



**REPUBLIC OF LIBERIA
RURAL RENEWABLE ENERGY AGENCY
SCALING-UP RENEWABLE ENERGY PROGRAM**

**RESETTLEMENT POLICY FRAMEWORK
FINAL REPORT**

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Multiconsult

RURAL RENEWABLE ENERGY AGENCY (RREA) SCALING-UP RENEWABLE ENERGY PROGRAM (SREP) RESETTLEMENT POLICY FRAMEWORK FINAL REPORT

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TABLE OF CONTENTS

ACRONYMS	6
DEFINITION OF TERMS	7
1 INTRODUCTION AND BACKGROUND	9
1.1 Project Background.....	9
1.2 RPF Justification	10
1.3 Methodology	10
1.4 Scope	11
2 PROJECT DESCRIPTION	12
2.1 Background.....	12
2.2 Specific Project Overview	12
2.3 Overview	13
2.4 LIRENAP Components Likely to Trigger Resettlement.....	13
2.5 Project Location	13
2.6 Expected Project Beneficiaries	14
2.7 Lofa County Characteristics.....	14
2.7.1 Population Characteristics	14
2.7.2 Access to Infrastructure and Basic Social Services.....	15
2.7.3 Livelihoods and Environmental Issues	15
2.7.4 Housing Characteristics.....	15
2.8 Expected Project Facilities.....	15
2.8.1 Mini/Small Hydropower Plants.....	15
2.8.2 Project Components Hybrid Power Plants.....	17
2.8.3 Project Components Solar Power Plants.....	17
2.9 Delivery Models and Ownership Options.....	17
3 LEGAL FRAMEWORK.....	19
3.1 National Legislation and Policies	19
3.1.1 Legislation Governing Land Acquisition, Compensation and Resettlement.....	19
3.1.2 Policies Governing Land Acquisition, Compensation and Resettlement	29
3.2 International Requirements.....	32
3.3 Gaps between National Legislation and International Requirements.....	36
4 INSTITUTIONAL AND ORGANISATIONAL FRAMEWORK	40
4.1 Introduction	40
4.2 Inter-Agency Coordination	40
4.3 Expected Responsibilities of the Participating Agencies	41
4.4 Capacity Assessment	45
5 PRINCIPLES AND PROCEDURES	48
5.1 Principles Governing Resettlement Planning and Implementation	48
5.2 Procedure / Process for Resettlement Planning.....	51
5.2.1 Process for Screening of Projects	51
5.2.2 Guidelines to Selection of Resettlement Instrument	51
5.2.3 Resettlement Planning.....	51

5.3	Baseline Data Requirements	54
5.4	RAP Review and Approval	54
6	ESIMATED POPULATION AND ELIGIBILITY CRITERIA.....	55
6.1	Estimation of Displaced Population	55
6.2	Impact of Land Acquisition.....	55
6.3	Eligibility Criteria	55
7	VALUATION METHODOLOGY	57
7.1	Valuation of Land	57
7.2	Valuation of Structures.....	58
7.3	Valuation of Crops	59
7.4	Valuation of Cultural Property.....	60
7.5	Valuation of Communal Facilities	60
7.6	Valuation of Losses Suffered by Tenants	60
7.7	Valuation of Losses Suffered by Leaseholders	61
7.8	Compensation Packages	61
7.8.1	Compensation for Land	61
7.8.2	Compensation for Structures	61
7.8.3	Compensation for Crops.....	61
7.8.4	Compensation for Cultural Property	62
7.8.5	Livelihood Restoration	62
7.9	Proposed Compensation Options.....	62
7.10	Entitlement Matrix	62
8	ORGANISATION AND DELIVERY OF ENTITLEMENTS	65
8.1	Organisational Elements.....	65
8.2	Procedures for Delivery of Entitlements	66
9	IMPLEMENTATION SCHEDULE.....	69
9.1	Timeframes for the Implementation of the RAP and capacity building of RREA	69
9.2	Linking Resettlement Implementation to Civil Works	69
10	GRIEVANCE REDRESS MECHANISMS	70
10.1	Objectives of Grievance Redress	70
10.2	Grievance Redress and Appeal System.....	70
10.2.1	Grievance Redress System	70
10.2.2	Complaints Handling Process.....	73
11	PUBLIC CONSULTATION AND PARTICIPATION.....	75
11.1	Public Consultation Mechanisms	75
11.2	Notification Procedures.....	77
12	MONITORING AND EVALUATION ARRANGEMENTS	79
12.1	Process/Performance Monitoring	79
12.2	Completion Audit/Impact Monitoring.....	79
12.3	Evaluation	80

13	FUNDING ARRANGEMENTS FOR RESETTLEMENT	81
13.1	Source of Funds.....	81
13.2	Estimated Budget.....	81
13.3	Flow of Funds	81

Annexes:

Annex 1: Consultations with PIU Mt Coffee

Annex 2: Consultations with RREA

Annex 3: Outline of a Resettlement Action Plan

Annex 4: Sample Grievance Form

ACRONYMS

CSLG	Côte D'Ivoire, Sierra Leone, Liberia, Guinea
ESMF	Environmental and Social Management Framework
EU	European Union
kV	Kilo Volt
LACEEP	Liberia Accelerated Electricity Expansion Project
LEC	Liberia Electricity Corporation
LESEP	Liberia Electricity Sector Enhancement Project
MDB	Multilateral Development Banks
MLME	Ministry of Lands, Mines & Energy
OP	Operational Policy
PAH	Project Affected Household
PAP	Project Affected Person
RAP	Resettlement Action Plan
REEP	Renewable Energy Electrification Program
RPF	Resettlement Policy Framework
RREA	Rural and Renewable Energy Agency
SREP	Scaling-Up Renewable Energy Program
USAID	United States Agency for International Development
WB	World Bank

DEFINITION OF TERMS

Unless the context dictates otherwise, the following terms shall have the following meanings:

Term	Definition
Abandonment	It is the intentional, voluntary relinquishment of all interests and/or rights in a definite or identifiable piece of Private Land. Abandonment may be either (a) expressed or (b) presumed from a failure to (i) occupy or use the land for a continuous period of ten (10) years; and (ii) pay all taxes assessed on the land for a continuous period of ten (10) years; provided that abandonment may not be presumed from failure of occupancy or used caused or traceable to duress or force majeure.
Alternative Dispute Resolution Body	Means any entity, whether a private or government entity, the purpose of which is to resolve, or facilitate the resolution of, disputes outside of court.
Alternative Dispute Resolution Mechanism	Means any process adopted or used to resolve, or facilitate the resolution of, disputes outside of court.
Customary Land	Means the land owned by a Community and used or managed in accordance with customary practices and norms, and which include, but is not limited to wetlands, communal forestlands, and fallow lands.
Census	Means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the international safeguard policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the local leaders.
Compensation	Means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
Cut-off Date	Is the date of commencement of the census
Deed:	Means a document which contains the size and location of a piece of land and by which ownership of the land described therein is transferred from the current owner to another person.
Easement	Is the non-possessory right to enter and use the land in the possession of another and obligating the possessor not to interfere with the use(s) authorized thereby.
Eminent Domain	Means the authority and power of the Government to take any Private Land or Customary Land for any public purposes upon complying with procedural and substantive due process requirements as established in the Constitution of Liberia, and the provisions of Article 54 of this Act as well as other applicable Liberian laws.
Fee Simple	Means an ownership of Private Land and Residential Area that endures until the current owner dies without any heirs, and which is alienable, inheritable and can be devised.
Government Land	Means the land owned by the Government and used for the buildings, projects, or activities of the Government, including, but not limited to, lands on which are located: the offices of ministries, agencies, and parastatal bodies; military bases; roads; public schools and public universities; public hospitals and public clinics; public libraries and public museums; public utilities; and airports.

Term	Definition
Involuntary Resettlement	Means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by: <ol style="list-style-type: none"> 1. Loss of benefits from use of such land; 2. Relocation or loss of shelter; 3. Loss of assets or access to assets; or 4. Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
Land	Means the unmovable portion of the earth's surface which generally consists of the soil and any space above the soil that is needed for the construction and/or use of any building inclusive of attachments by the possessor or occupier of the land.
Lease	Means to grant to a person or group of persons the right to possession and use of the land of another in return for rent or other consideration.
Project Affected Persons (PAPs)	Means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said PAPs physically relocate. These people may have their: <ol style="list-style-type: none"> 1. standard of living adversely affected, whether or not the PAP must move to another location; 2. right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; 3. Access to productive assets adversely affected, temporarily or permanently; or 4. Business, occupation, work or place of residence or habitat adversely affected.
Private Land	Means the Land which is owned or otherwise held by private persons under the provisions of this Act and other applicable laws of Liberia.
Public Land	Means the land acquired by the Government through purchase, escheat, confiscation, gift or otherwise, which is not presently used by the Government for its facilities and operations and is also neither Private Land nor Customary Land.
Relocation Assistance	Means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project-affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
Resettlement Assistance	Means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.
Tribal Certificate	Means any legal document signed before the Effective Date of this Act by the Tribal Authority and issued by the County Land Commissioner under the 1956 and 1973 Public Lands Laws, certifying the consent of the community to the sale or transfer of land.

1 INTRODUCTION AND BACKGROUND

1.1 Project Background

The Government of Liberia, through the Ministry of Lands, Mines & Energy (MLME), and the Rural and Renewable Energy Agency (RREA), with the support of its development partners, mainly the World Bank, African Development Bank, Government of Norway, United States Agency for International Development (USAID), and the European Union (EU), has begun the preparation of the SREP projects for implementation. Under the supervision of the RREA and with multi-donor technical support and financing, projects under the SREP program will have to meet requirements for environmental and social safeguards consistent with local Liberian laws and international best practices.

The objective of SREP Liberia Program is to meet the electricity needs of the rural parts Liberia by embarking on a Renewable Energy Electrification Program (REEP). The program will use renewable energy resources and will tap into communities' and local institutions' innate capabilities wherever possible. It will build institutional, human and technical capacities, introducing sustainable business models and financing several projects to demonstrate the viability of their approach. It will target support to communities that will not be served by the grid of the national electricity utility – Liberia Electricity Corporation (LEC) – in the near term. The program aims to create an approach that can be replicated and supported by different development partners.

Therefore, the Government of Liberia is embarking on a Renewable Energy Electrification Program (REEP) supported by Scale-up Renewable Energy Program (SREP) to provide electricity services outside of greater Monrovia where two-thirds of the population live. The objective is to meet the electricity needs of a significant part of the population living outside Montserrado County. Communities for REEP electrification are isolated communities, as in Lofa County, where interconnection to LEC's grid is not expected for many years; and communities within the CLSG Regional Transmission Line's service corridor and the cross-border areas to be electrified through interconnection with Côte d'Ivoire. The isolated communities will rely on renewable energy mini-grid and stand-alone services for the foreseeable future.

To achieve a geographic balance for electricity provision, the government and Multilateral Development Banks (MDB) have agreed on the following support:

- The African Development Bank (AfDB) will focus on the four southeast counties, as well as those in the area covered by the cross-border interconnection (including Nimba County).
- The World Bank will focus on the rest of the country, more specifically on Lofa County and the counties within the CLSG Regional Transmission Line.

The program will focus on the development of mini-grids systems based on small hydro and biomass—backed up by photovoltaic (PV) systems to compensate for seasonal variation—and stand-alone systems. The focal point for the program is the Rural and Renewable Energy Agency (RREA), which focuses on providing modern energy services – mainly through renewable sources – to those rural areas that will remain far from the grid for a long time.

In 2014, RREA prepared the Liberia Investment Plan for Renewable Energy (IPRE) under the guidance of MLME and with the support of the World Bank and the African Development Bank (AfDB). The IPRE provided a roadmap for scaling up renewable energy to increase access, reduce over-reliance on imported fossil fuels, and strike a balance between electricity provision to urban and rural areas. The two priority choices for expanding use of renewable energy that emerge from the study were: (i) mini-grid systems based on small hydro and biomass, backed up by photovoltaic (PV) to compensate for seasonal variation; and (ii) stand-alone solar systems, which include solar lanterns, other pico-PV products and Solar Home Systems (SHS).

Based on the results of IPRE and previous analysis of hydro potential in Liberia, several prefeasibility studies were launched for the best sites identified in the North, situated in Lofa and Bomi Counties, with financing from the WB, the Government of Norway, and MLME. Preliminary results show that the suitable sites for potential development of hydroelectricity are the ones located in Lofa County. However, electricity supply in Liberia cannot solely be based on hydropower because of the highly seasonal nature of hydro resources. Back-up generation is required during the dry season to provide continuous and reliable electricity service to the users.

1.2 RPF Justification

In the context of developing renewable energy projects, there will potentially be adverse social impacts (physical and economic displacement of households) that require mitigation measures. For that reason, it is necessary for the SREP to have a Resettlement Policy Framework in place that will guide the preparation of Resettlement Action Plans (RAP) as and when necessary.

1.3 Methodology

During the preparation of the Resettlement Policy Framework (RPF), the Consultant adopted a combination of methodologies. The choice of methodology was dependent on the type and nature of information required. The key methods included:

- *Desk reviews:* Several legal and program documents were reviewed particularly those relevant to project background, land acquisition, compensation and grievance handling procedures. This included most of the legal documents (World Bank Operational

Policy 4.12 on Involuntary Resettlement, Bills, Acts and Policies including the different sector resettlement policy frameworks for purposes of harmonisation and incorporation of lessons learnt from other projects).

- *Consultations:* Consultations with key informants and groups of people, particularly those with experience in implementing resettlement projects in Liberia, were undertaken for purposes of sharing experiences, challenges and brainstorming about potential solutions to the challenges. Through this process, the Consultant was able to verify and confirm some of the information gathered from other data sources and draw conclusions on the most feasible way forward for Liberia and the SREP project in particular. The key stakeholders consulted during the RPF preparation included RREA staff (Executive Officer, Program Director, Gender Officer, Social Development Officer and Electrical Engineer); Mount Coffee PIU Director Environmental/Social Safeguards; Private Land Surveyor; and other key stakeholders and shown in the detailed list of participants and Minutes for the stakeholder meetings are attached as (Appendix 1a and 1b).

1.4

Scope

According to World Bank OP 4.12 and the Terms of Reference provided to the Consultant, this RPF shall address the themes outlined below:

- Introduction and project description
- Principles and objectives governing resettlement and compensation preparation and implementation
- A description of the process for preparing and approving Resettlement and Compensation Plans
- Land acquisition and likely categories of impact
- Eligibility criteria for defining various categories of project affected persons
- A legal framework reviewing the fit between the beneficiary country laws and regulations and World Bank policy requirements and measures proposed to bridge any gaps between them
- Methods of valuing affected assets
- Organizational procedures for the delivery of entitlements
- A description of the implementation process, linking resettlement and compensation implementation to civil works
- A description of the grievance redresses mechanism
- A description of the arrangements for funding resettlement and compensation, including the preparation and review of costs estimates the flow of funds, and contingency arrangements
- A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring
- Arrangements for monitoring by the implementation agency and, if required, by independent monitors

2 PROJECT DESCRIPTION

2.1 Background

The proposed Liberia Renewable Energy Project (LIRENAP) is designed to support (i) the implementation of mini-grids powered mainly by renewable energy in rural areas and small towns and (ii) the scale-up of the Government's initiative to foster a market in Liberia for modern solar lanterns and other solar devices. The first component will finance the implementation of decentralized electrification through mini-grids in Lofa County, in the North-West of Liberia. The second component will finance the elaboration of regulations for decentralized electricity services to ensure sustainability of the services, and the strengthening of RREA's institutional capacity to deliver the project. The third component will continue the support to RREA to foster the growth of a market for solar lanterns and other solar devices in Liberia.

2.2 Specific Project Overview

The anticipated projects will be mainly mini hybrids with a combination of hydropower and solar PV systems and diesel. Wherever possible, independent solar systems will also be evaluated. The table below gives the potential mini grid configurations in Lofa County.

Location	Capacity mix by technology Wet season: 100% Hydro Dry season: mix of PV and diesel	HH, businesses served
Mini-grid Zorzor	Wet: 1.5 MW Hydro Dry: 0 MW PV + 0.5 MW diesel	4,000
	Wet: 1.5 MW Hydro Dry: 0.4 MW PV + 0.5 MW diesel	
	Wet: 1.5 MW Hydro Dry: 1.6 MW PV + diesel only back-up	
Mini-grid Foya- Kolahun	Wet: 1 MW Hydro Dry: 0 MW PV + 0.9 MW diesel	8,000
	Wet: 1 MW Hydro Dry: 0.775 MW PV + 0.9 MW diesel	
	Wet: 1 MW Hydro Dry: 2.9 MW PV + diesel only back-up	
Mini-grid Foya- Kolahun- Voinjama	Wet: 2 MW Hydro Dry: 0 MW PV + 0.5 MW diesel	14,000
	Wet: 1.5 MW Hydro Dry: 1.125 MW PV + 1.5 MW diesel	
	Wet: 2 MW Hydro Dry: 4.5 MW PV + diesel only back-up	

Source: Liberia Renewable Energy Project, (Draft LIRENAP 2015).

The map below shows the proposed locations of the different projects.

2.3 Overview

2.4 LIRENAP Components Likely to Trigger Resettlement

Component 1: Rural access to electricity through renewable energy hybrid mini-grids in Lofa county (estimated cost \$27 million). This component will finance the feasibility studies of the Small Hydro Power sites as well as the solar PV systems, from the pre-feasibility stage to the preparation of bidding documents. It will also finance the energy demand analysis, the optimization of the system according to the available supply and projected demand and the business model definition, including tariff system to ensure a sustainable operation and maintenance of the systems. The implementation of the power plants, the distribution lines, substations and household connections will be part of this component. Moreover, all related safeguards activities will be included. RREA will be the implementing agency of this component with the strategic guidance from MLME.

Subcomponent 1A: Hybrid mini-grids: This subcomponent aims at installing renewable energy generation isolated systems in rural areas where the national grid will not be reached in the mid-term and they are either relying on informal, unreliable and expensive electricity supply from diesel generators or are lacking completely of access to electricity. The identified rural area is in the North of Lofa County, a rural economic and agricultural hub in the border with Guinea and Sierra Leone. The capital of this county is Voinjama a highly populated center in the area. This area is located more than 200 km from the national grid and there are no prospects in the mid-term to reach this area with the national grid, nowadays only serving Greater Monrovia. This subcomponent will finance two micro-grids, a 2-3 MW PV micro-grid serving Voinjama (estimated population of 26,000 habitants) and a 1-2 MW hybrid small hydro-diesel micro-grid serving Zorzor (estimated population of 5,000 habitants). It will also finance the distribution lines to the populated areas and connections to the new customers (households and small businesses).

