

Final Report

Smallholder Commercialization and Agribusiness Development Project (SCADP)



Resettlement Policy Framework (RPF)

Prepared by:

INTEGEMS



Integrated Geo-information and Environmental Management Services

Freetown, Sierra Leone

For:

Ministry of Agriculture, Forestry and Food Security (MAFFS)



World Bank Support

**November
2015**

CONFIDENTIAL INFORMATION DISCLAIMER

Title: Smallholder Commercialisation Agribusiness Development Project (SCADP):
Resettlement Policy Framework (RPF)

Client(s): Ministry of Agriculture, Forestry and Food Security (MAFFS) - Sierra Leone

Confidentiality, Copyright and Reproduction: This document has a restricted distribution and may be used by recipients only in the performance of their official duties. Its contents may not otherwise be disclosed without World Bank authorization.

File Reference:

Reference Number: PROJ-ESIA-2015/WB-SCADP-2

Prepared By: Integrated Geo-information and Environmental Management Services
(INTEGEMS)
Espace Akwaba
17^B Murray Town Road
Congo Cross
Freetown
Sierra Leone

Tel: +232 (0) 78 898 260
Email: info@integems.com
Website: www.integems.com

Authors: Julius Mattai, Principal Consultant/Managing Director, INTEGEMS

Approved By: Julius Mattai



Date: 30 November 2015

TABLE OF CONTENT

Final Report	i
ACRONYMS AND ABBREVIATIONS	v
1. Background	6
1.1 Objectives of the RPF	7
2. Legislation and Regulatory Framework	8
2.1 National Legislation	8
2.1.1 Constitution of Sierra Leone.....	8
2.1.2 Draft National Lands Policy (February, 2005)	8
2.1.3 Cultural Heritage Issues	8
2.2 World Bank and IFC policies	8
2.2.1 Procedures for Involuntary Resettlement according to World Bank OP 4.12	8
2.2.2 IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement	9
3. Implementation Arrangements for RPF	9
3.1 Implementing Agency	9
3.1.1 National Level.....	10
3.1.2 Regional Level.....	10
3.1.3 Local Level	10
4. Eligibility Criteria	11
4.1 Affected Parties	11
4.2 Eligibility for Compensation	11
4.2.1 Eligible Individuals and Households	11
4.2.2 Eligible Communities	11
4.3 Eligibility According to National Law	12
5. Evaluation of Affected Assets	12
5.1 Types of Compensation Payments	12
5.2 Compensation Calculations for Assets	12
5.3 Rules for Compensation	12
5.3.1 Compensation for Cultivated Land and Crops	13
5.3.2 Compensation for Economic Trees.....	13
5.3.3 Compensation for Residential Buildings, Structures and Fixtures	13
5.3.4 Compensation for Sacred Sites	13
5.3.5 Compensation for Vegetable Gardens.....	13
5.3.6 Compensation for loss of Business or Employment	13
6. Methods of Valuation	14
6.1 Selection of Potential Resettlement Sites	14
6.2 Implementation and Monitoring Procedures	14
6.2.1 Notification of Expropriation Order	14
6.2.2 Preparation of Individual Compensation Dossiers	14
6.2.3 Preparation, Approval and Signing of Compensation Contract	14
6.3 Payment of Compensations	15

6.4	Resettlement of Affected Households	15
6.5	Monitoring.....	15
6.6	Grievance and Redress Mechanisms	16

ACRONYMS AND ABBREVIATIONS

CBOs	Community Based Organisations
DAO	District Agricultural Officer
DCU	District Coordinating Unit
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EPA-SL	Environmental Protection Agency-Sierra Leone
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
EVD	Ebola Virus Disease
GDP	Gross Domestic Products
GoSL	Government of Sierra Leone
LC	Local Council
M&E	Monitoring and Evaluation
MAFFS	Ministry of Agriculture, Forestry and Food Security
MDG	Millennium Development Goal
MEST	Ministry of Education, Science and Technology
MFMR	Ministry of Fisheries and Marine Resources
MLCPE	Ministry of Lands, Country Planning and the Environment
MLGRD	Ministry of Local Government and Rural Development
MTI	Ministry of Trade and Industry
NEP	National Environmental Policy
OP	Operational Policy
PRSP	Poverty Reduction Strategy Paper
RAP	Resettlement Action Plan
RPSDP	Rural and Private Sector Development Project
SCP	Smallholder Commercialization Programme
SCADP	Smallholder Commercialization and Agribusiness Development Project
SMEs	Small and Medium Enterprise
TOR	Terms of Reference
VRC	Village Resettlement Committee
WAAPPSL	West Africa Agricultural Productivity Programme in Sierra Leone
WHO	World Health Organisation

1. Background

The agricultural sector in Sierra Leone has been seriously affected by the Ebola Virus Disease (EVD) pandemic which is at its tail end. This pandemic also affected neighboring Guinea and Liberia. Food production and the agribusiness sub-sectors have been negatively impacted. In order to redress and/or minimize the impact and ensure the sectors' recovery from the effects of the Ebola epidemic, the World Bank and the Government of Sierra Leone (GoSL) are developing a new project, viz the **Smallholder Commercialization and Agribusiness Development Project (SCADP)**. The outputs of these subsectors are dependent to a large extent on the activities of farmers with small holdings and small to medium scale agribusinesses. The project with its huge socioeconomic potential is aligned to the economic growth pillar of the Government's Agenda for Prosperity upon which the World Bank's Program of support will be anchored.

