from the perimeter of the proposed landfill cell development.
- There should be no perennial stream within 0.03km downstream of the proposed landfill site.
- The sites should not be situated within a floodplain subject to 10year floods.

The list of potential land fill sites to be acquired will then be subject to a comprehensive sensitization and consultation process (see section L of this RPF for details) with the potentially impacted communities.

After this consultative process is completed, the **LAT**, which will now co-opt into it the Paramount Chief (PC) of the District in which the chosen land is located, the **LATplusPC** , will now confirm, approve and/or take a final decision subject to the approval of the World Bank.

The Beginning of the Consultative Process

Once an agreement has been reached on the choice of location following this consultative process, the chosen locations will be the subject of a study and the preparation of a document as follows;

- (a) A socio-economic study (this study will include determination of impacts)
- (b) Resettlement Plans

The purpose of the Socio-economic study is to collect base line data within the chosen landfill site areas thereby enabling the social assessment of potentially affected populations/communities. The socio-economic study would focus on the identification of stakeholders (demographic data), the participation process, identification of affected people (including owners and users of land) and impact on their property and their production systems, the institutional analysis and the system for monitoring and evaluation. Detailed calculation of individual and household economies and identification of all impacts will be undertaken as part of the socio-economic study and be the determinant in the potential compensation process. Standard characteristics of the affected households, including a description of production systems, labor, and household organization, and baseline information on livelihoods (including production levels and incomes derived from both formal and informal economic activities) and standards of living and health status of the displaced population. Under this study a comprehensive base line census would be carried out to identify potentially affected people on the individual and household levels, vulnerable groups (women, children, the elderly, female headed households, affected internally displaced people, affected

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internally displaced households, etc.) and to discourage inflow of people ineligible for assistance.

On completion the socio- economic study and the baseline census a resettlement plan is to be prepared for each site.

Where the impacts on the entire displaced population are minor (i.e. if affected people are **not** physically displaced and less than 10% of their productive assets are lost) or fewer than 200 people are displaced, then the bank may approve the preparation of an Abbreviated Resettlement Plan (ARAP). The contents of the ARAP are to be :

- (a) a census survey of displaced persons and valuation of assets.
- (b) Description of compensation and other resettlement assistance to be provided.
- (c) Consultations with displaced people about acceptable alternatives.
- (d) Institutional responsibility for implementation and procedures for grievance redress
- (e) Arrangements for monitoring and implementation, and
- (f) A timetable and budget.

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

- (a) Baseline census and socio-economic survey information
- (b) Specific compensation rates and standards
- (c) Policy entitlements related to any additional impacts identified through the census or survey
- (d) A description of the resettlement sites and programs for improvement or restoration of livelihoods and standards of living
- (e) Implementation schedule for resettlement activities
- (f) Detailed costs estimates.

The ARAP and RAP are to be prepared by the LAT¹ and screened and approved by the Project Management Team (PMT) at the MOHS. This process of identifying land, consulting potentially impacted people, carrying out a socio-economic study may have to be iterative, simply because the mitigation measures (i.e. the compensation levels) may be too costly in terms of the amount paid as compensation and the overall number of people impacted. This would have to be determined by the PMT. The LAT may also wish to consider the selection of alternative sites to propose to the PMT for approval. However, irrespective of whether the process of identifying potential landfill sites is pursued iteratively or a number of sites are identified simultaneously, the process for the selection must be as described above.

¹ The Land Acquisition Team (LAT) does not include the Paramount Chief at this stage. This ensures that the Paramount Chief is not a party to the approval process of the resettlement plans so that there is no conflict of interest, as the paramount chief is at the top of the Appeals structure in the redress mechanism identified in section J of this RPF.

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The final approved sites by the PMT, the process of selection of the sites, and the ARAP or RAP would all be subject to final review and approval by the World Bank to ensure compliance with bank safeguards. Thus ensuring that before land is actually acquired, the individual resettlement plans are consistent with this RPF.

Capacity will be built at the MOHS, Department of Environment and community levels through training and technical assistance to ensure all stakeholders involved, play their different roles, effectively.

D. Land Acquisition and Likely Categories of Impact

At this stage it is not possible to estimate the likely number of people who may be affected since the location of the landfill sites are not yet known.

However, the likely displaced persons can be categorized into these 3 groups, namely;

- (i) **Affected Individual** – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economical resources as a result of the project activities and to whom compensation is due. For example, an affected individual is a person who farms a land, or who has built a structure on land that has been demarcated for dump sites by town planners and is now required by the project.
- (ii) **Affected Household** – a household is affected if one or more of its members is affected by project activities, either by loss of property, land, loss of access or otherwise affected in any way by project activities. This provides for:
 - (a) any members in the households, men, women, children, dependent relatives and friends, tenants
 - (b) vulnerable individuals who may be too old or ill to farm along with the others
 - (c) members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence
 - (d) members of households who may not eat together but provide housekeeping, or reproductive services critical to the family's maintenance, and
 - (e) other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

In the local culture, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately.

Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the "household". For example, among polygamous settings, each wife has their own home.

- (iii) **Vulnerable Households** – in Sierra Leone because of the atrocities committed during the war, vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them. They may already be undergoing some form of rehabilitation including training to acquire vocational skills in purpose built centers. This provides for;

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- a) **Internally Displaced Peoples** – these are people who had to flee their homes during the war and are virtually refugees in their own country and have not returned. They may be dependent on the NGO community and others for support.
- b) **Amputees** – these are people whose limbs were literally chopped off during the war. A number of them have been camped by relief agencies, but large numbers of this group still live outside these camps, as they try to scrape a living in growth towns and cities. They depend on able body relatives, relief agencies and society in general. For many of them, the trauma of losing a limb plays a significant psychological role in their attitude to life. Many of them feel forgotten and neglected by society and believe that “compassion fatigue” has set in. They have to live side by side in society with some of the people who perpetrated these atrocities against them, all of whom have been given blanket amnesty as part of the negotiated political settlement that led to the end of the conflict. The amputees are now having to learn new skills so that they may be meaningfully employed. As they cannot farm in the traditional sense, they will not be affected in the project’s need for agricultural land. If a building of theirs lies on land needed, they will receive replacement cost compensation. If someone on whom they depend is resettled, they are to be protected because the resettled can name them as part of the household. If they are affected by loss of access to economic resources, they would be compensated accordingly.
- c) **Elderly** – elderly people farm as long as they are able. Their economic viability does not depend on how much land they farm or how much they produce because, by producing even small amounts of food to “exchange” with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbors. Losing land will not affect their economic viability. They will have cash or in-kind replacements to exchange. For future production they need access to only a small parcel of land. What would damage their economic viability is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.
- d) **Internally Displaced Orphaned Children** – Despite the laws of Sierra Leone and International Labor Organizations prohibiting the exploitation of children, it is a reality that displaced orphaned children are either in paid employment or are on the streets in Sierra Leone. They tend to live in close proximity to large towns and cities. If they are impacted by this project in a way that means they have to be physically relocated, their compensation cannot be in cash. They would have to be put in a Unicef program or registered with one of the many children’s charities that are operating in Sierra Leone today. Their compensation would take the form of paying for their rehabilitation and training to acquire useful vocational skills.
- e) **Women** – may depend on husbands, sons, brothers or others for support. In many cases too, women are the main breadwinner in their