2.5 Project Location

Lying in the northwestern corner of the country, Lofa is bounded on the east and north by Guinea, west by Sierra Leone and on the south by Gbarpolu and Bong counties. Lofa County is the second largest county in Liberia. The map below gives the indicative location of some of the proposed specific projects.

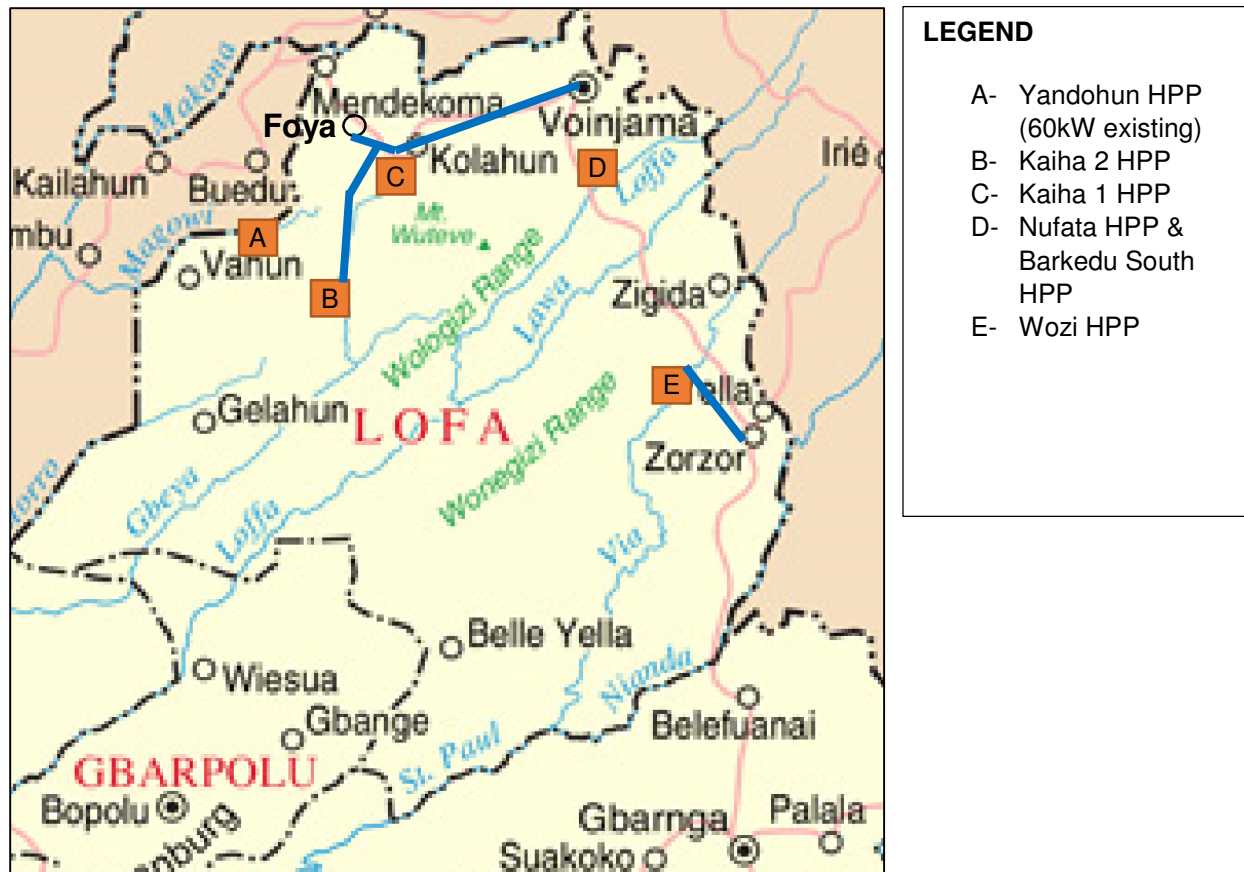


Figure 1. Project location (Source: Lofa County Development Agenda).

2.6 Expected Project Beneficiaries

The project is expected to benefit households, small businesses, associations and public institutions (e.g., local government, elementary and secondary schools, health centers), which will be connected to the mini-grids of Lofa county. The project will also contribute to enhance capabilities of RREA through: (i) technical assistance in the development of the regulatory framework for rural electrification; and (ii) experience gained in the establishment and operation of decentralized mini-grids that can be replicated in other areas, incorporating lessons learned. Finally, the project will also benefit households nationwide that will have access to stand-alone solar systems in the local market.

2.7 Lofa County Characteristics

2.7.1 Population Characteristics

The population statistics for Lofa County are given in the table below. Lofa is predominantly Christian with a sizeable Muslim minority, along with a few practitioners of other religions. The people of Lofa have strong traditional cultural practices that provide some measure of social cohesion. These traditional and cultural traditions are used as a comparative advantage in agriculture, working in traditional kuu (cooperatives), as well as in education and family life.

Location	Population	Percentage of National population	Area (Square Miles)	Density (Population per Square Mile)
Lofa County	276,863	8	3,854	72

Source: LISGIS 2008 Population and Housing Census and Oyebola Olabisi computations in *Optimising Real Tax Estate in Liberia 2013*.

2.7.2

Access to Infrastructure and Basic Social Services

The fourteen years of instability had a devastating effect on Lofa's infrastructure. Efforts are ongoing, by both the Government and the international community, to rehabilitate and construct public buildings, roads and other public property in order to meet the demands of a growing population in a recovering economy. However, much must still needs be done to undo the destruction of the past.

2.7.3

Livelihoods and Environmental Issues

70% of Lofa's population is engaged in agriculture. In the 1980s, it was widely believed that Lofa County alone could provide enough food for the entire country. Today, Lofa has the highest number of food insecure people in Liberia, with 70% having poor or borderline food consumption levels according to the Comprehensive Food Security and Nutrition Survey conducted by the Government.

The people of the County, and especially the poor, are critically dependent on fertile soil, clean water and healthy ecosystems for their livelihoods and wellbeing. This reliance creates complex, dynamic interactions between environmental conditions, people's access to and control over environmental resources, and poverty. In addition to being vulnerable to environmental hazards, the poor are usually confronted by economic, technological and policy-related barriers in deriving full benefits from their environmental assets.

2.7.4

Housing Characteristics

Location	Quality of housing (%)		
Lofa County	Mud walls	Bamboo roof	Mud Floor
	58	38	79

Source: LISGIS 2008 Population and Housing Census and Oyebola Olabisi computations in *Optimising Real Tax Estate in Liberia 2013*

2.8

Expected Project Facilities

2.8.1

Mini/Small Hydropower Plants

Dam and Intake structure

Typically, mini/small hydropower plants have relatively small dams or weirs across the river, with an intake structure and a spillway section. The dam might have spillway gates, flushing gates, sediment settling basin and mitigation flow arrangements.

Waterways

The length of a waterway varies from often very short for low head schemes and too long for high head schemes. The waterway can consist of a tunnel, canal or pipe, or a combination of them. The waterway might also include a spillway canal and a fore bay/head pond.

Power House and Switchyard

The power station consists of the machine hall, the turbines and generators, the transformers and the waterway with intake and outlet including hydraulic steel structures. The powerhouse is with the switchyard and parking and storage often fenced in one area.

Access Roads

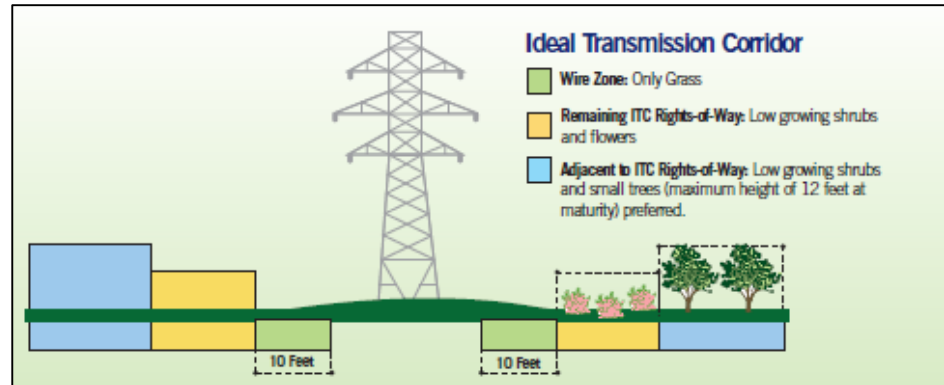
Access roads lead to the power plant structures and construction sites, which can be permanent or temporary roads.

Reservoirs

The reservoir is often small for small projects and for run-of-the-river schemes. However, sometimes the reservoir can have a volume matching a daily peaking reservoir or bigger for longer periods. Seasonal reservoirs are rare for small hydropower plants, unless there is already a natural lake present. The reservoir is the dammed area upstream of the dam.

Transmission Lines and Substations

Transmission lines evacuate power from a generation facility to a substation located within an electricity grid. Typically, the capacity of the transmission lines for mini grids ranges between 33 kV to 11 kV with minimal way leave requirements often ranging between 20 m wide for the 33 kV and 10 m wide for the 11 kV and much less for distribution lines. The transmission lines usually involve the acquisition of wayleaves and periodic maintenance of the right of way during the operation phase. In addition, transmission lines are associated with safety hazards to neighbouring communities. Therefore safety zones will be required as illustrated in the figure below.



2.8.2 *Project Components Hybrid Power Plants*

Hybrid projects will have a combination of all the components for hydropower, solar and biomass, depending on the final design and agreed combinations.

Distribution Lines

Distribution lines distribute power from a substation to consumers located in residential, commercial, and industrial areas. These are usually down stepped to low voltages usable by the end user. Land requirements for distribution lines are usually minimal

Other Auxiliary Structures

Other permanent and temporary structures can be storages, workshops, offices, workers camp, borrow pits, quarries, spoil tips and other construction areas. The bigger and more remote location the more auxiliary structures is necessary.

2.8.3 *Project Components Solar Power Plants*

The main components of a PV power plant are PV modules, mounting (or tracking) systems, inverters, transformers and the grid connection.

Other Auxiliary Services

Other permanent and temporary structures can be access roads, storages, workshops, offices, workers camp, borrow pits, quarries, spoil tips and other construction areas. The bigger and more remote location the more auxiliary structures is necessary.

2.9 **Delivery Models and Ownership Options**

The following potential delivery models will be pursued in line with individual project needs and possible ownership arrangements:

- Cooperatives and/or private non-profit entities—for small, isolated mini-grids that self-generate and supply electricity to the cooperative's members or local populations. Where mini-grid network extension is not viable, stand-alone solar systems would be deployed.
- Commercial/public enterprises (anchor consumers) operating existing businesses—they would establish a renewable energy generation project to serve their own requirements and extend services to other consumers in the area. Where mini-grid network extension is not viable, stand-alone solar systems would be deployed.
- LEC ownership of projects—for the areas near to, and likely to be served by, LEC's grid.
- Independent power producers—for larger projects specifically set up as private companies or joint ownership under public-private partnership arrangements, to sell electricity to mini-grids.

3 LEGAL FRAMEWORK

3.1 National Legislation and Policies

3.1.1 *Legislation Governing Land Acquisition, Compensation and Resettlement* The Constitution of the Republic of Liberia, 1986

Theme	Relevant Sections
Involvement of citizens in decision making and management of natural resources	Chapter II, Article 7 states that the Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia.
Employment and livelihood	Chapter II, Article 8: The Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment
Human rights	Chapter III, Article 11, section b: All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.
Information sharing and consultation	<p>Chapter III, Article 15: Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.</p> <p>b. The right encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.</p> <p>c. In pursuance of this right, there shall be no limitation on the public right to be informed about the government and its functionaries.</p> <p>Chapter III, Article 17: All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organizations.</p> <p>Chapter 3, Article 24:</p> <p>a. While the inviolability of private property shall be guaranteed by the Republic, expropriation may be authorized for the security of the nation in the event of armed conflict or where the public health and safety are endangered or for any other public purposes, provided:</p> <p>(i) that reasons for such expropriation are given;</p> <p>(ii) that there is prompt payment of just compensation;</p> <p>(iii) that such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and</p> <p>(iv) that when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.</p>

Theme	Relevant Sections
	<p>b. All real property held by a person whose certificate of naturalization has been cancelled shall escheat to the Republic unless such person shall have a spouse and/or lineal heirs who are Liberian citizens, in which case the real property shall be transferred to them in accordance with the intestacy law.</p>
Right to own property	<p>Chapter 3, Article 22: Every person shall have the right to own property alone as well as in association with others; provided that only Liberian citizens shall have the right to own real property within the Republic.</p> <p>b. Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic. All mineral resources in and under the seas and other waterways shall belong to the Republic and be used by and for the entire Republic.</p>
Government acquisition of land, mutual agreement and eminent domain	<p>Chapter 3, Article 24: gives the principles under which government can expropriate land as follows.</p> <p>(i) that reasons for such expropriation are given;</p> <p>(ii) that there is prompt payment of just compensation;</p> <p>(iii) that such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and</p> <p>(iv) that when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.</p>
Property ownership and control in marriages	<p>Article 23:</p> <p>a. The property which a person possesses at the time of marriage or which may afterwards be acquired as a result of one's own labours shall not be held for or otherwise applied to the liquidation of the debts or other obligations of the spouse, whether contracted before or after marriage; nor shall the property which by law is to be secured to a man or a woman be alienated or be controlled by that person's spouse save by free and voluntary consent.</p> <p>b. The Legislature shall enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages to give adequate protection to surviving spouses and children of such marriages.</p>

Draft Land Rights Bill, 2014

Theme	Relevant Sections
Land ownership	<p>Chapter 2, Article 5: Subject to Section (2) of this Article (5), Land ownership shall consist of a bundle of rights that include:</p> <p>A. The right to possess;</p> <p>B. The right to use;</p> <p>C. The right to exclude; and</p> <p>D. The right to transfer by sale, devise, gift or otherwise.</p> <p>2. The (i) absence of the right to transfer singly or jointly by sale, devise, gift or otherwise or (ii) a restriction on the exercise of any of the rights listed in Subsection 5.1 above does not defeat or negate a person's ownership of the land.</p> <p>3. Ownership of land does not extend to Mineral Resources on the land and beneath it.</p> <p>4. Land ownership may be held singly or jointly by individuals, or collectively by a community as a communal property or the Government as public assets.</p>

Theme	Relevant Sections
Rights in land other than ownership	<p>Chapter 2 Article 6:</p> <ol style="list-style-type: none"> 1. A person not having title to land may still have and enjoy the right to possess and/or use the land pursuant to (i) an agreement of lease; (ii) an easement; or (iii) a license. The Government may also grant a concession on or over Government Land and Public Land. 2. The nature and conditions attendant to acquiring and enjoying each of the rights in land other than ownership are set forth in Part Five (5) of this Act.
Categories of land ownership	<p>Chapter 2 Article 7:</p> <ol style="list-style-type: none"> 1. Every piece of land shall be classified as, and held under, one of four (4) distinct categories of land ownership in Liberia, as enumerated in Section (2) of this Article (7). 2. The Four (4) exclusive categories of Land ownership in Liberia are: <ol style="list-style-type: none"> a) Public Land; b) Government Land; c) Customary Land; d) Private Land 3. Subsisting with the four (4) categories of land ownership is a unique land use category to be called Protected Area, which cuts across and may exist or be created within each of the four Land ownership categories.
Conversion of land category	<p>Chapter 2, article 7 section 4 provides for conversion of land category. It states that</p> <p>A land classified or held under any one category of land ownership may be converted to another category; provided that a conversion made through a process not compliant with the conditions and requirements of this Act shall be void.</p>
Proof of ownership	<p>Chapter 3 Article 9:</p> <ol style="list-style-type: none"> 1. The proof of ownership of a Private Land shall at all times be by way of a deed that (i) is duly probated and registered in keeping with the law controlling, and (ii) shows a proper chain of title from the original owner of the land. 2. The proof of any Government Land shall consist of demonstrated existence on the land of government buildings, projects, or activities including but not limited to offices of ministries, agencies and branches of the Government, military bases, public schools and public universities, public hospitals, Libraries, museums, and public airports for any period prior to the adoption of the Land Rights Policy of Liberia. 3. The proof of any Public Land shall consist of competent evidence of its acquisition by the Government through purchase, escheat, confiscation gift or otherwise and the fact that it is not presently used for the present activities and/or operations of the Government and is neither a Private Land nor a Customary Land. 4. The proof of ownership of any Customary Land shall consist of any competent evidence including oral testimony showing a verifiable longstanding relationship and/or ties that the community claiming ownership of the particular Customary Land has had to the land, but under no circumstances shall the ownership of a particular piece of Customary Land be denied merely because of a failure to produce documentary evidence of title. The necessary proof required by this Section is only in respect of the claim of the particular community asserting ownership of the specific piece of Customary Land at the exclusion of all other communities. 5. Where proof of ownership of any land other than Customary Land is by a deed, the required chain of title shall be traced to some written consent duly

Theme	Relevant Sections
	given by the owners of the Customary Land from which the land being proven originated; provided that this sub-section shall not be construed to invalidate any public land sale deed duly issued by the Republic of Liberia prior to the Effective Date of this Act.
Acquisition of government land	Article 55 of the Land rights Act, gives a detailed procedure for sale and transfer of Government /Public Land. It recommends that this process will be handled by the entity responsible for managing land. The sale procedure will be through public competitive bidding. It further recommends that prior to the conclusion of the sale/transfer; all communities that have been utilising the said land should be informed and consulted. They should also be given adequate notice prior to land takeover.
Acquisition of private land	Chapter 5 Articles 17-22 gives guidance on the procedures for acquisition of private land under different circumstances Article 17 states that Private Land may be acquired through purchase, donation, intestacy, gift, will or Adverse Possession; provided that in all cases a valid acquisition of a Private Land may be only by persons qualified to hold Private Land in keeping with Article (15) of this Act.
Abandonment	Article 24 stipulates circumstances under which private land can be considered abandoned. This is well elaborated in section 2 and 3 as shown below., while section 7 clarifies that customary land ,government land and public land will never be considered abandoned. 2. For the purpose of this Article, the owner of a Private Land shall be presumed to have abandoned the land upon showing that (i) the owner fails to pay all taxes inclusive of penalties assessed on the land for a continuous period of ten (10) year; and (ii) the land has not been occupied, developed or used by the owner for a continuous period of ten (10) years. 3. A presumption of abandonment shall not arise or lie in any case where the failure of a Private Land's owner to use, occupy or develop the land or pay requisite taxes for the land was the result of involuntary conduct such as duress by a third party, armed conflict, a force majeure. For purposes of counting the continuous period required to prove abandonment, the duration of any non use of the land or non payment of taxes related thereto attributable to duress, armed conflict or any force majeure shall be excluded. 7. Customary Land, Government Land and Public Land shall not ever be deemed abandoned, and no Customary Land shall be acquired by the Government on ground of Abandonment.
Co ownership of private land	Chapter 7 recognises the possibilities of private land co ownership. Section 3 gives the modes of co ownership recognised in Liberia as (i) Tenants in Common; (ii) Joint Tenants; and (iii) Tenancy by the Entirety. Further articles in this chapter elaborate the rights of the co-owners of private land

Theme	Relevant Sections
Tenancy by entirety	<p>Article 31 Tenancy by the Entirety:</p> <ol style="list-style-type: none"> 1. A tenancy by the entirety arises when a joint tenancy is created in two or more persons living together as husband and wife. 2. The right of survivorship exists in a tenancy by the entirety such that upon the death of one partner the other takes the entire land free of the participation of the heirs of the deceased partner. No tenant in a tenancy by the entirety may defeat the right of survivorship of the other tenant by conveyance, partition or testamentary disposition. 3. A tenancy by the entirety may be destroyed by divorce or by voluntary agreement of the couple.
Customary land	<p>Part 3, Chapter 8, Article 32 defines Customary Land as land acquired and owned by a Community in accordance with customary practices and norms based on long period of occupancy and/or use.</p> <p>The acquisition and/or ownership of a particular Customary Land by a specific community is established by one or more of the following:</p> <ol style="list-style-type: none"> i. That the Customary Land, prior to the Effective Date of the Land Rights Act, was deeded to the Community; ii. The land is considered to be Customary Land by common and long-standing understanding among members of the Community, and includes land that has been used and/or possessed exclusively or continuously by the Community or some of its members for socio-cultural and economic purposes over a period spanning fifty (50) or more years, as established by oral testimonies of communities and their neighbours, and/or by landscape-based customary evidence; and iii. The use or claim of use/possession of the land by the community through historical activities and ties is (i) acknowledged by some or all neighbouring communities and/or (ii) recognized by rules of customary practice, as established by oral testimonies of communities and their neighbours, and/or by landscape-based customary evidence.
Rights of customary land owners	<p>Article 33 elaborates the rights of customary land owners as follows</p> <p>A community's ownership of a Customary Land is and shall be in the nature of a communal property.</p> <ol style="list-style-type: none"> 2. The ownership of Customary Land consists of a bundle of land rights, which include: <ol style="list-style-type: none"> i. The rights to exclude all others; ii. The right to possess and use the land along with all non-mineral resources thereon; iii. The right to manage and improve the land including planting crops, harvesting forest products, etc., directly or through third parties by way of management contracts or similar agreements/arrangements; and iv. The right to transfer some of the land or the use and possession thereof through lease or other lawful means consistent with the provisions of this Act and any regulations promulgated hereunder.

