

# **BILL**

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## **THE NATIONAL DEVELOPMENT-INDUCED RESETTLEMENT ACT 2022**

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No.



2022

Sierra Leone

**A BILL ENTITLED**

**THE NATIONAL DEVELOPMENT-INDUCED  
RESETTLEMENT ACT 2022**

Short title.

**Being an Act to introduce uniform principles, to guide the planning, implementation and monitoring of development-induced resettlement activities and to provide for other related matters.**

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

## PART I—PRELIMINARY

## Interpretation.

1. In this Act, unless the context otherwise requires-

"affected person " means any person who as a result of a qualifying project or activity loses or is likely to lose, either in full or in part, permanently or temporarily, the right to own, use, or otherwise benefit from all or part of a physical or non-physical asset, including home, community, land, resources, important cultural sites, commercial properties, tenancy, income-earning opportunities, and social or cultural networks and activities;

"asset" means a person's rights and properties whether real, personal or mixed, tangible or intangible of any kind, nature and description ;

"associated activities or facilities" include activities or events that are-

- (a) consequences of the qualifying project which would not take place in the absence of the project;
- (b) necessary to achieve the objectives of the qualifying project; and
- (c) carried out, or planned to be carried out, contemporaneously with the qualifying project

"census" means a complete count of affected persons, demographic and property information, any information pertaining to the nature and levels of impact, affected assets and social amenities;

"compensation" includes cash payment, deferred payment, a bond, an insurance policy, stipend, grants of alternative land, business, trade or commercial facilities, allowances, payments in kind such as goods or services provided as payment instead of cash, rendition of services, grant of privileges, entitlement to special treatment, social or cultural amenities that may be due or extended to affected persons;

"concerned Local Council" means the Local councils within which the project area is located;

"development-induced displacement" means a displacement resulting from the implementation of a qualifying project;

"development-induced resettlement" means a resettlement resulting from the implementation of a qualifying project;

"displaced person" includes a person who as a result of a qualifying project or activity, suffers physical or economic displacement ;

"displacement" includes physical or economic displacement;

"economic displacement" includes the permanent or temporary, full or partial, loss of assets, income streams or means of livelihood, or the obstruction, interruption or elimination of access to resources, economic opportunities, public or private facilities, and cultural or social services resulting from the carrying out of a qualifying project, and can occur without physical displacement;

"entitlement" means the sum total of compensation and other assistance assessed according to the status of each affected person;

"Gazette" means the Gazette published by order of the Government of Sierra Leone and includes any supplemental and Gazette Extraordinary published;

"host community" means the community residing in or near the area within any distance as designated by the Minister to which affected persons are to be settled;

"intangible assets" includes non-material assets that are typically difficult to measure or value such as sentimental, religious or cultural attachments, or proximity to kin or neighbours;

"involuntary displacement" includes circumstances where the affected person does not have the right to refuse the project or activity that results in or is likely to result in his physical or economic displacement;

"land" means the part of the earth's crust including land beneath water bodies;

"Minister" means the Minister responsible for planning and economic development; and "Ministry" shall be construed accordingly;

"physical displacement" includes the permanent or temporary, full or partial, loss of shelter, access to assets or social, cultural and religious facilities as a result of the carrying out of a qualifying project and necessitating the physical relocation of an affected person;

"policy" means the National Development -Induced Resettlement Policy;

"project area" means areas in and adjacent to areas to be modified or impacted by a qualifying project and may include the locality where the project is to be implemented, and any proposed relocation sites;

"project proponent" means any natural or physical person planning, implementing, or monitoring a qualifying project;

"qualifying project" means a project to which this Act applies;

"rehabilitation" includes assistance provided to enable affected persons to supplement the payment of compensation for acquired assets or benefit from assistance, in order to achieve full restoration of living standards and quality of life;

"replacement value" means the market value of an asset including depreciation and transaction costs, such as overhead expenses, registration fees, transfer taxes, or customary tributes and includes in respect of-

- (a) agricultural land, the market value of land of equal productive use or potential preferably located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes;
- (b) land in urban areas, the market value of land of equal size and use, with similar or improved public infrastructure facilities and services, preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes;

- (c) household and public structures, the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure or of repairing a affected structure, including labour and contractors' fees, legal fees and any registration and transfer taxes

"resettlement" includes the rehabilitation of affected persons and the physical or economic relocation of affected persons from the project area;

"resettlement assistance" means the support provided to affected persons for the purpose of their resettlement and may include transportation, food, shelter, social services, cash allowances and reimbursements;

"resettlement impact assessment" means a study undertaken in accordance with the second schedule describing the full range of social, economic and cultural impacts on affected persons resulting from their displacement or resettlement and sets out the proposals for avoiding, mitigating or addressing the adverse affects;

"resettlement management plan" means a comprehensive plan prepared by the proponent of a qualifying project or activity which sets out various factors outlined in the Third Schedule

"vulnerable person" includes any affected person, who because of that person's gender, ethnicity, age, physical or mental disability, economic disadvantage, social status may -



- (a) suffer disproportionately from a qualifying project related activity ;
- (b) be more adversely affected by displacement caused by resettlement than others; or
- (c) be limited in his ability to claim or take advantage of any resettlement assistance and related development benefits