The SCADP has four (4) main components:

- **Component 1: Support to agribusiness-farmer linkages and SMEs along selected agricultural value chains (US\$ 19.00 million):** This component is designed to strengthen linkages between agribusiness firms and farmers and promote producer associations and SMEs linkages along four agricultural value-chains (rice, cocoa, palm oil and poultry). The project will aim at improving access to finance through a combination of matching grants scheme and/or on-lending facilities and technical assistance. This component has two sub-components: Sub-component 1A. Value-Chain Financing to Selected Agribusinesses linked to out-grower schemes (US\$12 million); Sub-component 1B Support to farmers' aggregation and agricultural small and medium scale enterprises (US\$ 8 million).
- **Component 2: Market Access Component (US\$ 21 million):** The objective of this component is to link high agricultural production areas to markets. This component will support the rehabilitation and spot improvements of about 400 km of feeder roads and the routine maintenance of the rehabilitated roads and structures. Specific focus will be on those rural roads that link markets to production areas with high volumes of perishable crops and produce. In addition, the project will scale-up the capacity of the district assemblies to undertake maintenance for the rehabilitated feeder roads using labour-based methods. Special focus will be given to capacity building of specialized contractors, their work force, and involved government bodies through training and provision of advisory services. To minimize risks associated with migrating workers, the majority of the labour-based works will be scheduled when demand for farm labour is low, usually from December to March. The project will also address the feeder roads maintenance budget deficit through supporting the development of a sustainable revenue base for the Road Maintenance Fund Administration (RMFA) for feeder roads maintenance financing. The project will also pilot-test the use of hybrid Performance-based Maintenance Contracts on 100 km feeder roads. Aggregation Structures and ICT technologies for market coordination will also be supported under this component in order to address market coordination failures which constrain smallholder farmers' productivity and competitiveness. UK's Department for International Development (DFID) will provide US\$ 10 million co-financing to support market access improvement.
- **Component 3: Institutional Strengthening to Promote Agricultural Development (US\$ 6 million):** This component will strengthen State and Non-State institutions through Capacity Building to support critical services required for agribusiness development. This component will include the following:
 - Technical support and training for selected Institutions and Personnel through development of programmes aimed to maximize/improve the production of the agricultural products;
 - Provide support for Institutional studies through the promotion of agricultural research;
 - Build Institutional and/or farmers' capacity for value-chain development services and provide support for conducive policy environment for agribusiness development
- **Component 4: Project Coordination, Management and Monitoring and Evaluation (US\$ 4 million):** This component will provide a comprehensive Environmental Management Plan to support short, middle and long- term implementation and technical assistance to the project. A

proactive National Steering Committee under the Ministry of agriculture Forestry and Food Security (MAFFS) and a strong Project Coordinating Unit will be proposed.

The SCADP aims at supporting sub-projects that could lead to an increase in farmers' productivity, commodity sales and incomes and ultimately the aggregate value added for key agricultural value chains. The project will support: (i) production of commodities such as rice, oil palm, cocoa and poultry (eggs and meat); (ii) processing of agricultural and poultry products; (iii) trading and marketing of these commodities; (iv) rehabilitation and maintenance of feeder roads to facilitate smallholder access to markets; and capacity building of farmers and agribusinesses operating along the four selected value-chains.

The Environmental and Social Management Framework (ESMF) has been developed as a policy guideline that will be used as a decision-making tool to ensure that all the subprojects selected and implemented under the SCADP are environmentally and socially responsive and sound. The ESMF demands that each subproject will require environmental and social assessment that covers (i) legal and regulatory mechanisms, (ii) institutional arrangements, (iii) environmental management, and (iv) social assessment. The ESMF will be reviewed and approved for disclosure before project appraisal. It is also planned that the ESMF will be regularly updated to respond to changing local conditions.

The Environmental Category assigned for the SCADP is B (Partial), since it is expected that environmental and social impacts will be moderate and in most cases manageable. The likely environmental and social impacts as well as the mitigation measures have been developed through this detailed ESMF, which has been undertaken as part of project preparation. Where required after further assessments, other safeguard instruments with mitigation measures will be put in place to address any potential or real negative social and environmental impacts.