Theme	Relevant Sections
<p>Organisation of customary land owning communities</p>	<p>Article 35 provides for the creation and naming of a Community Land Development and Management Association (CLDMA).</p> <p>Article 36, Section 4. The membership of the governing body of a CLDMA shall consist of, to the extent possible, (a) equal number of self-selected representatives of each of the three (3) key stakeholder groups, namely (1) adult men; (2) adult women; and (3) youth plus (b) two (2) representatives of chiefs and traditional leaders. Except for chiefs and traditional leaders, each of the key three (3) stakeholder groups shall democratically elect its own representatives to the governing body of the CLDMA, and its election shall be inclusive of all its members without regards to ethnicity, religion or any other identity. The representatives of a stakeholder group whose election by the group did not comply with the requirements of this Section shall not be approved by the Membership of the Community.</p>
<p>Governance and management of customary land</p>	<p>Article 36 further states that the authority for the development and management of Customary Land shall be vested in the members of the Community, acting as a collective.</p> <p>The members of a land-owning community, meeting in an assembly or otherwise, are the highest-decision making body of the community and of its CLDMA, and shall have the power and right to</p> <ul style="list-style-type: none"> c. Approve the term of any transfer of Customary Land to community Members or non-members; d. Approve any proposed/requested lease or donation of Customary Land to the Government; e. Review and decide on complaints arising from allocation and/or use of Customary Land, including matters relating to the allocation of Residential Areas, including seeking the support of the county authority for enforcement of the provisions of this Act or their decisions made pursuant to this Act and their by-laws; f. Decide whether to approve an investor's request to lease any area of Customary Land larger than fifty (50) acres or to contract or receive a permit over any such area; g. Decide when to sell any or all of the Community Land, subject to the ninety-nine year prohibition on sale of Customary Land as provided in Articles 49 and 51 of this Act;
<p>Confirmatory survey</p>	<p>Article 37 Section 3 and 4 below indicates the need for a confirmatory survey prior to any transfer of customary land.</p> <p>Section 3. states that the absence or delay in the conduct of the Confirmatory Survey (Government initiated) shall not negate the existence or enforceability of a Community's ownership of a Customary Land, but the Confirmatory Survey shall be a condition precedent for the encumbrance or transfer of any piece of the Customary Land that is a subject of any contested claim by another Community or the owner of any of the other land right categories.</p> <p>4. For purposes of written evidence of title subsequent to the completion of the confirmatory survey, the confirmed measurements inclusive of precise coordinates and maps of each Customary Land, as validated and registered following the Effective Date of this Act, shall serve in lieu of a deed for proof of ownership since ownership of a Customary land is generally not evidenced by a deed. Notwithstanding the foregoing, in no case shall there be a requirement that ownership of \customary Land be proved by a deed, except acquisition of the Customary Land is based on or is traced to an aborigine deed or similar written instrument.</p>

Theme	Relevant Sections
Dispute resolution	Article 37 Section 8, The resolution of all disputes involving Customary Land shall first be pursued through customary law and dispute resolution mechanism at the level within and between communities. The Government shall support the communities to resolve all disputes involving Customary Land at the community level.
Categories of customary land	Article 38 defines categories of residential land as follows <ul style="list-style-type: none"> a. Residential Area b. Agricultural Area c. Commercial Area d. Industrial/Mining Area e. Cultural Shrines/Heritage Sites f. Protected Area g. Forest Land h. Any other Categories of land that the Community deems appropriate.
Acquisition of customary land	Part 3 Chapter 12, Article 50 Section 2. The acquisition of Customary Land needed for public purpose or public use shall be primarily pursued by way of negotiations with the relevant community for purpose of obtaining it through lease or purchase on mutually agreed terms. Condemnation or the exercise of Eminent Domain shall be exercised over Customary Land as a last resort, and then only upon complying with provisions of Article 54 of this Act.
Acquisition of government land	Part 4, Chapter 14, Article 53: Section 1. Stipulates that Government Land is acquired by any of the following means: <ul style="list-style-type: none"> a. Prior or pre-existing possession and usage b. Donation c. Mutual Agreement d. Abandonment e. Reversion f. Escheat g. Confiscation h. Eminent Domain
Acquisition by eminent domain and compensation	Article 54, Section 2: Before exercising Eminent Domain to acquire a piece of Private Land or Customary Land, the Government shall make a reasonable, good-faith effort to first lease, and then if absolutely necessary for the public purpose intended, acquire the Private Land or Customary Land through mutual agreement that provides just and timely compensation in accordance with fair market value and the principles.
Acquisition of land with diminished value as a result of expropriation	Article 54, Section 6: If the Government or any of its agencies or subdivisions prays for condemnation in respect of only part of a piece of Private Land or Customary Land and the value of the owner's remaining land is diminished, the land owner shall be entitled to plead such diminution in value of the remaining land and to have the Government either (i) pay fair just and timely compensation for the diminution in value of the remaining land in addition to compensation for the portion condemned; or (ii) expropriate the entire Land and make payment of compensation for the entire land.
Compensation	Article 54, Section 8: If on the basis of a jury verdict or the decision of a referee a judgment is given ordering condemnation of the land upon payment of a specified fair and just compensation, the compensation awarded shall be paid promptly by the Government prior to taking the land. In all cases of condemnation of Private Land or Customary Land, the requisite fair and just compensation shall include the landowner's legal fees and relocation costs.

Theme	Relevant Sections
Government use of private or customary land	<p>10. If the buildings, projects or activities of the Government are located on Private Land or Customary Land not acquired through Eminent Domain, mutual agreement or otherwise, the Government's continued use of the land shall be either through</p> <p>(i) lease or purchase the land; or</p> <p>(ii) the exercise of Eminent Domain consistent with the provisions of this Act and the Constitution of Liberia.</p>
Concession area within customary land	<p>Article 48, Section 1 All portions of a Customary Land covered by any Concession(s) issued by the Government prior to the Effective Date of the Land Rights Act shall remain subject to such concession, contract, permit or documented license for the entire period of their existing terms and conditions.</p> <p>Article 48, Section 2 states that. Customary Land subject to a Concession or other government-created encumbrance in keeping with Subsection (1) of this Article, the Community satisfying the requirements of Article (31) of this Act is and shall remain the owner of such Concession Area or Government-encumbered land with an indefeasible reversion upon the expiration of the term of the concession, contract or permit. The Community shall accordingly have the right and be entitled to participate, as owner of the Concession Area, in every scheduled review of the Concession as provided in the said Concession or required by the Policy of the Government regarding periodic review of concessions and long-term contracts.</p> <p>Article 48, Section 4 further elaborates that a community which owns a Concession Area, or an area subject to some Government-created contract, license or permit shall be deemed repossessed of such concession area upon the end of the certain term of the concession, and shall have the sole right to accept or reject any further extension of the lease or use of its Customary Land unless upon acceptance of such reasonable terms it may set.</p>
Handover of land after expiry of the intended use	<p>Article 54, Section 9 requires that when a Private Land or Customary Land acquired by the Government through the exercise of Eminent Domain ceases to be used for the purpose for which it was acquired, the Government shall accord the former owner the opportunity to exercise the right of first refusal to buy back the land from the Government before any other prospective buyer. When the land acquired is not used for the purpose for which it was acquired for a period of five (5) or more consecutive years, the previous owner or the owner's representatives or successors shall be entitled to exercise the right to buy back the land from the Government before any other prospective buyer. The Government shall make a good faith effort to negotiate with the previous owner on the buy back of the land.</p> <p>Article 54 , Section 10 further recommends that if buildings, projects or activities of the Government are located on Private Land or Customary Land not acquired through Eminent Domain, mutual agreement or otherwise, the Government's continued use of the land shall be either through (i) lease or purchase the land; or (ii) the exercise of Eminent Domain consistent with the provisions of this Act and the Constitution of Liberia.</p>
Community development programs and land rights	<p>Article 34 Section 5 of the Land Rights Act recommends that neither the Community nor its leadership or anyone else may deprive any Resident of his or her Residential Area. A restriction on a Community's Member's peaceful exercise of his or her land rights shall not also be valid, except in accordance with customs not contrary to this Act or the Constitution of Liberia, and for a community purpose as established by the Community; provided that where land is taken from a community member, comparable land or land of comparable value shall be provided by the Community in compensation.</p>

Theme	Relevant Sections
Traditional Land Certificate	<p>1. Any land covered by a valid tribal certificate issued prior to the Effective Date of this Act but for which there is no valid public land sale deed, is and shall remain part of the Customary Land within which it is located.</p> <p>2. Where a tribal certificate was issued in respect of a piece of land that still remains a Customary Land pursuant to the provisions of Subsection 1 of this Article 46, the holder of the Tribal Certificate may apply and be granted a lease for the acres stated in the Certificate for a period of up to fifty (50) years to enable the holder continues his or her present occupancy or use of the land if, in reasonable reliance on the tribal certificate, the holder (a) took possession of some portion of the land in or before the year 2010, and (b) began some appreciable improvements on the land with at least some crops planted and/or a house built thereon.</p> <p>3. Where a tribal certificate was issued in respect of a piece of land that still remains a Customary Land pursuant to the provisions of Subsection One (1) of this Article 46, the holder of the certificate shall be entitled to and will be allowed to complete all steps necessary to conclude purchase of up to twenty-five (25) acres of the land if in reasonable reliance on the tribal certificate:</p> <p>a. the holder (i) took possession of the land and (ii) paid all taxes on the land; or</p> <p>b. the holder (i) took all requisite steps and obtained all approvals for obtaining the requisite Public Land Sale Deed except obtaining signature of the said public land certificate by the President; and (ii) the holder has made substantial developments/improvements having a permanent nature on the land.</p> <p>4. A deed obtained under Section 47 (3) of this Act shall be issued in the name of the Community owning the Customary Land as the grantor and signed by the duly authorized representatives of the Community.</p>
Amendments and repeal	<p>Article 71 of the land Acts Rights, repealed in entirety or sections of the legal instruments below. Therefore these legal Instruments are not to be referenced at all during the land acquisition processes or the preparation of the Resettlement Action Plans for SREP Projects</p> <ol style="list-style-type: none"> 1. The Aborigines Law, same being Title 1 of the Liberian Code of Laws of 1956 is hereby repealed in its entirety. 2. The Public Lands Law, same being Title 32 of the Liberian Codes of Laws of 1956 is hereby repealed in its entirety. 3. The Public Lands Law, same being Title 34 of Liberian Codes of Laws Revised of 1973 is hereby repealed in its entirety. 4. Chapters 2, 3, 5 and 6 of the Property Law, same being Title 29 of the Liberian Code of Laws Revised are hereby repealed. Provisions of this Act shall govern leases of Land. 5. Subchapter E of Chapter 16 of the Civil Procedure Law, Title 1 of the Liberian Code of Law Revised, is hereby repealed in its entirety. The provisions of this Act shall govern the procedures governing the exercise of eminent domain. 6. Subsections 2 and 3 of Section 2.12 of the Civil Procedure Law, Title 1 of the Liberian Codes of Laws Revised are hereby repealed. The provisions of this Act shall govern adverse possession and mortgage of land. 7. The second, last sentence of Section 2 of the Zoning Act of 1958 is hereby repealed. The provisions of the Zoning Act of 1958 shall not apply to other municipalities or lands and locations not within the Commonwealth District of Monrovia, Montserrado County.

The Land Commission Act, 2008

Theme	Relevant Section
Land administration and management Institution	The Act establishes the Land commission. The general mandate and purpose of the commission shall be to propose, advocate and coordinate reforms of land policy, laws and programs in Liberia. It shall have no adjudicatory or implementation role.
Duties and functions	<p>Among other functions the Land commission is expected to make recommendations on the following issues which are relevant for the SREP program:</p> <ul style="list-style-type: none"> • Rights in real property and extent of security of those rights • Public land management sale and leasing • The basis and terms of acquisition of land by the state under the law of eminent domain • Land administration including survey probation registration and valuation • Markets in land and rights in land • Investors access to land ad terms of access for both domestic and foreign investors • Equitable access to and security of tenure in land for women youth and other categories of persons who may have laboured under a disadvantage in this regard • Prompt and fair resolution of disputes in land

The Rural Renewable Energy Agency Act, 2011

Theme	Relevant Section
Rural Renewable Energy Agency	<p>The Act establishes the Rural renewable Energy Agency. The general mandate and purpose is as follows:</p> <p>(a) To promote improved access to modern energy services in the rural areas of Liberia.</p> <p>(b) To facilitate and accelerate the economic trans formation of rural Liberia by promoting the development and supply of modern energy products and services to rural areas with an emphasis of locally available renewable resources</p> <p>(c) To introduce and promote the enactment of regulations and policies in the exercise other functions of the agency</p> <p>(d) To administer, secure and enforce design and execute policies strategies plans and programs relating directly and indirectly to the functioning growth and development of the rural energy sector</p>
Principles	<p>Among other principles the following RREA principles are applicable during resettlement planning</p> <ul style="list-style-type: none"> a) <i>National Interest</i>: activities will be undertaken to promote the general welfare, empowerment, and quality of life and to support and sustain economic and social development b) <i>Sustainability</i>: the Government will promote the development and se of economically, technically socially, and environmentally viable and sustainable energy resources, including renewable energy, in the rural energy sector. A special emphasis will be placed on locally available resources for rural energy sector c) <i>Development</i>: Sustainable development is furthered when modern energy services are promoted, facilitated and supported through private and community initiative and involvement d) <i>Community Involvement</i>: as a way of strengthening community ownership, household's commercial enterprises social service

	facilities administrative centres and other stakeholders as applicable will be encouraged to take an active part in decision-making.
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The Draft Electricity Law, 2014

Theme	Relevant Section
Purpose and scope	The Electricity Law is expected to establish the legal and regulatory framework for the generation, transmission, distribution and sale of electricity within the territory of the Republic of Liberia and the import and export of the same. The purposes of this law are to facilitate the implementation of the National Energy Policy
Acquisition of land	Section 68, Paragraph (1) of the Draft Electricity Law informs that, the government may, in order to facilitate the achievement of the purposes of this law, acquire land, or any right in, over or in respect of land, on behalf of a licensee in accordance with the Constitution and the Imminent Domain law of the Republic of Liberia. a. It further elaborates in paragraph 3 that the government may exercise the powers contemplated in paragraph (1) only if: a licensee is unable to acquire land or a right in, over or in respect of such land by agreement with the owner; and b. the land or any right in, over or in respect of such land is reasonably required by a licensee for facilities, which will enhance the electricity infrastructure in the national interest.

3.1.2

Policies Governing Land Acquisition, Compensation and Resettlement

The Land Rights Policy, 2013

The Land Rights Policy concerns four land rights categories (Public Land, Government Land, Customary Land, and Private Land), and a cross-cutting sub-category called Protected Areas, which must be conserved for the benefit of all Liberians.

For Public Land and Government Land, the Policy sets forth critical policy recommendations regarding: how the Government transfers such land, and how the Government acquires land, especially through the exercise of eminent domain (i.e. forced acquisition).

With respect to the new category of Customary Land, there are several significant recommendations: Customary Land and Private Land are equally protected; and communities will self-define, be issued a deed, establish a legal entity, and strengthen their governance arrangements to make them fully representative and accountable. The Government also undertakes to support communities in implementing these recommendations.

Principles for exercising eminent domain:

5.3.1.1. Owners of Private Land and Customary Land will be provided just and prompt compensation such that, as much as possible, they are put in the same position they were in before the decision to expropriate.

5.3.1.2. Just compensation for the land will be calculated based on fair market value assuming a willing buyer and a willing seller. Any change in fair market value as a result of the decision to expropriate will not be considered.

In addition, below are the policy recommendations designed to ensure the Government exercises eminent domain consistent with international best practices and in a manner that balances the Government's constitutional powers with the fundamental constitutional right of Private Land and Customary Land ownership.