2. (1) This Act shall apply to any project, including projects <sup>Application</sup> listed under the First Schedule, whose associated activities or facilities entail or are likely to entail the physical or economic displacement of persons, irrespective of -

- (a) the purpose of the project;
- (b) the person executing the project ;
- (c) the source of funding of the project or
- (d) whether the project entails the use of public land or the compulsory acquisition of private land

(2) This Act shall not apply to the physical or economic displacement of persons occasioned by natural disasters including floods, earthquakes, drought, rainstorm, environmental degradation related to natural phenomenon, public disturbance, civil unrest, armed conflicts and the repatriation or reception of refugees

## PART II- ESTABLISHMENT AND FUNCTIONS OF THE RESETTLEMENT DEPARTMENT

3. There is hereby established a department within the <sup>Resettlement</sup> Ministry to be known as the "Resettlement Department" <sup>Department</sup>

Functions of  
the  
Resettlement  
Department.

4 (1) The object for which the Resettlement Department is established is to coordinate and handle resettlement matters and resettlement related issues.

(2) Notwithstanding the generality of subsection (1) the Resettlement Department shall carry out the following functions -

- (a) monitor and ensure the compliance of development-induced resettlement with applicable laws and regulations;
- (b) receive applications for resettlement licence, assess and approve resettlement management plans in respect of qualifying projects, and issue resettlement licence;
- (c) formulate policies and regulations on development-induced resettlements, and make recommendations for the effective implementation of development-induced resettlement in accordance with this Act;
- (d) co-ordinate the activities of bodies concerned with the technical and practical aspects of resettlement and serve as a channel of communication between those bodies and the Ministry;
- (e) issue notices in the form of directives, procedures or warnings to ensure compliance with this Act;
- (f) prescribe standards and guidelines relating to best practices in resettlement and rehabilitation in consultation with relevant lead agencies;

- (g) ensure compliance with any laid down resettlement impact assessment procedures, surveys, or census in the planning and execution of qualifying projects, including compliance in respect thereof;
- (h) liaise and coordinate with government agencies, local councils and other bodies and institutions during the implementation of development-induced resettlement activities;
- (i) conduct investigations into issues relating to development-induced resettlement and advise the Minister thereon;
- (j) promote studies, research, surveys and analysis for the improvement of the procedures for managing development-induced resettlement;
- (k) raise public awareness of the rules, policies and guidelines as well as rights and duties concerning development -induced resettlement;
- (l) promote efficient and standardized rules, guidelines and procedures in the planning, implementation of development-induced resettlement activities;
- (m) develop a comprehensive database on all ongoing and past resettlement activities;
- (n) collect and make available to the public, through publications and other appropriate means, data concerning resettlement and rehabilitation activities;

- (o) receive information from project proponents on activities undertaken towards the implementation of the approved resettlement management plan;
- (p) address grievances and promote the resolution of any disputes arising from affected persons or project proponent in the course of implementation of resettlement activities;
- (q) act as the focal point on all issues concerning development-induced resettlement; and
- (r) do all such things as will be conducive to the attainment of the object.

Administrative  
and  
secretarial  
support.

5 (1) The Resettlement Department shall have a secretariat which shall be located within the Ministry.

(2) The Secretariat shall provide administrative, secretarial and other assistance to the Resettlement Department.

Director

6 (1) The Resettlement Department shall have a Director who shall be appointed by the President after consultation with the Minister.

(2) The Director shall be a person with wide knowledge and expertise in social development.

(3) The Director shall be the head of the Resettlement Department and shall be responsible for the following -

- (a) the day-to-day administration of the Resettlement Department;
- (b) the supervision and discipline of staff;
- (c) execution of the policies of the Resettlement Department; and

(d) performing any other functions as the Minister may determine.

(4) The Director shall be the vote controller.

7. The Secretariat shall have other technical staff required for the efficient performance of its functions including public officers seconded from other ministries and organisations connected with the Resettlement Department. Other staff

8. The Minister may engage the services of consultants or experts as he considers necessary for the proper and efficient performance of the functions of the Resettlement Department. Consultants and Experts.

9. The Minister shall within three months after the end of each financial year prepare and make publicly accessible an annual report on the activities of the Resettlement Department. Annual Report.

10. (1) The Minister in the performance of his functions shall establish committees which shall perform functions determined by the him. Committees

(2) Notwithstanding the generality of subsection (1) there is hereby established a committee to be known as the National Steering Committee

(3) The National Steering Committee shall be responsible for giving technical advice to the Resettlement Department

(4) The National Steering Committee shall consist of a representative each from the following Ministries, Departments and Organisations-

- (a) ministry responsible for environment;
- (b) ministry responsible for lands;
- (c) ministry responsible for mines and mineral resources;

- (d) ministry responsible for local government and rural development ;
- (e) ministry responsible for agriculture;
- (f) ministry responsible for basic and senior secondary education;
- (g) ministry responsible for health and sanitation;
- (h) ministry responsible for water resources;
- (i) ministry responsible for social welfare;
- (j) National Commission for Social Action ;
- (k) Office of National Security ;
- (l) Civil Society Organisation ; and
- (m) Freetown City Council

### PART III - FINANCIAL PROVISIONS

Funding of  
the  
Department.

