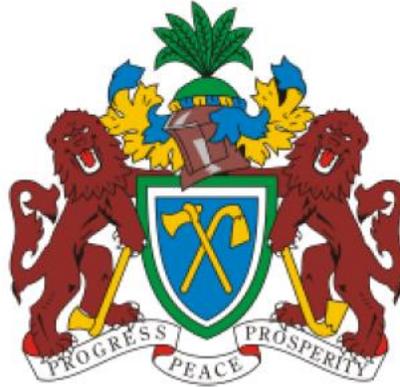


REPUBLIC OF THE GAMBIA



**WEST AFRICA COASTAL AREAS (WACA) RESILIENCE INVESTMENT
PROJECT 2 (WACA RESIP2)
(P175525)**

Resettlement Policy Framework (RPF)

Draft Report

October 2022

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Abbreviations and Acronyms

BP	Bank Policy (World Bank)
COVID-19	Coronavirus Disease 2019
DRR	Disaster Risk Reduction
ECOWAS	Economic Community of West African States
EIA	Environmental Impact Assessment
ESMF	Environmental and Social Management Framework
ESF	Environmental and Social Framework
ESS	Environmental and Social Standard
GBV	Gender Based Violence
GIEPA	Gambia Investment and Export Promotion Agency
GM	Grievance Mechanism
GRC	Grievance Redress Committee
MOFEA	Ministry of Finance and Economic Affairs
NEA	National Environment Agency
NGO	Non- Government Organization
NRA	National Roads Authority
PAP	Project Affected Person
PIU	Project Implementation Unit
PDO	Project Development Objective
ResIP	Resilience Investment Project
RPF	Resettlement Policy Framework
SEA/SH	Sexual Exploitation and Abuse/Sexual Harassment
SEP	Stakeholder Engagement Plan
VAC	Violence Against Children
WACA	West Africa Coastal Areas Management Program
WB	World Bank

Definition of Terms

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

Alkalo pl. alkalolu: is the administrative head of the village usually from the founding family /clan of the village.

Environmental Impact Assessment (EIA): An environmental assessment instrument to identify and assess major potential environmental impact of proposed sub projects, evaluate alternatives and design appropriate mitigation, management and monitoring measure.

Bantaba: means an open space in the village where people meet to discuss village matters.

Census means a field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs). 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 seyfolu and *alkalolu*.

Compensation means the payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets thereon.

Cut-off date: The cut-off date for eligibility will be set as the date when the PIU completes the census of persons occupying and/or using the land to be acquired and inventory of their assets (land, farm harvests, built structures, and other infrastructure such as wells and fences) and economic activities, and the affected groups have been duly informed of these impacts and their corresponding rights and entitlements

Displaced Persons: mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether the said Displaced Persons are physically relocated. These people will have their: standard of living adversely affected, whether the Displaced Person must move to another location; lose right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

District: means an area demarcated under the Local Government Act 2002 and it is the administrative unit immediately below the Region.

District Authority means the district authority established under section 132 of the Local Government Act 2002. The District Authority is responsible for managing the affairs of the district.

District Tribunal means subordinate court at district level that handles customary matters such as land under customary tenure.

Involuntary Land Acquisition is defined as the repossession of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested legal rights including customary.

Kabilo: A collection of families that constitute a village.

Land: includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

Land acquisition: refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.

Local Authority: includes the council and the District Authority.

Local Government Authority: means a council established under the Local Government Act 2002.

Market Value: means the most probable selling price or the value most often sought by buyers and sellers.

Project Affected Person(s) (PAPs): are persons affected by land use or acquisition needs of the Tourism Recovery, Diversification, and Resilience in the Gambia Project (TRDRRG). These people(s) are affected because they may lose, be denied, or be restricted access to economic assets, lose shelter, income sources, or means of livelihood. These persons are affected whether they must move to another location.

Rehabilitation Assistance: means the provision of development assistance in addition to Compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-Project levels.

Replacement cost: is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

Replacement cost for houses and other structures: means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs shall include: (a) transporting building materials to the construction site; (b) any labor and contractors' fees; and (c) any registration costs.

Resettlement Assistance: means the measures to ensure that Displaced Persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement.

The Resettlement Policy Framework (RPF): The RPF will set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program.

Resettlement Action Plan (“RAP”) :outlines the measures to address physical and/or economic displacement once the subproject or individual project components are defined, the implementation site and other necessary information becomes available. The scope of the requirements and the level of detail of the RAP depends on the magnitude and complexity of resettlement.

Restrictions on land use: refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.

Seyfo” pl. Seyfolu: is the administrative head of a district sometimes referred to as District Chief.

Executive Summary

The Government of The Gambia is seeking financial support from the World Bank to develop and implement the West Africa Coastal Areas Resilience Investment Project 2 (WACA RESIP2). The Project is regional and the Project Development Objective (PDO) is to ‘strengthen the resilience of targeted communities and areas in coastal Western Africa’. The Ministry of Environment, Climate Change and Natural Resources (MECCNAR) will implement the project. In The Gambia, the project objective will be:

- a) Strengthen the resilience to flood risks;
- b) Improve the attractiveness and accessibility of the riverfront: recreational purposes, biodiversity;
- c) Enhance socio-economic development of area;
- d) Improve livability and urban environment;
- e) Reduce pollution from uncontrolled storm water runoff;
- f) Improve public health conditions; and
- g) Improve accessibility/connectivity avoiding traffic disruption.

The Project has 4 components, namely:

Component 1: Strengthen Regional integration. This component is to support regional integration by strengthening the effective coordination of interventions for coastal resilience in West Africa at the regional and national levels by the consolidation of the regional institutional set-ups and harmonization of policies.

Component 2: Strengthening the policy or institutional frameworks. This component will support the strengthening of targeted institutional and policy frameworks around flood and coastal risk management, integrated flood management, integrated coastal development, natural resource management, urban resilience in The Gambia. Three areas have been identified: (a) support in mainstreaming disaster risk reduction and climate change in key sectors (e.g. Urban development), (b) strengthening institutional capacities for effective and streamlined climate change and disaster risk reduction (DRR) responses; and (c) improving the quality of hydro-meteorological services and early warning systems.

Component 3: Strengthening Physical and social investments. This component comprises two subcomponents.

Sub-component 3.1: This sub-component will finance site-specific interventions for coastal protection and it will include a mix of grey, green, and hybrid infrastructure solutions in the selected prioritized Kotu Stream hotspot to reduce risks of flooding and erosion. Grey interventions will include widening the Kotu Stream banks and building bridges. Green or nature-based solutions will include retention ponds/tanks/wetlands/parks, etc. Hybrid solutions will incorporate both grey and green solutions depending on site-specific needs and characteristics.

Sub-component 3.2: This subcomponent will support targeted communities in area(s) of intervention to not only benefit as much as possible from the physical infrastructure and potential job opportunities for instance, but also contribute to the sustainable management of the infrastructure and other interventions

(operation and maintenance). This subcomponent will be based on the social development and economic recovery needs of affected urban and coastal communities.

Component 4: Project management. This component will finance project management costs including environmental and social risk management as well as monitoring and evaluation. This includes support to the Project Implementation Unit (PIU) for staffing, monitoring and evaluation, project technical audits, safeguards, financial management, procurement and training, small goods, equipment and operational costs associated with project management. It will also support the National Steering Committee and the National Technical Committee.

Project Benefits and Beneficiaries

Project benefits include:

-Improved drainage: Flooding is one key challenges in the project area, which suffers from both pluvial and fluvial flooding caused mainly by unplanned settlements and dumping of waste in the stream which obstruct the water flow thus reducing the drainage capacity of the stream. Cleaning and expanding the banks will greatly reduce the flooding, which destroys houses, roads and sometimes loss of life.

-Improved waste management: This is another major environmental challenge and a major contributor to degrading the environment quality. There is indiscriminate waste disposal by residents in the stream and on the banks, which has blocked, in some cases, the stream's flow path. The waste include hazardous household wastes such as residues of toxic chemicals (paints, insecticide spray cans, dry cell batteries, fluorescent tubes and discarded electronic equipment). In addition, there are reports of raw sewage being dumped into the estuary by the Sewage Treatment Plant at Kotu. Instituting a proper waste management system will greatly reduce the flooding and improve the health of the residents.

-Improved communication: Communication between different sections of the area is hampered by poor and limited crossing point. The number of bridges to cross from one settlement to another are limited and in many cases in a poor state. The building of bridges by the project will make movement of people and good in the project area easier and safer.

Improved resilience of the communities: The project benefits will include increased resilience of communities to the impacts of climate change through the strengthening of national policies and institutions to respond to the challenges of floods and coastal risk management and development supported by the availability of quality hydro-meteorological data and early warning information.

Improved livelihood for communities: Community members who have the opportunity to work in the civil works or who take part in the social development subprojects will have income that will help the family. In addition, project activities will give rise to other small business in the community such as small restaurants to serve workers, tenants for those who have houses small retail kiosks for selling cigarettes and other necessities. All of these will help increase revenue in the community.

Project beneficiaries include:

- The communities, including women and youth, living in the Kotu Stream catchment area who are victims of regular flooding and erosion resulting in the destruction of properties and life.

- Technical Government agencies such as the National Disaster Management agency, the Meteorology and Hydrology Services that will benefit from capacity strengthening programs for effective and streamlined climate change and disaster risk reduction (DRR) responses as well as the Department of Physical Planning and Ministry of Transport, Works and Infrastructure and the Ministry of Gender and Children, Ministry of Tourism
- Select local community beneficiaries of social subprojects to support livelihood improvement and build resilience to climate change.
- Hotels in the tourism area along the coast such as Sunset Beach Hotel that suffer from fluvial erosion and pollution through an improved drainage system for the stream and waste management.
- School children and sick people by improving communication and connectivity to schools and health centers especially during the rainy season.
- Small traders and businesses such as women vendors, mechanics, carpenters etc. along the banks of the stream who will cease to suffer the negative impacts of annual flooding (loss of goods and business).
- Kanifing Municipality and the Brikama Area Council that will see improved waste management and savings in the amount spent on disaster relief in their communities.

Objectives of a Resettlement Policy Framework

The purpose of the Resettlement Policy Framework (RPF) is to establish a comprehensive framework to guide and govern the entire WACA 2 as civil works packages are defined for funding. The RPF gives a framework for the policy, principles, institutional arrangements and procedures that the Project Management Unit (PMU) in collaboration with the Resettlement and Compensation Committee will follow in each civil works package involving resettlement. The RPF clarifies the rules for identifying people who may be affected by the implementation of project and takes into account the requirements of the new Environment and Social Framework (ESF) especially Environment and Social Standard (ESS) 5, and the national laws and regulations of the Gambia that deal with Involuntary Resettlement. The document sets out actions for addressing and mitigating potential adverse social impacts of the Project.

The objectives of the RPF are:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.

- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

Process for Preparing and Approving Resettlement Plans

As part of the preparation of the project, the Government of the Gambia requires a Resettlement Policy Framework (RPF) to address the needs of the people and the communities who may be affected by the project. Because the project sites and works have not yet been determined, the RPF will be written in conformity with national laws and policies and on the provisions of Environmental and Social Standard (ESS) 5 of the World Bank's Environmental and Social Framework. The Project Implementation Unit (PIU) will also be required to prepare the Resettlement Action Plans (RAPs) for the areas to be affected by the civil works. Once the RPF is approved by Government and by the World Bank, it will be disclosed in-country and at the World Bank's website.

Negative Impacts Related to Resettlement

In the context of the RPF, the potential negative impacts of the project relate to land acquisition, restrictions on land use and involuntary resettlement which can result in loss of land and other assets (temporary and/permanent), loss of access to livelihoods as detailed below.

- a) Permanent loss of land in expanding the main and secondary drainages as well as other civil works, which may impact dwelling houses, fences and land occupied by women vegetable and rice growers along the banks of Kotu Stream. There are also the rehabilitation of flood dikes and floodplains as well as the construction of bridges for crossing.
- b) Temporary occupation of the land during construction by the contractor as a base camp to store equipment, plant and machinery during the construction works. This temporary use will deprive the owner of the use of his/her resulting in a loss of access to natural resources.
- c) Temporary loss of earnings in cases where small business operators (motor vehicle mechanics, petty traders) along Kotu stream are required to temporarily stop work whilst the construction is going on. This loss is temporary as the operators will be able to return back to their business once the civil works are completed in their area.

Land Requirements for this Project

The main infrastructural developments requiring land include:

- Small-scale localized infrastructure such as construction of primary and secondary drainage systems and widening the Kotu Stream banks for mitigating erosion and urban flood risks,
- Building bridges to serve as crossing points along the project site for enhancing community access,
- Rehabilitation of floodplains by creation of retention ponds/tanks/wetlands/parks, green infrastructure/planting water squares/sunken plazas, (bio) swales, etc.

The land requirements for these civil works will be determined once the designs for the works are completed and the specific sites are known.

Number of people to be affected by the resettlement

In the absence of final designs, it is difficult at this stage to give a precise number of persons and assets that will be affected. However, the table below provides the number of people and assets that could be impacted based on proximity analysis where a buffer radius of 10m is created along the creek. In addition, a further analysis was done to narrow it down to census enumeration areas that intersect with the 10m buffer radius created earlier. These figures are based on 2013 census frame.

Table 1 : Potential number of people and assets that could be affected by the project per settlement

Settlement	No of Households	No of Persons	No of Residential compounds	No of Educational Facilities	Other
Bakoteh	324	1700	87	1	12
Bundung	893	5684	268		17
Dippa Kunda	896	5076	147		12
Kotu	249	1706	185	2	63
Latrikunda Yiringanya	1287	6615	309	1	19
Manjai Kunda	565	2992	269		30
Serekunda (London Corner)	246	1535	90	1	10
Latrikunda Sabiji (Jola Kunda)	219	1353	88		11
Nema Kunku	1387	9199	607	2	51
Sinchu Balia	180	1168	91		
Sukuta	650	4154	230		32
Wellingara	86	511	26		8
Grand Total	6982	41693	2397	7	265

Methodology

The approach and methodology for preparing the RPF involves the review of project and other relevant documents; consultations with stakeholders in the form of interviews, focus group discussions; and field visits.

Legal framework for resettlement

The legal framework relating to resettlement issues consists of the relevant Gambian legislation and World Bank's new Environment and Social Framework (ESF)

The relevant legal documents relating to resettlement are:

- The Constitution of the Republic of The Gambia (1997);
- The Land Acquisition and Compensation Act (LACA) 1991
- The Physical Planning and Development Control Act, 1991
- The Surveys Act 1991
- Local Government Act, 2002
- Land Use Regulations, 1995
- Lands Commission Act, 2007
- State Lands Regulations, 1995
- Development Control Regulations, 1995

- Women’s Act 2010
- The Children’s Act 2005
- Sexual Offences Act, 2013

The World Bank Environmental and Social Standard (ESS) 5 on Land Acquisition, Restriction on Land use and involuntary resettlement stipulates the processes and procedures to be followed in cases of involuntary resettlement resulting from the implementation of a Bank financed project. Although the national laws have many points in common with the World Bank’s ESS5, there are significant differences, which include the rights of squatters, special assistance to vulnerable and disadvantaged groups, establishment of a grievance mechanism and the inclusion of monitoring and evaluation of the resettlement program. In preparing the RPF, these higher principles as provided in ESS 5 were adopted.

Eligibility Criteria for Compensation

Once the screening of a particular project activity establishes that ESS 5 is applicable, the necessary steps will be taken to prepare a resettlement plan (RP) to identify the persons who will be adversely affected by the project and therefore entitled to compensation.

Affected persons may be classified as persons:

- (i) Who have formal legal rights to land or assets(including customary and traditional rights recognized under The Gambian Laws) that will be negatively impacted (land, economic trees and/or infrastructure);
- (ii) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; such claims could be derived from adverse possession or from customary or traditional tenure arrangements; or
- (iii) Who have no recognizable legal right or claim to the land or assets they occupy or use.

Valuation and Compensation

Compensation can be in kind, in cash or both and the method of valuation is based on replacement cost for assets (land and properties) affected by the project without considering depreciation, and where the remaining part of a demolished asset is not economically viable, compensation is estimated based on the entire asset. Compensation for land acquired, shall preferably be in kind while buildings and other structures are to be compensated in cash using replacement cost. The report also includes other valuation methods for other assets such as trees and crops. The Table below presents the matrix of compensation packages by type of asset lost and ownership right.