The project has triggered the following environmental and social safeguard policies: OP4.01 (Environmental Assessment); OP4.04 (Natural Habitats); OP4.09 (Pest Management); OP4.11 (Physical Cultural Resources); OP4.12 (Involuntary Resettlement) and OP 4.36 (Forests). As an agricultural project, most activities to be undertaken by the out-growers and agribusinesses will bring about some environmental issues related to crop production. As such, both OP4.01 and OP4.09 have been triggered to put in place appropriate risk management plans. OP4.36 has also been triggered even though all production activities, including replanting will occur on existing farms and plantations. However, it is likely to anticipate that may extend to secondary forests, given that shifting cultivation is still prevalent in Sierra Leone. Similarly, the project has triggered OP4.11 (Physical Cultural Resources) out of precaution in order to have a management framework in place in case of chance-finds during project implementation.

1.1 Objectives of the RPF

Even though it is not envisaged that the SCADP will support any activities that will entail physical displacement of people, a Resettlement Policy Framework (RPF) has been developed as per the World Bank Policy Guidelines (OP4.12) in order to have a framework in place to deal with an unforeseen circumstances which may arise as a result of the SCADP implementation. For example, it is possible that rehabilitation of feeder roads, construction of sub projects like processing and marketing centers, office space and demonstration farms and other civil works related activities may have some land acquisition or loss of income or livelihood source due to loss of assets or access assets.

Replace this by: as the exact nature/scale of resettlement and the magnitude of land acquisition or restrictions on land use are unknown at this stage of project development, a resettlement Policy Framework is required.

The purpose of the Resettlement Policy Framework (RPF) is to guide resettlement principles, compensations, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation. The RPF will provide project stakeholders with procedures to address compensation issues as related to affected properties (including land and assets) and livelihoods including land and income generated activities during project implementation. Subproject resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available.

The RPF will assist the Project implementation team in:

- (i) screening all subprojects for land acquisition and physical and/or livelihood displacement resulting from such land acquisition; and
- (ii) Identifying documentation and preparation requirements for compliance with World Bank Safeguards Policy.

In the unlikely event that the project leads to land acquisition and/or resettlement, Abbreviated Resettlement Plans (ARPs) and/or Resettlement Action Plans (RAPs), as may be applicable, will be prepared for specific sub-projects in accordance with the RPF. The Resettlement Policy Framework will form part of the project's Operations Manual.

2. Legislation and Regulatory Framework

2.1 National Legislation

2.1.1 Constitution of Sierra Leone

The Constitution includes some provisions to protect the right of individuals to private property, but Section 21 of the Constitution also sets principles under which citizens may be deprived of their property in the public interest. Consequently, the Constitution upholds the fundamental rights of citizens to own property and receive support from the State when that property is compulsorily acquired by the State. Furthermore, it also makes provision for the prompt payment of adequate compensation and access to the court or other impartial and independent authority for the determination of the land owner's interest or right, and the amount of any compensation to which he is entitled and for the purpose of obtaining prompt payment of that compensation.

2.1.2 Draft National Lands Policy (February, 2005)

The National Lands Policy addresses many of the lapses of the dual land tenure system in Sierra Leone (freehold in the Western Area and communal in the provinces). It also provides for the compulsory acquisition of land in the public interest. The principles of the land policy include:

- Principle of land as a common national or communal property resource held in trust for the people and which must be used in the long term interest of the people of Sierra Leone. Such principle only holds where it does not violate existing rights of private ownership.
- Compensation to be paid for lands acquired through compulsory acquisition will be fair and adequate and will be determined, among other things, through negotiations that take into consideration government investment in the area.
- No interest in or right over any land belonging to an individual or family can be disposed of without consultation with the owner or occupier of the land.
- No interest in or right over any land belonging to an individual or family can be compulsorily acquired without payment, in reasonable time, of fair and adequate compensation.

2.1.3 Cultural Heritage Issues

The National Environmental Policy (1994) provides for the collection of relevant data on biological diversity and cultural heritage. It seeks to promote socio-economic and cultural development through the preservation of biological diversity for the sustainable utilization of natural resources. There are references to the preservation and/or respectful removal (taking into consideration cultural sensitivities) of "society bushes" for large-scale agribusiness and other purposes in various regulations.

2.2 World Bank and IFC policies

2.2.1 Procedures for Involuntary Resettlement according to World Bank OP 4.12

World Bank's Operational Policy (OP) 4.12 (World Bank, 2004) is seen internationally as the global standard for involuntary resettlement guidelines. The fundamental objective of resettlement planning,

as stipulated in OP 4.12, is to avoid resettlement wherever feasible, or, where resettlement is unavoidable, to minimize its extent and to explore all viable alternatives.