11 (1) The activities of the Resettlement Department shall be financed by a fund to be known as the National Resettlement Fund which shall consist of -

- (a) moneys appropriated by Parliament for the purposes of the Resettlement Department ;
- (b) grants, gifts and donations made to the Resettlement Department by any person or authority; and
- (c) any other moneys that may become part of the fund of the Resettlement Department

Accounts and  
Audit of  
Department.

12. (1) The Resettlement Department shall keep proper books of account and other records in relation to the activities, properties and finances of the Resettlement Department in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Resettlement Department a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Resettlement Department kept under subsection (1) shall be audited by the Auditor General or any auditor appointed by him .

(3) For the purposes of subsection (2) the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Resettlement Department and to require any information and explanation as he may think fit.

(4) The Authority shall provide the Auditor- General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority .

(5) The Auditor -General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statement referred to in subsection (1) and shall in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Authority; and
- (c) other matter which in his opinion ought to be brought to the notice of the Authority.

#### PART IV-PRINCIPLES OF DEVELOPMENT-INDUCED RESETTLEMENT

13. The Minister shall ensure that all development induced activities in Sierra Leone, including induced the implementation of qualifying projects comply with the following principles of development induced resettlement- Principles of  
Development  
induced  
resettlement

- (a) resettlement shall be avoided at all cost and where it is unavoidable it shall be undertaken in a manner that will cause minimal disruption to the affected persons;
- (b) resettlement shall be carried out in accordance with the law and without intimidation or discrimination ;
- (c) resettlement shall where feasible be conceived, planned and executed as sustainable development intervention ;
- (d) resettlement shall aim to restore the livelihood or improve the standards of living of affected persons;
- (e) resettlement planning and implementation shall be carried out with the appropriate disclosure of information , regular consultations and the informed participation of affected communities and persons;
- (f) resettlement shall be carried out after affected persons have been provided with full and fair compensation for incurred tangible and intangible losses;
- (g) resettlement shall account for and pay particular attention to the specific impacts on vulnerable groups;
- (h) resettlement shall take place after a framework for the independent monitoring , evaluation and reporting on the planning and implementation of the resettlement activities is established;



- (i) resettlement shall not be carried out in a manner that will cause or likely to cause serious harm to the environment;
- (j) resettlement shall where appropriate aim to protect and preserve the natural and cultural heritage of affected communities; and
- (k) resettlement shall not be carried out without the prior development and approval of a risk appropriate resettlement management plan;

14. In applying the principles of development induced resettlement outlined under section 13 the Minister shall -

Application  
of Principles  
of  
Development-  
Induced  
Resettlement

- (a) promote inter-sectoral collaboration among relevant ministries, departments and agencies concerned with development-induced resettlement issues;
- (b) eliminate the need to use governmental authority enforce resettlement by prioritising the use of negotiated settlements or contract
- (c) ensure that-
  - (i) resettlement planning, implementation and monitoring are carried out in accordance with the applicable laws;
  - (ii) where it is possible to avoid resettlement the negative impacts are minimised by establishing appropriate mitigation measures or alternatives in the design and implementation of the qualifying project that reduce the scale of resettlement without significantly compromising the project;

- (iii) stakeholder engagement and communication are at the core of all qualifying projects;
- (iv) resettlement is carried out without discrimination;
- (v) resettlement is carried out without intimidation;
- (vi) resettlement is not carried out at the expense of the environment or in a manner that will cause or likely to cause serious harm to the environment;
- (vii) resettlement does not impair the cultural patrimony of affected communities;
- (viii) resettlement gives particular consideration to significant socio-cultural factors;
- (ix) where the primary objective of a qualifying project is to upgrade a particular locality resettlement is planned in a way that will cause minimal disruption to affected communities, their social networks, opportunities for employment or production and their access to resources and public facilities;
- (x) the full cost of resettlement activities necessary to achieve the objectives of the qualifying project are included in the total cost of the project;

- (xi) resettlement is where feasible conceived of and executed as development intervention providing sufficient resources and opportunities to affected persons to share as project benefits;
- (xii) where resettlement is incidental to a planned project or activity, the relevant resettlement activities are conceived and executed as part of the project and the full cost of the resettlement is included in appraising the cost and benefit of the project ;
- (xiii) where resettlement entails the physical relocation of affected persons they are provided with necessary transitional support and assistance;
- (xiv) affected persons are adequately supported to improve their standard of living or restore them to pre-displacement levels or levels prevailing prior to the beginning of project implementation whichever is higher;
- (xv) project or activity that will result in or is likely to result in either the physical or the economic displacement of people a resettlement management plan is developed and approved;
- (xvi) resettlement is planned and implemented with the informed consultation of affected persons;

- (xvii) resettlement activities are carried out with the appropriate disclosure of information , regular consultations and the informed participation of affected persons;
- (xviii) information about the proposed project is made available to affected persons and stakeholders promptly and in a form that is appropriate for the affected persons;
- (xix) consultations and dissemination of information to affected persons takes into account literacy levels and are carried out in a manner that is appropriate for all literacy levels in various forms of media;
- (xx) consultations are held in a manner which ensures vulnerable groups are given meaningful avenues for participation in the planning and design, decision-making processes and implementation of resettlement activities;
- (xxi) affected persons are provided with full and fair compensation for their losses prior to relocation or to the commencement of the project resulting in their displacement ;
- (xxii) the absence of formal legal title is not a bar to affected persons" entitlement to compensation and the landowners , land users and squatters are appropriately compensated;