- Owners of Private Land and Customary Land will be provided just and prompt compensation such that, as much as possible, they are put in the same position they were in before the decision to expropriate.
- Just compensation for the land will be calculated based on fair market value assuming a willing buyer and a willing seller. Any change in fair market value as a result of the decision to expropriate will not be considered.
- In the context of the Government's exercise of its eminent domain power, 'public purpose' means a purpose beneficial to the public but for which no private entity has been willing to use its resources.
- Before exercising its eminent domain power the Government must make a reasonable effort to acquire Private Land or Customary Land through mutual agreement that provides just compensation in accordance with fair market value and the principles and recommendations set forth in this section.
- The Government must issue a notice to individuals, private entities, and communities likely to be affected such that they are given a reasonable period of time to review the notice, and advertise the notice to the public for a reasonable period of time. The notice must include: the Government's reasons for expropriating; the exact location of the land including a survey plan; the landowner's right to negotiate the Government's access to the land for the purpose of evaluating fair market value; and the landowner's right to be present at all times when the Government enters the land. If the Government changes its reasons for expropriating then the Government must inform individuals, private entities, and communities likely to be affected and advertise the change to the public for a reasonable period of time. Under no circumstances will the above notice transfer ownership of the land or be used by any government employee or their agents to claim ownership of the land.
- During the notice period the Government must make a good faith effort to locate the landowner and reach an agreement regarding access to the land for the purpose of evaluating its fair market value. If at the conclusion of the notice period the landowner refuses to grant access, the Government may enter onto the land for the sole purpose of evaluating its fair market value without the

landowner's consent. The landowner will have the right to be present at all times when the Government enters the land.

- The valuation of just compensation must be based on the land's fair market value assuming a willing buyer and a willing seller and excluding any changes in value as a result of the decision to expropriate. In addition, just compensation must include temporary costs reasonably incurred by the landowner as a direct result of the expropriation, including, but not limited to: legal fees; and relocation costs, such as transportation to new land and compensation and projects to restore the natural resources and economic base of those relocated.
- If only a portion of the land is expropriated and as a result, the landowner's remaining land loses value, the Government must either compensate the landowner for the loss in value or expropriate the remaining land, whichever the landowner prefers.
- Owners of Private Land or Customary Land must be given a minimum of six (6) months' notice before they are required to relocate.
- The Government must provide payment of just compensation to the owner of Private Land or Customary Land before they are required to surrender their land to the Government.
- If Private Land or Customary Land acquired through the exercise of eminent domain after a certain date is not used for a public purpose within five (5) year of its acquisition, then the previous owner or their heir(s) will have the right of first refusal (i.e. the right to buy back the land from the Government before any other prospective buyers). The Government must make a good faith effort to locate the previous owner or their heir(s).
- If after a certain date the buildings, projects, or activities of the Government are located on Private Land or Customary Land, the Government must continue to either lease the land or purchase the land through mutual agreement or eminent domain.

The Energy Policy, 2009

The principal objective of the National Energy Policy is to ensure universal access to modern energy services in an affordable, sustainable and environmentally friendly manner in order to foster the economic, political, and social development of Liberia.

The policy objectives are:

- To ensure availability of modern energy services for all Liberians, in both the urban and rural areas.
- To ensure acceptability of energy products and services by adopting standards that are consistent with international best practice.
- To ensure affordability through least-cost production and utilization of energy services.

- To establish an adequate delivery process for energy products and services through a public and private partnership where investment in new infrastructure and services is provided by the private sector to the greatest extent possible, with the public sector providing the supporting policy environment as well as regulatory oversight.
- To establish and communicate a strategic roadmap that will serve as a reference for performance measurement in the implementation of the National Energy Policy.

3.2 International Requirements

The below table summarizes the World Bank Operational Policy on Involuntary Resettlement (OP 4.12), April 2013. It should be noted that the Operation Policies are currently being revised.

Theme	Relevant Sections
Objectives	<ul style="list-style-type: none"> a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs. b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
Impacts	<p>Para 3 details the coverage of the direct social and economic impacts as shown below:</p> <ul style="list-style-type: none"> a) The involuntary taking of land resulting in <ul style="list-style-type: none"> i. relocation or loss of shelter; ii. loss of assets or access to assets; or iii. loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or iv. the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
Displaced persons	The term "displaced persons" refers to persons who are affected in any of the ways described above.
Land	"Land" includes anything growing on or permanently affixed to land, such as buildings and crops.
Information sharing and consultation	<p>Para 6 section (a) points (i), (ii) and (iii) require that displaced or affected persons are informed about their options and rights pertaining to resettlement; and consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.</p> <p>Para 13, section a) requires that displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.</p>

Theme	Relevant Sections
Eligibility	<p>Para 15 classifies displaced persons into the following three groups:</p> <ul style="list-style-type: none"> a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and c) those who have no recognizable legal right or claim to the land they are occupying. <p>Para 16 states that persons covered under Para 15(a) and (b) are provided compensation for the land they lose, and other assistance. Persons covered under Para 15(c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in Para 15(a), (b), or (c) are provided compensation for loss of assets other than land.</p>
Cut-off date	<p>Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.</p>
Compensation	<p>Para 6 section (a) point (iii) states that displaced /affected persons should be provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.</p> <p>Para 11 advises that preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost.</p> <p>Para 12 states that payment of cash compensation for lost assets may be appropriate where</p> <ul style="list-style-type: none"> a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; b) active markets for land, housing, and labour exist, displaced persons use such markets, and there is sufficient supply of land and housing; or c) livelihoods are not land-based. <p>Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets. If the residual of the asset being taken is not economically viable (land taken constitutes less than 20% of the total productive area), compensation and other resettlement assistance are provided as if the entire asset had been taken.</p>
Support beyond compensation	<p>Para 6 section b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are</p> <ul style="list-style-type: none"> (i) provided assistance (such as moving allowances) during relocation; and

Theme	Relevant Sections
	<p>(ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.</p> <p>(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are</p> <p>(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and</p> <p>(ii) provided with development assistance in addition to compensation measures described in paragraph 6(a);</p> <p>(iii) such as land preparation, credit facilities, training, or job opportunities.</p>
Grievance redress	<p>Para 13, section a) requires that appropriate and accessible grievance mechanisms are established for these groups.</p>
Valuation of property	<p>Para 6 section (a) point (iii) states that displaced /affected persons should be provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.</p> <p>"Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets, the value of salvage materials and the value of benefits to be derived from the project are not deducted from the valuation of an affected asset.</p> <p>For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.</p> <p>With regard to land and structures, "replacement cost" is defined as follows:</p> <ul style="list-style-type: none"> • For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. • For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. • For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.
Resettlement instruments	<p>Section 6 gives the required measures and states that "To address the impacts the borrower prepares a resettlement plan or a resettlement policy framework".</p>
Livelihood restoration	<p>Para 2 Section c) requires that displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>

Theme	Relevant Sections
Vulnerable groups	<p>Para 8 requires that particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.</p>
Relocation assistance	<p>Para 6 section (b) requires that in case of physical relocation, displaced persons should be</p> <ul style="list-style-type: none"> i. provided assistance (such as moving allowances) during relocation; and ii. Provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site. <p>Para 6 section (c) requires that plans should be made to ensure that displaced persons are</p> <ul style="list-style-type: none"> a) Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements. b) Provided with development assistance in addition to compensation measures described in paragraph 6(a); such as land preparation, credit facilities, training, or job opportunities. <p>Para 13, Section (b) requires that in new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).</p>

3.3 Gaps between National Legislation and International Requirements

Theme	World Bank OP 4.12	National Legislation	Comment	Principle to Follow
Impacts	Para 3 classifies impacts as follows: (a) The involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, physically and economically; or (b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.	The Land Rights Act recognises the involuntary loss of land and property attached to land due to state and private acquisition of land for purposes of development of infrastructure for public use	The Act is silent on loss of income or income streams or access to natural resources.	The World Bank Operational Policy will apply
Displaced persons	Footnote 3, displaced persons are all affected persons either physically and economically displaced or both	The Land Rights Act does not necessarily define displaced people but Article 4 elaborates that it is applicable to all persons that own or seek to own rights or interests in land, including individuals, communities and legal entities as well as the Government and its agencies.	Displaced persons are not explicitly defined but implied	The World Bank Operational Policy will apply
Land	Footnote 8: "Land" includes anything growing on or permanently affixed to land, such as buildings and crops	The Land Rights Act defines land as the unmovable portion of the earth's surface, which generally consists of the soil and any space above the soil that is needed for the construction and/or use of any building inclusive of attachments by the possessor or occupier of the land.	No gap	

Theme	World Bank OP 4.12	National Legislation	Comment	Principle to Follow
Degree of impact on land and assets	If the residual of the asset being taken is not economically viable (land taken constitutes less than 20% of the total productive area), compensation and other resettlement assistance are provided as if the entire asset had been taken.	Article 54 Section 6 of the Land Rights Act states that if the Government or any of its agencies or subdivisions prays for condemnation in respect of only part of a piece of Private Land or Customary Land and the value of the owner's remaining land is diminished, the land owner shall be entitled to plead such diminution in value of the remaining land and to have the Government either (i) pay fair just and timely compensation for the diminution in value of the remaining land in addition to compensation for the portion condemned; or (ii) expropriate the entire Land and make payment of compensation for the entire land.	The National law allows for compensation for the diminution of value or acquisition of the entire piece of land in case the value of the owner's remaining land is diminished if the landowner so wishes. However, the definition of diminished value is still subjective which might pose challenges in real application.	
Consultations	Para 6, section (a) points (i), (ii) and Para 13 section (a) require that displaced persons and any host communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in the planning, implementing and monitoring of resettlement.	The Constitution, Chapter 3 Article 15c states that there shall be no limitation on the public right to be informed about the government and its functionaries. In addition the Land Rights Act advocates for the consultation of communities through an assembly or Community Development Management Association prior to acquisition of customary or community land.	Well aligned but national legislation does not mention host communities specifically.	The World Bank Operational Policy will apply
Eligibility	Those with formal rights, informal rights and users without any form of right but with a claim on land are eligible	The Land rights policy provides for compensation for both registered or non-registered customary land and also payment to all with interests on land as long as ownership or use can be confirmed orally	Well aligned with the recommendations of the OP 4.12 on involuntary resettlement	

Theme	World Bank OP 4.12	National Legislation	Comment	Principle to Follow
Cut-off date	Date when the census begins	The law is silent on the cut-off date	To adopt the recommendations of the OP 4.12 on involuntary resettlement	The World Bank Operational Policy will apply
Compensation	Advocates for prompt and effective compensation at full replacement cost.	The Land Rights Act, Article 54 advocates for compensation based on market value including land owners legal fees and relocation costs	National legislation aims at fair market value which might not be reflective of full replacement cost	The World Bank Operational Policy will apply
Grievance redress	Para 13, section a) requires that appropriate and accessible grievance mechanisms are established.	Article 37 Section 8 advocates for the resolution of all disputes involving Customary Land to be pursued through customary law and dispute resolution mechanism at the level within and between communities. The Government pledges to support the communities to resolve all disputes involving Customary Land at the community level.	This is well in line with the recommendations of the OP 4.12 on involuntary resettlement	
Valuation of property	Para 6, section a) point iii) advocates for compensation at full replacement cost	Compensation based on market value, including legal fees and relocation costs	Costs for land preparation and lost income are not considered	The World Bank Operational Policy will apply
Resettlement instruments	Requires a resettlement instrument in form of a resettlement plan, resettlement policy frame work or process framework	There is no national recommendation on resettlement instruments	The law is silent, therefore this will follow international standards	The World Bank Operational Policy will apply
Livelihood restoration	Para 2 Section c) requires that displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least restore them, in real terms, to pre displacement levels or levels prevailing prior to the beginning of project implementation whichever is higher.	No requirement for livelihood restoration beyond fair compensation. However, Chapter II, Article 8 implies that the Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards	Priority should be given to supporting the restoration of the livelihoods of those impacted by the planned projects especially the vulnerable households.	The World Bank Operational Policy will apply

Theme	World Bank OP 4.12	National Legislation	Comment	Principle to Follow
		promoting safety, health and welfare facilities in employment		
Vulnerable groups	Para 8, requires that particular attention is paid to the needs of vulnerable groups among those displaced especially those below the poverty line, the landless, the elderly, the women and children, indigenous peoples, ethnic minorities among others	The Land Rights Act and the constitution advocate for the protection of the youth women and other disadvantaged persons	No gap both have similar concerns for vulnerable people	
Relocation assistance	Para 6, Section b points (i),(ii) and section c, point (i) advocate for assistance during relocation and after displacement	The Land Rights Act article provides for relocation costs only, no other impacts are included	To address the other related relocation costs, the recommendations of the OP 4.12 on involuntary resettlement and other good practices will be adopted	The World Bank Operational Policy will apply

4 INSTITUTIONAL AND ORGANISATIONAL FRAMEWORK

4.1 Introduction

The preparation and implementation of the resettlement strategies will require the participation of several institutions at different levels as well as people affected by the specific projects.

Coordination of the participating institutions is a critical requirement for a successful resettlement program. It is always preferred to have this addressed early into the project cycle, so that all participating parties are made aware of each other's responsibilities, lines of reporting, communication channels, expectations and authority limits.

4.2 Inter-Agency Coordination

The overall responsibility for the land acquisition process lies with the Ministry of Lands, Mines and Energy, through the Rural and Renewable Energy Agency (RREA). For the SREP project, RREA will be the lead government body applying for the creation of way leaves or acquisition of land for a public purpose and will work in close coordination and collaboration with the Ministry of Lands, Mines and Energy / Land Commission for guidance during the land acquisition process.

For the practical execution of the land acquisition activities, RREA will liaise with the following offices at the County level for quality assurance. This would create harmonization of approaches among sectors, which is a key ingredient to sustainable development.

- The Land Commission (land transfer and grievance management)
- The County Assistant Surveyor (land survey support)
- The Tax Officer (support towards valuation of property)
- The Agricultural Officer (support towards compilation of compensation rates and livelihood restoration)

To ensure meaningful involvement of the targeted communities RREA will work closely with the County, Districts and Traditional Authorities, affected communities/villages, and the affected households or institutions during the compilation of the compensation schedule and the preparation of the Resettlement Action Plan (RAP).

For technical support, it is expected that RREA will engage competent experts for support in the conducting the confirmatory land surveys, property valuation and socio-economic surveys which are the three main essential components of a sound Resettlement Action Plan (RAP). It is recommended that in the absence of competent personnel within the country, RREA should consider using regional or international experts in the short term as it strengthens its human resource capacity

In situations where public infrastructure (e.g. water supply facilities, health centres and schools) will be affected, then the respective Ministry or department at the district level should be involved in the planning for the replacement facility.

For smooth inter-ministerial coordination, RREA will work continue to work with the Rural Energy Working Group which consists of representatives of the ministries that would possibly support RREA in the execution of the Resettlement activities.

The following ministries are represented in the Rural Energy Working Group

1. Ministry of Lands, Mines & Energy;
2. Ministry of Health & Social Welfare;
3. Ministry of Education;
4. Ministry of Planning & Economic Affairs;
5. Ministry of Justice;
6. Ministry of Internal Affairs;
7. Ministry of Gender & Development;
8. Ministry of Public Works;
9. Liberia Electricity Corporation; and
10. Liberia Water & Sewer Corporation

4.3

Expected Responsibilities of the Participating Agencies

Rural and Renewable Energy Agency (RREA)

- I. Lead agency for the project land acquisition process
- II. Financing of the resettlement, compensation and livelihood restoration activities
- III. Delineation of required land /way leaves boundaries and route
- IV. Responsible for the notification of the affected communities about the proposal for land acquisition
- V. Spearhead consultations with the affected communities prior to conception of the plan of acquisition
- VI. Conduct confirmatory land survey and mapping of affected land for purposes of identifying affected households, land boundaries and establishing magnitude of impact on land for households and villages
- VII. Together with the competent valuation experts, conduct property valuation in accordance with the Land Rights Act and Policy, 2013
- VIII. Establish PAP baselines for purposes of informing future monitoring and development of appropriate compensation packages
- IX. Establish a Community Liaison Unit to manage the interaction between the project and the affected communities and work closely with the village councils
- X. Together with the Ministry of Land, Mines and Energy, implement the compensation plan and deliver compensation packages

- XI. Together with the communities and their Community Land Development and Management Association (CLDMA), attend to all grievances as a result of the land acquisition process
- XII. Overall responsibility for reporting on the process of land acquisition
- XIII. Together with the Ministry of Land, Mines and Energy, coordinate the land transfer and registration process
- XIV. Monitoring and reporting

Ministry of Lands, Mines and Energy / Land Commission

- I. Regulation of the land acquisition process through the Land Commission
- II. Overseeing of the land acquisition process
- III. Review and processing of RREAs land acquisition application
- IV. Notifications of all parties along the proposed way leave of the required land
- V. Through advisory services, support RREA on matters relating to compensation, land acquisition and expropriation
- VI. Advisory services on land survey
- VII. Overseeing the compensation payments and land re allocation for the likely affected households
- VIII. Transfer of land
- IX. Land registration

Ministry of Agriculture

- I. Technical support to RREA during the compilation of compensation rates for agricultural products
- II. Support and advise RREA on potential livelihood restoration activities in the project areas especially those where the Ministry of Agriculture has already secured funding
- III. Through the County Coordinator and field extension staff, support and supervise the implementation of the livelihood restoration programs on behalf of RREA
- IV. Review and verify the livelihood restoration plans produced by RREA with particular reference to adequacy, appropriateness and effectiveness to achieve the planed goals

Ministry of Finance (Rural Tax Division)

- I. In collaboration with the Real Estate Tax Division, support RREA in the establishment of market value for property within the project area
- II. Support RREA in the estimation of the transaction costs (legal fees and taxes) associated with the property to be acquired
- III. Support RREA in the quality assurance of the valuation process and report

EPA

- I. Review, clearance and approval of ESIA/ESMP process for energy sub-projects
- II. Monitoring oversight of the ESMP implementation

County and District Authorities

- I. Notification of affected communities and clans
- II. Support the communities and CLDMAs during the resolution of grievances beyond their capacities to handle
- III. Participate in the determination and review of the compensation rates for agricultural products and land within the project area
- IV. Participate in the process of land survey with particular emphasis on community, private and public land
- V. Advise RREA on issues regarding land acquisition and transfer
- VI. Together with RREA, process residual title deeds for all impacted registered land
- VII. Advise RREA on issues regarding livelihood restoration, relocation site identification and relocation assistance
- VIII. In collaboration with the Rural Estate Tax Officers, advise RREA on the market values of property in the project area and the estimated transaction costs for both land registration and taxes
- IX. Through the Land Commission, support RREA in land related grievances and land transfer process

Communities/CLDMA

- I. Mobilise all the affected households for participation in project activities
- II. Participate in all project related activities for example sensitisation meetings, surveying, property valuation, planning for livelihood restoration among others
- III. Attend to all grievances of civil nature, concerning land that could not be resolved at clan level
- IV. Offer advisory and counselling services to the directly affected households
- V. Allocate replacement land to PAPs
- VI. Give feedback/notification to PAPs on project related issues

Clans

- I. Participate in all the project information disclosure meetings
- II. Mobilize affected households
- III. Participate in the identification of affected households
- IV. Participate and witness the process of land survey and mapping of affected land
- V. Participate and witness the property valuation exercise
- VI. Witness the compensation payment process
- VII. Offer social and emotional support and guidance to all affected households

- VIII. Attend to all grievances within the village territory in regard to land required by the project
- IX. Support RREA in the transfer of land ownership
- X. Support RREA during the registration of the project land

PAPs and Local Institutions

- I. Participate in all project information meetings
- II. Participate in all project land acquisition activities
- III. Participate and witness the land surveying and property valuation activities, wherever necessary
- IV. Provide all required information/documentation during the execution of the land acquisition process, to the implementing teams
- V. Respect all the set up information and consultation channels set up by the project
- VI. Advise the implementation teams concerning property ownership, and use
- VII. Inform the implementing teams of all the cultural requirements in regards to relocation of culturally sensitive property or assets
- VIII. On a family basis, resolve all the property ownership disputes within the family prior to the land acquisition process, or else, escalate them to the village council for guidance

Non-Governmental Organisations/Community Based Organiations

- I. Support RREA in the implementation of livelihood restoration activities
- II. Witness the resettlement process, grievance handling, and delivery of entitlements
- III. Support RREA in the mobilisation of communities and counselling in preparation for relocation
- IV. Support communities during the transition period

Rural Energy Working group

- I. Act as a cooperative link among government ministries, agencies and related institutions.
- II. Act as a promotional and advisory entity to build support from the beneficiary communities, government, staff of concerned agencies, as well as donors.
- III. Advise and guide the harmonized implementation of the packages of the rural and renewable energy projects.
- IV. Provide a forum for discussion of harmonization of conditionalities and procedures associated with donor fund mobilization and procurement.
- V. Serve as a platform for addressing and resolving issues.
- VI. Provide and disseminate information to concerned parties.