Where land acquisition and involuntary resettlement are unavoidable, resettlement and compensation activities are carried out in a manner that provides sufficient opportunity for the Project Affected Persons (PAPs) to participate in the planning and implementation of the operation. Furthermore, if incomes are adversely affected, adequate investment is required to give the persons displaced by the Project the opportunity to at least restore their income.

The OP 4.12 further requires particular attention to be given to the needs of vulnerable groups especially those below the poverty line, including:

- i. Landless individuals and households;
- ii. Elderly persons
- iii. Women and children;
- iv. Indigenous groups and ethnic minorities; and
- v. Other disadvantaged persons.

2.2.2 IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement

Land Acquisition and Involuntary Resettlement (IFC, 2012) was developed by the International Finance Group (IFC), which is part of the World Bank Group, based on World Bank OP 4.12 and it relates to resettlement directly. It is stated in this document that: Where involuntary resettlement is unavoidable, the client will carry out a census with appropriate socio-economic baseline data to identify the persons who will be displaced by the project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. In the absence of host government procedures, the client will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area.

Furthermore, IFC Performance Standard (PS) 5 has the following basic principles related to resettlement:

- i. to avoid or at least minimise involuntary resettlement wherever feasible by exploring alternative project designs;
- ii. to mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of land by: a) providing compensation for loss of assets at replacement cost; and b) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- iii. to improve or at least restore the livelihoods and standards of living of displaced persons; and
- iv. to improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites.

3. Implementation Arrangements for RPF

3.1 Implementing Agency

The project proponent is the implementing agency and will ensure that the implementation of the RPF will be in compliance with the existing legislation related to the expropriation of land for public purposes, payment of compensation and resettlement of affected persons. The project proponent should provide all the necessary financial resources for the implementation of the resettlement and compensation payment process and provide all managerial and technical expertise required to the implementation of the RPF in an effective and proper manner. During the preparation and implementation of the resettlement and compensation payment process; the project should to cooperate with various government agencies and other stakeholders at various levels, which are briefly described below.

3.1.1 National Level

Various Government Agencies will act as primary support agents to the project proponent during the preparation and execution of the entire resettlement and compensation payment process. These are indicated in the table below.

Name of Agency	Key Responsibilities
Ministry of Local Government and Rural Development	<ul style="list-style-type: none"> • Act as the primary Government representative; • Support the project proponent in providing assistance to relocated households as and when required; • Ensure compatibility of the resettlement process with overall development visions for the area; and • Ensure that the Land Plan for the host resettlement area meets requisite legislative criteria.
Ministry of Agriculture, Forestry & Food Security	<ul style="list-style-type: none"> • Support the execution of the census during the preparation of RAP, in particular the inventory of crops and economic trees.
Ministry of Lands, Country Planning and Environment	<ul style="list-style-type: none"> • Support the execution of the census during the preparation of RAP, in particular the measuring and recording of structure dimensions, including all their features.
Sierra Leone Environmental Protection Agency	<ul style="list-style-type: none"> • Ensure environmental standards in the Project area; and • Monitor the Environmental and Social Management Plan.

3.1.2 Regional Level

The agencies involved in implementing the resettlement and compensation payment programme at regional level include the Regional Housing Officer and Regional Agriculture Officer, who will mainly be involved in the asset inventory during the preparation of the RAP.

3.1.3 Local Level

3.1.3.1 Village Resettlement Committees

A Village Resettlement Committee (VRC) should be formed for each larger affected village or a few small villages together. The VRC will consist of representatives of all Project Affected Persons (PAPs), including representatives of vulnerable groups. The main tasks of the VRC is to address issues dealing with all aspects concerning compensation payment, identification of relocation sites, contribution to development of infrastructure at relocation site, resolution of grievances from PAPs, monitoring of the implementation of RAP, and assessment of the effects of relocation on PAPs.

3.1.3.2 Other Local Agencies

In addition to the VRC, it is envisaged that the following agencies will be involved in the resettlement and compensation payment process at the local level:

- i. Chiefdom Authority Representative(s) with the following key responsibilities: a) confirmation of land ownership; b) confirmation of features of cultural/archaeological significance (i.e. shrines); and c) resolution of ownership disputes; and
- ii. Chiefdom Native Administration with the main task to assist the village leaders.

4. Eligibility Criteria

4.1 Affected Parties

Affected groups under the SCADP and in line with the definitions outlined in the national legislation and OP 4.12 can be categorized into the following groups:

- **Affected individual:** Individual who suffers loss of assets or investments, land and property and/or access to natural and/or economic resources as a result of the Project activities and to whom compensation is due.
- **Affected household:** 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.
- **Affected local community:** Community is affected if Project activities affect their socio-economic and/or social-cultural relationships or cohesion.