Matrix of compensation packages by type of asset lost and ownership right

Type of property affected	Category of PAP	Compensation measure	Compensation mechanism
Arable land	Land owner (Customary/ leasehold)	Prevailing market value of the land to be acquired; otherwise, replacement value Owner has the opportunity of being allocated a new plot if one is available and it is suitable to owner’s needs	Land for land compensation or cash compensation at replacement cost if the PAP prefers
Loss of business structures	Business operators	Compensation for the cost of identifying a viable alternative location; lost of net	Cash compensation

		income during the period of transition; the cost of the transfer and reinstallation of the plant, machinery, or other equipment; and for reestablishing commercial activities	
Residential Structures	Property Owner	Compensation for assets and other improvements on land at replacement cost	Cash payment
Rental accommodation	Tenants Subtenants	Lump sum payment equivalent to three months' rent Payment of moving allowance	Cash payment
Loss of structures	Squatters	Compensation for lost of assets (crops, trees ,fencing etc.) and developments made on the land; Compensation for loss business income and payment of moving allowance	Cash payment
Loss of income from the rental or operation of one or more buildings, regardless of their use (dwelling, business premises, etc.)	Tenancy operators (natural or legal persons)	Compensation for the period for the loss of income; assisting to find new premises for renting	Cash payment
Loss of access to resources	Individuals/groups	Measures will be implemented to either allow continued access to affected resources or to provide access to alternative resources with equivalent livelihood-earning potential and accessibility with option of alternative income earning opportunities.	Provision of access to similar resources elsewhere, ant skills training in enterprise development and credit facilities
Loss of access to wood and wood products	Communities /individuals	Provide alternative sources or support the development of alternative livelihood system	Identify other sources/ Skills development and training
Loss of crops	Property owner squatters	Cash compensation to affected farmers based on the average of the previous three years production value	Cash payment
Loss of public infrastructure	Community	Compensation for infrastructure at replacement cost	Allocation of land for reconstruction of public infrastructure including labor and material

Resettlement and compensation shall be the responsibility of the Gambia Government.

Public Consultations, Participation and inclusion of Stakeholders

For the stakeholder engagement, the consultant visited the communities living in the project area and met in groups or on a one-on-one basis. These consultations, which covered disadvantaged or vulnerable¹ individuals or groups including women, allowed stakeholders to express their views about the project, their concerns and the potential risks of resettlement.

In addition to consultations with mixed groups, the consultant organized meetings exclusively for women and facilitated by a female member of the consulting team. These consultations, which took place from April 14 to 29, 2022, helped highlight the special challenges faced by this group and the proposed measures that could address them.

During the consultations, the communities and other stakeholders welcomed the project and expressed the hope it will bring an end to the annual floods, the transportation difficulties in their localities, improved waste management and possible employment opportunities especially for the youth. The following were some of the points raised during the community consultations.

- (i) Fear of people losing their land and not be compensated
- (ii) The need for a fair and equitable compensation taking into account land scarcity and the high cost of land in GBA;
- (iii) The need for proper waste management and removal obstructions such as buildings in the flood path to minimise flooding;
- (iv) Youth employment;
- (v) Discrimination of women in accessing project benefits such as access to alternative livelihood opportunities and training and credit facilities;
- (vi) Providing support to women who may lose the land they grow rice and vegetables to feed the family.

The Consultant explained that any involuntary land acquisition for the project will be fully compensated at replacement cost to ensure a fair and equitable compensation. Some stakeholders recalled the case of some flood victims who were relocated but they were only given land and no funds to build houses. Most of these people continued to come to Kotu Stream Area for their livelihood and after some time returned to the area. If this story is correct, it explains the concern expressed by the local communities about compensation for assets, especially houses that may be lost to the project. The Consultant reassured them that this time it will be different and any assets lost to the project will be fully compensated at replacement cost. Any PAP who is not satisfied with the compensation process, the amount of compensation or who has any other complaint relating to activities of the project can take up the complaint with the project's grievance mechanism (GM) which will be set up and explained to the community members. As regards, employment at construction sites, the contractor will be encouraged to employ local labor if they have

¹ This refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/ or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend.- **The Environmental and Social Framework (World Bank)**

the required skills for the jobs. In addition, the project will be implementing small scale livelihood improvement project which will provide opportunities for community workers. On discrimination of women, the community was reassured that the project has a special focus on women especially those who might be negatively impacted by the project.

The Consultant documented each of these consultations and opened an attendance register to record the participants at these meetings. **Annex 5a** gives the dates for these consultations and the participants. The stakeholders consulted included government officials, communities, local government authorities. **A total of 138 people were consulted and 53.6% or 74 of the people were women.** A summary of consultations is attached as **Annex 5b and samples of attendance register are attached as Annex 5c**

Grievance Mechanism

Grievances resulting from resettlement and compensations will be resolved using the project grievance mechanism (GM). The GM consists of a three-tier system: (i) local community level; (ii) project level grievance mechanism; and (iii) national judicial level. The procedure is that a PAP should first raise a complaint at the local level where the local Grievance Resolution Committee will address the complaint. If the complaint is not resolved at this level, it is referred to the Grievance Resolution Committee (GRC) at project level. If the GRC cannot resolve the complaint, the complainant can take up the matter with the Project Steering Committee that will review the decision of the GRC. If this proves unsuccessful, the complainant can proceed to the judicial/legal system as provided for in the laws of The Gambia.

For complaints relating to SEA/SH, the procedure of receiving and treating them is defined in the stakeholder engagement plan (SEP). It will be different from the procedure for general complaints outlined above and will follow a survivor-centered approach, and the anonymity of the survivor will remain intact, with the confidentiality of the survivor's express consent. The involved parties will not have their security breached. A mechanism in the form of **SEA/SH Compliance Team** will be set up to manage cases of SEA/SH as well as issues related to violence against children (VAC).

Monitoring and evaluation

Monitoring and evaluation (M&E) will be carried out throughout the project cycle to ensure that resettlement planning and implementation are carried out in accordance with the relevant requirements of the RPF, and for follow up remedial actions, where necessary. The provisions for monitoring and evaluation (M&E) will ensure the proposed actions are implemented as intended and within the timelines established, and that, the expected results are achieved. Where shortcomings or problems are found, M&E can initiate appropriate corrective actions.

The Social Development Specialist within the PIU will be responsible for the internal monitoring and he/she will be assisted by other staff of the project implementation unit (PIU). The reports of the monitoring will be sent to the PIU and the World Bank.

There will be a midterm and final evaluation of the implementation of the RPF/RAP. The final evaluation should preferably take place after completion of all RAP activities including development initiatives, but before the end of the financial commitments to the program. This will allow the flexibility to undertake any corrective action that the auditors may recommend before the project completion.

Implementation process, linking resettlement implementation to civil works

Before any project investment is implemented, PAPs will need to be fully compensated by the Government in accordance with the principles of this RPF and the RPs. Taking of land and related assets can only take place after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the RPF and the individual RPs.

The schedule for the implementation of activities related to specific RPs, will be prepared based on the principles of this RPF. These will include the target dates for start and completion of civil works, the dates of the possession of land and properties used by PAPs, dates of the full compensation, dates of transfer of titles to the PIU.

The timing of these measures will ensure that no individual or affected household will be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected.

Capacity Building

Capacity building is an important aspect in the management of the social and environmental risks of the projects especially in the case of resettlement. The outcome of the stakeholder consultations showed the need for it, particularly since the World Bank’s ESF is new. The training will be organized for the PIU and the project implementing agencies and partner institutions.

Budget for the RPF implementation

The budget estimates for implementation of the RPF will cover costs of the validation workshop, training for PIU, MECCNAR and implementing partners, sensitisation on the GM and SEA/SH, etc. in order to effectively execute defined roles, including RPF compliance M&E as well as mid-term and completion independent evaluation audits. The budget also includes the preparation of RAPs (consultancy costs for individual sub-projects). An indicative cost of implementing the RPF is provided in the table below.

Budget for Implementation of this RPF

Table 6: Budget for Implementation of this RPF

S/No.	Activity	Cost in USD	Financing	
			Gambia Govt.	IDA
1	Preparation of RAP(s)	70,000		X
2	Implementation of the RAP, compensation of loss of assets and revenue, relocation of PAP, assistance to vulnerable groups and contingencies	200,000	x	
3	Preparation and implementation of Livelihood restoration plans	150,000		x
4	Training of PIU and implementing partners 5 Sessions at USD 3,000 per session Training will cover resettlement and compensation procedures including eligibility criteria, preparation of RAP, national regulations on compulsory land acquisition etc.	15,000		x
5	External Supervision and monitoring by NEA	10,000		x

6	Community sensitization and information sharing	10,000		x
7	Monitoring and evaluation	15,000		x
8	RPF Disclosure	5,000		x
9	Total	475,000.00	200,000.00	275,000

The total estimated cost for the implementation of the RPF is **USD475, 000. 0 0** (Four Hundred and Seventy Five Thousand US Dollars) equal to GMD 23,750,000.00 (Twenty Three Million Seven Hundred and Fifty Thousand Dalasi) at the exchange rate of USD1 to D50.00.

Sources of funding

The Constitution of The Gambia, 1997 requires that people affected by compulsory acquisition of land have to be adequately compensated. This forms the basis for the commitment of Gambia Government (GOG) to compensate the PAPs adversely affected by projects/sub-projects under the WACA IP2. The Government of The Gambia will therefore pay for the compensation and resettlement of the PAPs and the Ministry of Finance and Economic Affairs (MoFEA) will be responsible for the mobilization of the compensation funds.

CHAPTER 1: INTRODUCTION

The Government of The Gambia is seeking financial support from the World Bank to develop and implement the West Africa Coastal Areas Resilience Investment Project 2(WACA RESIP2).The Project is a regional project and the Project Development Objective (PDO) is to ‘strengthen the resilience of targeted communities and areas in coastal Western Africa’. The Ministry of Environment, Climate Change and Natural Resources (MECCNAR) will implement the project.

1.1 Project objectives and components for The Gambia

In The Gambia, the project objectives are to will be :

- a) Strengthen the resilience to flood risks;
- b) Improve the attractiveness and accessibility of the riverfront: recreational purposes, biodiversity;
- c) Enhance socio-economic development of area;
- d) Improve livability and urban environment;
- e) Reduce pollution from uncontrolled storm water runoff;
- f) Improve public health conditions; and
- g) Improve accessibility/connectivity avoiding traffic disruption.

The project has four (4) components as indicated below:

Component 1: Strengthening Regional Integration. This component will support regional integration by strengthening effective coordination of interventions for coastal resilience in West Africa at the regional and national levels. This will be achieved through the consolidation of the regional institutional set-up and harmonization of policy, to seek economies of scale and the development of new strategic partnerships needed for the scale-up of response to the coastal resilience development challenge.

Component 2: Strengthening Policy and Institutional Frameworks.This component will support the strengthening of targeted institutional and policy frameworks around flood and coastal risk management, integrated flood management, integrated coastal development, natural resource management, urban resilience in The Gambia. Three areas have been identified: (a) support in mainstreaming disaster risk reduction and climate change in key sectors (e.g. Urban development), (b) strengthening institutional capacities for effective and streamlined climate change and disaster risk reduction (DRR) responses; and (c) improving the quality of hydro-meteorological services and early warning systems.

This component will also support the development of policy frameworks around transboundary coastal zone management, specifically as it relates to the use and management of shared resources along The Gambia’s borders with Senegal. Priority interventions identified by the work under this component can be addressed through regional policy measures under Component 1 of this project, through technical studies supported by Component 2 of this project, and physical and social interventions under Component 3 of this project.

Component 3: Strengthening Physical and Social Investments.

Sub-component 3.1: This sub-component will finance site-specific interventions for coastal protection and/or flood control to reduce risks of flooding and/or erosion in the Greater Banjul Area (GBA), where Kotu Stream is located. The project is expected to finance a mix of gray, green, and hybrid infrastructure solutions along the selected prioritized Kotu Stream hotspot to reduce risks of flooding and erosion. Green or nature-based solutions include but are not limited to retention ponds/tanks/wetlands/parks, water squares/sunken plazas, (bio)swales, tree tranches, sidewalk planters, green roofs, soak ways, water harvesting, green infrastructure/planting, urban gardens, submerged native aquatic vegetation, and mangrove protection to serve as a buffer to inundation and sea-level rise. Potential grey solutions include small-scale localized infrastructure such as constructing primary and secondary drainage systems and widening the Kotu Stream banks for mitigating erosion and urban flood risk and building bridges to serve as crossing point along the project site for enhancing community access, while hybrid solutions incorporate both approaches depending on site-specific needs and characteristics. Feasibility and design studies for the intervention will also be supported by this component.

Sub-component 3.2: This subcomponent will support targeted communities in the area(s) of project intervention to not only benefit as much as possible from the physical infrastructure and potential job opportunities for instance, but also contribute to their sustainable management (operation and maintenance) and strengthen their resilience to climate change impacts. The project will also support interventions for social development and economic recovery based on the needs of affected urban and coastal communities. These social subprojects will work with communities on (a) nature protection and conservation and alternative livelihoods (b) improving solid waste management to improve health conditions and reduce flooding. The eligibility and selection criteria as well as modalities would be described in the operations manual for this subcomponent.

Component 4: Project management. This component will finance project management costs including environmental and social risk management as well as monitoring and evaluation. This includes support to the Project Implementation Unit (PIU) for staffing, monitoring and evaluation, project technical audits, safeguards, financial management, procurement and training, small goods, equipment and operational costs associated with project management. It will also support (i) a National Steering Committee created to ensure coordination across relevant sectors and multi-stakeholder decision-making for key strategic project decisions and representation for The Gambia in the Regional Steering Committee and related regional initiatives; and (ii) a National Technical Committee to ensure a diversity of technical expertise is applied to relevant project documents and activities as developed by the PIU.

Component 4 will also support the development of robust communication tools and plans, including a program for awareness raising and training related to the anthropogenic impacts on coastal areas, ecosystems, and climate.

1.2 Objectives of this Resettlement Policy Framework (RPF)

The overall objective of this Resettlement Policy Framework (RPF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. The RPF is based on the national regulations and the

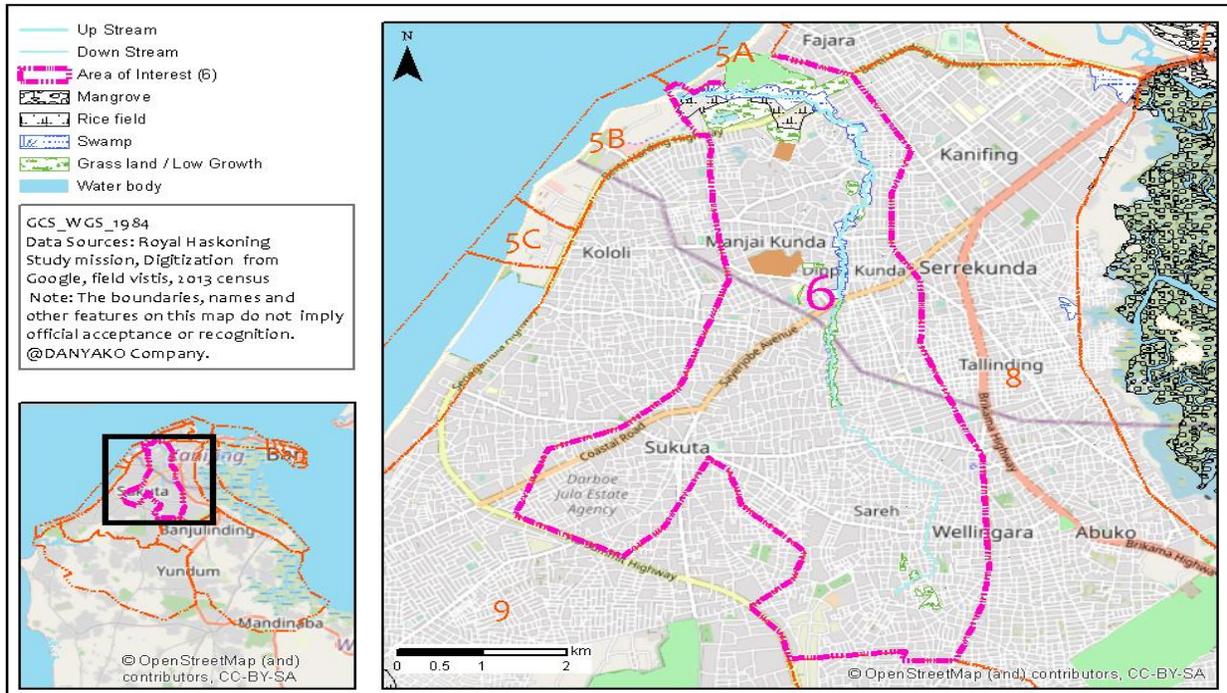
Environmental and Social Standard (ESS) 5- Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement, of the World Bank's Environmental and Social Framework (ESF). Once a subproject or individual project component is defined and the necessary information becomes available, the present framework will be expanded into a specific plan proportionate to the potential risks and impacts to prepare a Resettlement Action Plan (RAP). Project activities that are likely to cause physical and/or economic displacement will not commence until such specific plans have been finalized, approved by the Bank and implemented.