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household. They need relatively easy access to health service facilities, as mothers and wives. Women are central to the stability of the household. They should not be resettled in a way that separates them from their households as the very survival of their households depend on them. Their compensation must take into account all these factors.

These household types are not mutually exclusive, so that an amputee may be an internally displaced orphan, and the elderly may be internally displaced individual.

E. ELIGIBILITY CRITERIA FOR DEFINING VARIOUS CATEGORIES OF PROJECT AFFECTED PERSONS

The Bank's OP4.12 suggests the following three criterion for eligibility;

- a) Those who have formal rights to land (including customary land , traditional and religious rights, recognized under the Laws of Sierra Leone)
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Sierra Leone or become recognized through a process identified in the resettlement plan
- c) Those who have no recognizable legal right or claim to the land they are occupying.

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

Therefore, it is clear that all affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

Eligibility for Community Compensation

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

Method to Determine the Cut – Off Dates

The entitlement cut-off date refers to the time when the assessment of persons and their property in the project area is carried out, i.e. the time when the project area has been identified and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered .

The establishment of a cut-off date is required to prevent opportunistic invasions /rush into the chosen land thereby posing a major risk to the project. Therefore, establishment of a the cut-off date is of critical importance.

At the meeting of the **LATplusPC** in which the land is approved, a cut –off date will be chosen. The Paramount Chief would now go back to his community through the respective Section Chief, Town Chief and Village Chief, to inform them on the final location of the landfill site that is chosen and of the cut-off date.

F. A LEGAL FRAMEWORK REVIEWING THE FIT BETWEEN THE LAWS OF SIERRA LEONE AND REGULATIONS AND BANK POLICY REQUIREMENTS AND MEASURES PROPOSED TO BRIDGE ANY GAPS BETWEEN THEM

Administratively, Sierra Leone is divided into the Western Area (which includes Freetown, the capital city), and twelve Districts. The districts are collectively known as the provinces. Each district is divided into several chiefdoms, which are sub divided into sections, towns and villages.

At the district level, the administrative head is known as the District Officer (DO), who is appointed by the Government. The Chiefdoms are headed by the Paramount Chief, the sections by the Section Chief, the towns by the Town Chiefs and the villages by the Village Chiefs. The chiefs are not appointed by the government but by their communities under customary law .

LAND TENURE AND OWNERSHIP

Land tenure in Sierra Leone is governed by Property Statutes in the capital city, Freetown and the surrounding areas collectively referred to as the Western Area, and, everywhere else in the country, Customary Law exist in parallel with Statute.

In the Western Area

In the Western Area of Sierra Leone, Land is either State (Public) owned or Privately owned. The Law of Property Act 1925 forms the basis for land law. Public Land of the State is inalienable and indefeasible. Rights of occupation over public land may be granted under warrant. National public property includes water flows, lakes, ponds, and springs, islands, sandbanks and riverbanks formed in rivers, underground streams, mineral and mining deposits, navigation and irrigation channels, waterways, drainage and sewage systems, communication means, airports, telecommunication systems, power generation works for public utility, and protective devices, geodesic and topographic boundaries and landmarks, national defense works and their perimeters of

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protection, public monuments, and collections or objects of cultural interest belonging to the state or to a subordinate public entity.

Customary rights of customary users of Public Land in the Western Area are **not** recognized. Therefore, customarily the loss of such land **does not** entitle the customary users to any form of compensation for any investments or for provision of land elsewhere.

However, land that is not in the Public Land domain that is acquired by a warrant is eligible to compensation.

The state has the power, conferred by the Unoccupied Lands Act, Cap 117, to take possession of unoccupied land. All land shall be deemed to be unoccupied land where it is not proved, by the person/persons claiming the same, that beneficial use thereof for cultivation, inhabitation or industrial purposes, has been made for twelve years.

Other statutes relating to land are;

- The interpretation Act No. 8 of 1971
- Public Health Act No. 23 of 1960
- Public Land Act 116

In the private domain, private ownership may be established by registering the land with the Land Registry to obtain a legal title. Private Land may be held in Freehold or Leasehold. Customary rights do **not** exist over freehold or leasehold property. The land owner is entitled to fair compensation for the land itself as well as any investments.

In the Rest of Sierra Leone (The Provinces)

In the provinces, Customary Law co-exist with statute and where there is a conflict, statute takes precedence. As far as land tenure is concerned, this is governed predominantly by customary law. Land is vested in the chiefdoms and communities and can never be owned freehold. Land always belongs to the communities under the different forms of tenure under customary law (e.g. family, communal or individual).

There are statues like Cap 122, The Provinces Land Act, which regulates holding by non natives in the provinces. Non natives being loosely defined for the purposes of this policy as those who do not have any inheritance rights in the chiefdoms. That is anyone from outside the community.