4.2 Eligibility for Compensation

4.2.1 Eligible Individuals and Households

Fixing eligibility criteria for entitlement purpose is essential for the resettlement process and compensation payments. According to the World Bank OP 4.12 procedures, the following PAPs will be eligible for compensation:

- a) Those who have formal rights to land, including customary and statutory rights of occupancy recognized under the national laws;
- 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 national laws, or become recognized through a process identified in the RAP; and
- c) Those who have no claim to land they are occupying or using.

Those covered under a) and b) above are to be provided compensation for 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 or use as well as other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the Project area prior to a cut-off date established by the responsible agency. 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.

Upon identification of the need for involuntary resettlement in the Project area, the implementing agency will carry out a census to identify the persons to be affected by the Project, to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The implementing agency will also develop a procedure for establishing the criteria by which affected persons will be deemed eligible for compensation and other resettlement assistance. The procedure will include provisions for meaningful consultations with affected persons and communities, local authorities and NGOs as well as the grievance mechanisms.

4.2.2 Eligible Communities

Communities permanently losing land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for market place, schools and health posts. The rationale for this is to ensure that the pre- Project socio-economic status of affected communities are also restored.

4.3 Eligibility According to National Law

In determining eligibility, the national legislation may differ from the World Bank Policy. If there is contradiction between the two, the World Bank OP 4.12 applies .

5. Evaluation of Affected Assets

5.1 Types of Compensation Payments

Individual and household compensation will be made in kind and/or in cash. For cash payments, compensation will be calculated in the national currency and adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labour.

Making cash payments raises issues regarding inflation and security that have to be considered. Cash payments must allow for inflationary adjustments of compensation values. For payment of compensation in-kind, the time and new location will have to be decided and agreed upon by each recipient.

In kind compensation should be strongly recommended to an affected person if his or her loss amounts to more than 20% of the total loss of subsistence assets. The preference for in-kind compensation is because it offsets inflationary pressures on the costs of goods and services and hence provides better livelihood security for affected persons.

5.2 Compensation Calculations for Assets

Compensation for all land use and assets must be made, including for:

- i. Cultivated land and crops;
- ii. Residential buildings, structures and fixtures;
- iii. Sacred sites;
- iv. Vegetable gardens and beehives;
- v. Horticultural, floricultural and fruit trees;
- vi. Other domestic trees; and
- vii. Loss of businesses or employment

5.3 Rules for Compensation

Households, individuals and communities deemed to be entitled to compensation will be identified. The nature of the entitlement will vary between each individual and households. For the most part the operational entity and unit of entitlement is envisaged as being the household as a whole. In some instances this may have to be re-examined and negotiated with individuals within the household. These criteria need to be defined early in the resettlement process and should be agreed to by all stakeholders.

Affected households, individuals and communities are entitled to compensation based on agreed values. Different compensation options have to be discussed with all affected parties via the consultative meetings in order to obtain agreement on the adequacy and acceptability of the compensation package. Compensation valuations should focus on the following:

- i. Compensation options in terms of replacement of homesteads, structures and replacement land for physical resettlement where this is necessary;
- ii. Options for the relocation of graves and sites of cultural, historical or religious importance; and
- iii. Relocation and replacement of any community structures (i.e. schools).

5.3.1 Compensation for Cultivated Land and Crops

A farmer whose land is acquired for the SCADP purposes will be compensated not only for the land but also for his labour and crop loss. In this context, "land" is defined as an area in cultivation, or being prepared for cultivation, or cultivated during the previous agricultural season. Compensation relating to land will cover the market price of labour invested in it as well as the market price of the crops lost.

5.3.2 Compensation for Economic Trees

Compensation for fruit trees and other economically valuable trees will be compensated for in the same way as for crops and in accordance with the national law.

5.3.3 Compensation for Residential Buildings, Structures and Fixtures

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:

- i. Abandoned because of relocation or resettlement of an individual or household; or
- ii. Directly damaged by construction activities.
- iii. Replacement values will be based on:
- iv. Drawings of individual's household and all its related structures and support services;
- v. 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. poles, bricks, rafters, bundles of straw, corrugated iron sheets (CIS), doors, etc.);
- vi. Prices of these items collected in different local markets;
- vii. Costs for transportation and delivery of these items to acquired/ replacement land or building site; and
- viii. Estimates of construction of new buildings including labour required.

5.3.4 Compensation for Sacred Sites

Compensation for sacred sites (i.e. ceremony and reconstruction) is determined through negotiation with the appropriate parties. Sacred sites include but are not restricted only to altars, initiation centres, ritual sites, tombs, and cemeteries. They include other such sites, places or features that are accepted by practice, tradition and culture as sacred.

5.3.5 Compensation for Vegetable Gardens

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

5.3.6 Compensation for loss of Business or Employment

Compensation for businesses (i.e. flour mills, kiosks, coffee houses and local eating and drinking places) will be estimated based on the daily or monthly income of the affected parties.