4.4 Capacity Assessment

RREA as the lead agency has so far implemented Yandohun micro hydropower project, which is recognised as a successful intervention owned and managed by the beneficiary community. However, this project did not involve any resettlement activities though it exposed RREA staff to the importance of meaningful community involvement and transparent information disclosure in project planning. For that reason, it is recommended that RREA staff are oriented to the planning and implementation of resettlement programs.

With respect to staffing, RREA already has a number of Social Development and Gender Specialists, who were involved in the Yandohun project. Given that Yandohun did not involve resettlement issues, RREA staff will need to be oriented to the realities of the potential social impacts and the likely resultant effects of poorly managed projects in regards to resettlement. Discussions with RREA indicated that on-job training is the preferred methodology. Therefore, RREA staff will be serve as counterpart staff during resettlement planning for any of the projects being proposed. Proper facilitation for their involvement needs to be included in the consultant's costs.

Discussions with LEC/PIU Mount Coffee project indicated that there is a planned training for LEC staff in the management of environmental and social risks. It is recommended that since both LEC and RREA are in the same sector, such training opportunities should benefit both agencies, and staff from RREA could be included among the targeted staff to avoid duplication of resources.

Several other opportunities could be explored like study tours to ongoing projects within the region to expose RREA staff to the realities of involuntary resettlement.

With respect to coordination with other Ministries, discussions with the Mount Coffee PIU Director Environmental/Social Safeguards revealed that inter-agency coordination is generally weak. Ministry priorities and methodologies tend to differ; this in most cases has resulted into inconsistent approaches and serious delays in the accomplishment of the desired goals. For that reason, it is proposed that RREA coordinates resettlement implementation together with the authorities at County and lower levels. Quality standards and objectives should be communicated among all stakeholders well in advance. Fortunately, the deconcentrating process of service delivery has already rolled off particularly for most of the contributing ministries

Concerning the required expertise (Legal, Sociologists, Valuation and Land Surveyors), Mount Coffee (PIU) indicated that they had struggled to get the right expertise, while discussions with RREA revealed that where they exist, they struggle with equipment. Ministry of Finance seem to have the required technical expertise for valuation but these are already engaged in their own day-to-day responsibilities and are not easy to divert

to support the energy sector. It is therefore advised that, in the short run, RREA engage private registered surveyors and valuers to work closely with RREA staff and supported by the valuers in Ministry of Finance as and when necessary.

At the Local Government level, participating officers will also need to be oriented to the requirements of this RPF prior to its implementation. These will potentially include the Land Commission, Agricultural Officer, Assistant County Surveyor, Rural Estate Tax Officers, Paramount Chiefs, and Township Commissioners. Community authorities will be trained by the specific projects early in the planning phase.

Consultations with key informant in the sector indicated that there is a general lack of consistency in approaches used during resettlement planning, particularly valuation. This in some cases has resulted into computation of inadequate compensation packages and increased risks to PAHs livelihoods. It is strongly advised that consistent approaches adopted for the SREP projects be implemented given their close proximity to each other and the fact that they all target nearly the same communities.

Once the procedures in this RPF have been tested and proven, they could be shared with other sectors to ensure consistent approaches to social risk management in infrastructure development in Liberia.

The main institution with key responsibilities for environmental and social management under the SREP is RREA. During consultation with RREA, it was established that the agency has no environmental and social management mechanism, although it relies on some of its staff for social and gender issues. It should be noted that the agency lacks experts in the environmental field. The agency must consider establishing an environmental and social management team (ESMT). This unit will be responsible for overseeing at least the following:

- Screening of projects
- Categorizing projects as per the World Bank, other financing agencies, EPAL and other national regulating authorities.
- Drafting the Terms of References for ESIA, ESMPs, and RAPs/ Livelihood Restoration Plan.
- Procuring and supervising service providers.
- Implementation of ESIA, ESMPs, and RAPs/ Livelihood Restoration Plan.
- Environmental and social monitoring, as well as internal audits.

Capacity building is an essential component towards sustainable environmental and social management. Establishment and operation of the ESMU at the RREA is a key. The RREA's ESMU should consist of at least 3 key staff positions. These are:

- The environmental expert
- The social expert

- The community liaison officer

Once established, the ESMT needs to have adequate training as well as suitable equipment in order to fulfil its functions. The objective of the training and capacity building program is to ensure appropriate environmental awareness, knowledge and skills for the implementation of environmental management plans as well as environmental and process monitoring. In addition to the ESMT staff, training sessions will be opened for other individuals from the RREA and other concerned ministries and governmental authorities. The typical scope of the training sessions will encompass:

- Defining relevant environmental laws, regulations, and standards;
- Reviewing and discussing the World Bank's Safeguard Policies;
- Conducting bid tenders where appropriate while ensuring that the World Bank's Safeguard Policies, the applicable EPA legislations and GoL laws are respected;
- Reviewing Environmental and Social Impact Assessment methodology (at both the sub project and strategic levels) and environmental sampling and monitoring procedures (air, noise, water, social impacts/RAP monitoring etc.);
- Introducing mitigation measures aimed at minimizing adverse environmental and social impacts associated with the construction and operation of energy-related projects with special emphasis on low technology, affordable and sustainable measures;
- Introducing the fundamentals of occupational health and safety procedures with emphasis on the risks associated with electricity production;
- Presenting case study ESMPs of relevant projects (hydroelectric projects, thermoelectric projects, solar power energy production (such as thermal power generation, hydroelectric power generation, solar power generation, etc.));
- Conducting an open dialogue with the targeted audience, whereby individuals will be asked to share their experiences (success stories and shortcomings) in implementing ESMPs and the main technical problems faced in the field.

5 PRINCIPLES AND PROCEDURES

5.1 Principles Governing Resettlement Planning and Implementation

The following guiding principles will govern the resettlement preparation and implementation for the SREP projects. The principles are based on national legislation and international safeguard policies (OP 4.12). It is expected that the principles below will ensure that the potential risks are well controlled.

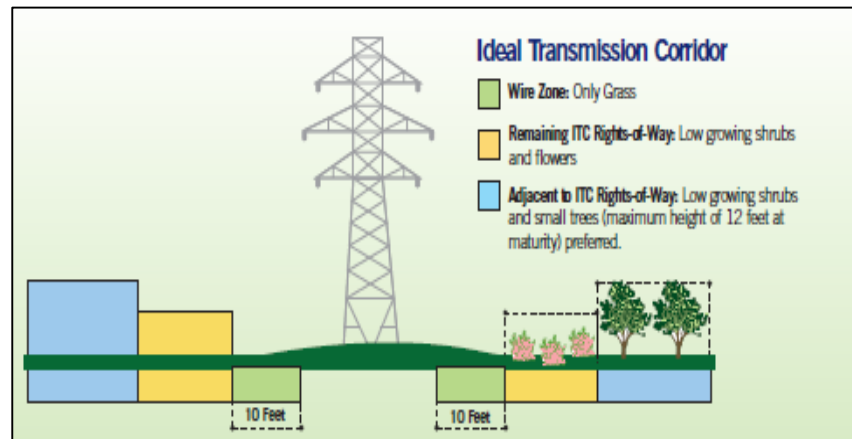
- I. Involuntary resettlement and land acquisition will be avoided where feasible, or minimised, by exploring all viable alternatives.
- II. The Consultant has assumed that only low voltage lines will be constructed under this project. For that reason, there will be no need for permanent land acquisition of the right of way by RREA but rather acquisition of easements on land. However, in cases with high voltage lines or where the distribution line poses a safety hazard, permanent acquisition might be necessary.
- III. The following low voltage lines will be covered under the scope of this project:

Item	Line capacity	Way leave requirements
1	66 kV lines	30 m wide
2	33 kV lines	20 m wide
3	11 kV lines	10 m wide
	Distribution lines	

- IV. Distribution transformers in the low-voltage network will necessitate the acquisition of a very small plot (4 square metres up to 6 square metres). For safety reasons, these sites will be acquired permanently and systematically fenced and maintained.
- V. It is expected that mini grid schemes that will be operated by cooperatives or non-profit making entities will involve communities donating land to the perceived community development initiative. In such circumstances, the process of land acquisition should be well documented and with evidence of community consent. However, in circumstances where the donated land was utilised by someone, that person will be eligible for compensation as per the compensation principles outlined in the entitlement matrix in Chapter 7 of this RPF.
- VI. Just like in most African countries, there will be no outright acquisition of land for voltages of 33 kV and below but rather acquisition of easement. Easements always result into restricted use of land, therefore the PAPs will be compensated for diminution value which is estimated at 70% of the land value. Care should always be taken when routing these lines to avoid economic and

physical displacement. This approach is justified from the fact that low voltage lines pose minimal environmental and safety hazards to the people.

- VII. In the unfortunate event of physical displacement as a result of safety considerations, affected households should be provided with replacement land and housing facilities as per the entitlement matrix in Chapter 7 of this RPF.
- VIII. Trees growing within the wire zone (the area under and 10 feet outside the wires), as illustrated in the diagrammatic presentation below, will not be permitted in the right of way irrespective of the voltage of the line. All households with such trees will be compensated as per the valuation methodologies given in Chapter 7 of this RPF.



- IX. Generally, there will be no compensation payment for seasonal crops. Efforts will be made to ensure that PAPs are allowed sufficient time to harvest their crops as this will minimise the impact on food security in the transition period. The national legislation recommends a period of notice not shorter than 6 months.
- X. Injurious damages during construction phase will be fully compensated as per the guidelines set out in the Land Rights Act.
- XI. Cultivation of seasonal crops, as well as low-stature annual and perennial crops, will be permitted in the right of way even after the land take over. However, any damage to crops during repair and maintenance of the transmission line will not be compensated.
- XII. Cut-off date will be the date of the census.
- XIII. All households impacted in any of the ways below will be considered eligible for compensation:
 - 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
 - d. Involuntary restriction of access to resources.
 - e. Damages during construction
 - f. Residual impacts on land and structures
- XIV. The policy applies to all affected persons regardless of the total number affected and the severity of the impact.

- XV. All persons with a justified claim to land will be considered eligible for compensation irrespective of whether they own proof for the land they occupy or not.
- XVI. The measures specified in this RPF will apply to all project components.
- XVII. Particular attention will be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, orphans, pastoralists and or other affected disadvantaged persons.
- XVIII. Land based compensation wherever possible will be preferred to cash compensations for land.
- XIX. Relocation of cultural property, including burial grounds, will be handled in accordance to norms and cultural practices of the affected people.
- XX. All affected households will be meaningfully consulted on their options and when making decisions that directly affect them.
- XXI. All affected households will be supported during the transition period and after displacement as per the international requirements, through a livelihoods restoration program.
- XXII. All affected households will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher. Livelihood restoration programs/activities will be executed as sustainable development programs, for whole communities or groups with similar sources of income.
- XXIII. The grievance mechanism will as much as possible utilise the community based approaches. The judiciary system will be adopted as a last resort.
- XXIV. All transactions will be conducted in a language that people understand. Where this will not be possible, PAPs will have a right to an interpreter.
- XXV. The project will cover all the costs of land registration for both project land and residual titles for registered land and any other charges that may be levied on replacement land.
- XXVI. Village councils and the affected households will witness all field activities.
- XXVII. Wherever possible, both spouses and their neighbours will be present at the time of stock referencing and will be expected to counter sign on the records for stock inventory as their acknowledgement of the accuracy of the records.
- XXVIII. This RPF does not apply to stand alone solar generation facilities because they are not expected to trigger involuntary resettlement. Land for these facilities should be acquired on a willing seller willing buyer basis(voluntarily) through negotiations and with due consideration and consultation with all those whose livelihoods were based on the land in question.
- XXIX. However, in case of a hydro-solar hybrid, the possibility of solar components triggering involuntary resettlement cannot be totally ruled out, though it should be avoided as much as possible

XXX. RREA will be expected to draw on appropriate social, technical, valuation, surveying, and legal expertise, as well as relevant community-based organizations and NGOs, during resettlement planning.

5.2 Procedure / Process for Resettlement Planning

5.2.1 Process for Screening of Projects

In line with the recommendations of the Environmental and Social Management Framework (ESMF), the need for resettlement should be assessed quite early during the project conception phase and not later than the prefeasibility stage. The relevant resettlement instrument should also be decided upon as early as possible to allow for sufficient planning and mobilisation of the resources required.

5.2.2 Guidelines to Selection of Resettlement Instrument

No	Impact	Instrument
1	Minor ¹ impacts or fewer than 200 people	Abbreviated Resettlement Plan
2	Physical displacement	Resettlement Action Plan including relocation plan, host community engagement and income restoration strategies, transitional support
3	Significant economic displacement	Resettlement Action Plan including Livelihood Restoration Plan

Further guidelines on the contents of these resettlement instruments are as in Annex 1 attached to this report.

5.2.3 Resettlement Planning

As mentioned earlier, upon approval of the RPF, RREA supported by competent experts (sociologists, valuation and survey) will proceed with the preparation of the Resettlement Action Plan (RAP), which will detail the action plans for relocation, compensation and livelihood restoration, grievance management among others. It is preferable that the process is highly participatory and all concerned stakeholders are meaningfully involved. Especially at the district, community, clan and affected households level. At the County level, the Land Commission, County Coordinator for Agriculture and the County Assistant Surveyor should participate and support the resettlement planning especially the land survey and the process of stock inventory and grievance management wherever possible.

¹ Impacts are considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost.

Figure 3 gives a step-by-step procedure to be followed during RAP preparation. Consultation will be an on-going process throughout the RAP preparation and implementation phase. The figure below has attempted to ensure compliance with the national legal requirements without compromising the international best practices.

The presence of PAPs should be mandatory during the censuses (land survey, property valuation and socio-economic survey) and consultation process. The community leadership should be present as witnesses, not as representatives of households unless the household they represent is highly vulnerable. However, concerning collective property, the community leadership/CLDMA will have the mandate to represent the affected communities if they so wish.

Upon completion of the stock inventory and land inspection, all parties present and concerned should sign the stock inventory form and the land inspection form for purposes of fostering transparency. The affected household and the community leaders should be issued with a copy of these two forms there and then (on the same day of the completion of the stock inventory). These forms will serve as the basis for future reference during the disclosure phase.

Based on the results of the census, further in-depth consultations may be organised with the highly vulnerable households or households that will suffer severe magnitude of impact on land particularly concerning detailed planning for livelihood restoration and relocation assistance.

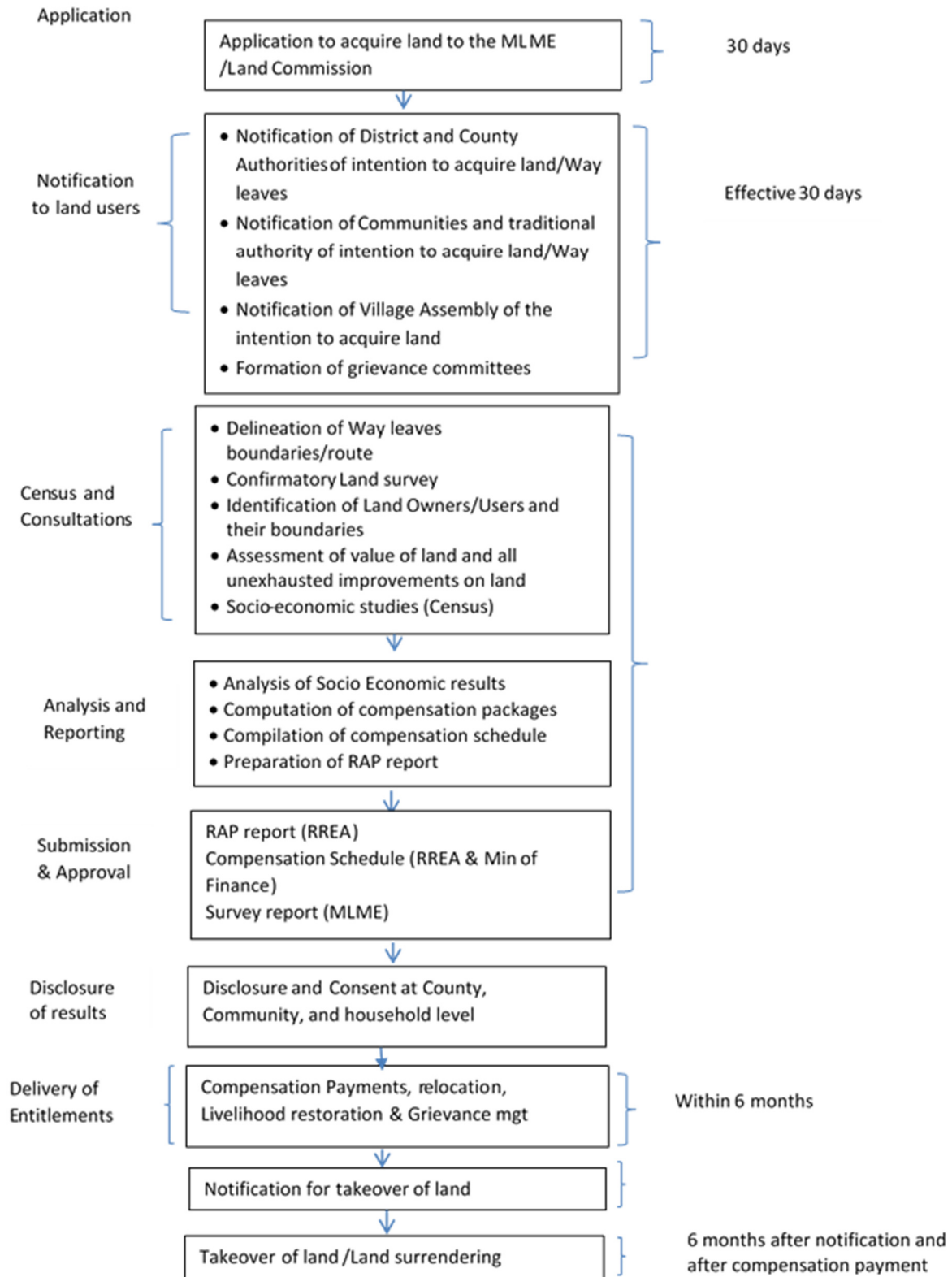


Figure 3. RAP preparation and implementation process.