In section two of the Local Courts Act, customary law is defined as “ any rule or law other than the general law having the force of law in any chiefdom in the provinces.” It also provides that there is established for every chiefdom a local court authorized to administer customary law in that chiefdom. However, by most interpretations of customary law, there can exist as many variations of customary law as there are chiefdoms or ethnic communities. But with land tenure the principles of customary law cuts across ethnic differences and the most common forms are ;

- Family Tenure
- Communal Tenure
- Individual Tenure

Family Tenure

This is the most common form of tenure found in the provinces. Family is used in the sense of a kinship or descent group with the concept of clan or lineage. In most cases, lineage is traced, Patrilineally, for the purposes of inheritance. Therefore, a person can only be entitled to rights in family tenure, if that person is able to prove his kinship, patrilineally within a particular family in a chiefdom. Family tenure is a system of tenure under which entitlements to land within a particular chiefdom is claimed by various descent groups each with a common ancestor and who constitutes a family unit. Such family units are a corporate entity and have capacity to claim and hold land as a body. It also has capacity of having the paramount title to the land vested in itself. Though the paramount title to family land is vested in the family as a group, yet underneath the umbrella of this title, varying degrees of lesser interests held in specific or particular portions of family land may be held by some family groups or individuals. Responsibility for the management of family land is vested in the head of the family assisted by principal members. The head of the family has the right to allocate unoccupied portions of family land to members of the family, to bring claims on land against outsiders on behalf of the family for trespass on family land.

Communal Tenure

The main feature of communal tenure is that title in land in a given area in the chiefdom is claimed by or on behalf of the community as a whole and not by or on behalf of families or individuals. Like the family under family tenure, the community is also a corporate entity, endowed with legal capacity to enforce and defend its claims and rights to communal lands vis-à-vis other communities. Unlike the family, a community is not a kinship, but a socio-political entity and its members are not necessarily related to each other. There are also similarities between the two entities in that membership of a community and members rights to claim an interest in communal land is based on descent from some kinship group within the community.

The community for this purpose occupies an identifiable and precise boundary. At its broadest and highest level, the community is co-extensive with the chiefdom. Viewed externally, it gives the appearance of a monolithic unit. Another feature of communal tenure is that title communal lands is not vested directly on the communal as an entity as in the case of the family, it is vested rather in the socio-political head of a particular community. It is so vested in a representative capacity. Though they are sometimes referred to as owners of land, one should not lose sight of the fact that they are holding such land in a representative capacity. Another feature of communal tenure similar to family tenure is that it is only the unapportioned and unappropriated portions of communal lands and those lands which are strictly public lands , such as sacred bushes, common grazing lands and communal farms, that are subject to direct management, control and supervision of the socio political heads.

Thus communal land can be defined as land held under communal tenure, title to which is claimed by a community as a unit occupying and identifiable territory but with the paramount title thereto vested in the socio-political head, such as the paramount chief, section chief etc. in a representative capacity for the community as a whole.

Individual Tenure

This is the most controversial concept. It has been argued that in customary land tenure there is no individual land ownership. But it is found to exist among some communities. For example, there are practices whereby families owning large pieces of land would allocate portions of land to individual members of the family to enable them set up their individual households. Even though the paramount title remains vested in the family, each individual members holds interest in his holdings. When the individual dies, the land is inherited by his immediate or nuclear family or nearest next of kin, a matter of priority, rather than by the wider ancestral group. It is also common to find practices where a man may give each of his wives land for her use and that of her own children. When the man dies the land is inherited by the wife whom was given the land when the man was living and her children.

Whether the land would continued to be held as individual holdings would depend on a number of factors, such as the number of children, etc. There are generally three ways in which Individual Acquisition of title is done;

- (i) by clearing of virgin forest- any land not appropriated by the community as a whole can be claimed individually
- (ii) by straight forward purchase – individuals who are not otherwise entitled to land in a given area can purchase land outright from the recognized owner.
- (iii) by gift – individual owners may acquire land as a gift. For example, where a stranger marries into a land owning family, land may be given for his use and to the use of his issues.

Comparison between Land Law in Sierra Leone and Bank OP4.12

Whereas the law relating to Land administration in Sierra Leone is wide and varied. Entitlements for payment of compensation are essentially based on right of ownership. The Bank OP is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut -off date.

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

Environmental Laws

The main Statute harnessing efforts to protect the environment is The Environment Protection Act, 2000 and concentrates only on the bio-physical environment. This act established the National Environment Protection Board, the main function of which is to facilitate the coordination, cooperation and collaboration among government ministries, local authorities and other governmental agencies in all areas relating to environmental protection. Additionally, the board is mandated to review environmental impact assessments prepared pursuant to this act and make recommendations to the Director. The act also sets the procedure for the preparation, review and approval of environmental assessments for projects, which include making the EA's available for public inspection and comment in two consecutive issues of the Gazette and two issues in a local newspaper.

G. Methods of valuing affected assets.

Valuation methods for affected land and assets would depend on the type of asset. The three land asset types identified under Sierra Leone law in this policy framework are:

- (i) State owned Land
- (ii) Privately owned Land
- (iii) Assets held under Customary Law

State owned land would be allocated free (perhaps except for processing and registration fees), the project would be expected to pay compensation to acquire land in this category in cases where the state-owned land is being used by farmers, settled upon or otherwise being used. Privately owned property, would have to be acquired at the market value. The guiding principle is that whoever was using the land to be acquired would be provided other land of equal size and quality.

However, according to Sierra Leone law, assets held under customary rights are in the provinces only and would have to be valued according to the following method and compensation paid for. The project would compensate for assets and investments, including labor, crops, buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided. The current prices for cash crops would have to be determined. Compensation would not be made after the entitlement cut-off date in compliance with this policy. Under customary law land belongs to chiefdoms, towns and villages. The permanent loss of any such land will be covered by community compensation which will be in-kind, only. However, because the bank policy on resettlement, OP4.12, makes no distinction between statute and customary rights, not only assets and investments will be compensated for, but also land. Thus, a customary land owner or land user on state owned land, will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss.

Compensation Payments and Related Considerations.

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice although every effort

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will be made to instill the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets.

FORMS OF COMPENSATION	
Cash Payments	Compensation will be calculated in Leones. Rates will be adjusted for inflation.
In-kind Compensation	Compensation may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Assistance	Assistance may include moving allowance, transportation and labor

Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments needs to be addressed by the government. Local banks and micro finance institutions should work closely with government at this level to encourage the use of their facilities which will positively impact the growth of the local economies. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the Project Management Team. Monetary payments should be paid at a time in relation to the seasonal calendar.

Compensation for Land

Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes with compensation for land labor and crop loss. For this reason, and for transparency, a "Land" is defined as an area :

- In cultivation
- Being prepared for cultivation, or
- Cultivated during the last agricultural season (March – November of the previous year)

This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labor. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertilizer, but the significant labor put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labor invested as well as the market price of the crop lost.