6. Methods of Valuation

Compensation will be determined by taking all assets into account, including land, crops, trees, buildings and structures, sacred sites, vegetable gardens and beehives, horticultural, floricultural and fruit trees, and other domestic cash crops and fruit trees.

The valuation of assets will be carried out by certified private or public institutions or individual consultants on the basis of valuation formulae adopted at the national level and/or by the Project. This will be based according to the unit costs as provided in the national regulations, and until then, on unit costs of the asset at market rates.

6.1 Selection of Potential Resettlement Sites

Resettlement requires the physical relocation of people to a new location. If resettlement of affected households and communities is required, the implementing agency has to identify and select one or more potential sites for the relocation of affected households and communities. The process of identifying and selecting potential resettlement sites should be transparent and accountable. During the entire process of selecting potential resettlement sites, the affected households and communities as well as the host communities must be informed and consulted continuously, so that their concerns and preferences are properly taken into account during the decision-making process.

During site selection process, the following issues should be considered:

- i. Location;
- ii. Access to natural resources, in particular arable land;
- iii. Maintaining community structure;
- iv. Continued access to existing economic activities;
- v. Impacts on host communities; and
- vi. Land ownership and tenure rights. However, it must be noted that in this project, no physical displacement or relocation of PAPs is expected.

6.2 Implementation and Monitoring Procedures

6.2.1 Notification of Expropriation Order

The implementing agency should issue a written notification to the VRC for all lands it wishes to expropriate. It should also with support of the local administration organise meetings at village level, during which all affected households should be verbally notified as well.

6.2.2 Preparation of Individual Compensation Dossiers

The implementing agency with the support of the local administration has to prepare a compensation dossier for each individual affected household, which shall contain all necessary personal information of the affected household as well as detailed information with regard to the total landholding and the inventory of all assets that will be lost due to the land expropriation and resettlement. All information in the compensation dossier has to be confirmed and witnessed by the local administration and the VRC. Each affected household will receive a copy of the completed compensation dossier.

6.2.3 Preparation, Approval and Signing of Compensation Contract

Using the completed compensation dossiers, the implementing agency should prepare a compensation contract for each affected household, in which all property and land to be expropriated are listed as well as the selected options and types of compensation (cash and/or in-kind). The cash amount of compensation to be paid to the affected household is also specified in the compensation contract, including any displacement compensation to be paid. Taking into account the low literacy rates in the affected villages, the compensation contract should be read aloud in the presence of the affected party. In the presence of the implementing agency, local administration and VRC, the compensation contract should be signed by all concerned parties

6.3 Payment of Compensations

Following the signing of the compensation contract, the implementing agency should pay or cause the payment of compensation to holders of the expropriated land. Communities must also be paid compensation for the expropriation of communal land if it is required for the implementation of the Project and/or the resettlement of displaced households. The land and any related assets can only be taken by the implementing agency after the compensation is fully paid to the affected households and communities.

In addition to payment for the acquisition of communal land, a community will also be compensated in kind for the loss of any communal infrastructure i.e. school buildings, health post, boreholes or wells for potable water, market structures, roads, warehouses, etc.) in the form of the reconstruction of the lost facilities to at least the same standard or better standard to serve the same function.

6.4 Resettlement of Affected Households

The implementing agency should only proceed with the relocation of the displaced households after the compensation has been paid fully, the preparation of the resettlement sites is completed and the displaced households had the opportunity to visit the resettlement sites.

Immediately after the arrival of the displaced households on the resettlement sites, the implementing agency should undertake the necessary measures needed to restore and develop their livelihoods and standard of livings through the provision of development assistance, such as (i) improved seeds, chemical fertilizers and agro-chemicals in the first year following the relocation; (ii) agricultural extension and veterinary services, including improved breeding stock; (iii) tree seedlings; (iv) skill training, technical advice and/or credit facilities required for development (off-farm) job opportunities.

6.5 Monitoring

The monitoring of the Project activities related to land expropriation, compensation payment and resettlement must fit in the overall monitoring framework and programme for the entire Project. The main objective of the monitoring plan is to provide all concerned stakeholders with timely and updated information and data with regard to the execution of the RAP, including the progress with regard to payment of compensation and resettlement. In this way, all concerned stakeholders will be able to assess if:

- the RAP is implemented in accordance with the implementation schedule;
- the RAP has to be adjusted due to changes that have occurred on the ground;
- conflicts/disputes and grievances are properly and effectively redressed; and
- urgent decisions have to be made to resolve problems encountered during the implementation of the RAP.