5.3 Baseline Data Requirements

Thematic baseline requirements are as shown below. The exhaustiveness of the baseline data will depend on the contextual setting of the project and the characteristics of the population in the project area.

- Demographic characteristics
- Social organisation and governance structures
- Land ownership, tenure and use
- Livelihood, income and expenditures
- Community resources and support systems
- Household nutrition and welfare
- Infrastructure and social service delivery

Sample table of contents for a Resettlement Action Plan is attached in Appendix 2.

5.4 RAP Review and Approval

Upon completion of the RAP preparation, RREA will organise and coordinate the review of the RAP report together with the Ministry of Lands, Mines and Energy, the Ministry of Finance (Rural Tax Division), Environmental Protection Agency (EPA) and the Ministry of Agriculture. In cases where other collective infrastructure will be affected, RREA will coordinate with the relevant institution. The RAP must be submitted to the World Bank for final approval prior to any financing decision being taken.

During the review process, the results of the censuses should also be disclosed at the lower levels. That is, at the County and District level for information sharing and coordination purposes. In addition, disclosure should be organised at community, clan and household level. This will aid the process of verification and crosschecking accuracy of the results. It will also offer the directly affected households an opportunity to have their input into the proposed compensation methodologies or even raise grievances.

Upon acceptance of the disclosed results, the affected households will be required to sign consent forms, which will confirm that they accept the proposed compensation and the items recorded are reflection of the real property on their land.

In cases where PAPs disagree with the proposed package, they will be required to put their objections in writing. Sample grievance form is enclosed in Appendix 3.

6 ESIMATED POPULATION AND ELIGIBILITY CRITERIA

6.1 Estimation of Displaced Population

Given that the specific projects are not yet identified, the numbers of displaced population cannot be estimated at present. However, the nature of the proposed projects is likely to result into minimal physical and economic displacement. Expected affected groups will include landowners, land users and communities within the target project areas

6.2 Impact of Land Acquisition

The likely impacts associated with land acquisition for the proposed projects will include:

- Loss of land
- Displacement of structures
- Loss of crops
- Impact on cultural property (including burial grounds)
- Impact on commercial structures
- Impact on public infrastructure
- Loss of income or income streams
- Temporal disruption of income streams
- Loss of access to natural resources (forests, fishing grounds, grazing land)
- Loss of access to opportunities (businesses, employees and tenants, sharecroppers etc.)
- Disruption to household food security
- Disruption of societal organisation as a result of physical displacement
- Loss of access to social support networks

6.3 Eligibility Criteria

In summary, with reference to the national and international guidelines, the categories of people that will be considered eligible for compensation are outlined below.

Chapter 3, Article 9 (Proof of Ownership or Rights in Land) of the Land Acquisition Act categorises legitimate landowners as all with proof of ownership under the following arrangements.

- The proof of ownership of a Private Land shall at all times be by way of a deed that (i) is duly probated and registered in keeping with the law controlling, and (ii) shows a proper chain of title from the original owner of the land.
- The proof of any Government Land shall consist of demonstrated existence on the land of government buildings, projects, or activities including but not limited to offices of ministries, agencies and branches of the Government, military bases, public schools and public universities, public hospitals, Libraries, museums, and public airports for any period prior to the adoption of the Land Rights Policy of Liberia.

- The proof of any Public Land shall consist of competent evidence of its acquisition by the Government through purchase, escheat, confiscation gift or otherwise and the fact that it is not presently used for the present activities and/or operations of the Government and is neither a Private Land nor a Customary Land.
- The proof of ownership of any Customary Land shall consist of any competent evidence including oral testimony showing a verifiable longstanding relationship and/or ties that the community claiming ownership of the particular Customary Land has had to the land, but under no circumstances shall the ownership of a particular piece of Customary Land be denied merely because of a failure to produce documentary evidence of title. The necessary proof required by this Section is only in respect of the claim of the particular community asserting ownership of the specific piece of Customary Land at the exclusion of all other communities.
- Where proof of ownership of any land other than Customary Land is by a deed, the required chain of title shall be traced to some written consent duly given by the owners of the Customary Land from which the land being proven originated; provided that this sub-section shall not be construed to invalidate any public land sale deed duly issued by the Republic of Liberia prior to the Effective Date of this Act.

This is in line with the World Bank description of those eligible for compensation as shown below:

- All those with formal rights to land (including customary and statutory rights of occupancy recognized under the laws of the host country).
- 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 or by the community or become recognized through a process identified in the resettlement and compensation plan.
- Those who occupy or use the land prior to the cut-off date. This is in line with the Land Acquisition Act 1967, Part V, Section 23 subsection 6, which states that where a person or family has occupied land in the same location under a residential license for not less than three years, he or they shall be entitled to compensation under the Land Acquisition Act, 1967 where that land is to be acquired for a public purpose ...”

In conclusion, all these categories of affected persons resident or with interest in property within the project direct impact zones will be eligible for compensation.

7

VALUATION METHODOLOGY

The Land Rights Policy, the Land Rights Act and the World Bank OP 4.12 give guidance towards the computation of the value of affected property. Specifically, the Land Rights Policy and Act, 2013 advocate for computation of value based on fair market value on a willing buyer willing seller basis including any legal fees and relocation costs incurred. Similarly, the World Bank advocates for computation of value based on full replacement cost, which is defined as follows:

- For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
- For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes
- For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.

Market value computations will be guided by the methodologies provided by the Revenue Code of Liberia, amended in 2011, which recommends that estimation of market value will follow the area-based method of valuation of land and capital approach for buildings with additional considerations as illustrated in the table below. To achieve full replacement cost, it is advised that depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

7.1

Valuation of Land

Valuation for land should at the minimum follow the national regulations (market value of land based on willing buyer willing seller basis). In addition, provision for costs for land preparation, and registration or transfer/property taxes will be included. This way, the compensation for land will comply with the World Bank requirement for compensation of land at replacement cost².

Alternatively, PAPs could be offered a plot of land of comparable quality, extent and use as stipulated by the World Bank OP 4.12 on involuntary resettlement.

² For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

Item	Type of land	Valuation considerations
1	Residential land	Market value/m ² x Area + Disturbance allowance ³ + Transport allowance ⁴ + Accommodation allowance ⁵ + Registration costs ⁶ + Costs for land preparation + Associated property tax ⁷ .
2	Farmland	Market value/m ² x Area + Disturbance allowance + Transport allowance + Loss of profit ⁸ + Estimated lump sum for land preparation ⁹ + Registration costs + Associated property tax
3	Undeveloped land	Market value/m ² x Area + Disturbance allowance + Registration costs + Associated property tax
4	Pastoral land	Alternative land or cash
5	Commercial/Prime land	Market value/m ² x Area + Disturbance allowance + Transport allowance + Loss of profit ¹⁰ + Estimated lump sum for land preparation + Registration costs + Associated property tax

7.2

Valuation of Structures

The compensation computations will be based on market value as a basic minimum required by the national legislation and following the guidelines set by the Ministry of Finance. In order to comply with the World Bank standards, depreciation, costs of salvageable materials will not be considered, and in addition any registration and transfer taxes will be input into the computation. This will facilitate the achievement of compensation based on replacement cost for structures¹¹.

Wherever possible, options for in kind replacements (building of comparable quality, extent or use) should be offered to PAPs who lose

³ Disturbance allowance: Average percentage rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land.

⁴ Transport allowance: Actual costs of transporting 12 tons either by rail /road (whichever is cheaper) for a distance of 20 kilometers from the point of displacement.

⁵ Accommodation allowance: Market rent over a period of 36 months

⁶ Registration costs: Real figures will be established from the Land authorities.

⁷ Property tax for rural property: Unimproved Land (without buildings) = LD 5 per acre, improved land ¼ % building improvement on public land=1/7% and commercial building=1%.

⁸ Loss of profits: Computed by taking into consideration the net monthly profit from the business/value of produce multiplied by 36 months to arrive at the loss of profits payable

⁹ The value of the labor invested in preparing agricultural land will be computed as the sum of the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

¹⁰ Loss of profit will be paid when the owner presents audited accounts or proof of paying taxes

¹¹ For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.

residential premises especially the severely affected and vulnerable households.

Item	Type of structure	Valuation considerations
1	Residential structure	Unit cost of construction per m ² of a similar type of structure x Area + Disturbance allowance + Accommodation allowance + Transport allowance + Registration costs.
2	Commercial structure	Unit cost of construction per m ² of a similar type of structure x Area + Disturbance allowance + Transport allowance + Loss of profits + Registration costs
3	Public structure ¹² (school, hospital, church, administrative buildings)	Unit cost of construction per m ² of a similar type of structure x Area + Disturbance allowance + Transport allowance + Registration costs
4	Other auxiliary structures	Unit cost of construction per m ² of a similar type of structure x Area + Disturbance allowance

7.3

Valuation of Crops

The Representatives of the Ministry of Agriculture at County/District level will provide crop compensation rates based on the market prices in the region. It is expected that these will be reviewed and updated on annual basis to cater for price changes over time. To guide and regulate the process of attaching value to crops, the project will use the issued compensation rates for reference when computing the compensation package for crops.

In addition, a standard rate per acre will be developed to cater for the cost of preparing agricultural land. This will take into consideration the costs for preparing the existing land and the replacement land. The value of the labour invested in preparing agricultural land will be computed as the sum of the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop. Farmers will also be compensated for the disturbance caused.

In order to cater for the loss of yield over a given horizon, a provision for loss of profit/output will also be paid for at least 36 months or depending on the productive period of the crop in question, which is assumed to be the timeframe within which plants in the new gardens will start yielding.

However, it should be noted that seasonal crops are usually food crops, are grown for subsistence purposes, and constitute the household food resource. Based on that, the Consultant therefore proposes that:

1. PAPs should be given enough time (minimum 6 months as stipulated in the Land Rights Policy) to enable them harvest

¹² Alternatives to cash compensation will also be considered for public structures for example replacement structures or as may be agreed by the affected community.

seasonal crops to avoid the resultant food insecurity for the affected household. In case harvesting has been completed prior to construction works, no payments will be made for seasonal crops.

2. In cases where sufficient time for harvesting is not possible, seasonal crops will be compensated at the prevailing market value of the crops irrespective of their level of maturity at the time of the census.
3. In regards to perennial crops, PAPs will also be compensated for loss of profits over a period of 36 months on top of the value of crops.
4. All households that will suffer loss of crops will be assisted in their efforts to restart new plantations, through facilitation for land preparation and provision for seedlings wherever applicable.

Asset	Valuation Computation
Seasonal crops	Allow sufficient time for harvesting Alternatively: Prevailing market price x Area/No. of plants + Disturbance allowance + Estimated lump sum for land preparation + Loss of profit
Annual and perennial crops	Prevailing market price x Area/No. of plants + Loss of profit + Disturbance allowance + Lump sum for land preparation

7.4 Valuation of Cultural Property

Valuation of cultural property will be guided by the recommendations of the affected households and consistent with the law. The project will as much as possible endeavour to respect the cultural practices, beliefs and rituals of the communities in which it operates.

Asset	Valuation Computation
Cultural property	Costs for removal + Costs for transportation + Costs for required materials to reinstatement and re-interment + Costs for ceremonial practices as will be advised by the interested parties + Disturbance allowance

7.5 Valuation of Communal Facilities

It is recommended that where public infrastructure is involved, it should be physically replaced and cash compensations avoided. Therefore, the cost of replacing a similar or better facility should be estimated and the facility replaced in kind. It is strongly recommended that projects try as much as possible to avoid displacing public facilities.

7.6 Valuation of Losses Suffered by Tenants

Tenants could take any of the following forms:

- Occupant of residential or business premises
- Seasonal users of land

- Users of land but not necessarily owners

In such cases, in addition to valuation of their property on land, other factors to put into consideration include:

- Loss of profit/income
- Disturbance allowance
- Loss of accommodation (tenants in residential premises)
- Transport allowance
- Costs of registration (legal fees or other transaction related costs)
- Costs of land preparation

7.7 Valuation of Losses Suffered by Leaseholders

In cases where individuals, private enterprises and public institutions have long term and short term leases on the proposed land to be acquired, valuation will follow the same principles as shown above for assets on land, and the loss of profit will also follow the same principles as recommended.

7.8 Compensation Packages

7.8.1 Compensation for Land

It is recommended that since the dominant livelihood systems in Lofa County are land based, the land for land approach should be adopted instead of cash compensations, particularly for the severely affected households and collectively owned land. Cash compensation is proposed for those with minor impacts on land, whether commercial, residential or agricultural land.

It is expected that in some instances communities will donate land to the community development project. In such cases, proper documentation of the entire process and the community consent should be submitted.

7.8.2 Compensation for Structures

It is recommended that first priority should be given to in kind compensation (provision of housing facilities/infrastructure), particularly for the vulnerable households and /or in situations where the residential premises and collective facilities (schools, health centres, etc.) are affected. This will ensure that affected and vulnerable households do not end up homeless after the project. Cash compensation will be offered for all other structures that are not residential premises (auxiliary structures).

However, PAPs who choose otherwise even after being given adequate information about their options, should be allowed to go for their preference. However, the PAPs preference for cash compensation other than land should be properly documented

7.8.3 Compensation for Crops

Cash compensation will be offered for all losses save for seasonal crops which are usually food crops and hopefully sufficient time would

be allowed for harvesting. Severely affected households will be enrolled into a livelihood restoration program, which is expected to enable them restart new gardens through provision of seedlings for the replacement gardens.

7.8.4 *Compensation for Cultural Property*

Compensation for cultural property will be dependent on the preference of the landowners or community. Both cash compensation and in kind compensation will be feasible.

7.8.5 *Livelihood Restoration*

Depending on the severity of impact on the livelihoods of the affected households, livelihood restoration interventions should be considered as part of the strategies for ensuring that the PAPs are not worse off in the end. The decision to adopt it as part of the resettlement interventions should be taken after the detailed resettlement planning and assessment of severity of impact per household.

7.9 **Proposed Compensation Options**

The table below shows the compensation options for each asset item. It should be noted that a blend of both in kind and cash compensation will be possible if a PAP wishes to have it that way. In terms of budgetary requirements, it has been assumed that the monetary compensation value of a structure/land is equivalent to the cost of replacing it in kind. Therefore, the in kind option will not create any budgetary differences.

Item	Compensation Option	
	Cash	In kind
Land	√	√
Structures (residential premises)		√
Structures (auxiliary structures)	√	
Seasonal crops	√	
Annual and perennial crops (including trees)	√	
Cultural property	√	√

7.10 **Entitlement Matrix**

An entitlement matrix is presented on the next page summarizing the following information:

- all categories of potential affected people
- all types of loss associated with each category
- all types of compensation and assistance to which each category is entitled

PAP Category	Type of loss	Compensation/Entitlement										
		Land	Residential/ commercial/ premises/ Assets on land	Auxiliary structures	Crops	Cultural property	Disturbance allowance	Loss of profit/ income	Transport allowance	Land preparation, registration, taxes	Accommodation allowance	Livelihood restoration
Households	Loss of Residential land and assets on land	In kind / cash	In kind	Cash	Cash	In kind / Cash	Yes	Yes	Yes	Yes	Yes	Yes
	Loss of un-developed land	In kind / cash	No	No	No	No	Yes	No	No	Yes	No	No
	Displacement of graves/ cultural property	Yes	No	No	No	Yes	Yes	No	Yes	Yes	No	No
	Loss of agricultural Land	In kind	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
Communities	Loss of land	Cash/ In kind	If applicable	If applicable		Yes	Yes	Yes	No	Yes	No	No
	Disruption of cultural Property	Yes	No	No	No	Yes	Yes	No	Yes	Yes	No	No
Holders of Traditional Certificate	Loss of property		Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	
	Loss of access to land	In Kind	NA	NA	NA	NA	Yes	Yes	NA	Yes	NA	Yes
	Disruption of livelihoods	Yes	NA	NA	NA	NA	Yes	Yes	Yes	Yes	NA	Yes
Leaseholders/ concession holder	Loss of assets on land	Cash	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
	Loss of lease rights	No	No	No	No	No	Yes	Yes	No	Yes	No	No
Leaser	Loss of lease income	Yes	No	No	No	No	Yes	Yes	No	If applicable	No	No
Sharecroppers	Loss of assets	No	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes
	Loss of user rights	No	Yes	No	Yes	N/A	Yes	Yes	Yes	Yes	No	Yes
	Loss of income	No	No	No	No	No	Yes	Yes	No	If applicable	No	No
Squatters	Loss of assets on land	Cash	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

PAP Category	Type of loss	Compensation/Entitlement										
		Land	Residential/ commercial/ premises/ Assets on land	Auxiliary structures	Crops	Cultural property	Disturbance allowance	Loss of profit/ income	Transport allowance	Land preparation, registration, taxes	Accommodation allowance	Livelihood restoration
	Loss of access to land											
Village councils	Loss of land and assets on land	In kind/ CDP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Loss of income	No	No	No	No	No	Yes	Yes	No	Yes	No	No
Business Owners	Loss of business premises and income	Yes	Yes	N/A	N/A	N/A	Yes	Yes	Yes	Yes	N/A	Yes
Business tenants	Loss of business premises and income	N/A	N/A	N/A	N/A	N/A	Yes	Yes	Yes	Yes	N/A	Yes
Residential tenants	Loss of principle place of residence	N/A	N/A	N/A		N/A	Yes	N/A	Yes		Yes	
Government institutions	Loss of land and assets on land	Cash	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Employees	Loss of employment opportunities	N/A	N/A	N/A	N/A	N/A	Yes	Yes		N/A	If applicable	Yes
	Loss of income	N/A	N/A	N/A	N/A	N/A	Yes	Yes		N/A	If applicable	Yes

8 ORGANISATION AND DELIVERY OF ENTITLEMENTS

The proposed delivery arrangements for PAP entitlements are aligned with the institutional framework for the SREP projects, which will be implemented by the Rural Renewable Energy Agency. The figure below presents the organisational arrangements for delivery of entitlements. The dashed arrows represent coordination and communication relationship while the continuous arrow represents responsibility.