Land measurement

In the Western Area of Sierra Leone, the traditional unit of land measurement is the *town lot*, which measures 50ft x 75ft. In the provinces, the traditional unit of land measurement is also the town lot or the *one bushel of rice*, which equals approximately one acre of

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land. There are between 10 and 11 town lots in one acre. Compensation for land would be paid based on the areas no smaller than one-quarter town lot. All measurements would be rounded up to the nearest one-quarter town lot. Any farmer who is to receive compensation for a land will measure the amount of land for which compensation is due. Because land is laid out in town lots, a farmer can survey his or her land by finding the mid points of the sides of the land, determine perpendiculars from the midpoints, and thereby divide the land into quarter town lots. Using this method will avoid subsequent accusations of wrong measurements or miscalculation of areas.

Calculation of Land Compensation Rate

All "land" to be compensated using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labor invested in preparing a new land. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labor) and land that have been planted but have not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation is to be updated to reflect values at the time compensation is paid. The following example, which is based on 2002 data, derives a total value for a one hectare land from the value of the crops on the land and the value of labor invested in preparing a replacement land.

EXAMPLE OF METHOD TO BE USED TO DETERMINE A MONETARY COMPENSATION RATE FOR LAND* (Based on 2002 data. LEONE payments will be revised to reflect crop values and labor rates in effect at the time of compensation)		
Item Compensated	Basis of Value	LEONE/ha
Value of Crops	Average of the highest 2002 official and market survey land prices per ha of staple food crops (millet, peanuts etc.), plus cash crops (e.g. Sorghum).	
Labor Invested	Labor costs of preparing a replacement land.	
Total	Replacement value of crops plus labor.	

* Note: This example assumes a one-hectare land.

Crop values will be determined based on:

- A combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.
- The value of stable crops to be taken as the highest market price reached during the year, in recognition of these factors:

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- Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market.
 - Farmers most often purchase cereals when they have run out, during the “hungry season” when prices are high. Compensating at a lower value might put the individual or household at risk.
 - Averaging the highest price of staple foods yields a high per ha value that reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.
- The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, plowing, sowing, weeding twice, and harvesting the crop. Labor costs will be paid in Leones, at the prevailing market rates.

The following table presents an example of a compensation schedule for a one-hectare land. The Leone values are based on arbitrary labor rates, which will need to be validated at the time payments are made.

EXAMPLE OF LAND COMPENSATION SCHEDULE OF PAYMENTS		
Activity	Month Paid	Labor in Leones/ha Rate Cost/day x no. of days
Clear	March	
Plough	May	
Sow	May	
Weed	May	
Harvest	November	
Total		

All agricultural labor activities are included for two reasons. First, because of the need for transparency, all land labor will be compensated for at the same rate. Second, it is difficult to forecast when during the growing season a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if the farmer is notified that his/her land is needed after the agriculturally critical date of March, when s/he will no longer have enough time to prepare another land without help. Assistance will be provided in the form of labor intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that /s/he can pay for sowing, weeding and harvesting.

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Compensation for Buildings and Structures.

Compensation will be paid by replacing structures such as huts, houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on acquired replacement land, however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost, that are not the main house or house in which someone is living. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.

Compensation will be made for structures that are:

- Abandoned because of relocation or resettlement of an individual or household,
Or
- Directly damaged by construction activities.

Replacement values will be based on:

- Drawings of individual's household and all its related structures and support services,
- Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.),
- Prices of these items collected in different local markets,
- Costs for transportation and delivery of these items to acquired/replacement land or building site,
- Estimates of construction of new buildings including labor required.

COMPENSATION FOR BUILDINGS AND STRUCTURES	
Buildings and structures will be replaced by an equivalent structure or, on an exception basis, cash and/or credits will be paid based on replacement costs.	
Item	Example
House	Raw or Baked brick Straw or tin roof Varying sizes (small, medium large)
Kitchen	Open, closed
Stables/sheds/pens	Cattle, goat, camel, sheep, other
Coops	Chicken, duck, other
Fence	Straw/poles (per unit poles & mat), raw and/or baked brick/cement blocks (per 1-m length)
Private Bathing	
Latrine	Replacement latrines will be similar to those currently operational and financed by the bank at health centers, schools.
Open well	
Storage building	
Sun Screen open huts/shades	

Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Therefore, the use of sacred sites, ritual sites, tombs and cemeteries are not permitted under this project.

Compensation for vegetable gardens and beehives

These are planted with vegetable and ingredients for daily use. Until a replacement garden starts to bear, the family displaced as a result of the project land needs will have to purchase these items in the market. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market.

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

Compensation for trees

Mango and Banana Trees

Mango and Banana trees are the primary fruit trees in the project targeted area and are estimated to account for about 80% of all fruit bearing trees. They are primarily important as a source of :

- Subsistence food for families
- Petty market income in some areas, and
- Shade (in the case of mango trees).

For Banana trees, they have a relatively much shorter productive life, normally, than mango trees. Banana trees will not bear fruit more than once. Therefore, compensation for banana trees would be compensated at the full market rates for bananas harvested in that year and for another year. The second year payment is for the replacement cost of planting a new tree, looking after it and harvesting it which could all be done in one year. Therefore, the farmer should have restored his pre-project position by the end of the second year.

Given their significance to the local subsistence economy, which this project intends to positively impact, mango trees will be compensated on a combined replacement/market value. Mango trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be compensated for the labor invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household chooses to transfer ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation rate will be based on information

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obtained from the socio-economic study. From this study, a compensation schedule for mango trees can be developed incorporating the following goals:

- Replace subsistence mango production yields as quickly as possible.
- Provide subsistence farmers with trees to extend the number of months of the year during which mangoes are produced and can be harvested as a supplemental source of food for their families during their "hungry season".
- Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season periods.
- Provide cash payments to farmers to replace pre-project income derived from the sale of excess mango production until replacement trees produce the equivalent (or more) in projected cash income.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income. The schedule could assume the following (the figures in Leones (Xno.) to be determined in the socio-economic study):

Local Mangoes	
Estimated Avg. Fruit Yield (kg) of Mature tree	800 to 1,300 kg/year
Estimated Yield used	Ten sacks(1,000kg)/tree/year
Market Price, • Height of harvest season (March/April) • End of season (late May)	Leone/kg Leone/kg
Price used as basis of this estimate	80% height of season;20% end of season
Years to Production	Six to seven
Years to Maximum Production	Twenty
Costs of Sapling	LEONE, locally available.