1.3 Project Intervention zone

The project intervention zone is the Kotu Stream catchment area, which is located in the Greater Banjul Area (GBA), specifically in the Kanifing Municipality Area. The stream gets its source from storm waters from the surrounding area and the seasonal rainfall. The area around Kotu Stream is densely populated with an estimated population of 201,044 (2020) and a land area of 1881 hectares and it is inhabited by relatively low-income communities and with a high social flood vulnerability. The stream can be divided into two main zones namely: (i) The river mouth/downstream river section, which is an area which is non-urbanized, with wide floodplains and connects directly to the West Coast beaches tourist area. This zone extends from the coastal beaches to the Serrekunda/Bakoteh Bridge; ii) the upstream section, which is urbanized with limited space for floodplains and green area and where most of the population is settled. This area extends from Serrekunda/Bakoteh Bridge to the northwestern part of Nema Kunku village. **Figure 1** below is a map of the catchment area of the Kotu Stream.

Kotu stream area is prone to pluvial flooding which affects local residents and several critical public facilities such as schools and markets, power substations, and water supply facilities in the upstream section. In the stream's estuary area fluvial flooding as well as erosion have been reported impacting severely on Sunset Beach Hotel along the coast.

Figure 1: Map of the Kotu Stream catchment area



Source: Danyanko Company Ltd.

1.4 Methodology

The following methodology was adopted for the study:

a) Desktop Review

This consisted of reviewing relevant documentation (both print and electronic) made available and they include:

- The Project Appraisal Document;
- National legal and policy documents on land administration including compulsory land acquisition; and
- World Bank’s Environmental and Social Framework (ESF) including the Environmental and Social Standards (ESSs), particularly ESS5, Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement, ESS10, Stakeholder Engagement and Information Disclosure and ESS1, Assessment and Management of Environmental and Social Risks and Impacts.²
- Guidance Notes for Borrowers –Environmental and Social Framework for IPF Operations: ESS1, ESS5. ESS10.³

b) Consultations with Key stakeholders

These consultations took the form of key informant interviews with representatives of relevant government agencies and focused group discussions with communities. The consultations took place in

²https://thedocs.worldbank.org/en/doc/837721522762050108_0290022018/original/ESFFramework.pdf

³<https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-framework-resources#guidancenotes>

conformity with the national and WHO Guidelines for the reduction of the spread of COVID-19 and the World Bank technical guidance note on consultations in times of COVID-19.

i. Field visits and consultations with communities in the potential project area

These consultations with communities were necessary to:

- Discuss the project with the local communities about its potential environmental and social risks and impacts (both positive and negative);
- Provide an opportunity for the communities to express their views and concerns about the potential risks of land acquisition, physical and economic displacement that may arise during project implementation and the proposed measures to address these risks;
- Based on the discussions, identify specific concerns of the communities which the project will need to address to facilitate their participation and reduce the potential negative impacts on their lives and livelihoods.

The communities visited included- Bundung, Bakoteh, Kotu, Manjai, DippaKunda, Lamin. During these visits the Consultant also met with women groups. To enable them express their views freely especially on issues such as inclusiveness, gender-based violence (GBV), sexual exploitation and abuse (SEA) separate meetings with women only groups were facilitated by a female member of the consulting team. The list of communities consulted and the participants is include in **Annex 5a**.

ii. Key informant interviews

This activity comprises interviews with the representatives of Government and private sector operators in the IT industry as well potential local beneficiaries. The list of the institutions and communities consulted is in **Annex 5a** and a summary of the stakeholder consultations is attached as **Annex5b**. Select copies of the attendance register are attached as **Annex 5c**.

1.5 Potential Impacts of the Project on People, Property and Livelihoods

Positive impacts

The potential impacts of the WACA ResIP2 will be both positive and negative on the beneficiary population. The potential positive impacts include:

- a) Improved institutional and policy frameworks for flood and coastal risk management, integrated flood management, integrated coastal development, natural resource management and urban resilience in The Gambia
- b) Strengthened national coordination mechanisms and institutional capacity for coastal development and protection
- c) Site-specific interventions for flood and erosion control along selected prioritized Kotu Stream hotspots to reduce risks of flooding and/or erosion
- d) Improved livelihoods through the implementation of social development programs including alternative livelihood development in affected communities
- e) Improvement of health conditions of the communities through improved solid waste management

- f) Greater climate change resilience of local communities through improved livelihood and collaborative actions on nature protection and conservation

Negative impacts

In the context of this RPF, negative project risks and impacts on people, property, and livelihoods as a result of land acquisition, restrictions on land use, and/or involuntary resettlement, especially in high-population density areas, include:

- a) Permanent loss of land in expanding the main and secondary drainages as well as increasing the banks of the stream, which may impact dwelling houses, fences and land occupied by women vegetable and rice growers along the banks of Kotu Stream, as well as garages, stalls, firewood, charcoal vendors, etc.;
- b) Temporary occupation of the land during construction by the contractor as a base camp to store equipment, plants, and machinery during the construction works, which will deprive the owner of access to the land during the period of occupation; and
- c) Temporary loss of earnings for small business operators (motor vehicle mechanics, petty traders, etc.) along the Kotu Stream who may have to temporarily stop work during construction in their areas where their businesses are located. These operators will be able to return to their business activities once works in the area are finished.

Land requirements for the project

The land to be required for the project relates to proposed infrastructure developments, to be determined once the specific sites are identified and the designs for the works completed.

Number of people to be affected by the resettlement

In the absence of final designs, it is difficult at this stage to give a precise number of persons and assets that will be affected. However, the table below provides the number of people and assets that could be impacted based on proximity analysis where a buffer radius of 10m is created along the creek. In addition, a further analysis was done to narrow it down to census enumeration areas that intersect with the 10m buffer radius created earlier. These figures are based on 2013 census frame.

Table 1 : Potential number of people and assets that could be affected by the project per settlement

Settlement	No of Households	No of Persons	No of Residential compounds	No of Educational Facilities	Other
Bakoteh	324	1700	87	1	12
Bundung	893	5684	268		17
Dippa Kunda	896	5076	147		12
Kotu	249	1706	185	2	63
Latrikunda Yiringanya	1287	6615	309	1	19
Manjai Kunda	565	2992	269		30
Serekunda (London Corner)	246	1535	90	1	10
Latrikunda Sabiji (Jola Kunda)	219	1353	88		11
Nema Kunku	1387	9199	607	2	51
Sinchu Balia	180	1168	91		
Sukuta	650	4154	230		32

Wellingara	86	511	26		8
Grand Total	6982	41693	2397	7	265

CHAPTER 2: ELEGIBILITY CRITERIA FOR AFFECTED GROUPS/INDIVIDUALS

2.1 Activities likely to induce physical and/or economic displacement

The activities likely to induce physical and/or economic displacement, either temporal or permanent, are:

- a) Small-scale localized infrastructure, such as construction of primary or secondary drainage systems, and widening of the Kotu Stream banks to mitigate erosion and urban flood risks;
- b) Building bridges to serve as crossing points along the project site to enhance community access,
- c) Rehabilitation of floodplains by creation of retention ponds/tanks/wetlands/parks, green infrastructure/planting, water squares/sunken plazas, (bio) swales, etc.; and
- d) Small-scale labor-intensive works by the local communities to provide opportunities for livelihood diversification.

Overall, the main impacts on people and property inherent in the implementation of the above activities are the loss of assets (land, crops, structures, etc.), sources of income and livelihood, and access to resources due to the space required for physical investments. The locations of these investments are not yet determined at this phase of the project.

2.2 Eligibility Criteria

Affected persons may be classified as persons:

- (i) Who have formal legal rights to land or assets(including customary and traditional rights recognized under The Gambian Laws) that will be negatively impacted (land, economic trees and/or infrastructure);
- (ii) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; such claims could be derived from adverse possession or from customary or traditional tenure arrangements; or
- (iii) Who have no recognizable legal right or claim to the land or assets they occupy or use.

Persons covered under categories i) and ii) are provided compensation for the land and other assets they lose, as well as assistance in accordance with ESS5. Persons covered under iii) are provided resettlement assistance as well as compensation for any assets they may lose but not for the land they occupy if they occupy the project area prior to the established cut-off date. Other assistance may be provided as necessary to achieve the objectives set out in ESS5. Project affected persons (PAPs) under categories ii) and iii) above may include residential and business tenants, tenant farmers, squatters, petty traders, and businesses operated out of makeshift structures (e.g., shipping containers).

An important requirement for eligibility is that PAPs be counted at their place of work or residence during the RAP census. Where PAPs are not, for one reason or the other, counted during the census, or in cases of disputed eligibility, PAPs will be expected to provide proof of their presence in the project area during the census period to be eligible for compensation. Such proof may include registered land titles,

certificates of occupancy, proof of customary ownership, tenancy agreements, rent receipts or development permits. Where PAPs have none of the above, testimony from neighbors, employers, village Alkalos or District Seyfos will be allowed.

Eligibility may be claimed collectively (e.g., as a community or religious group) and does not necessarily have to be individuals or families. Communities (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be marketplaces, taxi parks, schools and health posts. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored.

2.3 Cut-off Date

The cut-off date for eligibility will be set as the date when the PIU completes the census of persons occupying and/or using the land to be acquired and inventory of their assets (land, farm harvests, built structures, and other infrastructure such as wells and fences) and economic activities, and the affected groups have been duly informed of these impacts and their corresponding rights and entitlements. Information on the cut-off date will be carefully documented and disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms, as well as all relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date will be subject to removal.

Persons who encroach the area or make any improvements to their structures after the cut-off date will not be entitled to compensation or any form of resettlement assistance. Informational meetings will be held in the localities where construction activities are to take place to inform the local communities. This process will furthermore help prevent opportunistic behaviors.

2.4 Categorization of Persons Likely to be Affected

To facilitate the determination of compensation, PAPs will be categorized according to their level and manner of losses. Persons likely to be economically and/or physically displaced will be categorized according to the following groups:

- a) **Project affected persons (PAPs)**. Individuals whose land, property, assets, livelihoods, and/or access to natural and/or economic resources are affected as a result of project activities.
- b) **Project affected households**. Groups of PAPs inhabiting a single household (including household members, dependent relatives and tenants) who are directly affected by the project.
- c) **Affected local communities**. A community whose socio-economic activities and/or social-cultural relationships or cohesion are affected by the project (e.g., via loss of welfare, cultural erosion or breakdown of community and social networks due to physical separation caused by project activities and/or infrastructure).
- d) **Vulnerable groups**. Members of affected households who may be disproportionately affected by resettlement due to their vulnerability and thus entitled to additional compensation. These may include:
 - Poor women and children (female-headed households, etc.);

- The elderly (whose involuntary resettlement must not lead to their separation from the persons or households on which they depend);
- Persons with disabilities, who find it difficult to carry out their economic activities normally due to physical or mental disability; and
- Children in difficult situations (homeless, orphaned, etc.).

The socio-economic studies to be undertaken in the preparation of RAP under this project will clearly define, for each project component, the specific categories of people likely to be affected, paying special attention to these groups to ensure that:

- (i) They are individually consulted and given the opportunity to actively participate in project activities;
- (ii) Their resettlement and compensation are designed to maintain, replace or improve their pre-project livelihoods;
- (iii) The resettlement is monitored so as to ensure that their pre-project livelihoods are indeed improved or at least maintained/restored;
- (iv) They are given any necessary technical and/or financial assistance if they wish to make use of the project grievance mechanisms; and
- (v) Decisions concerning them are made in the shortest possible time.

CHAPTER 3: POLICY AND REGULATORY FRAMEWORK FOR LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT IN THE GAMBIA

3.1 Land Administration in The Gambia

The Ministry for Lands, Regional Governments and Religious Affairs is the main government agency responsible for land administration in The Gambia, with its two key technical departments: the Department of Lands and Surveys and the Department of Physical Planning and Housing. The former is responsible for the surveying, mapping, and demarcation of national and international boundaries and government layouts, while the latter is responsible for ensuring the rational and equitable utilization of the available land resources.

The main acts relating to land administration are:

- The Constitution of the Republic of The Gambia , 1997
- Lands (Regions) Act 1991, which covers land in the provinces
- The State Lands Act 1991, which covers Banjul, the entire Kombo St. Mary as well the Districts of Kombo North, South and Central in the West Coast Region
- The Physical Planning and Control Act 1991
- The Surveys Act 1991;
- The Local Government Act, 2002;
- The Land Use Regulations, 1995;
- The Lands Commission Act, 2007;
- The State Lands Regulations, 1995;
- The Development Control Regulations, 1995
- The Women’s Act 2010
- The Limitation Act, 2009
- The Children Act (2005)
- The Sexual Offences Act (2013)

3.2 Land Tenure in The Gambia

Land tenure in The Gambia fall under four main categories:

- i. **Customary or traditional tenure** is an interest or title, which a member of the larger community acquires in the communal land. It is an interest, which is held as of right by virtue of being a member of the community. The member who holds such interest has the right of beneficial occupation, unfettered use (subject to the laws of the country). Upon death, the interest devolves on his/her successors in title ad infinitum. This form of tenure is mostly prevalent in the provinces.
- ii. **State owned lands are public lands**, specifically acquired by the government under an appropriate enactment using the state powers of eminent domain. Currently the relevant legal instrument is the State Lands Act of 1991, which provides for the compulsory acquisition for public purposes or in the public interest. Under such ownership, the rights become vested in the government, which can then proceed to dispose of the lands by way of leases, certificate of allocations etc. to the relevant beneficiary state institutions as well as private individuals and organizations.

- iii. **Leasehold tenure** involves the execution of a lease between individual(s) and the Government/ District Authority for a period of 21 years for Provincial lands and 99 years in the state lands area. The grantor may impose various terms and conditions including the payment of rent as consideration for the grant.
- iv. **Free hold tenure** is the highest form of ownership with no term limits, and it is only created by express grant from the Government. It is a rare form of tenure that confers absolute ownership of the land and it exist mainly in Banjul and the immediate suburbs.

3.3 Women and Land Ownership

Generally, barriers exist for women in accessing land under customary title/ traditional arrangement because of cultural norms and custom. Women's rights on land, as they relate to customary tenure, are restrictive. Whilst this does not pose any problems in State Lands (where land is owned by and administered directly by the State), it is a major obstacle with respect to customary land. The Constitution recognizes customary practices as an important basis for customary tenure thereby posing an obstacle to the legal equality of women and thus reinforcing customary practices that deny women ownership and control over land. This is reinforced by the Sharia law, which is applicable to inheritance among Muslim families, and according to which the female heirs receive only half (50%) of the inherited assets compared to their male siblings. The Women's Act, 2010 provides pre-eminence over personal religion, so female heirs are legally entitled to the same amount as their male counterparts; however, as explained above, because of the strong influence of religion and customary norms, this is not always practiced.

The land tenure in the project area is mainly customary/ traditional with a few leasehold.

3.4. Laws on Compulsory Acquisition

In addition to The Lands (Provinces) Act 1991 and the State Lands Act 1991, the other relevant national laws with respect to compulsory land acquisition, compensation and resettlement are:

- The Constitution of the Republic of the Gambia 1997
- The Land Acquisition and Compensation Act 1991

3.4.1 The Constitution of the Republic of The Gambia 1997

The Constitution of the Republic of Gambia (1997) recognizes and upholds the principle of private ownership of lands. Although the State has the inherent right of compulsory acquisition, the Constitution clearly states that this can only take place in public interest whilst laying down specific conditions that have to be met. The acquisition must be considered a public necessity (in the interest of defense, public safety, town and country planning, etc.) to justify the loss of land (Article 22). Section 1(c) provides for the prompt payment of fair and adequate compensation and aggrieved persons have a right of access to a court or other impartial and independent authority for redress. Where the compulsorily acquisition involves the displacement of any person who occupy the land under customary law, the Government shall resettle them on suitable alternative land with due regard to their economic wellbeing and social and cultural values. An important provision in the Constitution (Section 6) provides for returning the lands to the original owners when such lands are not used for the purpose for which they were compulsorily acquired.