- (xxiii) the provision of compensation is additional to livelihood restoration interventions so as to restore or improve as far as possible the economic conditions and social well-being of affected persons including their standards of living , income earning capacity and socio-cultural circumstances ;
- (xxiv) resettlement accounts for and gives particular attention to the specific impacts of resettlement on vulnerable groups ;
- (xxv) resettlement addresses and mitigates resettlement impact on host communities;
- (xxvi) a framework for the independent monitoring, evaluation and reporting of the planning and implementation of resettlement activities is established before the implementation of resettlement activities; ;and
- (xxvii) a comprehensive framework for redressing grievances and resolving disputes that may arise in respect of the planning, implementation and monitoring of resettlement activities is established before the implementation of resettlement activities;

**PART V-LICENCES, RESETTLEMENT IMPACT  
ASSESSMENT AND MANAGEMENT PLAN**

Licence  
Requirement.

15. Subject to this Act a person shall not undertake a qualifying project unless that person holds a licence issued under this Act in respect of that qualifying project .

Application  
for a licence.

16 (1) A person who wishes to undertake a qualifying project shall apply to the Minister for a licence.

(2) An applicant shall attach to the application a detailed description of the project proposed to be undertaken in a form approved by the Minister.

Requirement  
for  
Resettlement  
Impact  
Assessment.

17. (1) Within twenty-one days of receipt of the application the Minister shall decide whether a resettlement impact assessment is required in respect of the project.

(2) In making a decision under subsection (1) the Minister shall take into consideration the following -

- (a) the principles guiding development induced resettlement and how they should be applied as set out under Part IV;
- (b) the potential nature and magnitude of development induced displacement including-
  - (i) the total number of affected persons and vulnerable persons;
  - (ii) the extent of physical and economic displacement;
  - (iii) the extent of involuntary displacement;
  - (iv) the location and scale of the project area ;and

(v) the potential impact of development induced resettlement on host communities

(c) any other factor that the Minister may determine.

(3) The resettlement impact assessment shall contain the information set out in the Second Schedule

18. (1) The Minister shall circulate the resettlement impact assessment to all relevant stakeholders for their comments.

Public  
comment  
On  
resettlement  
Impact  
assessment

(2) Without prejudice to subsection (1) the Minister shall publish the resettlement impact assessment in two consecutive issues of the Gazette and a newspaper of wide circulation

(3) In the case of the newspaper referred to under subsection (2) there shall be at least seven days between the first and second publication .

(4) The comments referred to under subsection (1) shall be submitted to the Minister within fourteen days of the last publication in the Gazette or newspaper .

19. (1) The Minister after receiving a resettlement impact assessment shall hold a public hearing at the project area or any other convenient location

Public hearing  
On  
resettlement  
Impact  
assessment.

(2) The Minister shall give adequate publicity about the date, time and venue for the public hearing in order to ascertain the views of the affected persons and relevant stakeholders.

20. (1) The Minister shall within thirty days of receiving a resettlement management impact assessment determine the classification of development-induced resettlement activities in respect of the qualifying project as follows-

Resettlement  
Management  
Plan .

- (a) Category A-resettlement activities to which a detailed resettlement management plan is required;
- (b) Category B-resettlement activities to which an abbreviated resettlement management plan is required

(2) In making the determination under subsection (1) the Minister shall take into account the following -

- (a) the principles guiding development-induced resettlement and how they should be applied as set out in Part IV;
- (b) the nature and magnitude of development-induced displacement including -
  - (i) the total number of affected persons and vulnerable persons;
  - (ii) the extent of physical and economic displacement ;
  - (iii) the extent of involuntary displacement;
  - (iv) the location and scale of the project area; and
  - (v) the potential impact of development - induced resettlement on host communities
- (c) any other factor that the Minister may determine

(3) The Minister shall whenever he deems it necessary request that a project proponent re-submit a revised resettlement management plan either wholly or in part in respect of the project



(4) Notwithstanding subsection (3) the resettlement management plan shall contain the information set out in the Third Schedule

21. (1) The Minister after receiving a resettlement management plan shall -

(a) circulate the plan to relevant ministries, departments, agencies and stakeholders; and

(b) open the plan for public inspection and comments.

Public comment on resettlement management plan.

(2) The Minister shall notify the public about the public inspection by publishing the notice in two consecutive issues of the Gazette and two issues of a newspaper of wide circulation.

(3) In the case of the newspaper referred to under subsection (2) there shall be at least seven days between the first and second publication

(4) Comments made under this section shall be submitted to the Minister within fourteen days of the last publication in the Gazette and newspaper

22. (1) The Minister after receiving a resettlement management plan shall hold a public hearing at the project area or other convenient location .

Public hearing On resettlement management plan.

(2) The Minister shall give adequate publicity about the date, time and venue for the public hearing in order to ascertain the views of the affected persons and relevant stakeholders.

23. (1) Within thirty days of receiving a management plan under section 21 the Minister shall decide whether to approve or reject the plan.

Review and approval of Resettlement Management plan.

(2) The Minister may request that a project proponent re-submits a revised resettlement plan either wholly or in part if he is not satisfied with the plan submitted.