Internal monitoring, also called performance and/or progress monitoring, is an internal management function allowing the Project management and other stakeholders to measure physical progress against milestones set out in the RAP in order to:

- i. ensure that due process has been followed with adequate public meetings being held;
- ii. verify that there are no outstanding or unresolved land acquisition issues regarding the Project, that the census, socio-economic surveys and asset inventories of all PAPs have been carried out, and that property valuation and resettlement have been undertaken out in accordance with the provisions of the RPF;
- iii. maintain records of any grievances that require resolution;
- iv. oversee that all resettlement measures are implemented as approved by the Project management and relevant local authorities;
- v. verify that funds for implementing resettlement activities are provided in a timely manner, are sufficient for their purposes, and are spent in accordance with the provisions of the RPF;
- vi. document timely completion of all resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses, as well as

unanticipated, additional construction damage, while updating the database with respect to any such changes; and

- vii. ensure that monitoring and evaluation reports are submitted.

6.6 Grievance and Redress Mechanisms

The project implementation is likely to be affected by, and subject to complaints and grievances. As per the experiences from the Rural and Private Sector Development Project (RPSDP), some of these complaints and grievances may be justified while others are not; some may be captured by the regular M&E system while others may not; and some may be directly or indirectly related to project implementation while others may not be related to the project at all. In order to be able to address grievances and complaints in a more structured and pro-active manner, the project has developed an inclusive, well-designed, and effective Grievance Redress Mechanism (GRM) which is meant to help the project implementation team be more responsive to beneficiaries, thereby increasing trust and confidence among project stakeholders.

The GRM has the following building blocks and characteristics: (i) multiple grievance uptake locations and multiple channels for receiving grievances; (ii) service standards for grievance resolution; (iii) clear processing guidelines; and an effective and timely grievance response system to inform complainants of the action taken. The GRM is based on the following six core principles: (i) Fairness; (ii) Objectivity and Independence; (iii) Simplicity and Accessibility; (iv) Responsiveness and Efficiency; (v) Speed and Proportionality and (vi) Participatory and Social Inclusion.

The GRM has been developed as a separate instrument under the ESMF and its implementation will be informed by the lessons from the implementation of similar tools implemented under RPSDP and WAAPP. Providing credible and accessible means for PAPs to pursue grievances allows the Project to address genuine issues in a timely manner and decreases the chances of resistance to the Project from disgruntled PAPs.

At the time that the individual RAPs are approved and individual compensation contracts are signed, affected individuals and households should have been informed of the process for expressing dissatisfaction and seeking redress. The grievance procedure will be simple and will be administered as far as possible, at local levels to facilitate access by PAPs.

All grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the VRC. All attempts shall be made to settle grievances amicably. Those seeking redress and wishing to state grievances will do so by notifying their VRC. The VCR will inform and consult with the local and regional administration to determine validity of claims. If a claim is valid, the VRC will notify the complainant accordingly. If the complainant's claim is rejected, the matter shall be brought before the local and/or regional authority for settlement. The complainant may seek redress in the established national legal system.

It has to be noted that in the local communities, people take time to decide to complain when aggrieved. Therefore, the grievance procedures will ensure that the PAPs are adequately informed of the procedure, before their assets are taken. The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to a court for resolution. All objections to land acquisition shall be made in writing, in the language that the PAPs understands and are familiar with, to the VRC. Copies of the complaint shall be submitted to the concerned Resettlement Officer (RO) within 60 days after the issue of the Notification of Expropriation Order. Channeling complaints through the VRC is aimed at addressing the problem of distance and cost the PAP may have to face. The VRC shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made.

The procedure for handling grievances should be as follows:

- i. The affected person must file his/her grievance in writing to the VRC with a copy submitted to the concerned RO. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, she/he should obtain assistance to write the note and endorse the letter with his/her thumbprint;
- ii. The VRC must respond within 14 days during which any meetings and discussions to be held with the aggrieved persons must be conducted. If the grievance relates to valuation of assets,

experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the VRC that his/her complaint is being considered;

- iii. If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he must lodge his grievance to the district administration and the concerned RO; and
- iv. The district administration and concerned RO will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to court.

Annex 1

Land Acquisition Assessment Form

The Tool

1. Date: _____
2. Home of the Assessor _____
3. Title of the Assessor _____
4. Affiliation _____
5. Name of the site _____
6. Location (Village, town, city, and county) _____
7. Size of the Project site: _____
8. Status of the Project site _____
 - (i) Public land with no use: _____
 - (ii) Public land with leased: _____
 - (iii) Community Land: _____
 - (iv) Individual land: _____
 - (v) Public land but squatted: _____
 - (vi) Other status (specify): _____

9. If public land with lease:

- (i) Who is using the land (provide the name of the beneficiary and duration of the lease): _____
- (ii) What is the land used for?: _____
- (iii) Is there any infrastructure? Yes No
- (iv) If yes, specify: _____

10. If community land

- (i) What is the current use of the land? _____
- (ii) Who is currently using the land? _____
- (iii) Is there any infrastructure? Yes No
- (iv) If yes, specify: _____