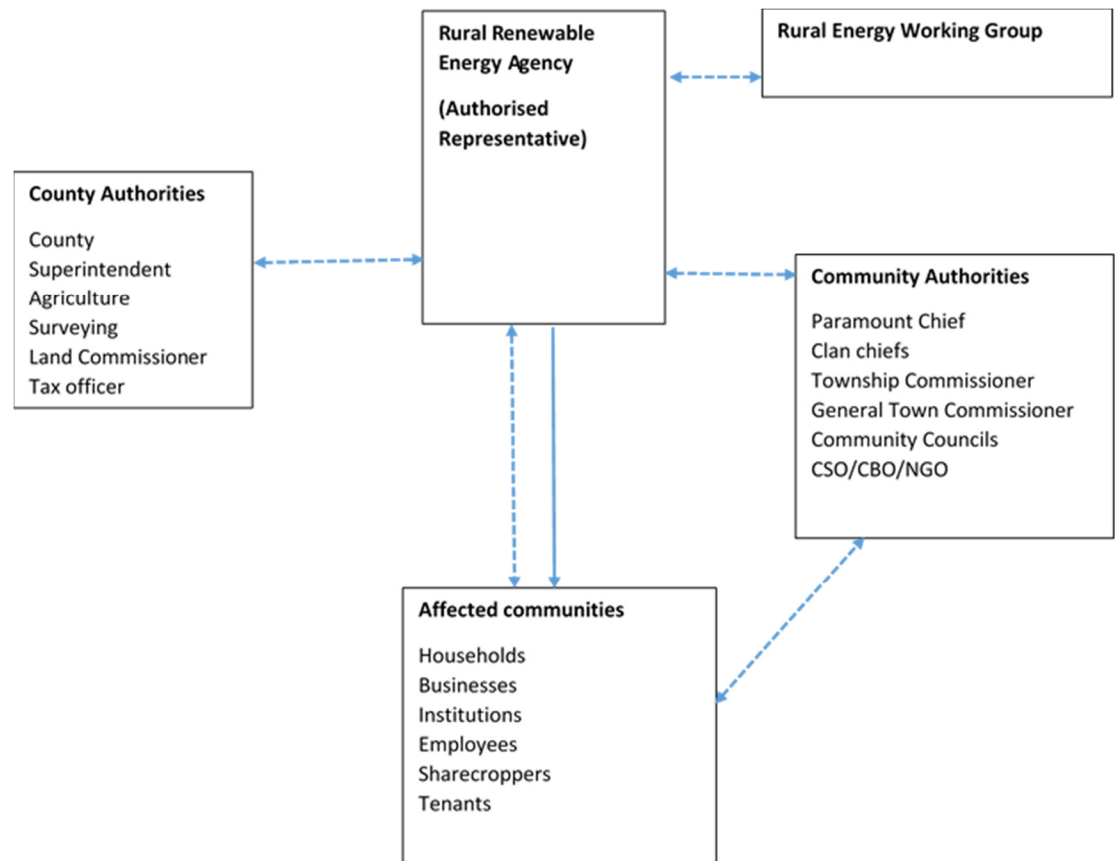


Figure 4. organisational arrangement for delivery of entitlements

8.1 Organisational Elements

Upon approval and disclosure of the Resettlement Action Plan (RAP) and its associated appendices (valuation report and cadastral maps), RREA will liaise with EPA and the local authorities (County, District and Village) in preparation for the delivery of entitlements to the affected households

RREA with the support of competent experts will be responsible for the overall delivery of entitlements of the resettlement and compensation packages. The process is expected to be highly participatory and witnessed by all the relevant stakeholders at the local government level and the communities.

Together with the township and village leadership RREA will then embark on the process of getting the results of the valuation report disclosed to the PAPs. In case of a discrepancy between the PAP's expectations and the contents of the valuation report, the PAPs will be expected to submit a formal complaint. In case PAPs agree, then they will be advised to sign a consent form, which will serve as a no objection to compensation payment.

Community-based authorities at the village (Township Commissioner and General Town Chief), the district level and non-governmental organisations will witness the process of delivery of entitlements. At the time of receiving their compensation packages, PAPs will be required to come along with their families (spouse and children above 18) as witnesses to the process.

8.2

Procedures for Delivery of Entitlements

Upon approval of the RAP, RREA will proceed with the delivery of entitlements to the affected persons/households. The procedures to be followed are as follows:

- *Notification of communities:* For an effective and smooth process, mobilisation of the target communities will be essential. The RREA/Authorised representative will notify the districts and PAPs about the proposed program for disclosure and compensation payments. The notification will give detailed information on venues for disclosure, procedures to follow, and requirements from eligible PAPs and the duration of the disclosure exercise. This can be done through both national and local media channels and other local mobilisation strategies. This notification should at least run for 2 weeks prior to compensation payments
- *Public announcements:* It is suggested that on top of the notifications by RREA/Authorized representative, press releases in the media could also be adopted for purposes of alerting even those who might own property in the project area but do not necessarily reside in the area. The press releases will contain all the vital details required by the PAPs. Public announcements could be made in the local newspapers, in a language understandable by all affected.
- *Compensation disclosure exercise:* RREA/Authorised representative and the village councils will assist the PAPs in the verification of the valuation results and the corresponding compensation packages. This exercise will be conducted with all the households eligible for compensation. This will be done on a case-by-case basis. During this exercise, the identity of the PAP will be crosschecked; the record of the items to be compensated will be compared, the compensation rates per item and the total compensation package will be disclosed, options for relocation and livelihood restoration will be discussed wherever applicable .

This process eliminates the possibility of payments to false claimants, miscalculations and paying for inaccurate items. In addition, it facilitates the process of receiving consent from the PAP and provides an opportunity to elaborate or clarify issues for the PAP if necessary.

- *Compensation payments:* Upon receipt of the consent from the PAPs, the RREA/Authorized representative will process compensation payments. This could be either in form of bank transfers or cash payments depending on the most feasible alternative. However, for security purposes, bank transfers should be more encouraged to protect PAPs from being exploited by middlemen and to safeguard their security and eliminate conflicts, personal grudges and opportunities for corruption. It is advisable that engagement of banks should be done early in the process of disclosure to allow for all the bureaucracy involved in opening and activating of bank accounts.
- *Delivery of replacement land and housing:* RREA together with the local authorities at community level will organise for the allocation of replacement land and construction of replacement housing facilities of community infrastructures. The RREA/Developer will process all the required registration and pay all charges that will accrue from the process of acquiring replacement land and housing. Registration documents will be handed over to the PAPs as a confirmation of ownership/security of tenure. The PAP will be given an opportunity to consider several alternatives of replacement land.
- In case of relocation to other sites, RREA will organise for the construction of the necessary infrastructure in the host communities.
- In case of private and permanent land acquisition, RREA will process or support the processing of residual titles for all PAPs with registered land and processing of customary certificates for all customary landholders. These are expected to be handed over prior to land take over or as might be agreed among the concerned parties.
- *Notice to take over land:* Upon payment of compensation packages, RREA will publish a notice to take over land in a public gazette. The same notice will be served to PAPs upon receipt of their compensation package. In this notification, they will be informed of the dates when the land should be available and how much time they have before they can hand over that affected piece of land to the project. The Land Rights Policy requires a minimum of 6 months from the date of publishing the notification.

- All PAPs who will opt for the in kind option of compensation will only be required to move after they have been allocated replacement land. It is at that point that they will receive their notices to vacate.
- The county and district authorities will witness the delivery of entitlements.

9 IMPLEMENTATION SCHEDULE

9.1 Timeframes for the Implementation of the RAP

It is recommended that resettlement planning should commence well ahead of the proposed dates for construction commencement preferably with a lead-time of one year. The delivery of entitlements should also be prior to the takeover of land or commencement of construction activities.

However, a proposed time schedule has been attached as appendix 4 to guide RREA preparatory activities towards the next phase of intensive resettlement planning activities for specific projects.

9.2 Linking Resettlement Implementation to Civil Works

Since the specific project plans have not yet been developed to the required detail, the Consultant is not in position to provide a detailed implementation schedule. However, discussions with RREA indicate that the implementation of the projects is high on the government agenda and should be completed within the next five years. It is therefore recommended that all activities aimed at preparation for resettlement planning should commence as soon as possible. These are mainly in regards to capacity building of RREA staff, clear responsibility allocation among RREA staff, information sharing with lower level stakeholders and participating Ministries.

Project specific resettlement schedules will be given in the project Resettlement Action Plans (RAP).

10 GRIEVANCE REDRESS MECHANISMS

It is inevitable that some groups of people will become negatively impacted by the project activities. The impact, however, needs to be controlled promptly to avoid unnecessary tensions and conflicts. The strategy proposed will promote involvement of the lowest level authorities and use of customary based systems as recommended by both the International safeguard policies and the national legislation. The strategy will also be a combination of the legal requirements and socially/customarily acceptable practices.

10.1 Objectives of Grievance Redress

The objectives of the grievance resolution mechanism will be:

- To create a mechanism through which PAPs can communicate their dissatisfaction or grievances
- To create a mechanism through which the project will be able to pick all the complaints
- To create a mechanism through which the project will systematically, promptly and exhaustively respond to peoples' complaints
- To create an avenue through which the PAPs and the project can together solve problems and handle issues arising
- To create a mechanism in which the project will ensure that all complaints are promptly and adequately attended
- To create a mechanism where the project will receive feedback on what is not going as planned or not in regard to compensation and resettlement

10.2 Grievance Redress and Appeal System

Review of the Land Rights Policy and the Land Rights Act¹³ indicates that customary based methodologies for dispute resolution are the preferred methods for handling most of the issues related to customary land. This is well aligned with the World Bank OP 4.12, para 13, section a) which advocates for establishment of appropriate and accessible grievance mechanisms.

10.2.1 *Grievance Redress System*

The communities already have their own community-based systems for grievance redress. These systems have proved to be effective as proven on the Yandohun and Mount Coffee projects. It is therefore proposed that

¹³ Land Rights Act (2013), Article 37, Section 8: "The resolution of all disputes involving Customary Land shall first be pursued through customary law and dispute resolution mechanism at the level within and between communities. The Government shall support the communities to resolve all disputes involving Customary Land at the community level".

wherever possible, the project related grievances should be resolved through the existing community-based systems for grievance resolution.

However, not all cases will be resolved within the traditional system, so other higher authorities have been proposed to follow up on the unresolved cases. The judicial system will be used as a last resort.

The proposed grievance redress system will only target cases involving the project and the community. The guiding principles to be followed during grievance resolution will include but not limited to the following: fairness, respect of human rights, compliance with national regulations, consistency with standards, equality, transparency honesty and respect for each other among others.

Based on the above, a five level procedure has been proposed as illustrated in Figure 5 below. It should however be noted that this strategy is proposed based on the review of the Lofa County institutional framework, but it can be adjusted depending on the site specific conditions

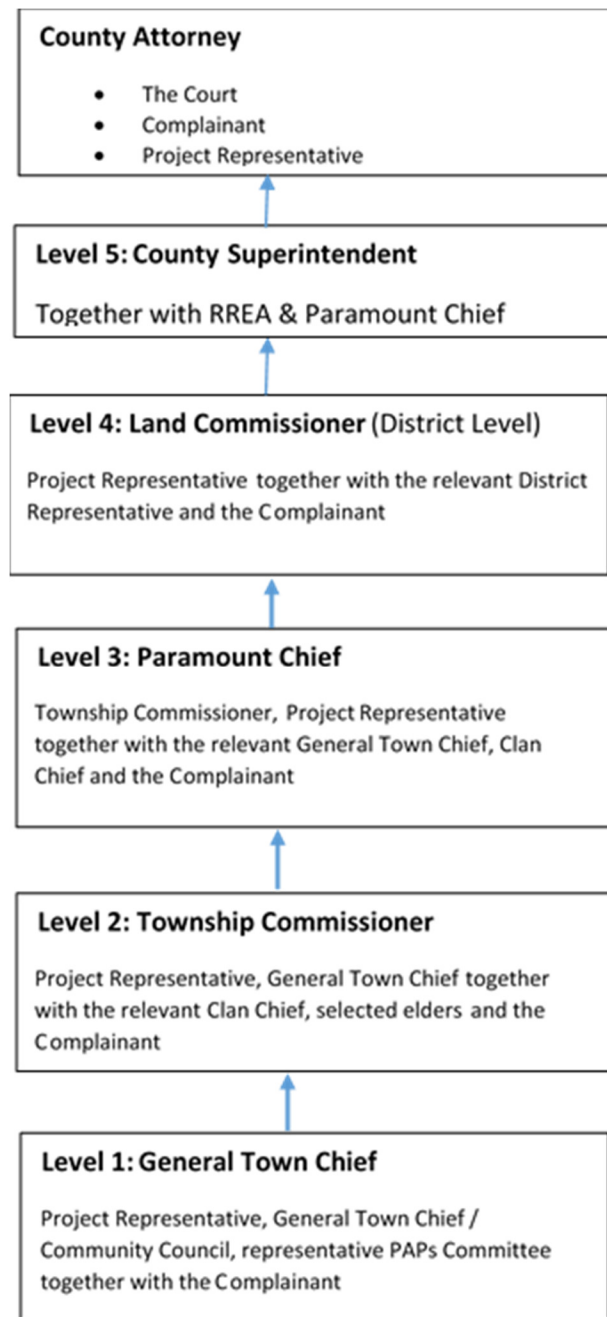


Figure 5. Grievance redresses system.

Level 1: Village level

PAPs will be expected to submit their complaints in writing on standard forms to the Community Liaison Unit directly or through their village leader (General Town Chief) or their representative on the grievance committee. At this level, received complaints will be registered, investigated and resolved by the project team, together with the village council and the complainant. A final decision on the way forward will be communicated to

the complainant directly. In situations where both parties agree, the case will be closed at this level.

Level 2: Township level

All cases that cannot be resolved at the first level will be referred to the Township level, to be handled by the Township Commissioner. The case will be handled in the presence of the relevant village leader, the complainant, the Chairperson of the PAPs grievance committee and the project representatives. In situations where both parties agree, the case will be closed at this level, otherwise it will be forwarded to the Paramount Chief for resolution.

Level 3: Paramount Chief

At this level, the case will be handled in the presence of the Township Commissioner, the complainant, chairperson of the PAPs committee, and the relevant Community Chief and Clan Chief if necessary.

Level 4: District Level (Land Commission)

In situations where the customary authorities are not able to resolve the dispute, the case will be forwarded to the land commission¹⁴ prior to resorting to the judicial/federal system. The Land Commission will resolve all cases involving customary land disputes between entire communities.

Level 5: County Superintendent

RREA should always organise information sharing sessions with the County Superintendent in regard to all cases that have not been resolved through the community based systems ad prior to referral to the Judicial system.

Level 6: County Attorney

All cases that will not be satisfactorily resolved by the District Land and Housing Tribunal will be referred to the High Court.

10.2.2

Complaints Handling Process

All affected stakeholders will be expected to submit their complaints in writing to either of the following collection points (corresponding to level 1 above):

- General Town Chief

¹⁴ Land Rights Act (2013), Article 37, Section 9: "A dispute involving Customary Land, which is not resolved at the Community level shall first be brought before the Commission before the commencement of any judicial proceeding".

- Community Liaison Unit

All received written grievances will be registered in the project developer's database. After registration, the grievance will be assessed and forwarded to the relevant office. The concerned officers will then investigate the validity of the grievance and plan the way forward. A fact-finding mission will be conducted together with the complainant, sub-village leader. Proposals on how the grievance can be resolved will be discussed and the complainant will be advised accordingly.

Upon acceptance by the complainant and the actual implementation of the remedy actions, the complaint will be signed off as resolved. In situations where it will be difficult to reach a consensus the case will be forwarded to higher authorities for further mediation.

11 PUBLIC CONSULTATION AND PARTICIPATION

The project will adopt a participatory approach to community consultation and participation. Wherever possible, the project will endeavour to have direct contact with the affected communities or households and not just their leadership. This strategy will foster efficient and consistent information sharing arrangements among stakeholders for purposes of ensuring meaningful participation of stakeholders in decision-making. All potential stakeholders will be identified early in the process of RAP preparation and the project will maintain a stakeholder database/analysis tool that will be updated from time to time as the project evolves. Information sharing and public consultation will be a continuous process throughout the resettlement planning and implementation.

11.1 Public Consultation Mechanisms

During the execution of the resettlement activities (both preparation and implementation), it is vital that all stakeholders are updated on the project details, land requirements, compensation procedures and principles, options available to them and grievance mechanisms. As part of the mobilisation phase, the project should develop information brochures to be disseminated to all stakeholders in all the languages that the stakeholders clearly understand. In addition, public notices with the same information could also be published and posted in all the public places within the project area. Information should be shared promptly and timely with all the different categories of stakeholders at the various levels. Efforts should be made to ensure that measures are put in place to ensure the participation of the vulnerable and the culturally stigmatised.

Information sharing will be done through the following avenues:

A systematic process with due respect to the societal protocols should be adopted. It is proposed that information sharing should start at the leadership levels. Preferably at County and District level, where the project and the detailed procedures will be introduced to the leadership. Including explaining their expected roles during project implementation and plans for follow up capacity building sessions.

At the community level, the first intervention will start with the leadership preferably Paramount Chiefs and the respective Town Commissioners. At this level too, details of the project and procedures to be followed during resettlement planning should be introduced. Including their expected roles during project implementation, vital timelines, communication strategies and plans for follow up capacity building sessions.

At the community level, two level sessions will be held. That is, one involving entire communities (both directly and indirectly affected) and the second one focussed on only the directly affected households. The same information will be shared at this level too. However, details that are more practical will be shared with the directly affected households. This could include timelines for land surveying, property referencing, contact

information, procedures to follow when registering complaints, compensation options available among others. Mobilisation for community level meetings should be done through the community based mobilisation tools, for example the Bell and the Town Crier.

It is expected that second round consultations with directly affected households will be necessary, and these will mainly focus on livelihood restoration interventions if applicable, relocation assistance, relocation site identification, preferred mode for compensation payment among others.