(3) When making a decision under this section the Minister shall take into consideration the following -

- (a) the principles guiding development induced resettlement and how it should be applied;
- (b) the policy ;
- (c) the resettlement impact assessment submitted under section 18;
- (d) public comments received under section 21;
- (e) the views expressed during the public hearing under section 22; and
- (f) other factors determined by the Minister.

(4) The Minister may engage or invite persons with relevant technical expertise for the review of the resettlement management plan.

(5) A resettlement management plan shall not be approved unless the Minister is satisfied that the plan complies with this Act and statutory instruments made under this Act.

Issuance of  
Licence.

24 (1) After the approval of a resettlement management plan the Minister shall issue the applicant with a licence.

(2) A licence issued under this Act shall -

- (a) be in the prescribed form;
- (b) authorise the holder of the licence to undertake the activities specified in it;

- (c) be valid for twelve months from the date of issue or any other period as the Minister determines pursuant to statutory instrument made under the Act;
- (d) contain conditions necessary for the effective implementation of the resettlement management plan

25 (1) At least one month before the expiration of the period specified in the licence the project proponent shall submit an application for renewal. Renewal of Licence.

(2) The Minister may renew the licence subject to the project proponent complying with the terms and conditions of the licence application.

26. (1) After the issuance of a licence under this Act if Cancellation  
Suspension  
or  
Modification  
of A licence.
- (a) the terms and conditions of a licence is not being complied with ;
  - (b) there is a substantial change in the operations resulting or likely to result in an adverse impact on the affected persons;

the Minister may either -

- (i) cancel the licence;
- (ii) suspend the licence for any period as he thinks fit; ; or
- (iii) impose additional conditions or modify the conditions for the licence.

(2) Where the Minister has grounds for the cancellation suspension or modification of a licence it shall give notice to the project proponent to show cause why the licence should not be cancelled, suspended or modified.

(3) Where the project proponent is unable to persuade the Minister or fails to respond to the notice under sub-section (2), the Minister shall proceed to cancel, suspend or modify the licence

(4) The Minister shall restore the licence when the project proponent remedies the situation that gave cause for the cancellation, suspension or modification

Appeal

27. (1) A project proponent aggrieved by the decision of the Minister to reject an application for a licence or refusal to renew a licence may apply to the High Court for a review of the Minister's decision within thirty days of the rejection or refusal

(2) The decision of the High Court shall be final

Licence fees

28. The Minister shall prescribe fees issued under this Act by statutory instrument.

Transfer of  
Licence.

29. (1) Subject to this section a project proponent shall not transfer his licence.

(2) Where ownership, control or management of a project changes the new project proponent shall

- (a) notify the Minister in writing of the new changes within 14 days after the transfer of ownership, control or management; and
- (b) submit a written application to the Minister requesting authorisation for transfer of the licence.

(3) If the new project proponent is able to meet all the necessary criteria the Minister shall not unduly withhold his approval

(4) Where the Minister does not approve the application he shall state the reasons in writing for doing so.

(5) A project proponent aggrieved by the decision of the Minister to reject an application for a transfer may apply to the High Court for a review of the Minister's decision within thirty days of the rejection or refusal

30. The Department shall maintain a register in which shall be recorded the following particulars - Register

- (a) names and addresses of applicant for licence;
- (b) names and addresses of applicants issued licences;
- (c) resettlement impact assessment conducted; and
- (d) resettlement management plans approved.

#### PART VI-IMPLEMENTATION OF RESETTLEMENT ACTIVITIES

31 The project proponent shall bear all responsibilities relating to the planning, implementation and monitoring of resettlement and rehabilitation activities approved under the resettlement management plan

Responsibility for the implementation of resettlement management plan.

32. (1) The project proponent shall allow any authorised officer to have full access to the project area and any premises, vessel, vehicle, facility and records relating to the project.

Inspection and monitoring of Project.

(2) An authorised officer shall monitor and inspect all licensed projects in order to assess their impact on affected persons and to ascertain compliance with this Act

(3) An authorised officer when exercising any of the powers conferred upon him under this Act shall produce his identification card and evidence of authorisation to inspect the premises.

(4) Where an authorised officer has reasonable grounds to believe that a project proponent has failed to comply with the Act, the authorised officer shall without a warrant-

- (a) enter, inspect and search the project area or any associated premises, vessel, vehicle or facility; or
- (b) seize any related document, item or substance, for the purpose of establishing the lack of compliance.

(5) A receipt shall be issued for the items seized under paragraph (b) of subsection (4) stating the grounds for the seizure.

Enforcement  
notice.

33. (1) Where the activities of any project entails or results in the physical economic displacement of persons the Resettlement Department shall issue an enforcement notice to the project proponent requiring the project proponent to take the necessary steps to comply with this Act.

(2) The enforcement notice issued under subsection (1) shall specify the following -

- (a) the offending activity;
- (b) the steps required to be taken;
- (c) the time within which the steps shall be taken ; and
- (d) any other directives the Minister considers appropriate

(3) Where the Resettlement Department confirms that a project proponent in contravention of this Act the Minister shall in an enforcement notice direct the immediate cessation of the offending activity.