Grafted Mangoes	
Estimated Avg. Fruit Yield (kg) of Mature tree	800 to 1,300 kg/year
Estimated Yield used	Almost entire yield due to market value
Market Price, (varies according to variety) • Height of harvest season (June/September)	LEONE/kg
Price used as basis of this estimate	Price per fruit or sac (100kg) as quoted by growers
Years to Production	four to five
Years to Maximum Production	Eight
Costs of Sapling	LEONE, not locally available.

Proposed Schedule for Mango Trees Cut Down			
Type/Age of Tree	Est. Years	In-kind replacement for Local Mangoes	Credits/Financial Support.
Sapling Trees planted after sub project cut-off date in area will not be eligible for compensation	0-1	Deliver to Farmer: • Choice of two mango trees (local and/or improved grafted) • Supplies: fencing to protect Tree, a bucket for watering, and a spade.	• LEONE
Sapling/Young Tree First minor production 12-50 fruits occurs about age 4-5	1-6	Deliver to farmer: • Choice of two mango trees (local and/or improved grafted) • Supplies: fencing to protect Tree, a bucket for watering, and a Spade	Equivalent of X no. LEONE in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment.
Mango Trees	6-30+	Deliver to farmer:	Equivalent of X no. LEONE

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Fruit Producing		<ul style="list-style-type: none"> Choice of two mango trees (local and/or improved grafted) Supplies: fencing to protect Tree, a bucket for watering, and a spade 	<p>in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment.</p> <p>Equivalent of X no. LEONE in credits or other financial support, representing eight years, (8 years x 10 sacks x X LEONE/sack) lost income/subsistence until replacement trees begin production.</p> <p>This rate to be agreed by farmers.</p> <p>Total: Equivalent of X no. LEONE in cash or equivalent financial support to be paid in one installment.</p>
Mature Trees – Low or Non- Fruit Producing	30+	Same as for mature trees above	Same as above

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square metres of surface area removed. The total surface area of the tree will be calculated using the following formula: $(\frac{1}{2} \text{ diameter of canopy})^2 \times 3.14$.

Other domestic fruit and shade trees.

These trees have recognized local market values, depending upon the species and age. Individual compensation for wild trees "owned" by individuals which are located in lands as defined in this policy will be paid. Note that wild, productive trees belong to the community when they occur in the true bush as opposed to a fallow land. These trees will be compensated for under the umbrella of the village or community compensation.

INDIVIDUAL COMPENSATION		
Sub-Category	Unit	Compensation Value (X no. of LEONE)
foodstuffs & others	1 town lot	
N/a	1 town lot	
Domestic Fruit Trees		
Avocado	Non-productive productive	
Planktain	Non-productive productive	
Lemon	Non-productive productive	
Pineapple	Non-productive Productive	
Lime	Non-productive Productive	
Orange	Non-productive Productive	
Grapefruit	Non-productive Productive	
Papaya	Non-productive productive	
Shade Trees		
	Young	
	adult	

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Individual Owned Wild Productive Trees		
Palm Kernel	Non- productive	
	Productive	
Coconut	Non-productive	
	Productive	
Mango Trees		
2 saplings & equipment	0-1 year	
2 saplings & equipment	1-6 years	
2 saplings & equipment	6+ years	
Catch	Demonstrable loss	according to case
Kitchen Garden		
Beehive		

H. Organizational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer.

Compensation (and resettlement) will be funded like any other activity eligible under the projects' administrative and financial management rules and manuals .

Funding would be processed and effected through the Finance unit of the Ministry of Health and Sanitation (MOHS). The unit is headed by a Finance Director who has responsibility for all financial management issues in the ministry and is assisted by a deputy responsible for management accounting and a manager in charge of financial accounting.

The compensation process which will involve several steps would be in accordance with the individual project resettlement plans, significantly;

- **Public Participation** with the local communities would initiate the compensation process as part of an ongoing process that would have started at the land selection/screening stage. This would ensure that no affected individual/household is simply "notified" one day that they are affected in this way. Instead, this process seeks their involvement and wishes to inform communities in a participatory approach with the project, from the beginning as outlined in item k. of this report.
- **Notification** of land resource holders – the respective Paramount Chief having been involved in identifying the land it requires will notify the section chief, town chief and village chief and village inhabitants who will help to identify and locate the property users. The user will be informed through both a formal notification in writing and, for as many people are illiterate, by verbal notification delivered in the presence of the village chief or his representative. In addition, the paramount chief, village chiefs, religious leaders, other elders and individuals who control fishing areas, wild trees, or beehives will accompany the survey teams to identify sensitive areas.

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- **Documentation of Holdings and Assets** – village and project officials² to arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the project officials completes a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by village officials, Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.
- **Agreement on Compensation and Preparation of Contracts** – All types of compensation are clearly explained to the individual or household. The **LAT** (land acquisition team) draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the Paramount Chief, village officials and other village leaders prior to signing.
- **Compensation Payments** – All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and the village officials.

Community Compensation Payments

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard to that being built by local NGO's on the area to serve the same function. Examples of community compensation include;

- School Building (public or religious)
- Public Toilets
- Well or Pump
- Market Place
- Road
- Storage warehouse

Community compensation may in itself require land take and people may be affected, thus a change of impacts which will be compensated for.

² The project officials responsible for delivery of entitlements also be the LATplusPC and the village officials would be the village chief, religious leaders, leaders under communal, family and individual tenure under customary law.

I. A description of the implementation process, linking resettlement implementation to civil works.

Before any project activity is implemented, people who are being affected by such activity, will need to be compensated in accordance with the resettlement policy framework. For projects involving land acquisition, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activity requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual resettlement plan of action.

The measures to ensure compliance with this policy directive would be included in the resettlement plans that would be prepared for each land involving resettlement or compensation. When the LAT present their resettlement plans to the PMT (project management team) for approval, part of the screening process that the PMT would use to approve recommended land would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.