PAHs will also be given an opportunity to confirm their choices prior to the actual delivery of entitlements. This will be through the disclosure phase of the resettlement planning results. At this point, PAHs will be required to sign a consent form if they accept the proposed compensation packages. In case of a disagreement; they would be required to officially register their complaint through the set up grievance mechanism.

For purposes of aiding efficient grievance redress, formation and training of grievance committees will be necessary. These could be either the community based grievance structures or the project specific depending on the contextual situation. These will work closely with the project Community Liaison Unit.

In respect to livelihood restoration, it is proposed that households are organised in groups and follow up group discussions are undertaken for purposes of gathering their input into the livelihood restoration program and its implementation arrangements. It is advisable at this point; that RREA/Developer links up with other institutions whose primary business case is livelihood interventions for adequate planning of livelihood restoration projects. These agencies should be identified early in the stakeholder identification phase.

Throughout resettlement implementation, stakeholders at County, District and Paramount Chief Level should be given periodic updates in form of reports or quarterly update meetings. Ad-hoc meetings could also be arranged as and when found necessary. This will foster dissemination of accurate project information by all stakeholders and curb down false reports.

While at community level, a Community Liaison Unit should maintain full-time presence throughout the resettlement implementation phase for easy access by the PAPs. This unit should be maintained during the construction phase to deal with the issues arising from of construction activities (injurious damages and other construction nuisances).

At household level, interviews and discussions will be held with the household representatives. This will be vital during the process of identification of landowners within the corridor, stock referencing, disclosure, delivery of entitlements, planning for relocation, consultation on replacement housing if applicable and grievance resolution.

11.2 Notification Procedures

As a requirement from both the national legislation (Land Rights Policy 2013¹⁵) and the World Bank OP 4.12 on involuntary resettlement, the project must have mechanisms for timely information sharing. Notifications will be done through the media at both national and local level. Public notices will also be posted in all the communal places where the public can easily access them and announcements will be made in all the local languages on both national and local radio. Where local radio does not exist, then churches, schools and chiefs can be used as forums for information dissemination. RREA or the authorised representative will spearhead this process of notification.

Notification for Way Leaves Acquisition

RREA will submit an application for way leave to the Land Commissioner, Ministry of Land, Housing and Human Settlements Development. In case of an approval, the Commissioner will proceed to inform the district authorities and the local governments of the intention to acquire way leave within their jurisdiction and the purpose of the way leave acquisition. The local governments are expected to inform the concerned community leadership, which will in turn inform the directly affected communities of the intention to acquire land. This process is expected to last for 30 days from the date of publication of notice.

Notification to Access Land for Surveying or Other Studies

At least 48 hours prior to the cadastral surveys and studies for RAP preparation, all the leaders of the affected villages and likely affected households will be notified about the intention to carry out preliminary investigations/inspections in their land. The inspections should be carried out at reasonable times between 6:00am and 6:00pm. The notification will detail the nature of the planned activities and the dates or period within which the activities will be undertaken.

Notice for Grievance Handling/Feedback

RREA will set up special days for receiving feedback on the grievances submitted. These will be communicated to the communities early in the

¹⁵ The Land Rights Policy 2013, requires that the Government must issue a notice to individuals, private entities, and communities likely to be affected such that they are given a reasonable period to review the notice, and advertise the notice to the public for a reasonable duration. The notice must include: the Government's reasons for expropriating; the exact location of the land including a survey plan; the landowner's right to negotiate the Government's access to the land for the purpose of evaluating fair market value; and the landowner's right to be present at all times when the Government enters the land. If the Government changes its reasons for expropriating then the Government must inform individuals, private entities, and communities likely to be affected and advertise the change to the public for a reasonable period. Under no circumstances will the above notice transfer ownership of the land or be used by any government employee or their agents to claim ownership of the land.

planning phase. The frequency will depend on the volume of complaints but initially a weekly grievance handling session per community is proposed. These dates will be agreed upon together with the community based grievance handling structures in advance and communicated to all the PAPs.

Notice for Disclosure

Upon completion and approval of the valuation report, all PAPs will be notified by RREA to the disclosure sessions in preparation for compensation payments. The notification will give detailed information on the venue for the disclosures, the detailed documentation required from the PAPs and the duration of the disclosure sessions, expected participants among others. As a minimum requirement, RREA should disclose compensation packages to both spouses, but wherever possible even children above 18 years should be encouraged to attend as witnesses. PAHs should always be encouraged to come with their own set of preferred witnesses. The community leadership will witness the disclosure process.

In preparation for compensation payments, RREA will assist the PAHs to open up bank accounts through which they will receive their compensation payments.

Notice for Compensation Payments

Upon conclusion of the disclosure process, RREA will notify all the affected households on the planned dates, venues and requirements for the payments at least two weeks prior to payment.

Notice for Land Takeover

Upon receipt of their compensation packages, all PAPs will be served with the notice to take over land. In this notification, they will be informed of the dates when the land should be available and how much time they have before they can hand over that affected piece of land to the project. The Land Rights Policy, 2013 recommends a minimum of six (6) months before they are required to relocate.

12 MONITORING AND EVALUATION ARRANGEMENTS

12.1 Process/Performance Monitoring

This will focus on the actual progress of the implementation of the planned resettlement activities. This will be an internal function conducted by the implementing agency (RREA) supported by the office of the County superintendent, EPA and the Rural Energy Working Group. The results will be reported on a monthly basis. Focus will be on the following activity indicators:

- Total number of eligible PAPs
- Number of PAPs to whom the compensation packages have been disclosed
- Number of households that have consented to their compensation packages
- Number of households that have received their compensation packages
- Number of households allocated replacement land
- Number of households allocated replacement houses if applicable
- Number of households physically resettled
- Number of replacement houses handed over to PAPs
- Number of households enrolled for the livelihood restoration program
- Status on ongoing income restoration activities
- Number of vulnerable households supported during the transition period
- Type of support given to vulnerable households
- Number of grievances received
- Number of grievances resolved
- Number of grievances pending resolution
- Number of grievances resolved through the community based systems
- Number of project grievances resolved by higher levels at District level
- Number of project grievances resolved through the judicial system
- Number of new plots of land legally transferred and registered
- Number of residual titles processed and handed over to owners
- Expenses towards compensation, income restoration, relocation/transition allowance

12.2 Completion Audit/Impact Monitoring

Upon conclusion of the implementation of the resettlement activities, a completion audit should be conducted. This will focus on the adequacy and effectiveness of the resettlement initiatives and their impact on the affected households among others. The audit will identify gaps, if any, and make recommendations on the way forward. An independent party or external agency should conduct the completion audit. The findings and recommendations of the completion audit will be undertaken as the

concluding activities of the resettlement and livelihood restoration activities.

12.3

Evaluation

An evaluation will be conducted at least 5 years after the completion of the implementation of the resettlement and or livelihood restoration plan, whichever will be applicable. The objective of the evaluation will be to assess the effectiveness of the resettlement and or livelihood programs, the impact of these programs on the affected households, the adequacy and appropriateness of the interventions undertaken during the resettlement and or livelihood restoration and the economic status on the economically displaced households.

13 FUNDING ARRANGEMENTS FOR RESETTLEMENT

13.1 Source of Funds

It is assumed that the Government of Liberia will finance the resettlement activities under the SREP through RREA. Funding arrangements for specific projects will be elaborated in the Resettlement Action Plans of the specific projects, including budgets for monitoring and evaluation.

However, it is expected that for projects developed by commercial entities, the respective Developers will fund the resettlement activities.

13.2 Estimated Budget

With the limited information about the specific projects, the Consultant is not in position to estimate the costs that will be associated with resettlement and or livelihood restoration. It is therefore recommended that specific budgets be computed per project during the preparation of the Resettlement Action Plans (RAP). However, capacity building budgets and other preparatory activities are as shown in the budget below. The budget is adopted from the Environmental and Social Management Framework (ESMF).

<i>Description</i>	<i>Cost (USD)</i>	<i>Comment</i>
Establishment of the RREA's ESMU	20,000.00	Adopted from ESMF,
Training of the RREA's ESMU	150,000.00	Adopted from ESMF
Equipping the RREA's ESMU	150,000.00	Adopted from ESMF
Running the RREA's ESMU*	360,000.00*	Adopted from ESMF
<i>Total Budget For ESMU</i>	680,000.00	

13.3 Flow of Funds

The resettlement and compensation activities will be wholly funded by the Government of Liberia and the World Bank for the Bank supported projects.

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20. Yandohun ESIA Study, Solomon P. Wright, Independent Consultant, July 2010
21. Environmental and Social Management Framework, Energy and Electricity Distribution, Government of Liberia, 2010
22. Draft Liberia Rural Renewable Energy Project (LIRENAP), 2015
23. The Liberia Revenue Code, Ammended 2011

Annex 1

Consultative meeting with Rural Renewable Energy Agency

Objective of the Meeting:

The objective of the meeting was to clarify on a few things within the proposed scope of work, to introduce the consultants team and to gather more information about the Client organization and capacity to take on the responsibilities that may be required during resettlement planning.

Country	:	Liberia
Location	:	Monrovia
Date	:	9 th October 2015, 11:45am
Venue	:	LEC Offices

In Attendance:

1. Kristin Stroup
2. Irene N Koksater

Opening Remarks:

The Consultant introduced herself to the Coordinator of the ESIA& RAP for Mount Coffee and apologized for coming in later than expected. She pledged to use the remaining few minutes wisely to focus on only the major issues, given that the meeting with RREA had actually been very fruitful and provided answers to most of the practical details.

Discussions

The Consultant informed that the objective of the meeting was to capture Lessons learnt from the execution of the resettlement activities for Mount Coffee as input into the SREP Resettlement Policy Framework

Coordination with other Ministries: The coordinator informed that coordination with other ministries has been a challenge on the project, especially in regard to work methodologies, respect to timelines and quality standards. In addition, different ministries have different priorities and sometimes these have not been compatible with the project standards and objectives.

Technical Competence: The Consultant was informed that there is a general lack of competence in almost all required fields but informed that LEC was now beefing up its capacity building strategies for the Environmental and Social Unit. On this note she informed that a training Consultant had been engaged to train LEC staff in the management of Environment and Social Risks

Principles for Compensation: the Coordinator informed that since most of the PAPs within the Reservoir did not own land, they did not receive any compensation for land but rather for crops. Along the transmission line, they had been compensated for diminution value at a rate of 50% the land value.

Grievance Management: The coordinator informed that they had not received many grievances save for a case where a US based owner of land wanted to have all the compensation paid to the US account without due consideration of the caretakers improvements on land.

She further informed that the grievance committee in the presence of the witnessing NGO and other authorities resolved the case successfully. On this note, she recommended the use of community based grievance mechanisms for dispute resolution as it had proved to be effective on Mount Coffee.

Delivery of entitlements: The Coordinator informed that initially they started by encouraging bank transfers and less of cash compensation but unfortunately the banks account opening process was very slow which delayed the process and discouraged most PAPs from having their compensation packages paid through the bank. So much as it sounded like a good strategy, it was really not effective in the case of Mount coffee.

Annex 2

Consultative meeting with Rural Renewable Energy Agency

Objective of the Meeting:

The objective of the meeting was to clarify on a few things within the proposed scope of work, to introduce the consultant's team and to gather more information about the Client organization and capacity to take on the responsibilities that may be required during resettlement planning.

Country	:	Liberia
Location	:	Monrovia
Date	:	9 th October 2015, 8:30am
Venue	:	RREA Offices

In Attendance:

1. Augustus. V. Goanue (Executive Director)
2. Stephen V. Potter, Sr. (Director Programs)
3. Omar Sharif (Electrical Engineer)
4. Gender Development Officer
5. Social Development Officer
6. Wassim Hamdam Earth time
7. Irene N Koksater – Multiconsult
8. Arne L Koksater - Multiconsult

Opening Remarks:

The Executive Director welcomed the Consultants and reminded them of the urgency to have the assignment completed according to schedule. This was followed by a self-introduction session of all the members present

Brief Remarks

The Executive Director gave a brief background of the project, its objectives, financing institutions and the lead implementing agency. On this note, he informed the Consultant that the SREP project is a big undertaking aiming at electrifying all areas in the country without access to the National grid. He informed that several financing agencies were funding different components of the project in the different regions of the country. He informed that as part of the preparatory phase RREA aims at having all the regulatory instruments including the Environmental and Social Framework and the Resettlement Policy Framework.

Discussions

The discussion session was more of a brainstorming session where both the Consultant and the Client worked together to devise means of ensuring that the future projects will be handled with the best institutional framework and with meaningful participation of all stakeholders including affected communities. Key issues discussed included the following.

Institutional capacity of RREA: The Consultant needed to establish whether RREA had the necessary competence to undertake the expected role of overseeing the execution of resettlement programs under the SREP projects. On this note, the team was informed that RREA among RREA staff are Social Development and Gender Officers who they think can ably take on the expected responsibilities, given their experience on Yondahun Project.

In regard to capacity for environmental monitoring, it was agreed that none of the staff had the required competence. On this note, it was also pointed out that Yondahun project had no resettlement component but rather a strong regime of stakeholder engagement throughout the project lifecycle.

Proposals for capacity building were discussed and the meeting agreed that on job training was one of the best ways of empowering RREA staff, because it offers practical experience as opposed to the theoretical methodologies. For that, reason RREA thought the best method was to involve RREA staff in the execution of the resettlement programs.

RREA also informed that to close their capacity gaps, they can liaise with LEC, Liberia Refugee and Repatriation Commission, Min of Public Works and Liberia Revenue Authority who have the hands on experience in executing resettlement programs. However, given that the bulk of work in all agencies, it was found prudent that RREA strengthens its own capacity other than relying on other agencies.

Link to lower level stakeholders: with the current RREA organogram and the entire governance structure of the country, it was not clear to the consultant how RREA intended to coordinate with the lower level stakeholders during the execution of the resettlement activities. On this note, the Consultant was informed that RREA intends to work with the County and District Authorities, the same model adopted for the successful Yodahun project. RREA informed that for any projects in the community the first point of contact was the Township Commissioner.

The Consultant inquired on whether the lower level stakeholders had the capacity to take on their expected roles, and RREA informed that from previous experience, there was a general gap related to land survey, competent surveyors are available within the country

but there are ill equipped. The accuracy level of the equipment is ± 30 cm. This needed to be addressed. The rest of the stakeholders were expected to have the capacity to take on their roles without major challenges.

In terms of RREA representative at County Level, RREA informed that having a RREA coordinator at county level was part of their long-term strategy for improving service delivery and accessibility to their customers

Funding: The consultant was informed that the Government of Liberia will approve and authorize funding for the implementation of the resettlement related activities.

Land Requirements: The Consultant inquired on whether Liberia/LEC had defined the width of the wayleaves corridor for the different voltages of transmission and distribution lines. RREA expressed its lack of awareness on the existence of such a regulation. They recommended that the Consultant checks with LEC, which was currently constructing a 66kV Transmission line from Mount Coffee. Another proposal was made to estimate the land requirements of the 33kV by dividing by two the land requirements for the 66kV.

Grievance Management and Community mobilization: The Consultant requested RREA to share their grievance management experiences on Yondahun Project for purposes of developing a customized redress system for the SREP projects based on lessons learnt from other projects. RREA informed that on Yondahun project, the community based grievance mechanism were the ones used and they proved to be very effective. It was recommended that the same approach be used for the SREP projects.

On this note, an illustration of the community structure was made to ably illustrate to the consultant how the system works. Then it was agreed that the community based structure starts with the Paramount Chief, followed by the Clan Chief, who is followed by the Town commissioner, where the towns are very big, it is common to have other Chiefs below the Town Commissioner. Each level handles grievances and the hierarchy for appeal follows the systematic protocol as mentioned above. In addition, each community has a community council responsible for administration of the community.

Community Mobilization: It was again emphasized that the community based ways of mobilization should also be utilized, like the Town Crier and the bell. These are effective and the communities relate to them more than the modern ways.

There being no other issues to discuss the consultant thanked RREA Officials for their time and useful input into the Resettlement Policy Framework.

The meeting was closed by 10:30am.

Annex 3

Outline of a Resettlement Action Plan

1. *Description of the project*: General description of the project and identification of the project area.
2. *Potential impacts*: Identification of
 - a) the project component or activities that give rise to resettlement;
 - b) the zone of impact of such component or activities;
 - c) the alternatives considered to avoid or minimize resettlement; and
 - d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.
3. *Objectives and studies undertaken*: The main objectives of the resettlement program and a summary of studies undertaken in support of resettlement planning / implementation, e.g., census surveys, socio-economic studies, meetings, site selection studies...etc.
4. *Regulatory framework*: Relevant laws of the host country, client policies and procedures, performance standards.
5. *Institutional framework*: Political structure, NGOs.
6. *Stakeholder engagement*: Summary of public consultation and disclosure associated with resettlement planning, including engagement with affected households, local and/or national authorities, relevant CBOs and NGOs and other identified stakeholders, including host communities. This should include, at a minimum, a list of key stakeholders identified, the process followed (meetings, focus groups etc), issues raised, responses provided, significant grievances (if any) and plan for ongoing engagement throughout the resettlement implementation process.
7. *Socioeconomic characteristics*: The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including results of household and census survey, information on vulnerable groups, information on livelihoods and standards of living, land tenure and transfer systems, use of natural resources, patterns of social interaction, social services and public infrastructure.
8. *Eligibility*: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
9. *Valuation of and compensation for losses*: The methodology used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.
10. *Magnitude of displacement*: Summary of the numbers of persons, households, structures, public buildings, businesses, croplands, churches, etc., to be affected.
11. *Entitlement framework*: Showing all categories of affected persons and what options they were/are being offered, preferably summarized in tabular form.
12. *Livelihood restoration measures*: The various measures to be used to improve or restore livelihoods of displaced people.
13. *Resettlement sites*: Including site selection, site preparation, and relocation, alternative relocation sites considered and explanation of those selected, impacts on host communities.
14. *Housing, infrastructure, and social services*: Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
15. *Grievance procedures*: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
16. *Organizational responsibilities*: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement

measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

17. *Implementation schedule*: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts, and implementing the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
18. *Costs and budget*: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
19. *Monitoring, evaluation and reporting*: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Annex 4
SAMPLE GRIEVANCE FORM

Serial No:

Query/Grievance Form

Name of Complainant:	Sex:
Telephone Contact:	Village:
Clan:	District:
Plot Ref.:	Categories of grievance: a. Survey b. Valuation/Compensation c. Entitlements d. Resettlement e. Identification/Ownership f. Land Wrangle/Family Dispute

Describe the complaint:

Any supporting document? Yes/No

Indicate all parties involved in case:

Action taken:

Grievance taken by:

Designation:

Name & Signature of Complainant:

Date:

Dispute Resolution Sheet

Basic facts:

Resolution/Responses:

Signed: _____ Name: _____