11. If individual private land:

- (i) Identify the owner: _____
- (ii) What is the current use of the land? _____
- (iii) Who benefits presently from the land? (owner or leased to someone else) _____
- (iv) Is there any infrastructure? Yes No
- (v) If yes, specify: _____

12. If collective private land

- (i) Who are the owner? _____
- (ii) What is the current use of the land? _____
- (iii) Who benefits presently from the land? (owner or leased to someone else) _____
- (iv) Is there any infrastructure? Yes No
- (v) If yes, specify: _____

13. If public land but squatted:

- (i) Who are the squatter (s) (name, identify, and where she/he or they come from). _____
- (ii) What is the use of the land? _____
- (iii) Is there any infrastructure put in place by the squatters? Yes No
- (iv) If yes, Specify: _____

14. If other

- (i) What is land used for? _____
- (ii) Who uses it? _____
- (iii) Is there any infrastructure? Yes No
- (iv) If yes, Specify: _____

15. Conclusion/Recommendation:

- The Assessor provides recommendation based on the findings:
- - (i) Land is free of claims; it is public with no use; state that the project can go ahead: _____
 - (ii) If public land but leased, the Assessor should recommend that the beneficiaries must get another lease or different site before the project status
 - (iii) If Community land or individual private land or collective private land and the owners are donating the site on a voluntary basis, the Assessor should recommend that owner (s) provide legalized and signed document showing their good will to donate the land before the project status: _____
 - (iv) If community land or individual private land or collective private land and the owner (s) or some of the owners are not willing to give the land Voluntary or somehow unhappy, then the Assessor should recommend that the project be held back until the problem is solved or an alternative site with no claims is provide: _____
 - (v) If public land is squatted, the Assessor should recommend the project to be held back until a suitable solution found for the squatters including helping them find another _____ place _____ to settle: _____
 - (vi) The Assessor could provide any other useful recommendation (s) including for land _____ with _____ other status: _____

16. Signature _____ of _____ the Assessor: _____

- (i) Date: _____
-

17. Signature _____ of _____ Government Official: _____

- (i) Official Seal: _____
- (ii) Data: _____
-

Annex Two

Resettlement Action Plan (RAP)

A Resettlement Action Plan (RAP) should include, at a minimum, the elements outlined below:

1. Introduction and Resettlement Problem

- (i) Describe the project and its location. Identify the executing agency and person (s) responsible for preparing the RAP, along with their qualifications.
- (ii) Describe the project activities that will cause displacement and efforts made to reduce the number of people displaced. Describe the site and the services currently available (schools, houses of worship, public transportation, health posts, markets, etc.) and their distance from the site.

2. Legal Framework

- (i) Provide a brief review of local laws, regulations and procedures on land acquisition and resettlement. Where gaps exist between local laws and World Bank policy, describe the ways to bridge these gaps.

3. Survey of Affected Properties, Families and/or Businesses

•

- (i) Collect data to complete Table 1, 2 and 3 below
- (ii) Include additional information on dwelling value, Willingness to be resettled, consultation meetings, etc.

4. Impact Caused by Displacement

- (i) Provide the necessary level of detail to capture the extent of the impact of displacement. At a minimum complete Table 4a. and 4b.

5. Proposed Assistance to Resettled Families

- (i) Provide a detailed description of the types of assistance (e.g. compensation, resettlement to new housing assistance for relocation) to be provided to hostess. Also describe the terms of agreement with hostess and the willingness of hostess to work the discussed assistance and timetable. In addition:
- (ii) Describe how efforts will be made to restore or enhance incomes;
- (iii) Describe how special attention will be given to people who are aged, invalids, single mothers or otherwise in need of special assistance;
- (iv) Describe how access to services will be restored or enhanced;
- (v) Show how families or community groups will be preserved;
- (vi) Describe measures to re-established socio-economic networks, and
- (vii) Describe possible impacts on host groups and measures taken to avoid rejection or other negative reactions.

Using Table 5 below, identify the solutions agreed to with each hostess

6. Responsible Agency

- Provide the name (s) of the entity that will be responsible for monitoring and implementation of activities involved in implementing the RAP

7. Source of Budget and Cost Estimate

- Include the cost of land, housing, moving costs, administrative costs, moving allowances, and settle-in-allowances

8. Resettlement Schedule

- Describe the resettlement schedule, including the activities involved, dates, and budget, along with pertinent comments. Include any follow up activities to assess whether hostess have been able to re-establish their livelihoods/living situation. This schedule should be tailored to correspond to the schedule for design and construction of the road works, and should be presented as in Table 6

9. Monitoring/Follow up Activities

- Describe how the responsible agency will follow up the implementation of the RAP and address activities required to achieve the goals of the RAP.

10. Evaluation