J. A DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS.

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals would have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs taking into cognizance the fact most people are illiterate requiring a speedy, just and fair resolution of their grievances. The LAT being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the existing local courts system of administration of justice. The Paramount chief is the highest appellate "judge" in this system.

In the local cultures it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their village chief and the District Officer (DO). The DO will consult with the Paramount Chief, Section Chief, Town Chief and Village chief and elders and other records to determine a claims validity. If valid, the village chief

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will notify the complainant and s/he will be settled. If the complainants claim is rejected, then the matter will be brought before the local courts for settlement. If the matter cannot be settled by the local courts, the matter will go the paramount chief for resolution. The decision of the paramount chief would be final and all such decisions must be reached within a full growing season after the complaint is lodged. If a complaint pattern emerges, the paramount chief and the DO with village leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once the DO, paramount chief and village leaders agree on necessary and appropriate changes, then a written description of the changed process will be made. The DO, paramount chief and village leaders will be responsible for communicating any changes to the population.

K. A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements.

The estimate of the overall cost of resettlement would be determined during the socio-economic study. The Government of Sierra Leone would have to finance the resettlement compensation. However, the World Bank may at the request of the Government of Sierra Leone, support certain activities in the resettlement plans providing;

- (a) assistance to assess and strengthen resettlement policies, strategies and/or legal frameworks
- (b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations
- (c) financing of technical assistance for implementation, monitoring and evaluation of resettlement activities
- (d) financing of the investment costs of resettlement.

The Bank does not disburse against cash compensation and other resettlement assistance paid in cash, or against the cost of land (including compensation for land acquisition). However, it may finance the cost of land improvement associated with resettlement activities.

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

Public consultation and participation are essential because they afford potential displaced persons the opportunity to contribute to both the design and implementation of the project activities. The socio-economic situation prevailing in Sierra Leone as discussed earlier, makes public consultation with the communities, indispensable. Furthermore, it is the local communities who are to claim ownership of this project for it to be successful and their wealth of knowledge of local conditions are invaluable assets to the project. In recognition of this, particular attention would be paid to public

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consultation with potentially affected individuals/households when resettlement concerns are involved.

Public consultation will take place at the inception of the project at the level of and assisted by local NGO's, leaders, elders and service providers. The participation strategy would evolve around the provision of a full opportunity for involvement. This process would not be an isolated one because of the very nature of the project, which through its implementation and design ensures continuous public participation and involvement at the local level. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place through out the entire project cycle. For example, public consultation would also occur during the preparation of the; (i) the socio-economic study, (ii) the resettlement plan and (ii) the environmental impact assessment and (iv) during the drafting and reading of the compensation contract.

Public participation and consultation would take place through meetings, radio programmes, request for written proposals/comments, filling in of questionnaires/forms, public readings and explanations of project ideas and requirements, making public documents available at the, district, chiefdom, section, town and village levels at suitable locations like the official residences/offices of local chiefs/elders. These measures would take into account the low literacy levels prevalent in these communities by allowing enough time for responses and feedback.

Notwithstanding, the best guarantor for public interest is the chiefs who are responsible members of their local communities and can inadvertently be part of the potentially displaced individuals/households either in part or in whole.

Monitoring of this process would be through the village chief as part of the individual resettlement plans and overall the monitoring and evaluation mechanism of the entire project.

This requirement is line with the Bank policy on disclosure.

M. Arrangements for monitoring by the implementation agency and, if required, by independent monitors.

The arrangements for monitoring would fit the overall monitoring plan of the entire HSRDP project which would be through the Ministry of Health and Sanitation.

The objective will be to make a final evaluation in order to determine if the people who were affected by the project have been affected in such a way that they are now **living a higher standard than before, living at the same standard as before, or they are actually poorer than before**. A number of indicators would be used in order to determine the status of affected people (land being used compare to before, standard of house compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the project.

In order to access whether these goals are met, the resettlement plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

The following parameters and verifiable indicators will be used to measure the resettlement plans performance;

- Questionnaire data will be entered into a database for comparative analysis at the DO levels,
- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.
- The project will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement, land impacts or damages
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- Proposed use of payments
- The number of contention cases out of the total cases
- The number of grievances and time and quality of resolution
- Ability of individuals and families to re-establish land and crops or other alternative incomes
- Agricultural productivity of new lands
- Number of impacted locals employed by the contracted waste management companies
- Seasonal or inter annual fluctuation on key foodstuffs
- General relations between the project and the local communities

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The following indicators will be used to monitor and evaluate the implementation of resettlements plans;

VERIFIABLE INDICATORS	
Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Communities unable to set village-level compensation after two years.	Outstanding village compensation contracts.
Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of resettlers, off-farm-income trainees, and users of improved agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.

Financial records will be maintained by the Director of Finance at the MOHS to permit calculation of the final cost of resettlement per individual or household. Each individual receiving compensation will have a dossier containing;

- Individual biological information,
- Number of people s/he claims as household dependents
- Amount of land available to the individual or household when the dossier is opened.

Additional information will be acquired for individuals eligible for resettlement/compensation:

- Level of income and of production
- Inventory of material assets and improvements in land, and
- Debts.

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

It is normal that some compensation procedures and rates may require revision at some time during the project cycle. The MOHS and DO will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project, which will require feed back from:

- Indicators monitored by the DO to determine whether goals are being met, and
- a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

During the preparation of this framework, it was agreed that the Department of Environment (DE), in Sierra Leone is structured into the whole M&E component of the project. This would take the form of giving the DE the mandate to carry out independent

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monitoring of the implementation of the resettlement plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life from date of date of project effectiveness. Their report would then be sent to the PMT of the MOH and become part of the official documents of the project .

Annexe A - Aide Mémoire

WORLDBANK/GOVERNMENT OF SIERRA LEONE

HEALTH SECTOR RECONSTRUCTION AND DEVELOPMENT PROJECT

**PREPARATION MISSION BY JAMES O. MONDAY, WORLD BANK
CONSULTANT SEPTEMBER 16th to 20th 2002**

FOR THE PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK

AIDE MEMOIRE

Mission Objective.

The purpose of this mission was to assist the Government of Sierra Leone in preparing a Resettlement Policy Framework (RPF), as required by World Bank OP4.12. The preparation of the RPF and disclosure of this document is a conditionality for Bank appraisal of this project .