3.4.2 The Land Acquisition and Compensation Act (LACA) 1991

This Act provides the legal basis for the acquisition of property by the state for public/ planning purpose. Section 3 of the Act provides that all land acquired under the provisions of the Act shall be designated as state land and shall be administered under the provisions of the State Lands Act 1991. Section 4 empowers the Minister to acquire any property for public/planning purpose paying such consideration or compensation as may be agreed upon or determined in accordance with the Act.

Section 11 of the Act provides for compensation for land acquired under LACA. In computerizing the compensation, the market value of the property is taken. The open market value means the best price at which an interest in property might reasonably be expected to be sold at the time of valuation. The method often used to determine the open market value is the cost of replacement method. This method is based on the current cost of construction of the structures and improvements, including design, supervision, financing costs depreciated to reflect the remaining useful life and the state of repairs of the structure.

In its practical implementation, whenever land is required for public purpose, the Land Administration Board may enter upon and survey such land to ascertain whether the land is suitable for the purpose for which it is required as well as to determine and mark out its boundaries. When the Minister of Lands directs on the acquisition of any such land under this Act, notices are given to all persons having interest or claims to be entitled to the land following a reasonable period of enquiry for the purpose. By such notice, which must be published in the gazette at least once, such persons shall be asked to give up possession of the land specified in the notice after the expiration of a specified period, which shall not be less than six weeks from the date of the notice. It is only after the expiration of the period specified in the notice that Government can be entitled to enter and take possession of the land.

3.4.3 Dispute Resolution

The Land Acquisition and Compensation Act provide that all disputes and disagreements on compensation or title can be settled by arbitration or by the Supreme Court. These claims must be lodged within 21 days from the date of the notice and they may relate to unsatisfactory evidence to support claims or any disagreement between a landowner/occupier and the Board.

All cases of disputed interest or title, except those held under customary occupation, may be referred to arbitration with the consent of the landowner. For land under customary tenure, disputes are referred to the relevant District Tribunal.

All cases of disputes that are not settled by either arbitration or a District Tribunal shall be determined by the Supreme Court through a summons taken out by either the Attorney General or by any person holding or claiming any interest in the land to be acquired. The Supreme Court shall also have jurisdiction to hear all other cases of disputes arising from compulsory acquisitions.

The project has, through the Stakeholder Engagement Plan (SEP), set up a grievance redress mechanism (GRM), to serve as an avenue for the registering and resolution of complaints before arbitration in a transparent and accessible manner.

3.5 World Bank Environmental and Social Standard (ESS)

3.5.1 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5)

Environmental and Social Standard (ESS) 5 recognizes that project-related land acquisition, restrictions on land use and involuntary resettlement may cause physical displacement (relocation, loss of residential

land or loss of shelter, etc.), economic displacement (loss of land, assets, or access to assets, leading to loss of income sources or other means of livelihood) or both. The displacements can be either permanent or temporary and ESS5 seeks to mitigate the unavoidable adverse social and economic impacts from land involuntary resettlement.

The specific objectives of ESS5 are:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

3.5.2 Stakeholder Engagement and Information Disclosure (ESS10)

It is a fundamental principle to recognize the importance of open and transparent collaboration between government and stakeholders. Therefore, ESS10 requires that stakeholders be engaged to improve the environmental and social sustainability of projects, strengthen project ownership, and contribute significantly to successful project design and implementation

More specifically the objectives of ESS10 are:

- To establish a systematic approach to stakeholder engagement that will help Borrowers identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties.
- To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and environmental and social performance.
- To promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them.
- To ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format.
- To provide project-affected parties with accessible and inclusive means to raise issues and grievances, and allow Borrowers to respond to and manage such grievances

3.6 Gap Analysis between Gambian Law and World Bank Standards

This section gives a comparison of the requirements of the Land Acquisition and Compensation Act, 1991 of The Gambia and those of ESS5 and ESS 10 of the World Bank. The principal findings of the gap analysis between ESS's 5 and 10 and The Gambia's laws and regulations on compulsory land acquisition are presented in the table below. In cases where there are significant differences, whichever policy is of a comparatively higher standard will apply.

Table 2: Gap analysis of relevant Gambian laws on resettlement and World Bank ESS 5 AND ESS 10.

Eligibility and compensation			
Titled landowners	Eligible (leasehold, freehold land and customary)	Eligible	No gap
Notification	Required	Required	No gap
Consultation	Provides for limited consultation procedures	Meaningful consultation with appropriate disclosure of information and the informed participation of those affected (including host communities), through a continuous, inclusive dialogue and meaningful stakeholder engagement process	<p>Consultation is certainly done within the framework of national legislation, but it is not specifically addressed to PAPs. There is a divergence.</p> <p>The bank's provision focuses on PAPs, while the national provision does not.</p> <p>In practice, consultation with affected populations does not provide them with the means to actively participate in the resettlement process.</p> <p>Application of the provisions of the ESS n°5 (in particular consultation, active participation in the resettlement process and consideration of their interests)</p>

Approach to Resettlement	Provides for compulsory acquisition of land for public purposes and subsequent payment of compensation	Requires that resettlement activities be conceived and executed as sustainable development programs, providing sufficient investment resources to enable affected persons to directly benefit from the project	Apply the principles of ESS No. 5 to enable the affected people to benefit fully from the project and to improve their living conditions or at least preserve them, since the resettlement must not in any way impoverish them or degrade their quality of life (socially, economically and environmentally)
Minimizing Resettlement	No explicit requirement to minimize involuntary resettlement	Involuntary resettlement should be avoided or, when unavoidable, minimized through the exploration of project design alternatives	The application of ESS No. 5 is recommended based on the principle of resettlement avoidance. The technical design of sub-projects should minimize the loss of land and other economic assets
Informal Occupants/Squatters	Not recognized and therefore not compensated	Persons with no formal or customary rights to the land they occupy or use are recognized and entitled to compensation for assets (e.g., structures and crops) at full replacement cost and resettlement assistance but not to compensation of land	No assistance or compensation is provided for the removal of land from irregular occupants of land under national regulations, whereas the procedures of ESS No. 5 require assistance and compensation for assets. Implement the provisions of ESS No. 5 that provide for compensation or assistance.
Tenants	Not considered	Compensation for all affected crops and other assets at full replacement cost Assistance with relocation and livelihood restoration	The provisions of ESS5 apply
Cut-off Date	Date on which the ministry responsible for land notifies potential PAPs of its approval of the acquisition of their properties for public purposes	In conjunction with the census, the Borrower will establish an eligibility cut-off date. Information on the cut-off date will be well documented and disseminated throughout the project area at and disseminated throughout the project area at regular intervals in at regular	The deadline is not set in national legislation.

		<p>intervals, in written and (where appropriate) non-written form, and in relevant local languages. This will include posting announcements that people moving into the project area after the deadline may be subject to a fee.</p>	<p>The World Bank's ESS No. 5 requires that the public must be sufficiently informed about the location of the project area affected by resettlement to enable affected people to respond accordingly. Information about the deadline must be sufficiently detailed and disseminated throughout the project area at regular intervals, in written and (where appropriate) non-written formats and in the languages spoken by the affected populations. Every effort should be made to prevent the arrival of new people after the deadline.</p> <p>Implement ESS n°5 by ensuring that information about the deadline is sufficiently detailed and disseminated throughout the project area at regular intervals, in written and (where appropriate) non-written formats and in the languages spoken by the affected populations. This process must be adequately documented.</p>
<p>Modalities of Cash Compensation</p>	<p>Compensation is only for the value of the lost land and existing structures (other costs, such as lost rent, are normally not compensated)</p>	<p>For ESS n°5 (Footnote #21 to paragraph 28) recognizes that cash compensation for loss of property and other assets may be appropriate in cases where: (a) livelihoods are not attached to land; (b) livelihoods are attached to land, but the parcels acquired for the project represent a small fraction of the affected asset and the remaining land is economically viable; or (c) there are active markets for land, housing, and labor, displaced persons use these markets, and there is a sufficient supply of land and housing, and the Borrower has demonstrated to the</p>	<p>The two texts are convergent in terms of cash compensation, but remain divergent in terms of who is eligible for cash compensation and the methods for evaluating compensation. For example, the land legislation on expropriation for public utility purposes is at odds with the requirements of the EES n°5, particularly because of the questions of eligibility that it does not address. Also, the texts on the payment of compensation are either obsolete or do not comply with the principles of EES No. 5</p>

		<p>Bank's satisfaction that there is not sufficient replacement land.</p> <p>Therefore: Cash compensation for loss of property is acceptable in cases where:</p> <p>(a) livelihoods are derived from land resources, the land taken by the project is a small fraction of the affected asset and the remaining asset is economically viable;</p> <p>(b) active markets exist for land, housing, and labor, displaced persons use such markets, and there is an adequate supply of land and housing available; or</p> <p>(c) livelihoods are not based on land resources. Cash compensation levels should be sufficient to finance the replacement of lost land and other assets at full replacement cost in local markets</p>	<p>The application of the World Bank principles is recommended because they are more explicit.</p>
In-Kind Compensation	Not considered	<p>For ESS n°5 (paragraph 28): Land-based resettlement strategies shall be preferred for displaced populations whose livelihoods are derived from land.</p> <p>Whenever alternative land is proposed, the land provided to resettled persons must have a combination of productive potential, geographic advantages, and other factors at least equivalent to the advantages of the land withdrawn.</p>	<p>National legislation does not provide for in-kind compensation.</p> <p>Apply in-kind compensation as a matter of principle, as it is considered more likely to preserve community assets in the context of the principle of harmlessness of land-use development projects.</p>

		For compensation of land in urban areas, the pre-displacement market value of land of identical size and use located in the vicinity of the affected land shall be taken, plus the cost of registration and conveyance fees	
Buildings/Houses	Owners are compensated for damage to/demolition of their assets based on market value	Compensation is based on full replacement cost, which involves valuing buildings as new, with no depreciation, plus transaction costs and moving assistance	Apply ESS n°5 by ensuring that: scales are updated on a regular basis (according to changing circumstances and market prices) For buildings, base the compensation on the replacement value without depreciation (current market cost of materials), of the necessary labor with administrative costs;
Loss of Income Due to Crops	Calculation based on net farm income for crops	Compensation in kind or cash at full replacement value, including labor and transaction costs Perennial crops: full replacement cost, considering the product of the crop over a year, costs of new plantation (plants, ploughing, fertilizers, etc.), and income lost during the years required for planting (according to the species) Evaluation of perennial crops by counting during the census or socio-economic surveys	Comparable principles which have recourse to market value as a reference but differences in scales apply under the full replacement cost standard, involving: - the establishment of scales for all affected assets at full replacement cost (including crops, materials, and labor) - Regular updating of the compensation scale

		Annual crops: evaluation done by measuring the planted affected area before destruction, with calculation of compensation based on the crops' price (per kilo, sack, etc.), and average yield per hectare of the cropping areas	
Loss of Income and Livelihoods (business entities)	PAPs receive no livelihood restoration allowance	Displaced persons should be assisted in their efforts to improve or at least to restore their livelihoods and standards of living in real terms to pre-displacement levels or to levels prevailing prior to the start of project implementation, whichever is higher	As Gambian Law contains no provisions for livelihood restoration, ESS5 will apply Measures to either allow for continued access to affected resources or provide alternative resources with equivalent livelihood earning potential through livelihood restoration programs
Different types of payment	Cash payments to titled landowners for lost land and associated structures only In the case of land compensation, land of similar size elsewhere is provided	Payments may be in-kind or in cash, respecting the full replacement cost standard for all lost land/assets, as well as moving assistance, livelihood restoration programs, and basic land improvement at the relocation sites In cases of land-dependent livelihoods, land-for-land compensation is preferred	As, according to existing national Law, the Government's responsibility to affected persons ends once cash payments/land allocation are concluded, ESS5 will apply
Vulnerable groups	No specific provisions	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, and other persons who may not be protected through national law)	The provisions of ESS5 will apply, with particular attention paid to vulnerable groups (i.e., those below the poverty line, the landless, the elderly, women, children, especially widows and single mothers, children, indigenous peoples, ethnic minorities, the disabled, etc.)

Grievance mechanism	Grievances are addressed in the law courts	Provision of a GRM to address specific concerns/complaints raised by PAPs around compensation, relocation or livelihood restoration measures (this does not prevent the complainant from going to court if not satisfied)	The provision of ESS10 and ESS5 will apply
Monitoring & Evaluation	No specific provisions for monitoring and evaluation of resettlement operations	<p>ESS 5 (paragraph 23) indicates that monitoring and evaluation are an integral part of the restoration process. An external completion audit (paragraph 24 of SES 5) is commissioned to assess the totality of the mitigation measures implemented by the Borrower.</p> <p>The Borrower is responsible for the preparation, implementation and monitoring of the resettlement operations.</p> <p>The Borrower's commitment and ability to complete the resettlement successfully is a key determinant of the Bank's involvement in the project.</p>	<p>National legislation does not provide for monitoring and evaluation of resettlement</p> <p>Implement the World Bank's SES N°5. The M&E system to be developed must have qualified staff and adequate financial and material resources.</p> <p>The identification of Simple, Measurable, Achievable, Relevant, and Time-bound (SMART) indicators for the resettlement project, as well as the monitoring of implementation and evaluation of results, should be included in a monitoring and evaluation plan.</p>

3.6 Institutional Framework

For the preparation and implementation of this RPF, the main institutions involved and their responsibilities at national, regional, local and/community levels are as presented below.

i) National Level

At the national level, the following agencies will be involved:

a) Ministry of Environment, Climate Change and Natural Resources

This Ministry, which oversees the project, will host the Project Implementation Unit (PIU) and ensure the coordination of relevant stakeholders, including the Ministry of Finance and Economic Affairs (MoFEA), Ministry for Regional Government and Lands, Kanifing Municipal Council, Brikama Area Council, National

Roads Authority, National Environment Agency (NEA), and National Disaster Management Agency (NDMA). The Ministry will make the request for land as required by the project, ensure that the necessary funding is made available by the Ministry of Finance, and work with the Ministry of Lands to find land to resettle any displaced PAPs.

b) Ministry of Lands, Regional Governments and Religious Affairs

The Ministry of Lands, Regional Governments and Religious Affairs is the apex institution responsible for land administration in the country and the custodian of all land-related legislation (including the Land Acquisition and Compensation Act, 1991). Requests for land by the project will be channeled through this Ministry and handled by its technical departments.

c) Technical Departments of the Ministry

The technical departments of the Ministry – namely the Department of Lands and Surveys and Department of Physical Planning and Housing – will be consulted by project for technical advice and guidance on land-related issues and help identify suitable land for resettling PAPs.

d) National Environment Agency (NEA)

The NEA is responsible for environmental management in The Gambia and prescribes standards and guidelines related to environmental protection and pollution. It may, by notice in writing, direct any developer carrying out a project to submit an Environmental Impact Assessment (EIA) covering that project. In the present project, the NEA will be responsible for monitoring potential environmental risks and resettlement impacts and for convening the Agriculture and Natural Resources (ANR) Working Group to review and validate the various project resettlement instruments (i.e., this RPF and all subsequent RAPs).

e) Attorney General's Department

The Attorney General's Department has redress mechanisms in place for aggrieved persons. Affected persons who are not satisfied with their compensation are empowered by the Constitution to seek redress in the Supreme Court. When this occurs, the Attorney General's Department represents the government in the court proceedings. The Attorney General's Department is also responsible for drafting the Executive Instrument for compulsory land acquisition for projects.

ii) Regional Level

a) Local Government Authorities

This will involve the Kanifing Municipal Council (KMC) and Brikama Area Council (BAC), which provide important support to disaster victims in the project implementation zone (PIZ) and are responsible for minor development activities (e.g., construction of bridges and access roads) and waste management in the local communities. The councils are further responsible for maintaining the register of all properties in their jurisdiction for rating purposes, which should help identify the ownership status of the landed properties in the project area.

b) Governor's Office, West Coast Region

The Governor's Office processes and prepares all applications for leases within its jurisdiction. The Governor is the chairperson of the Regional Physical Planning Authority. Local land disputes cannot be

solved at the district level are referred to the Office. In cases of physical resettlement, the Office may be required to identify land for relocation due to the scarcity of unoccupied land in Kanifing Municipality.

iii) Community level

i) Alkalolu

The Alkalo (Village Head), supported by the village elders, oversees the management of all customary land tenure in the village, which was the original settlement pattern of the communities in the PIZ. The mandate to allocate customary land is vested in the Alkalo and Kabilo heads. Under this project, the Alkalo, in conjunction with the Kabilo heads, will be consulted on any land required by the project that is under customary holding. They will also support resolution of land disputes in the community and the Grievance Redress Mechanism (GRM), by acting as an entry point for the lodging of complaints.