(4) Where a project proponent fails to comply with the directive contained in an enforcement notice within the stipulated time the Resettlement Department shall take the necessary steps to ensure compliance with the enforcement notice

(5) Any amount reasonably incurred by the Resettlement Department or any other institution to prevent or stop the offending activity referred to under this section shall be recovered from the project proponent as a civil debt unless a court determines that the amount was incurred unnecessarily

34. (1) The Minister in consultation with the local council concerned shall establish an ad hoc project specific resettlement committee to monitor the implementation of resettlement activities in accordance with this Act

Project  
specific  
Resettlement  
Steering  
Committee.

(2) The project specific resettlement committee shall consist of the following members-

- (a) a representative of the project proponent;
- (b) a representative of the Environmental Protection Agency;
- (c) a representative of the Chiefdom Council where the project is located;
- (d) representatives from the local council concerned ;

- (e) a representative appointed by the project affected persons ;
- (f) representative of the relevant district security council where the project area is located;
- (g) a representative of the National Commission for Social Action;
- (h) a representative of a civil society organisation dealing with resettlement projects;
- (i) any other person with technical expertise as the Minister may determine

(3) The number of representatives under paragraph (d) of subsection (2) shall be determined by the Minister in consultation with the local council concerned.

(4) The project specific resettlement committee shall carry out the following functions-

- (a) inspect and monitor the implementation of resettlement and rehabilitation activities in the project area to ensure that the activities conform to the approved resettlement management plan and the terms of the licence;
- (b) provide the Minister with periodic reports as as required by the Minister relating to the inspection and monitoring of resettlement activities undertaken by the project proponent;
- (c) liaise with the concerned local council and other stakeholders in monitoring the implementation of resettlement activities; and



- (d) undertake other duties assigned by the Minister.

(5) The project specific resettlement committee shall receive technical and financial support that shall be determined by the Minister.

#### PART VII-RESETTLEMENT COMPENSATION FRAME WORK

35. (1) Any person affected by a qualifying project shall have the right to a payment of full compensation . Right to full and fair compensation.

(2) Compensation due under this Act shall:--

- (a) seek to restore or improve the economic conditions and social wellbeing of affected persons including their standards of living , income earning capacities and their socio-cultural circumstances ;
- (b) not be limited to monetary compensation and may include in-kind compensation , support or resettlement as is fair and adequate; and
- (c) be paid prior to the commencement of the project if the compensation is monetary.

(3) In determining the eligibility of affected persons for compensation under this Act, a project proponent shall-

- (a) take into account any person who is likely to be physically or economically displaced as a result of the implementation of the qualifying project;
- (b) not construe the absence of a formal legal title as a bar to compensation;

- (c) make appropriate provision for various categories of affected persons including the following persons -
- (i) persons who have formal legal rights to land including land documents or customary and traditional rights recognised under the law;
  - (ii) persons who under the relevant law have a right to occupy land in a residential , commercial or industrial zone in the project area or occupy land on infrastructure or public facility sites such as rivers, roads, parks or other public facilities in the area of the project but do not hold a formal legal right ;
  - (iii) persons who have no recognisable legal right or claim to the land or legal right to occupy land in a residential commercial or industrial zone in the area project;
  - (iv) persons whose economic opportunities are lost or are likely to be substantially disrupted as a result of the implementation of the project; and
  - (v) persons whose access to necessary social amenities or facilities including care facilities health services , portable water sanitation, electricity, transportation , community centre and significant cultural or religious sites are likely to be significantly disrupted as a result of the implementation of the project.

(4) Compensation due for lost assets shall be assessed at a value not less than the full replacement value of the assets Compulsory acquisition.

36. (1) Where the exercise of the power to compulsorily acquire private property in accordance with section 21 of the Constitution of Sierra Leone 1991 is likely to entail the displacement or resettlement of a significant number of persons, such acquisition shall only be made in exceptional circumstances and as a last resort.

(2) Where the proponent of a qualifying project entailing the compulsory acquisition of private property is not a public entity including public-private partnership projects, the acquisition shall not take place unless the project proponent demonstrates that -

- (a) credible attempts have been made to acquire the relevant property on a "willing buyer" willing seller basis;
- (b) negotiation for the acquisition of the property was carried out in good faith without violence or intimidation;
- (c) vulnerable persons were provided with the necessary assistance to make free, informed and independent decision; and
- (d) the likelihood of having recourse to the power to compulsorily acquire private property was not used as a threat during negotiations or to unlawfully pressurise affected persons to reach a settlement or agreement in violation of their freedom or consent.

Repossession of public land.

37. Where the repossession of illegally occupied public property is likely to result in the displacement of a significant number of persons such repossession shall be carried out lawfully and with regard to the dignity of the affected persons.

Financial  
security

38 (1) The Minister may by statutory instrument make regulations requiring project proponents to take and maintain insurance or other appropriate financial security to guarantee payment of the compensation for damage caused as a result of the operations of the project or the payment for preventive measures or restorative action where necessary

(2) Regulations made under this section shall specify the minimum amount of insurance or other appropriate financial security to be maintained in respect of specified projects, together with any other requirements regarding the period of cover and the conditions under which the cover may cease or the liability of the insurer may be avoided because of any act or omission on the part of the party insured.

## PART VIII-OFFENCES AND PENALTIES

## Offences

39 (1) Any person who contravenes section 15 commits an offence and is liable on conviction to a fine of not less than two hundred million Leones in the case of a citizen of Sierra Leone and the equivalent of one hundred thousand United States Dollars in Leones in the case of a non-citizen or to a term of imprisonment not exceeding five years or to both the fine and imprisonment .