Mission Terms of Reference

This included a visit to Sierra Leone to discuss and to sensitize government officials and other stake holders in this project and to also gather relevant data, information and documentation to facilitate the preparation of the RPF. The full mission TOR is attached herewith.

Work Schedule

Friday September 13 th 2002	Arrival of World Bank consultant.
Saturday September 14 th	Brief introductory meeting with Mr. M. Sande Director of Finance, and planning of work schedule and activities.
Monday September 16 th	Meetings with Mr. Duroseme Thompson, Senior Parliamentary Counsel from Ministry of Justice, Mr. Steven J. Jusu , Director of Environment Mr. M. Sande , Director of Finance.
Tuesday September 17 th	Meetings with The Hon. Mrs. Agnes Taylor Lewis, Minister of Health and Sanitation Dr. Noah Conteh – Director General of Medical Services
	Mr. Alusine Kallon, Director Planning ,Evaluation, Monitoring and Statistics Division, Ministry of Agric.

Wednesday September 18th Site Visit to Moyamba District

Thursday September 19th Information and documentation gathering ,collation and editing.

Friday September 20th Discussion and presentation of Aide Memoire
Departure of Consultant

Minutes of Meeting Held on September 16th 2002 at Law Offices, Guma Building, Lamina Sankoh Street, Freetown, Sierra Leone.

**Those Present: Mr. D. Durosime Thompson – Senior Parliamentary Counsel
Ministry of Justice**

**Mr. Albert Patewa - Project Accountant
Ministry of Health and Sanitation**

Mr. James Monday – Consultant, The World Bank

1. The purpose of this meeting is to continue the consultative process with the Government of Sierra Leone (GOSL) during the preparation of this project and to prepare the Resettlement Policy Framework.
2. The World Bank Consultant (WBC) started the meeting by briefly explaining in general terms the components of the HSRDP and the Environmental and Social Safeguards Policies of the Bank, and further explained that the implementation of the Sanitation sub component of the project would trigger the policy on Involuntary Resettlement OP.4.12, which therefore required the preparation of a Resettlement Policy Framework (RPF) to be disclosed by the GOSL and the Bank prior to project appraisal, which is scheduled for Oct. 2002.
3. The key features of OP4.12 were explained. It was further explained that the contents of the RPF included the review of the national laws (statute and customary) governing the acquisition of land and other economic assets, analysis of the discrepancies among various legal national instruments and those between the Bank policy OP4.12 with proposals to bridge these gaps, the structure of the decentralized law administration and existing legal decentralized structures for administering customary law requirements.
4. The Senior Parliamentary Counsel (SPC) gave a very detailed presentation of the Laws of Sierra Leone governing land administration. He highlighted that there are significantly two different sources for land administration in the country. In the capital city of Freetown and its environs in the western area of Sierra Leone, the source is contained in Statute and for the rest of the country, Statute co-existed in parallel with Customary Law and where there was a conflict between the two, Statute governed.

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5. The SPC stated that Customary Law was defined by the Constitution, Act No. 12 1978 and the Local Courts act, 1963. In both statutes, the emphasis is on the geographical criterion.
6. When Statute is applicable (i.e. western area), the most significant laws which are potentially relevant for the preparation of the RPF were :
 - i) Law of Property Act 1925
 - ii) Interpretation Act no. 8 of 1971
 - iii) Public Health Act no. 23 of 1960
 - iv) Public Lands Act no. 116
 - v) Land Compensation Act.
 - vi) Provinces Land Act, Cap 122
 - vii) Local Courts Act
7. The SPC pointed out certain features of Customary Law in Sierra Leone which included;
 - i) Land could never be owned under free hold rights and therefore by implication would always revert back to the chiefdom.
 - ii) Land was separate form Structures on the Land such as houses etc. Land can never be owned freehold, only structures on the land could be owned. So in theory the option is there under customary law to "take" the structures with you when you leave the land when it reverts back to the chiefdom.
 - iii) There is not a single customary law. Customary law may vary form chiefdom to chiefdom and district to district.
8. The SPC went on to inform the meeting that a bill was either before parliament now or was recently passed by parliament entitled " The Sierra Leone Waste Disposal Authority Bill (Act) ", establishing this authority and setting its modus operandi.
9. A long and detailed conversation ensued whereby various details of the various statutes and customary laws were examined .
10. The meeting ended by the SPC making special arrangements with the Law School library for copies of the above listed statutes to be made available to the WBC.

Minutes of Meeting held on September 16th 2002 at the Offices of the Director of Environment, 3rd Floor, Youyi Building, Freetown, Sierra Leone.

**Those Present: Mr. Steven Jusu – Director of Environment Department,
Ministry of Environment**

**Mr. Bendu Edward – Environment Officer
Ministry of Environment**

**Mr. Albert Patewa - Project Accountant
Ministry of Health and Sanitation**

Mr. James Monday – Consultant, The World Bank

11. The purpose of this meeting is to continue the consultative process with the Government of Sierra Leone (GOSL) during the preparation of this project and to prepare the Resettlement Policy Framework .
12. The World Bank Consultant (WBC) started the meeting by briefly explaining in general terms the components of the HSRDP and the Environmental and Social Safeguards Policies of the Bank, and further explained that the implementation of the Sanitation sub component of the project would trigger the policy on Involuntary Resettlement OP4.12, which therefore required the preparation of a Resettlement Policy Framework (RPF) to be disclosed by the GOSL and the Bank prior to project appraisal, which is scheduled for Oct. 2002.
13. The key features of OP4.12 were explained. It was further explained that the contents of the RPF included the review of the National Environment Policy and the Environment Protection Act 2002 of Sierra Leone and to address any gaps between the national Policy/Act and OP4.12 by suggesting ways to bridge them.
14. The WBC explained the need for an ongoing consultative process with potentially impacted people in a participatory approach in planning, implementation and monitoring and advised them to embark on that process if they had not already done so.
15. The WBC requested the Director to share past resettlement experiences of his department with him.
16. The Director of Environment (DE) explained the key features of the Environment Protection Act which included requirements for the carrying out of an Environmental Assessment/Analyses which is to be reviewed

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and approved by The National Environment Protection Board before projects were approved by the GOSL.