Ward Development Committee

This Committee is the planning and development body for the ward area the entry point for all development programs affecting the local community. For this project, this committee will play a central role in community mobilization for the social development component, as well as in community consultations and serving as an entry point for the lodging of complaints.

CHAPTER 4: PREPARATION OF RESETTLEMENT ACTION PLANS (RAPs), EVALUATION OF ASSETS AND COMPENSATION

4.1 Description of the process for preparing and approving Resettlement Action Plans (Plans)

The following steps will be followed in preparing and approving Resettlement Action Plans (RAPs):

The Screening Process

Initially, there is the screening form of the Environmental and Social Management Framework (ESMF), which identifies the potential social risks, including involuntary resettlement risks, and outlines measures to address them. Once an infrastructure subproject is known, the Social Risk Management Specialist in the PIU shall screen the subproject using the Involuntary Resettlement Screening and Categorization Form (**see Annex 1**) to determine whether the subproject requires land take and, if so, the size, location, and availability of land, as per the following questions:

- Will the infrastructure result in land acquisition, displacement, loss of assets, or access to assets (Yes or No)?
- Will the infrastructure result in the permanent or temporary loss of crops, fruit trees, and household infrastructure (such as granaries, outside toilets and kitchens, etc.)? (Yes/No)
- Will access to facilities, services, or resources, or businesses be lost/restricted? (Yes/No)

If the answers to all of the above questions are 'No,' the construction poses no resettlement risk. If one or more of the answers is 'Yes,' a Resettlement Action Plan (RAP) is required. The PIU will recruit consultant(s) to prepare the RAP, which will entail, among other things, the conducting of a census and a baseline socioeconomic survey of the PAPs, their assets, and the value of those assets. The completed RAP will be submitted to the PIU and NEA for review and approval. The screening of subproject activities must be carried out on a case-by-case basis.

The tasks necessary to the preparation of an RAP are:

- ⇒ **Preparation of Terms of Reference for the preparation of a Resettlement Action Plan and/or a Livelihoods Restoration Plan:** The ToR for the preparation of a Resettlement Action Plan (RAP) and/or a Livelihoods Restoration Plan (LRP) will be developed by the WACA ResIP II/Gambia PCU Gender and Social Development Officer and submitted to the World Bank for approval.
- ⇒ **Consultant Selection:** The preparation and approval of the terms of reference for the preparation of a Resettlement Plan and/or Livelihood Recovery Plan will be followed by the recruitment of contractors to conduct these assessments. Once mobilized, the consultants will carry out the tasks listed in the following sections under the coordination and supervision of key stakeholders including the WACA ResIP II/Gambia PIU Gender and Social Development Officer, local and administrative authorities, sector-level government technical services, local resource persons, etc.
- ⇒ **Informing the population:** This will begin at the time of the social review of the subproject in question, and even during its sizing, and will continue after the decree declaring the investment to be in the public interest (if necessary) and throughout the resettlement preparation and implementation process. At this stage, it will be essential to ensure that all potentially affected communities have sufficient information about the subproject, the eligibility criteria and the

consultant's field program. The pre-information phase serves as a framework for mobilizing all stakeholders targeted by the participatory consultations, including PAPs, administrative and traditional authorities, and local elected officials. Detailed information on the project impact area will be presented during these meetings:

- explanations will be given verbally;
- those present have the opportunity to ask questions and comment on the information presented;
- Eligibility criteria will be presented;
- the communiqué on the eligibility deadline will be distributed;
- contact information for the agents in charge of collecting complaints during the investigation phase will be shared.

The objectives of these preliminary briefings are to

- To clear up misunderstandings about the boundaries of the sub-project impact area;
- To gather the expression of needs and priorities of the affected people as well as their reactions to the proposed activities and policies;
- Obtain the cooperation and effective participation of affected people, including vulnerable groups, in activities planned as part of the preparation of the resettlement action plan.

The WACA ResIP II/Gambia PIU will facilitate the continued participation of the above stakeholders during the implementation of the program.

⇒ **Census of persons and inventory of affected assets:** In the event that there is a need for land acquisition, a census of persons and an inventory of affected assets will be required. In accordance with NW #19.3 and #20.1, the census includes the following activities:

- Establish the eligibility of those affected by the project;
- Identify the people who will be affected by the project;
- inventory affected land and property;
- identify those eligible for compensation and assistance;
- Discourage claims from those who will not qualify, such as opportunistic occupants;
- collect relevant demographic data (age, gender, family size, births and deaths) and related economic and social information (ethnicity, health, education, occupation, sources of income, livelihood, productive capacity, etc.);
- raise awareness of the rights of affected people, including different types of subsidiary rights of access and use that contribute significantly to people's livelihoods.

However, ESS5 requires that the census and inventory be conducted in close consultation with affected communities and households. The information collected during the census is baseline data for monitoring and evaluation purposes.

Ultimately, a complete inventory of the following aspects located within the subproject rights-of-way is a requirement of ESS No. 5 that provides the following information:

- titled land parcels ;
- customary" plots;
- occupants of any kind, whether they are owners or not, including those considered illegal or informal
- Persons (physical and moral) whose income is impacted by the project (farmers, artisans, breeders, traders, etc.);
- Immovable and developing property of any kind (buildings, trees, crops, sanitation or irrigation works, wells, graves, etc.), including those belonging to informal occupants;
- the infrastructure, services, or public or community assets that may be affected;
- characteristics of displaced households, including a description of household structure, socioeconomic profile, and organization of production and work;

- baseline data on the livelihoods (including, where relevant, levels of production and income generated by formal and informal economic activities) and living standards (including health status) of the displaced population;
 - information on vulnerable groups or individuals for whom special provisions are likely to be needed;
 - desired modes of compensation.
- A census frame will include the following documents:
- Summary file of the assigned household;
 - Household survey forms (including occupant identification and detailed socio-economic survey);
 - Plot cards;
 - Building and other equipment cards.
- ⇒ **Socio-economic studies:** Socio-economic studies, in the process of developing a resettlement plan and a livelihoods recovery plan, involve socio-economic surveys and socio-economic analysis of the sub-project area to establish a baseline that will serve as the basis for the social assessment. The purpose of these surveys is to diagnose the Project area and to identify the community and individual situations of the PAPs.
- At the community level, the information sought will cover (as an indication) the ethnic situation, the demographic situation, the population structure, the socioeconomic and demographic profile of the affected households, the activities of the affected populations, and the resources used in common. The individual information will reveal the identity of the affected people, their social and economic situation, the vulnerable people and the causes of their vulnerability, the nature and extent of the assets affected. In detail, this will include:
- Present demographic (gender, age, relationship to head of household) and socioeconomic information on affected households, including households from vulnerable groups;
 - Identify PAP characteristics, production systems, and income sources (related to impacts).
- ⇒ **Consultation:** Consultation with all sub-project stakeholders, particularly the affected communities, will be made effective during the preparation of the RAPs and livelihood restoration plans. During the surveys, the so-called individual consultations will be conducted with all PAPs through the administration of the socio-economic questionnaire and the census form. While other stakeholders are to be consulted on the recommended resettlement and assistance options. All these consultations will be maintained throughout the project cycle at different levels:
- at the national level: consultation and information of the administrations concerned by the project;
 - at the regional and sector levels (administrative and local authorities, technical services, civil society organizations, socio-professional organizations, community-based organizations, etc.);
 - at the local level, particularly the potentially affected communities (including women, girls and other vulnerable groups) in order to gather their opinions, concerns and recommendations on the entire resettlement planning process.
- Once the asset inventory and assessment is completed, the results will be presented and discussed in detail with the PAPs while maintaining confidentiality of the data collected, which could facilitate confirmation of accuracy and acceptability, while ensuring that the proposed choices and alternatives are technically and economically viable.
- Therefore, the WACA ResIP II/Gambia PIU will conduct further consultation sessions that will focus on:
- compensation proposals discussed with each eligible PAP for their approval before compensation is made;
 - the right of PAPs to appeal to a third party (such as a community leader) during the steps leading to compensation;

- the Project's complaint management mechanism.
The consultation, which will be coordinated by the Social Safeguard Specialist of the WACA ResIP II/Gambia PCU, will target the PAPs in particular and will involve the local authorities and local civil society organizations. The consultation process, which expresses the concerns of the PAPs and the commitments resulting from the consensus reached, will be submitted for the signed appreciation of each PAP that has been consulted before the RAP validation workshop and their publication.
- ⇒ **Setting up, Reviewing and Validating the Resettlement Action Plan:** Once the draft resettlement plan and/or livelihoods plan documents have been prepared on the basis of the above elements, their review will involve all stakeholders. For the populations, the review could take place during a collective meeting (restitution) organized for this purpose and to which the PAPs will be invited. The different articulations and conclusions of the RAP will be presented to the populations who will make their comments. The RAP will also be submitted to the Commune of the sub-project area for consultation, reading and criticism. Relevant comments will be integrated into the final report.
The different stages of the resettlement plan review are :
 - A preliminary review will be carried out by the WACA ResIP II/Gambia PCU experts,
 - The draft report incorporating the WACA ResIP II/Gambia PCU's observations will be forwarded to the World Bank for approval,
 - The results of the RAP will be posted in the various beneficiary communes for the information of the PAPs.

Once the RAP is approved, the PIU may proceed with its implementation, which commands priority over the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before the necessary measures for resettlement are in place. The PIU will ensure that compensation is paid in accordance with national laws and World Bank (and particularly ESS5).

Stakeholder Consultation, Participation and Inclusion

During the RAP preparation process, consultation with the public, and especially with the directly affected persons, is essential in order to make them aware of the project, the assets to be impacted, and the principles, values, and methods of compensation. These consultations further offer the PAPs an opportunity to express their views on RAP preparation, and particularly on the compensation of assets impacted. During this process, special attention should be given to vulnerable individuals and groups, such as women, the elderly, persons with disabilities, etc., to ensure that they are not disproportionately affected. Public consultation will be done via stakeholder meetings in locations agreed to by them. Each household will be informed on the entitlements, eligibility criteria, cut-off date, modes of compensation, complaints, and grievance redress procedures.

Baseline Survey

Preparation of the Resettlement Action Plan (RAP) will entail undertaking a baseline survey, consisting of a census of all affected persons, their assets, and a socio-economic survey of their conditions. The census will identify potentially affected individuals, households, and vulnerable groups (children, the elderly, female-headed households, persons with low literacy and education levels, widows/widowers, the landless, etc.). The socio-economic study will collect baseline socio-economic baseline data on the potentially affected persons/households in the target areas, focusing on the identification of stakeholders (demographic data), the participation process, identification of affected persons, their property,

production systems, an institutional analysis, and a system for monitoring and evaluation. A careful and detailed calculation of household economies and identification of all impacts will be a critical input to the compensation process.

Development of a Resettlement Action Plan (RAP)

The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The content of a resettlement plan is attached as **Annex 2** and the terms of reference for preparing a Resettlement Plan are attached as **Annex 6**.

Review and Approval of a RAP

The completed RAP will be submitted by the PIU to the NEA, which will convene a national validation meeting of all stakeholders, in order to:

- i. Identify and assess potential impacts for the proposed subproject and determine whether land is required and displacement or loss of access and/or property may occur;
- ii. Review the environmental and social impacts of any proposed resettlement; and
- iii. Determine whether the RAP has adequately covered all resettlement issues resulting from the subproject.

The final document for approval will incorporate the comments and observations from this review meeting and those of the World Bank. Once approved, the PIU will disclose and then proceed to implement the RAP.

4.2 Evaluation of Assets and Compensation

Valuation is the process of determining the value of land and/or assets that PAPs possess or use. Compensation, whether in kind or in cash, will be required for the following:

- *Land*
- *Residential buildings, other structures and fixtures*
- *Cultivated crops (both cash and food crops) and trees*
- *Lost or disrupted livelihood (businesses, employment, or farming)*

For valuation, replacement cost⁴ is used for land and properties affected by investments and does not consider depreciation. Where the remaining part of a demolished asset is not economically viable, compensation is estimated based on the value of the entire asset.

The type of compensation employed in each case will be an individual choice, although efforts will be made to emphasize the importance of accepting in-kind compensation, especially for land-based livelihoods.⁵

⁴ See definition of terms used in the report above.

⁵ The term “land-based” includes livelihood activities such as rotational cropping and grazing of livestock as well as the harvesting of natural resources.

In all cases, the basis for the calculation of compensation will be documented and compensation distributed according to transparent procedures. Table 2 below describes the different forms of compensation that will be offered.

Table 3: The Different forms of compensation

Cash payment	Compensation will be calculated in Gambian Dalasi, based on replacement cost. Rates will be adjusted for inflation.
In-kind compensation	This may include items such as land, houses, and other buildings, building materials, seedlings, agricultural inputs, and financial credits for equipment.
Resettlement and economic rehabilitation assistance	This may include livelihood restoration measures, moving allowances, and assistance with and/or payment of transportation, labor and land registration costs.

4.2.1 Compensation for land and other assets

i) Compensation for Land

Compensation for land will be based on full replacement cost, which will be the market price plus the cost of buying a new plot of land in the same area or similar as well as all fees and taxes involved.

ii) Compensation for Agricultural Land

In cases where no alternative land is available, cash compensation at full replacement value will be used. The land will be valued based on the prevailing market price for an equally productive plot of land in the same locality. Any associated costs of purchasing the land (e.g., taxes and registration fees) will be included in the compensation. Compensation will also be paid for any improvements made on the land, to be calculated based on current prevailing market rates for labor, equipment, and materials. In cases where the land lost is only a small fraction of the total land owned by the PAP but renders the remaining land as unusable, compensation provided will be calculated based on the total land affected (i.e., the land lost plus the remaining unusable land). PAPs will further be compensated for any permanent improvements made to the land (e.g., water distribution and supply lines), to be calculated based on the price of current market rates for labor, equipment, and materials. Any trees or structures lost because of the relocation will be separately assessed and compensated.

iii) Compensation for Crops

The principal annual crops comprise food and cash crops. Annual food crops include early/late millet, maize, sorghum and rice. Cash crops comprise groundnuts, sesame and cotton. These crops are important sources of food, nutrition and cash income of families and individuals and their destruction will adversely affect the socioeconomic conditions of the PAPs. The valuation of annual crops would be based on the unit area cultivated (preferably in ha) multiplied by the yield potential (kg)/ha and the current market price (price/kg) of the crop to derive the value of income from one season's production. The same computation methods would be used for the following year's harvest. The Planning Support Unit (PSU), the Department of Agriculture (DOA) and the National Agriculture Research Institute (NARI) could be consulted for the database on commodity market prices and yield potential of annual crops. If the

commodity market prices from Government sources are not up to date, then the prices should be adjusted to take account of inflation. This will ensure just rates are paid to the PAPs.

In the absence of the existence of such databases, compensation for lost crop production will be paid at market price (to be valued at the last 3-year average for both mature and harvested crops), further taking into account the value of the crops and labor invested in the preparation of the new land.

iv) Compensation for houses and infrastructure

This category includes all immovable structures and physical assets including buildings, concrete floors, perimeter walls, wells, outbuildings, temporary structures including kiosks, shacks, converted shipping containers etc. In all cases, compensation will be paid for any improvements made and loss of earnings. For houses and other structures, it is the replacement cost to be derived from references to current unit construction costs for similar types of structures without considering the depreciation of the assets, the value of salvage materials or the value of benefits to be derived from the project. Similarly, the cost of the replacement of walls and fences will be calculated by unit length while the cost for wells will take account their depth and lining. Costs will include those related to reinstating utility connections.