(2) A project proponent who fails to notify the Minister of changes in ownership, control or management contrary to section 29 commits an offence and is liable on conviction to a fine not exceeding three million Leones in the case of a citizen of Sierra Leone and the equivalent of one Thousand five hundred United states Dollars in Leones in the case of a non-Citizen or to a term of imprisonment not exceeding one year and the licence of the project proponent concerned shall be cancelled.

(3) A project proponent who fails to comply with subsection (1) of section 32 commits an offence and is liable on conviction to a fine not exceeding fifty million Leones or to a term of imprisonment not exceeding one year and in the case of a continuing offence to a further fine not exceeding two million Leones for each day the offence continues

(4) Notwithstanding anything contained under this Act no person shall be deemed to have committed an offence under this Act where an authorised officer refuses or fails to comply with a request to produce his identification pursuant to subsection (3) of section 32

(5) A person who acts contrary to an enforcement notice issued under section 33 commits an offence and shall be liable on conviction to a fine not exceeding five hundred million Leones or to imprisonment for a term not exceeding five years or to both the fine and imprisonment.

(6) A person who obstructs any person acting under Section 32 commits an offence and is liable on conviction to a fine not exceeding Five Hundred Million Leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

40. Where an offence under this Act is committed by a body of persons, if the body of persons is a-

Offence by a body of persons.

- (a) body corporate every director or officer of that body corporate shall be deemed to have committed the offence;
- (b) firm every partner of that firm shall be deemed to have committed the offence

## PART IX-MISCELLANEOUS

## Regulations

41. (1) The Minister may by statutory instrument make regulations for carrying out the provisions of this Act and the following

- (a) standards, guidelines or methods for preventing or minimising displacements;
- (b) criteria for the licensing of any project, class or category of projects;
- (c) criteria for the approval of resettlement impact assessments;
- (d) criteria for the approval of resettlement management plans;
- (e) the minimum amount of insurance or other appropriate financial security to be maintained in respect of specified qualifying projects;
- (f) criteria for compensations;
- (g) the basis of eligibility for compensation;
- (h) resettlement related training and capacity building activities for the Ministry and other government agencies; and
- (i) any other matter related under this Act with development -induced resettlement.

SCHEDULES

FIRST SCHEDULE: PROJECTS REQUIRING ENVIRONMENTAL IMPACT  
ASSESSMENT

The Act shall apply to the following projects, to the extent that these projects result in or are likely to result in the physical or economic displacement of people-

- (a) Substantial changes in renewable resource use (e.g. conversion of land to agricultural production, forestry, wildlife reserve or to pastureland, rural development, timber production);
- (b) Substantial changes in farming and fisheries practices (e.g. introduction of new crops, large scale mechanisation or use of chemicals in agriculture);
- (c) Exploitation of hydraulic resources (e.g. dams, drainage and irrigation projects, water basin development, water supply);
- (d) Infrastructure (e.g. roads, bridges, airports, harbours, transmission lines, pipelines, railways);
- (e) Industrial activities (e.g. metallurgical plants, wood processing plants, chemical plants, power and renewable energy plants, cement plants, refinery and petro-chemical plants, agro-industries);

- (f) Extractive industries (e.g. mining, quarrying, extraction of sand, gravel, salt, peat, oil and gas);
- (g) Waste management and disposal (e.g. sewerage systems and treatment plants, landfills, treatment plants for household and hazardous waste);
- (h) Repossession of public lands resulting in the displacement of a significant number of people;
- (i) Housing construction and development schemes; and
- (j) Establishment of places of entertainment, motor repair garages and welding shops.

**SECOND SCHEDULE: CONTENT OF RESETTLEMENT IMPACT  
ASSESSMENT**

[Content of Resettlement Impact Assessment (RIA) ]

A resettlement impact assessment shall contain the following information

- (a) A true statement and detailed information on the project proponent;
- (b) Description of the project area and adjoining areas including thematic maps that identify population settlement,



infrastructure, soil composition ,natural vegetation areas, water resources, and land use patterns;

- (c) Outline the principle, concept and purpose of the project including the nature of the public interest involved;
- (d) List of project components including associated activities and facilities;
- (e) Census that enumerates the affected persons and register them in accordance with location;
- (f) The number of families and communities, demographical information such as occupation economic or income generating activities, gender groups, age groups and vulnerable groups;
- (g) Inventory of lost and affected assets at the household, enterprise, and community level, in the project areas;
- (h) Inventory of social, cultural and economic facilities or amenities in the project area such as public and community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, wells/communal water points, livestock watering points, bathing and washing platforms, community ponds, grazing land,

plantations, public utilities such as post offices, fair price shops, food storage facilities, electricity supply and power lines, sewage lines, communication lines, health care facilities, schools and educational or training facilities, children parks, places of worship, artefacts, sites of religious or historical significance, monuments, burial and cremation grounds;

- (i) Socioeconomic surveys and studies of all affected persons (including seasonal, migrant, and host populations), as necessary;
- (j) Analysis of surveys and studies to establish compensation parameters, to design appropriate income restoration and sustainable development initiatives, and to identify baseline monitoring indicators;
- (k) Persons, communities, interested parties and Government ministries consulted;
- (l) Non-displacing or minimal displacing impact alternatives to the proposed project;
- (m) Actions or measures which may avoid, prevent, change, mitigate or remedy the likely effect on people and society;

- (n) Plans for decommissioning of the project, as well as associated impacts of decommissioning; and such other information as may be necessary for a proper review of the potential impact of the project.