17. The WBC explained that those impacted by the project according to OP4.12 were not limited to those who had to be physically relocated/resettled. But included those impacted by loss of shelter, loss of assets or access to assets important to production, the loss of income sources or means of livelihood, or the loss of access to locations that provide higher income sources or lower expenditures to business or persons. Therefore, it became apparent that there is a considerable gap between the GOSL's requirements/definitions for project impacted persons and OP4.12. The WBC explained that the requirements of OP4.12 were mandatory and would therefore have to govern if this project is to be approved by the Bank.
18. The DE explained that the Ministry was empowered by the Environment Protection Act 2000 to carry out compulsory land acquisition with compensation for legal holders of the land. The WBC highlighted that the Bank OP4.12 made no difference between legal or illegal impacted people in terms of eligibility for benefits (i.e. they are all eligible for some form of benefits) provided they were occupying the project area by a cut-off date established by the GOSL and acceptable to the bank. Only persons who encroached on the area after the cut-off date are deemed not entitled to any form of benefits.
19. The WBC at this point gave a copy of OP.12 to the DE for his records.
20. The DE explained that his department had considerable experiences with resettlement of people in the past. Notably, those involving the Rutile Mining Company Ltd. and the local communities in which they operated.
21. The issue of providing within the project an appropriate mechanism for monitoring the implementation of resettlement was discussed at length. It was agreed that the Dept. of Environment would be the best qualified institution of government to carry out this exercise. A number of ways of bringing in the Dept. into the overall project administration for monitoring was discussed. It was further agreed that a simple, non cumbersome and inexpensive way to achieve this objective was the best way forward. Thus the following two options were agreed for presentation to and discussion with the Ministry of Health and Sanitation officials for inclusion in the project monitoring administration structure;
 1. have a representative from the Department of Environment as a member of the Project Management Team.

and/or

2. assign an environmental officer from the Department of Environment to carry out an independent monitoring exercise at period intervals of quarterly or half yearly during the project life from date of project effectiveness (similar to the role of the financial auditor).

22. The DE made available copies of the National Environment Policy and The Environment Protection Act 2000 to the WBC.

**Minutes of Meeting Held on September 18th 2002 at District Headoffice,
Moyamba, Moyamba District, Sierra Leone.**

Those Present: Mr. Raymond Bindi – District Officer, Moyamba District

**Mr. Joseph S. L. Cole - Ag. District Health Superintendent
Moyamba District**

Mr. Mohamed K. Kpevai – Senior Health Superintendent

Mr. James Monday – Consultant, The World Bank

23. The purpose of this meeting is to continue the consultative process with the Government of Sierra Leone (GOSL) during the preparation of this project and to prepare the Resettlement Policy Framework, and in particular to discuss mechanisms for consultation with the local communities who would be impacted by this project.
24. The World Bank Consultant (WBC) started the meeting by briefly explaining in general terms the components of the HSRDP and the Environmental and Social Safeguards Policies of the Bank, and further explained that the implementation of the Sanitation sub component of the project would trigger the policy on Involuntary Resettlement OP.4.12, which therefore required the preparation of a Resettlement Policy Framework (RPF) to be disclosed by the GOSL and the Bank prior to project appraisal, which is scheduled for Oct. 2002.
25. The key features of OP4.12 were explained. The WBC further explained that the contents of the RPF included methods to ensure that displaced persons were meaningfully consulted and are part of the planning and implementation processes. They should not just find out "one morning" that they were being displaced. The WBC explained that the purpose of his visit to Moyamba was , to continue the process of consultation with the local authorities who were required by OP4.12 to involve the local communities.
26. The District Officer (DO) was very receptive to these requirements and promised to involve the communities through the respective Paramount Chiefs, who were the administrative heads of their chiefdoms, under customary law.
27. The DO suggested various ways in which that might occur, especially at the land selection stages. An interesting discussion ensued and it was

decided to promote the idea to the MOHS of first identifying a number of potential land fill sites in the respective districts and then subsequently start the consultation process with the communities when potential sites were identified. Thereafter, their full participation was to be maintained through out the planning process that would lead to the final approval of a particular site. The importance of establishing a cut-off date as soon as the site was approved, with the full participation of communities was discussed. It was generally felt that this method would be the best so as not to cause panic and stress on the communities/chiefdoms that are not even being considered.

28. The DO saw his role as pivotal in all of this and the WBC emphasized that during the implementation of this project, the consultative process would have to be maintained for the implementation of the resettlements plans, the redress mechanisms (established which would be based on customary law) and during the phase in which the displaced persons would be monitored.

Points of Discussion with;

The Hon. Mrs. Agnes Taylor Lewis, Minister of Health and Sanitation

The World Bank Consultant was accompanied by the Director of Finance at the MOHS to pay a courtesy call on the Hon. Minister . The Minister was briefed on the objectives of the mission and was given a general summary on the requirements and contents of the RPF.

The Hon. Minister was very welcoming and assured us of her Ministry's continued support .

Dr. Noah Conteh, Director General of Health Services

The World Bank consultant briefed Dr. Conteh on the progress of his mission, especially on discussions he had the previous day with the Department of Environment and the need to bring them into the overall administration of the project. Particular emphasis was placed on the need to bring the Dept. of Env. in on the Land acquisition process, the screening processes resulting in land selection, the preparation of the resettlement plans and the monitoring and evaluation side of the project. Discussions were held on the specific requirements of the OP 4.12 to involve the potentially displaced persons in a consultative process during the planning, implementation and M&E phases of the implementation of the project.

It was agreed that the Dept. of Env. should be brought in albeit in a simple but effective process. This could take the form of setting up an adhoc committee

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include representatives of the Dept. of Env. and MOHS in the land identification and selection process. On the M&E side it was felt that the simplest form could be to get the Dept. of Env. to carryout M&E exercises on a quarterly or half yearly basis and given the mandate to prepare their report of findings and recommendations for the Project Management Team (i.e. They would operate like an independent financial auditor would do when auditing financial accounts.)

The Director of Planning, Ministry of Agriculture - Mr. Alusine Kallon

The Director was briefed on the project and he provided the World Bank consultant with the market prices data for all farm produce in Sierra Leone.

Deliverables and Points of Action

- 1) The World bank consultant to submit a Draft Resettlement Policy Framework to the TTL at the World Bank in Washington DC on Monday September 23rd 2002.
- 2) The Government of Sierra Leone to review, comment and finally approve the Resettlement Policy Framework, before appraisal.

Annexe A - Map of Sierra Leone