For temporary structures, (such as shipping containers, kiosks, sheds used as shops and residences), compensation does not include replacement cost because it is assumed that the structure will be dismantled and/or relocated to another site. Assistance will however be provided to cover the full cost of removal and relocation to another site. However, if the use of a structure or part of a structure is lost but the occupants can return, the compensation will cover all moving and temporary rental costs during the temporary housing period.

V) Compensation for loss of revenue derived from both formal and informal activities

This category of entitlements covers PAPs who, whether or not they have ownership rights to affected land or structures, are current residential or commercial occupants of these lands or structures and will experience disruption to their living arrangements or livelihoods. The principal groups falling into this general category include women rice and vegetable growers, firewood and charcoal vendor, business operators (trading stalls, garages -whether owners or renters of their premises) and squatters, such as the Right of Way (ROW) occupiers.

This category of losses covers the following:

- (i) Loss of income from rent and expenditure incurred for alternative accommodation during reinstallation period;
- (ii) Loss of business income and loss of business goodwill; and
- (iii) Loss of wages, loss of fees from apprentice, loss of job training.

For category (i), the comparative method is used based on the average monthly net profit. For category (ii), the method used is the comparative sales method and compensation is based on past comparable rent and rent paid in advance. Finally, for category (iii) the comparative method is used, and compensation is based on-going fees and wages.

Once individual sub-project impacts are identified and valuation of individual structures is completed, detailed compensation rates for different structures will be included in the resettlement plan, and the plan will be submitted to the World Bank for no-objection.

vi) Compensation for Fruit Trees

In the Gambia, fruit trees include mangoes, oranges, coconut, guava, banana, papaya and medicinal trees. They are principally important as a source of supplementary food for families. They also provide cash income for their growers and shade in the case of mango trees for family and individual relaxation. The compensation rates for fruit trees vary, for instance banana trees have a relatively much shorter productive lifespan than mango trees. Normally, a banana tree will not bear fruit more than once a year. In this regard, compensation for banana trees would be based on the full market values of the trees harvested in that year plus one additional year. Payment for the second year would entail the replacement cost of planting a new tree, managing it and harvesting it all within a year.

For mango, cashew and other fruit bearing trees with longer life span, compensation will be based on a market value of the mango and other fruits harvested in one season multiplied by the years of the productive life of the tree. The Planning Service Unit (PSU) and the National Agricultural Research Institute (NARI) of the Ministry of Agriculture's (MOA) can be contacted for database on agricultural commodities prices and potential yields for crops and fruit trees. If the commodity market prices from Government sources are not up to date then the prices should be adjusted to take account of inflation. This will ensure just rates are paid to the PAPs.

In the absence of the existence of such databases, the compensation of the crops would be paid at market price (that would be valued at the last 3-year average for both mature and harvested crop) for the production lost. This considers the value of the crops and the value of the labor invested in the preparation of the new land.

Compensation for timber trees in community forests or individual premises will be based on either the current market prices or tariffs from the Forestry Department, last updated in 2015 adjusted to take account of inflation whichever is more favorable.

vii) Compensation for Timber

Compensation for timber trees in community forests or individual premises will be based on either the current market prices or tariffs from the Forestry Department, last updated in 2015 whichever is more favorable.

viii) Compensation for Community Assets

Community assets include community-owned assets such as water points, marketplaces, and community/public facilities (e.g., schools, wells, clinics police posts) community forests will be compensated in – kind and new facilities will be provided. However, if community trees are affected, the community will be compensated through provision of new seedlings equivalent to the value of lost trees and cash assistance to ensure their upkeep for two years.

ix) Compensation for Loss of Access to Natural Resources

The loss of access to natural resources and the types of assets to which access may be lost could include pasture, fruit trees, medicinal plants, fiber, firewood, and other non-timber forest resources, croplands, fallow lands, woodlots, and fish stocks which are common property, are not owned by individuals or households. Lack of access to these communal resources may result in economic displacement.

Compensation measures to be implemented for these losses will be either continued access to affected resources, or to provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where common property resources are affected, benefits and compensation associated with restrictions on natural resource usage may be collective in nature. If it is demonstrated that replacement land or resources are unavailable, the Borrower will offer economically displaced persons options for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets. Cash assistance alone, however, frequently fails to provide affected persons with the productive means or skills to restore livelihoods.

Where the land to be acquired is not owned by the occupant, then the occupant has to be compensated for the loss of earnings (livelihood/ economic loss) whilst the owner will be compensated for the loss of the land.

x) Compensation for Sacred Sites

The valuation of sacred places is difficult to ascertain because of the complexity of placing monetary value on a cultural site such as circumcision forest. Additionally, most sacred sites belong to not only an individual but also a family, village or community. Under this RPF, the sacred sites and use of land that is defined to be cultural and/or sacred property by ESS8 will be avoided. Sacred sites will include altars, initiation centers, ritual sites, ancestral tombs, trees, stones, and cemeteries, which are considered sacred by the project-affected persons. It will also include other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. However, if the impact on some cultural sites is unavoidable reference should be made to the findings and recommendations of the environmental and social assessment, as set out in ESS1, which would have considered direct, indirect and cumulative project-specific risks and impacts on cultural heritage. In line with these recommendations, utmost care should be taken to ensure that all related activities affecting such sites and compensation is culturally appropriate and acceptable to the involved community and that all the processes are done in a consultative and transparent manner and with the full participation of the affected communities.

Table 4: Matrix of compensation packages by type of asset lost and ownership right

Type of property affected	Category of PAP	Compensation measure	Compensation mechanism
Arable land	Land owner (Customary/ leasehold)	Prevailing market value of the land to be acquired; otherwise, replacement value Owner has the opportunity of being allocated a new plot if one is available and suitable to their needs	Land-for-land or cash compensation at replacement cost, as the PAP prefers
Loss of business structures	Business operators	Compensation for the cost of identifying a viable alternative location; loss of net income during the period of transition; cost of the transfer and reinstallation of the plant, machinery or other equipment; and reestablishing commercial activities	Cash compensation
Residential Structures	Property Owner	Compensation for assets and other improvements on land at replacement cost	Cash payment

Rental accommodation	Tenants Subtenants	Lump sum payment equivalent to three months' rent Payment of moving allowance	Cash payment
Loss of structures	Squatters	Compensation for loss of assets (crops, trees, fencing, etc.) and developments made on the land Compensation for lost business income and payment of moving allowance	Cash payment
Loss of income from the rental or operation of one or more buildings, regardless of their use (dwelling, business premises, etc.)	Tenancy operators (natural or legal persons)	Compensation for the period of lost income; assistance in finding new premises to rent	Cash payment
Loss of access to resources	Individuals/ groups	Measures to either allow continued access to affected resources or to provide access to alternative resources with equivalent livelihood-earning potential and accessibility with the option of alternative income earning opportunities	Provision of access to similar resources elsewhere and skills training in enterprise development and credit facilities
Loss of access to wood and wood products	Communities/ Individuals	Provide alternative sources or support to the development of alternative livelihood system	Identify other sources/ skills development and training
Loss of crops	Property owner Squatters	Cash compensation to affected farmers based on the average of the previous three years production value	Cash payment
Loss of public infrastructure	Community	Compensation for infrastructure at replacement cost	Allocation of land for reconstruction of public infrastructure, including labor and materials
Loss of formal or informal employment	Employees in workshops/ retail stalls	Compensation for the loss of income during the period of transition of employers business and reestablishing commercial activities of the employer	Cash payment

4.2.2 Resettlement and Relocation Process

Relocation assistance: Where applicable, PAPs will be provided logistical support for the identification and purchase or rental of replacement plots and/or structures or the construction of new structures as well as all related administrative tasks. Physically displaced persons will self-relocate at individual sites and establish structures of their own choice.

Transport allowance: All affected households to be relocated due to loss of access to land for business premises or agricultural land, are entitled to receive a cash allowance to cover the cost of transport of people and their movable property (furniture, household items, personal effects, machinery, tools etc.) and of setting up at the new premises at the current market rate for labor, vehicle hire, fuel and incidental costs. A lump sum amount of compensation (covering all items mentioned) will be provided to the affected persons.

CHAPTER 5: ORGANIZATIONAL ARRANGEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS

Several institutions will participate in the implementation of any involuntary resettlement for the WARDIP. The overall responsibility, however, will rest with PIU within the Ministry of Information and Communication Infrastructure with the latter having oversight responsibility. Presented below are the institutions to be involved in the implementation of this RPF at national, regional and local/community levels.

5.1 Institutions at National Level

i) Ministry of Environment, Climate Change and Natural Resources

As the parent ministry of the PIU, Ministry of Environment, Climate Change and Natural Resources has overall oversight responsibility for the implementation of the RPF/RAP and, in this regard, will provide policy oversight and support in the mobilization of the necessary funds to implement the RAP, particularly compensation of PAPs.

ii) Project Implementation Unit (PIU)

The PIU has a very important role in resettlement planning and implementation. It will be responsible for managing the implementation of the RPF and in this respect will be responsible for the day-to-day coordination responsibilities, which include approval of all subprojects screening activities and ensuring overall adherence to the RPF. The Unit will also be responsible for preparing the TOR for the resettlement plan and the development of the resettlement plan(s) as well as their implementation. Summary of the responsibilities of the PIU include:

- Initial screening of subproject activities and ensuring the necessary instrument is prepared in conformity with ESS5;
- Compulsory acquisition process is initiated where it is required (preparation of plans, preparation of the necessary legal instruments for acquisition);
- Implementation of the RAP (i.e., payment of economic resettlement compensation, and if deemed necessary, managing the physical relocation of PAPs and their belongings);
- Supervision of the implementation of monitoring and evaluation program of resettlement plan(s)
- Bidding documents contain environmental and social clauses and that contractors fully implement these clauses; and
- Compliance monitoring with the ESF and national laws and regulations on compulsory land acquisition, changes on the biophysical and social environment of specific project sites, and decisions relating to women land ownership rights, etc. to ensure they are carried out.

iii) Ministry of Lands, Regional Governments and Religious Affairs and its Technical Departments

The Ministry of Lands and Regional Governments is the apex institution responsible for land administration in the country. The Ministry and its technical departments may be required to offer technical advice and/or regulatory information on land and resettlement related issues and prepare the titled deeds for land relocated PAPs.

iv) National Environment Agency (NEA)

The NEA will be responsible for confirming the results of the screening process, reviewing and clearing subproject-specific E&S instruments. With the support of the Environmental Impact Assessment (EIA) Working Group, NEA will be responsible for conducting compliance monitoring, with national laws and the requirements of the RP implementation.

v) Attorney General's Department

The Attorney General's Department is responsible for drafting the executive instrument for acquiring the land required for the project. The Attorney General's Department has redress mechanisms in place for aggrieved persons. Affected persons who are not satisfied with their compensation are empowered by the Constitution, 1997 to seek redress in the court of law. When this happens, the Attorney General's Department represents the government in the court proceedings.

vi) Ministry of Finance and Economic Affairs

The Ministry will be responsible for providing the funds to pay for compensations of PAPs and other costs related to resettlement.

vii) National Roads Authority (NRA)

As the area is expected to have some infrastructural development in terms of bridges and possibly access roads the NRA will be consulted for their advice as to the position of the cables to ensure it does not affect future road expansion.

viii) Grievance Resolution Committee

The project will set up a Grievance Resolution Committees (GRC), at project and community levels which receive complaints relating to resettlement issues. This provides an opportunity for a timely and transparent process of resolving complaints by PAP.

5.2 Institutions at Regional and Community Levels

i) Governor's Office, West Coast Region

The Governor's office processes and prepares all applications for leases within their jurisdiction. The Governor is the chairperson of the Regional Physical Planning Authority. Disputes among communities over land are referred to the office of the Governor if they cannot be solved at the district level. In case of physical relocation, this office may be required to identify the land for relocation because of the scarcity of unoccupied land in KMC. The office will also support the GM and serve as a focal point for lodging complaints.

ii) Local Government Authorities

This will involve the Kanifing Municipal Council (KMC) and Brikama Area Council (BAC). The councils provide important support to the disaster victims in the PIZ and they are also responsible for some minor development activities such as construction of bridges and access roads in the communities concerned. The councils are also responsible for maintaining the register of all properties in their jurisdiction for rating purposes and which should help identify the status of ownership of the landed properties in the project implementation zone.

iii) Community level

Alkalolu

The Alkalo (Village Head) supported by the village elders oversees the management of all customary land tenure in the village which was the original settlement pattern of the communities in the PIZ. They will help in the identification of the PAPs and witness the compensation payments. Persons with no identification papers will rely on the Alkali and the community elders to confirm the identity of the Pap. The Alkalo will also support the GM by sensitizing his community about the mechanism and acting as a focal resolution for lodging complaints.

Ward Development Committee

The committee is the planning and development body for the area within the ward and as such constitutes the entry point for all development programs affecting the community in their area. For the project the committees will play an important role in community mobilization for the social livelihood improvement programs. The Committee can also play an important in the sensitization of the communities about the GM and also serve as an entry point for lodging grievances.

NGOs specializing in livelihood restoration

A major potential negative impact of the project activities attributable to the acquisition of land or restrictions on its use may result is the risk of physical and/ economic displacement. This may affect for example, women farmers and vegetable growers. It is recommended that NGOs with strong experience in planning and monitoring livelihood restoration activities in accordance with the WB's ESS 5 be recruited to support the project.

The table below shows the institution(s) responsible for each task of the RPF.

Table 5: Institutional responsibilities for the implementation of this RPF

N°	Tasks	Institution responsible	Remarks/ Observations
1	Screening of project activities to determine requirement of land	PIU	
2	Preparation of terms of reference for the RAP/LRP	PIU in consultation with NEA	
3	Preparation of RAP/LRP	PIU	Consultant who will consult closely with the communities
4	Review and Approval of RAP/LRP	PIU in collaboration with NEA	
5	Implementation of RAP	PIU/Ministry of Environment and affected communities	An NGO/consultant may be hired to support the RAP implementation

N°	Tasks	Institution responsible	Remarks/ Observations
6	Livelihood Restoration Program (LRP) implementation	PIU, MECCNR, WDC, local communities and NGOs	An NGO/consultant may be hired to support the LRP implementation Support for small scale agriculture/ revenue generating activities
7	Provision of funds for compensation	MF&EA	Government to provide funds to pay for the Compensation and other costs relating to RP implementation
8	Payment of compensation	PIU, Consultant	Payment of compensation can be contracted to an NGO/consultant
9	Identification and acquisition of land	Ministry of Lands, Office of the Technical Departments and Regional Governor	Work with the communities and the regional governor and the local government authorities to find suitable sites for resettlement
10	Resettlement planning	PIU, MECCNR and local communities	Resettlement sites to be identified with a needs assessment
11	Internal monitoring of implementation	PIU and local communities	Monitoring to include participatory monitoring
12	External monitoring	NEA and World Bank	For the NEA, activities to be facilitated based on an MOU between PIU and NEA
13	Evaluation	PIU	Task to be carried out by an independent consultant

5.3 Capacity Building and Training

For the management of social risks, this project will apply the policies and procedures set out in the World Bank's ESF, which is relatively new for many of the implementing partners. During the consultations with the stakeholders, it was clear that many were not familiar with resettlement issues and therefore training and sensitization of the PIU staff as well as other implementing partners would be necessary to facilitate smooth implementation of the RPF/RAP. Important topics to cover in such a training will include:

- Resettlement and compensation procedures
- Procedures for handling grievances relating to resettlement
- National regulations relating to compulsory land acquisition
- The World Bank Environmental and Social Standards (ESS's) ESS5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement), ESS10 (Stakeholder Engagement and Information Disclosure), and ESS1 (Environmental and Social Assessment)
- Grievance Mechanism

For a start, the project can organize a national training workshop for the PIU and the project implementing partners on relevant national legislations on compulsory land acquisition and the World Bank's Environmental and Social Framework, particularly ESS1, Environmental and Social Assessment; ESS5, Land Acquisition, Restrictions on Land Use and Involuntary Resettlement; and ESS10, Stakeholder Engagement and Information Disclosure to improve their understanding of social risk management especially as it relates to resettlement.

5.4 Description of the implementation process, linking resettlement implementation to civil works

Before any project investment is implemented, PAPs will need to be fully compensated by the Government in accordance with the principles of this RPF and the RAPs. Taking of land and related assets can only take place after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the RPF and the individual RAPs.