**THIRD SCHEDULE: CONTENT OF RESETTLEMENT  
MANAGEMENT PLAN**

[Content of Resettlement Management Plan (RMP) ]

A Resettlement Management Plan shall among other things contain the following -

- (a) A detailed description of the laws, regulations, permit requirements, policies, customary laws, and zoning requirements that may be affected by the qualifying project;
- (b) A summary of how the project complies with or intends to comply with laws, regulations, permit requirements, policies, customary laws and zoning requirements;
- (c) Indication of whether environmental impact assessment is required under the Environment Protection Agency Act, 2008, and if so, whether an appropriate licence has been obtained, or the status of any application made under that Act;

- (d) A detailed description of the impacts or likely project impacts;
- (e) A detailed list of likely affected persons;
- (f) An appraisal of the project benefits that takes into account the costs and likely impact of resettlement on affected population;
- (g) A detailed compensation framework that makes provision for, a basis for establishing rates of compensation and resettlement assistance, conditions for eligibility for compensation and resettlement assistance, consultations with affected persons to assess the adequacy and acceptability of the proposed compensation;
- (h) A detailed description of resettlement, rehabilitation and livelihood restoration activities;
- (i) A cultural property management plan;
- (j) A risk appropriate influx management plan;
- (k) A detailed budget and costing of all resettlement, rehabilitation and livelihood restoration activities, including planning and implementation, management and administration, monitoring and evaluation and

contingencies as well as specific mechanisms to adjust cost estimates and compensation payments for inflation, price and currency fluctuations;

- (l) The sources of funds for implementing the Plan, including a description of the flow of funds;
- (m) A clear implementation schedule which lists the chronological steps in implementation of the Plan;
- (n) A description of the proponent resettlement team, including a clear description of organizational responsibilities, including any persons, experts or resources responsible for all aspects of the resettlement planning, implementation and monitoring process;
- (o) A comprehensive framework for the consultation and participation of affected persons;
- (p) A description of the mechanisms for redressing grievances and resolving disputes;
- (q) Mechanisms for monitoring and evaluation and for implementing corrective actions; and
- (r) Any other information necessary for a proper review of the potential resettlement impact of the project.

**MEMORANDUM AND OBJECT OF REASONS**

The Bill is divided into nine parts.

Part I which is the preliminary part contains the interpretation clause which defines words and phrases used throughout the Bill and application the clause which stipulates the extent to which the Bill should or should not apply.

Part II contains provisions on the establishment of the Resettlement Department. Clause 3 establishes the Resettlement Department. Clause 4 deals with the functions of the Department. It stipulates that the object for which the Resettlement Department is established is to coordinate and handle resettlement matters and resettlement related issues. Clause 5 stipulates that that the Resettlement Department should have a secretariate which should be located within the Ministry.

The purpose of the Secretariat is to provide administrative, secretarial and other assistance to the Department. Clause 6 provides for the office of the Director. This clause stipulates that the head of the Department should be the Director who should be appointed by the President after consultations with the Minister. Clause 10 establishes the National Steering Committee which should be responsible for giving technical advice to the Resettlement Department

Part III contains financial provisions. Clause 11 provides that the activities of the Resettlement Department should be financed by the National Resettlement Fund.

Part IV contains provisions on the principles of development induced resettlement and how the principles should be applied. Clause 13 provides that the Minister should ensure that all development induced resettlement activities in Sierra Leone comply with the outlined principles of developed induced resettlement. Clause 14 outlines how the principle should be applied.

Part V contains provisions on licences ,resettlement impact assessment and management plan. Clause 15 stipulates that a person should not undertake a qualifying project unless that person holds a licence in respect of that project

Part VI contains provisions on the implementation of resettlement activities. Clause 31 stipulates that a project proponent should bear all responsibilities relating to the planning, implementation and monitoring of resettlement and rehabilitation activities approved under the resettlement management plan. Clause 32 deals with inspection and monitoring of the project. It stipulates that a project proponent should allow any authorised officer to have full access to the project area and any premises, vessel, vehicle, facility and records relating to the project. Clause 33 deals with the enforcement notice. It states that where the activities of any project entails or resulted in the physical economic displacement of persons the Resettlement Department should issue an enforcement notice to the project proponent requiring the project proponent to take the necessary steps to comply with the Bill. Clause 34 establishes the Project Specific Resettlement Steering Committee to monitor the implementation of the resettlement activities in accordance with the Bill

Part VII contains provisions on resettlement compensation framework. Clause 35 stipulates that any person affected by a qualifying project should have the right to a payment of full compensation .

Part VIII contains provisions on offences and penalties. It criminalises specific actions and spells out the penalties for not complying with the Bill.

Part IX deals with miscellaneous provisions .

MADE this                      day of April, 2022

PROFESSOR FODAY M. JAWARD  
*Minister of Environment*

FREETOWN,  
SIERRA LEONE, 2022