The schedule for the implementation of activities related to specific RAPs, will be prepared based on the principles of this RPF. These will include the target dates for start and completion of civil works, the dates of the possession of land and properties used by PAPs, dates of the full compensation, dates of transfer of titles to the PIU. This schedule will be determined by the PIU in consultation and agreement with the PAPs. The consultation process will ensure that RAPs contain acceptable measures agreed upon among all stakeholders that link resettlement activity to civil works under each specific investment in compliance with this policy.

The timing of these measures will ensure that no individual or affected household will be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected.

5.5 Implementation schedule

Each investment/subproject once identified and screened will, if required, prepare an individual implementation schedule, which will be included in the RAP for that investment. Therefore, all RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan will include a target date when the expected benefits for resettled persons and host community, if relevant, would be achieved. Arrangements for monitoring of implementation of the resettlement and evaluating its impact will be developed during the preparation of individual RAPs implementation schedules. Target dates for achievement of expected benefits to resettled persons and hosts will be set and the various forms of assistance to the resettled persons will be disseminated to them. No planned project activities will take place without the completion of resettlement activities and the preparation of a RAP implementation report to be shared with the Bank.

Planning and coordination of the tasks of the various actors involved in the RAP implementation will be key to successful RAPs implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at individual sub project launching and at the commencement of every project investment identified to have adverse social impacts. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) describing institutional

arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan in accordance with individual tasks in the RAP.

5.6 Compensation process

The compensation process defines the main steps to be followed to compensate project-affected people fairly and equitably. The process is briefly presented below.

I. Disclosure and presentation of the eligibility criteria and principles of compensation

This first step consists of informing the PAPs of the eligibility criteria adopted as well as the principles of compensation, which will guide the evaluation of estimation of losses. By consulting the PAPs from start on the fundamental principles that will form the basis of all decisions on compensation, it is possible to reduce significantly future litigation. The vulnerability criteria will be verified for PAPs and they will be taken into account in the rest of the procedure.

II. Presentation of the estimated individual and collective losses

This step consists of presenting to PAPs, on an individual basis, the results of their estimated losses and to determine by mutual agreement whether this estimate is acceptable. Disclosure of the estimate must be accompanied by a presentation of the calculation assumptions so that those affected can assess the merits of the compensation offered. The RAP requires that PAPs be informed of the options available to them. Even if this information was delivered to the PAPs during the census operations and socio-economic surveys, it is still necessary for those affected to judge whether they are satisfied or not with the options offered as well as knowing their right to contest the compensation offered and to be informed of the remedies available to them.

III. Negotiate with the PAPs the compensation granted

Once the PAPs have been presented, the estimates for the compensating the losses, the negotiations are open for PAPs who may want to seek further clarification / explanation for a better understanding of the compensation estimates. The negotiations may relate to not only the size of the impacted assets, but also the value of the asset as well as the daily earnings in respect of the temporal economic displacements.

IV. Conclude agreements or resort to mediation

If there is agreement following negotiations with the PAPs, the compensation team will sign a compensation agreement with each person concerned. Given the high rate of illiteracy in the program area, a representative of PAPs who can read will be present during the signature. Each party will have a copy of the agreement. In the event that it is impossible to reach an agreement, negotiations will continue before the local mediation committee of the GM. The recommendation of the compensation team will not be binding, but will represent the last option before a dispute is officially registered and processed at the GRC. Issues that cannot be resolved at this level can proceed to the judicial process.

V. Compensation payment

When a compensation agreement is concluded and finally approved by the project, the latter proceeds to the payment of the compensations with diligence. Compensation must be paid before the affected person loses possession of the property covered by the agreement or before the person has to move out.

CHAPTER 6: PUBLIC CONSULTATIONS, PARTICIPATION, INCLUSION AND DISCLOSURE

6.1 Public Consultation and Participation

Consultations with affected communities are an important aspect of ESS5 and ESS10 (on Stakeholder Consultation and Information Disclosure). The consultations provide an opportunity for affected communities to gain greater awareness and understanding of the project and the resettlement process as well as an opportunity to express their views and concerns about the proposed resettlement activities, which the project design should take in to account.

In preparing this RPF, the consultations with the stakeholders took place between April 14 to 29, 2022 guided by the WHO Advice and guidelines,⁶ the public emergency regulations and the World Bank Technical Note⁷ on consultations.

Public Consultations, Participation and Disclosure with the stakeholders

These consultations, which covered disadvantaged or vulnerable individuals or groups including women (who may be more likely affected adversely by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits), allowed stakeholders to express their views about the project, their concerns and the potential risks of resettlement.

During the consultations, the consultant informed the communities about all the relevant resettlement issues that could arise during implementation. These included:

- a) The proposed objectives and activities of the project;
- b) The proposed activities that may require land;
- c) Potential risks and impacts of the project that could result from land acquisition, restriction on land use and involuntary resettlement;
- d) The proposed risk management measures, which include avoiding/minimizing the requirements for land and the payment of fair and timely compensation to PAPs;
- e) The GM to be setup to address grievances arising out of the implementation of the RPF/RP;
- f) The special case of vulnerable and disadvantaged groups who may be disproportionately affected by the adverse social impacts of resettlement;
- g) Complaints relating to SEA/SH and VAC;
- h) Communication with stakeholders.

For the women, the consultant organized meetings exclusively for women and facilitated by a female member of the consulting team. These consultations helped highlight the special challenges faced by these groups and the proposed measures that could address them.

⁶The World Health Organization. Coronavirus disease (covid-19) advice for the public. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>

⁷[Technical Note: Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings.](#)

During the consultations, the communities and other stakeholders welcomed the project and expressed the hope that the project will bring an end to the annual floods and the communication difficulties in the area as well as employment opportunities especially for the youth. These points can be summarized as follows:

- i. Fear of losing their land and not be compensated, especially women rice and vegetable growers;
- ii. The need for fair and equitable compensation, taking into account the high cost of land in GBA;
- iii. The need to remove waste and other obstructions, such as buildings, in the flood path to reduce the risk of flooding;
- iv. Possibilities for youth employment;
- v. Discrimination of women in accessing project benefits, such as training and credit facilities;
- vi. Providing support to women who may lose the land they grow rice and vegetables on to feed their families.

The Consultant explained that any involuntary land acquisition for the project will be fully compensated at replacement cost to ensure a fair and equitable compensation. Furthermore, the affected persons can take up any complaints they may have including the compensation process and amount to the project's Grievance Resolution Committee. As regards, employment at construction sites, the contractor will be encouraged to employ local labor if they have the required skills for the jobs. In addition, the project will be implementing small scale livelihood improvement project which will give opportunities to improve their living conditions. On discrimination of women, the communities were reassured that the project has a special focus on women and youth who will be supported through training.

6.2 Discussions with the women

The women participated in the mixed group meetings and in women's only group. The key issues raised at these meetings were the need to support women to benefit from the project. On the land issue, they insisted on the need to compensate people for their losses and warned that in some areas along the stream there are women rice and vegetable growers, which need to be considered for compensation if they lose the land they are cultivating. The land in question is in most cases on loan to them. These women and their families depend on these plots for feeding their families so the project should think of alternatives if they have to forego the land they are working on they said. In some of the consultations, the women acknowledged the existence of sexual exploitation and abuse (SEA) and urged the project to take special measures to protect women especially the young girls who may interact with the project workers. They also referred to employment opportunities for their children so they can help the family.

In response, the consultant reconfirmed the project focus on women and assured them that the project will fully compensate any land acquired and since in most cases the women are not the owners they will be compensated for the loss of livelihood if their land is affected. The consultant will recommend to the project to pay special attention to lands occupied by women farmers along the stream. On SEA/SH, the consultant explained that the project would put in place special measures to address these risks which include a grievance mechanism where they can lodge complaints relating to SEA/SH in confidential manner.

The Consultant documented each of these consultations and opened an attendance register to record the participants at these meetings and **Annex 5a** gives the dates for these consultations and the participants. The stakeholders consulted included government officials, communities, local government authorities. **A total of 138 people were consulted and 53.6% or 74 people were women.** A summary of consultations is attached as **Annex 5b** and samples of attendance register are attached as **Annex 5c**.

6.3 Public Disclosure

The RAP provides for an information campaign to popularize the stages of the process and make PAPs aware of their rights within this process. This campaign will include stakeholders' meetings at suitable locations such as the "bantaba", and the official residence or offices of the local leaders and the homes of PAPs. Such meetings will provide the opportunity to inform the PAPs of the eligibility criteria adopted as well as the principles of compensation, which will guide the estimation of losses. Each household will be informed on entitlement eligibility criteria, modes of compensation, complaints and grievances resolution procedures. The information provided may help reduce significantly future litigation.

This RPF and all subsequent RAPs will be widely disclosed, and the methods of the disclosure will include:

- i. Distribution of as many copies as possible to different institutions and communities for comments and suggestions;
- ii. Publication on the project website and through national media;
- iii. Distribution to individuals and officials such as Regional Governors, and Village Development Committees in the project affected areas; and
- iv. The Government will also authorize dissemination of this document on the World Bank Website.

CHAPTER 7: GRIEVANCE MECHANISM

A grievance mechanism is an accessible and inclusive system, process, or procedure that receives and acts upon complaints and suggestions for improvement in a timely manner and facilitates resolution of concerns and grievances arising in connection with a project. An effective grievance mechanism provides Project-Affected Parties with redress and helps address issues at an early stage. PAPs will be informed of the intention to set up a grievance mechanism, and the procedures will be communicated at the time of the preparation of investments for specific RAPs. Because of its importance as a means of strengthening public administration, improving public relations, and enhancing accountability and transparency, the project has integrated grievance resolution into the project's core activities. This will involve integrating grievance resolution functions into project staff's job descriptions and regularly review grievances data and trends at project management meetings.

The SEP provides the details of the GM, which will consist of a three-tier system: (i) local/community level; (ii) project level, and (iii) national legal level. The general process is that a PAP should first raise a complaint at the local level. If it is not resolved at this level, the complaint can be taken to the Grievance Resolution Committee (GRC) at the project level. If the GRC is unable to resolve the complaint, the complainant can appeal to the Permanent Secretary to the Ministry of Environment. Where all these processes fail to resolve the complaint, the complainant can proceed to the judicial system.

7.1 Requirements

Under Paragraph 11 to ESS No. 5, "The Borrower shall ensure that a grievance management mechanism is in place as early as possible in the project preparation phase, in accordance with the provisions of ESS No. 10, to deal in a timely manner with specific concerns raised by displaced persons (or others) in relation to compensation, resettlement, or livelihood restoration. To the extent possible, these complaint management mechanisms will build on existing formal or informal grievance and conflict management systems that are capable of meeting the needs of the project, and which will be strengthened or supplemented as appropriate by the mechanisms established under the project to resolve disputes in an impartial manner.

7.2 Objective of the Complaints Management Mechanism

The WACA ResIP II/Gambia Project's Complaints Management Mechanism (CMM) aims to provide an operational, timely, efficient, participatory, and accessible complaints management and registration system for all stakeholders, and to prevent or resolve deviations/damages and conflicts through negotiation and dialogue for an amicable settlement

One of its main objectives is to avoid resorting to the judicial system and to seek an amicable solution in as many situations as possible, thus preserving the interest of the complainants and the image of the project by limiting the risks inevitably associated with legal action.

This mechanism is not intended to be a mandatory prerequisite, let alone to replace the legal channels for managing complaints and conflicts. However, it does ensure that concerns/complaints from stakeholders related to the Project's resettlement activities are promptly listened to, analyzed, addressed,

and documented in order to detect causes, take corrective action, and avoid injustice or discrimination and aggravation beyond the Project's control.

It allows, among other things, to :

- strengthen democracy and respect for the rights and benefits of project stakeholders
- minimize and eradicate conflicts and claims in the preparation and implementation of resettlement activities;
- Provide the Project with suggestions for the successful implementation of the Project's resettlement activities;
- Document complaints or abuses of various kinds (governance issues, exploitation, sexual abuse and harassment, risk of exclusion of beneficiaries from opportunities offered by the project and inefficiency in the quality of services offered to beneficiaries, etc.) in order to enable the implementing partners to respond;
- Establish a transparent framework for collecting and processing stakeholders' grievances and suggestions during all phases of the project;
- Promote dialogue and fair communication with project stakeholders.

7.3 Types of Complaints and Conflicts to be Addressed

In practice, complaints and conflicts that arise during the implementation of a resettlement program may be due to the following

- Lack of information on resettlement principles (eligibility criteria, scales, resettlement measures)
- Error or disagreement in the identification and valuation of assets;
- Claims regarding eligibility criteria;
- disagreement over boundaries of the affected property;
- overlapping rights to the same land that may lead to conflict (two or more affected persons claim ownership of the same property), which may occur with old and out-of-date titles;
- inheritances, divorces, and other family problems, resulting in conflicts between heirs or family members over ownership or shares of ownership of a given property
- undocumented donation;
- Misunderstanding of the status of the beneficiaries (e.g., owner and operator);
- Disagreement on resettlement arrangements, e.g., location of resettlement site, type of habitat proposed, or characteristics of resettlement parcel;
- Disagreement on eligibility criteria for vulnerability assistance and other livelihood recovery measures;
- Errors in the identification and valuation of affected assets;
- disputes over the boundaries of an asset, between the affected person and the Project or between two (2) neighbors;
- damage to a community asset or community resource not previously covered in the planned physical relocation process;
- unfulfilled commitments by the Project, such as promises to build community infrastructure; and delayed payment of compensation.

7.4 Local-Level Grievance Resolution

A functional local level grievance resolution process shall be set up by the PIU and referred to as the Local Grievance Resolution Committee. This committee will handle all complaints at the local level. Dispute resolution at this level will be practical and efficient for the PAP because in many cases, the types of grievances will often relate to issues of inventories, requests for information, or activities that have yet to take place, such as disbursement of compensation. Disputes relating to traditional and customary issues such as land ownership, inheritance and land boundaries will also be referred this committee comprising the Alkalo and community leaders. The RAP will spell out the specific composition and other details about the committee.

If the complaint cannot be resolved at this level, the PAP will be advised to proceed to the next level, the Project level-Grievance Resolution Committee.

7.5 Project-Level Grievance Resolution Committee

The GRC will deal with all resettlement-related grievances that have not been resolved at the local level. The GRC will normally include a representative from each of the following agencies: (i) The Project Manager or his representative; (ii) an NGO working in the area; (iii) the Area Council; (iv) Department of Lands; (v) two representatives of PAPs (one female & one male) with the social development specialist in the PIU serving as the secretary to the Committee.

The main functions of the Committee are:

- a. Developing and publicizing the grievance management procedures;
- b. Receiving, reviewing, investigating, and keeping track of grievances
- c. Adjudicating grievances;
- d. Monitoring and evaluating the fulfillment of agreements achieved through the grievance redress mechanism.

7.6 Project Steering Committee

If the GRC cannot resolve the complaint, the complainant can take up the matter with the Project Steering Committee that will to review the decision of the GRC.

7.7 National Legal Level

It is hoped that the appeal to court will be a “last resort”, in view of the available options above. However, if all the above processes fail to provide a satisfactory resolution for the PAP, he or she will be advised to seek redress through the judicial system as provided for in the Constitution, 1997 and other relevant laws.

The complainant retains the freedom to go to court at any time.

If the PAP decides to go to court, the Project will make all the necessary documentation available to the court but is not obliged to bear the costs.

PAPs are free to go at any time and it is not the Project's responsibility to cover the costs of this choice.

The cost relating to such process will be borne by the project.

7.8 Grievance Mechanism Procedures for Complaints unrelated to SEA/SH

The Project will inform and sensitize the community about the existence and use of the GM and about the various uptake options where complaints can be submitted. The sensitization will use channels, such as radio and television, community meetings, Imams, Priests and awareness trainings by the PIU prior to the starting of the resettlement process. With respect to uptake channels the following will be used can include:

- Toll-free telephone hotline;
- E-mail;
- Letter to project focal points in the regions;
- Complaint form to be lodged via any of the above channels
- Walk-ins may register a complaint on a grievance logbook at various easily accessible facilities.

The steps of the grievance mechanism shall comprise:

- Receive, register and acknowledge complaint. A sample of the complaint form is attached as **Annex 4**
- Screen and establish the merit of the grievance
- Implement and monitor a redress action
- Advise for a judicial proceeding as last resort if necessary
- Document the experience for future reference

The table below shows the different phases of the GM.

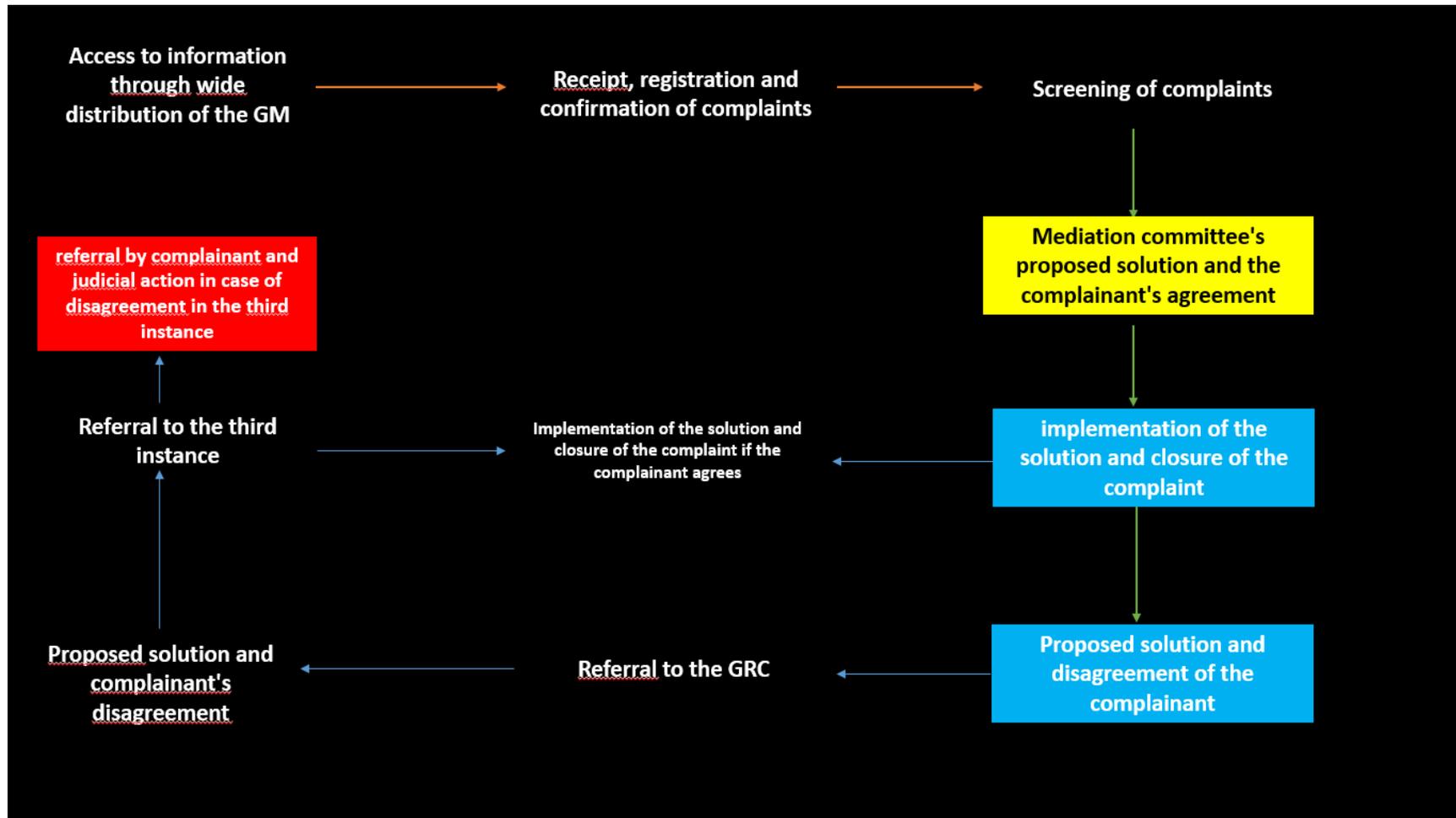
Table 6: Implementation Plan for the Grievance Mechanism

Phase	Process	Description	Completion timeframe	Responsible Agency/Person
1	Receipt of complaint	Document date of receipt, name of complainant, village, nature of complaint, inform the PIU	1day	Project Focal point in the region
2	Acknowledgement of grievance	By letter, email, phone	1-3 days	Social Development Specialist of PIU
3	Screen and establish the merit of the grievance	Visit the site; listen to the complainant/community; assess the merit	3-7 days	GRC including the social development specialist
4	Implement and monitor a redress action	Where complaint is justified, carry out resettlement redress in line with the entitlement matrix	10-15 days or at a time specified in writing to the aggrieved PAP	Social Development Specialist
5	Extra intervention for a dissatisfied scenario	Review the redress steps and conclusions, provide intervention solution	2-4 weeks of receiving status report	PIU
6	Judicial adjudication	Take complaint to court of law	No fixed time	Complainant

7	Completion/termination of the complaint	Satisfactory resolution of the complaint with written acceptance of the decision	No fixed time	GM –Focal Point
8	Reporting	Once resolved the resolution should be recorded in the grievance logbook	within ten (10) working days	GM-Focal Point
9	Archiving	Establish physical and electronic filing system for all complaints received	Within five (05) working days of the end of the reporting	GM-Focal Point

Cases involving SEA/SH: For complaints relating to SEA/SH, the procedure of receiving and treating the complaint is defined in the SEP. It will be different from the procedure for general complaints outlined above and will follow a survivor-centered approach, and the anonymity of the survivor will remain intact, with the confidentiality of the survivor’s express consent. The involved parties will not have their security breached. A mechanism in the form of **SEA/SH Compliance Team** will be set up to manage cases of SEA/SH as well as issues related to violence against children (VAC).

Figure 2: Complaint Management Procedure



CHAPTER 8: MONITORING AND EVALUATION

Monitoring and evaluation of the Resettlement Policy Framework will be performed on a continuous basis. Monitoring of the resettlement process will be the responsibility of the PIU, whereas evaluation will be carried out by an external agency. The PIU will ensure it provides feedback to the various partner agencies so that the problems identified can be resolved early and avoided for the rest of the resettlement process.

8.1 Monitoring

Monitoring will consist of both internal and external monitoring:

- **Internal Monitoring**

The Social Specialist within the PIU will be required to provide monthly progress reports on land acquisition, progress in the compensation of PAPs and the level of consultations with the PAPs and their participation in project planning and activities. These reports will be submitted to the PIU for transmission to the Project Steering Committee. The PIU will compile the monthly resettlement reports and in preparation for the annual M&E report to the Ministry of Environment and NEA.

- **External Monitoring**

NEA will undertake external monitoring. The frequency and scope of this monitoring will be determined in the Memorandum of Understanding to be signed between the PIU and NEA.

The monitoring system will:

- a) Alert PIU and the MECCNAR on the necessity for land acquisition in any project activity;
- b) Provide timely information about the valuation and negotiation process;
- c) Report any grievances that require resolution.

8.2 Evaluation

The project will carry out an evaluation to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed. The method will include participatory monitoring to get the perception of the PAPs.

The following are the objectives of the evaluation:

- (i) General assessment of the alignment of the implementation of the Resettlement Action Plan with general objectives and methods as set in this document;
- (ii) Assessment of the compliance of the implementation of the Resettlement Action Plan with laws, regulations and ESF policies including the Environmental and Social Standards;
- (iii) Assessment of the consultation procedures that took place at individual and community level, together with the Central Government and Local Government levels;
- (iv) Assessment of fair, adequate and prompt compensation as they have been implemented;
- (v) Evaluation of the impact of the compensation on income and standard of living;
- (vi) Assessment of the GM in responding to the resettlement/compensation complaints;
- (vii) Identification of actions, as part of the on-going monitoring, to improve the positive impact of the program and mitigate its possible negative impact if any.

There will be a mid-term review as well as a final evaluation. The latter should preferably take place after the completion of all RAP activities including development initiatives, but before the financial commitments to the program are finished. This will allow the flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

The project may represent the findings of the evaluation at a validation workshop to be attended by representatives of the PAPs, who would be asked to give:

- i. Their assessment of the resettlement process;
- ii. The effects that this has had on their livelihoods; and
- iii. Suggestions as to first, what residual impacts they are still having to contend with, and second, what changes should be made for future projects.

8.3 Indicators for Monitoring and Evaluation

Monitoring Indicators

Indicators are a set of targets prepared at project design against which project progress or otherwise can be measured. The monitoring indicators can be summarized as follows:

- Number of statutory acquisition notices delivered and number outstanding;
- Number of PAPs who have left the area by type/category, including owners who have lost land and/or structures as well as tenants and employees who have lost their place of work, and the number remaining;
- Number, type, and value of cash and in-kind compensation payments made;
- Number and type of grievances redress applications, type of grievances lodged, and manner/success of resolution;
- Issues brought to the notice of the PIU handling by PAPs by gender and the mode of settlement used; and
- Percentage of cases of SEA/SH related to resettlement/compensation referred to GBV services and resolved within the given timeframe.

All indicators should be disaggregated by gender, where possible

Evaluation Indicators

Similarly, below are the summarized evaluation indicators:

- Number of stakeholder engagement meetings held with the number of gender disaggregated participants;
- Number of PAPs relocated by gender compared with the initial estimates;
- Compensation disbursed by type/ category of PAP, including the ability to comply with the terms of compensation contained in the RAP;
- Number of grievances received and addressed within the specified time frame;
- Any outstanding adverse impacts identified that need to be resolved before closing the involuntary resettlement component of the project;
- The extent to which PAPs have recovered their pre-project incomes and living standards; and
- The number of PAPs relocated disaggregated by gender compared with the initial estimates.

CHAPTER 9: BUDGET AND FUNDING ARRANGEMENTS

Each Resettlement Action Plan (RAP) will include a detailed budget for compensation and other rehabilitation entitlements. It will also include information on how funds will flow as well as compensation schedule. An estimate for the overall cost of resettlement and compensation has been provided with the understanding that the resettlement cost can only be determined after the preparation of the RAP for each specific intervention site. The compensation modality will be agreed upon between the PAPs and the PIU. The table below provides an indicative cost of implementing the RPF.

Table 7: Budget for Implementation of this RPF

S/No.	Activity	Cost in USD	Financing	
			Gambia Govt.	IDA
1	Preparation of RAP(s)	70,000		X
2	Implementation of the RAP- compensation of loss of assets and revenue, relocation of PAP, assistance to vulnerable groups and contingencies	200,000	x	
3	Preparation and implementation of Livelihood restoration plans	150,000		x
4	Training of PIU and implementing partners 5 Sessions at USD 3,000 per session Training will cover resettlement and compensation procedures including eligibility criteria, preparation of RAP, National regulations on compulsory land acquisition etc.	15,000		x
5	External Supervision and monitoring by NEA	10,000		x
6	Community sensitization and information sharing	10,000		x
7	Monitoring and evaluation	15,000		x
8	Total	470,000.00	200,000.00	275,000

The total estimated cost for the implementation of the RPF is **USD 475,000.00 (Four Hundred and Seventy Seven Thousand US Dollars) equal to GMD 23,750,000.00 (Twenty-Three Million Seven Hundred and Fifty Thousand Dalasi) at the exchange rate of USD1 to D50.00.**

The Constitution of The Gambia, 1997 requires that people affected by compulsory acquisition of land have to be adequately compensated. This forms the basis for the commitment of GoG to compensate the PAPs for projects/sub-projects under the WACA ResIP2. The Government of The Gambia will therefore pay for the compensation and resettlement of the PAPs and the MoFEA will be responsible for the mobilization of the compensation funds.

9.2 Sources of Funding

The Constitution of the Republic of The Gambia, 1997 requires that people affected by compulsory acquisition of land have to be compensated adequately. This forms the basis for the commitment of GOG to compensate all PAPs for projects/sub-projects under the WACA IP2. The Government of The Gambia will therefore pay for the compensation and resettlement of the PAPs and the MOFEA will be responsible for the mobilization of the compensation funds.

The compensation funds will be disbursed in the same manner as the funds for the other components of the project and will comply with the regulations of The Gambia Government on the disbursement of funds by government and quasi-government agencies. This will be direct transfer to bank accounts of the respective beneficiaries and where the PAP does not have an account cash payment will be made against presentation of a national identification card and a telephone number.

ANNEXES

Annex 2: Basic Contents of A Resettlement Action Plan (RAP)

Annex 3: Annex 3: Sample Resettlement Summary Data Sheets - Population Census, Asset Inventory and Socio-Economic Survey

Annex 4: Grievance Logbook

Annex 5a: List of Participants at the stakeholder consultations

Annex5b: Summary of stakeholder consultations with communities, government officials and private sector and officials

Annex 5c: Select number of Attendance registers

Annex 5d: Photos of some consultations and site visits in the PIZ

Annex 6: Sample Terms of Reference for Preparing a Resettlement Plan

Annex 7: Bibliography

Annex 1: Involuntary Resettlement Screening and Categorization Form

S/N o	Impact	Not Known	Yes	No	Indication of Scope
1	Is the proposed sub-project undertaking likely to involve land acquisition?				
3	Are the sites for land acquisition known?				
4	What is the ownership status of the land?				
5	Are non-titled persons present?				
6	Are people using the land for activities or access?				
7	Will it affect vulnerable groups such as people with disabilities, children, women, elderly etc.				
8	Are there any houses or structures on the land?				
9	Will there be loss of crops, trees, and other fixed assets?				
10	Will there be loss of income and livelihoods?				
11	Will access to facilities, services, or resources, or businesses be lost/restricted?				
12	Will any social or economic activities be affected by land use related changes?				

13	Does the government executing agency have sufficient skilled resources for resettlement planning and implementation?				
14	Are training and capacity-building required prior to resettlement planning and implementation?				

As indicated in Section 4.1 above, if the answers to the above questions indicate that land will be required by the project, then a Resettlement Action Plan (RAP) must be prepared in line with the procedure set out under Chapter 4.

Annex 2: Basic Contents of A Resettlement Action Plan (RAP)

- Description of the project sub-component
- Potential impacts (including those identified during the census and the socio-economic survey)
- Relevant findings of the socio-economic study and the census
- Legal framework
- Institutional framework
- Eligibility
- Valuation of and compensation of losses indicating whether compensation is in-kind for each loss or, for those assets whose indemnification is in cash, the unit compensation rates and overall cost for monetary compensation, including transport, administrative and other (e.g., contractor hiring) costs
- Resettlement measures
- Community participation
- Grievance procedures
- Organizational responsibilities
- Present any economic rehabilitation measures required
- Implementation schedule
- Costs, budget and the sources of funds
- Monitoring and evaluation

A timetable for resettlement and sub-project activities

Annex 3: Sample Resettlement Summary Data Sheets - Population Census, Asset Inventory and Socio-Economic Survey

Name of Project:
Project Code:

Section 1: General Information

Survey Date: /__/__/ __/__/__/__/

Number of the Form /__/__/__/__/ Code PAP: /__/__/

District :...../village : /.....

GPS Code of the affected good:

N°.....Longitude.....Latitude.....

Section 2: Identification of the Project Affected Person

2.1 Land Ownership Rights

2.1.Owner; 2.Renter; 3.Other (TBC):...../...../.....

2.2 Name of respondent:

2.3 Name of the PAP:

2.4 Sex of the PAP: (Male =1; Female =2)

2.5 Age of the PAP: /__/__/

2.6 Telephone Number of the PAP: /__/__/__/__/__/__/__/

2.7 National Identification Card No. (ID) /__/__/__/__/__/__/__/__/__/

2.8 How long have you been in this place?.... ..years.....months

Tenant Only

2.9. If Tenant: Are you paying a rent?:(Yes=1; No=2)

2.10 If Yes, How much do you pay?...../Month

2.11 Name of the Landlord:.....

2.12. Residence of the Landlord:.....

2. 13 Landlord Phone Contacts :

3. Sociodemographic Characteristics

3.1 Marital status of the PAP : 1= Married,2= Single 3= divorced,

4= widow, 5= Polygamous:[]

3.2 Education Level : (1= None, 2= primary, 3= secondary, 4= Higher, 5=Technical or professional 6= illiterate) []

3.3 What is your primary occupation?.....

3.4 Do you have a secondary occupation?: 1=Yes; 2=Non) [] if Yes, please provide.....

3.5 Average Monthly income:1=<; 2= ... to ...; 3=... to; 4=....to; 5 to ...; 6=.....and plus) []

3.6 How many people do you currently support?/ / / under 5 years / / /

3.7 Are you with disability? 1=Yes; 2=Non / / If Yes, please explain ?.....

3.7.1 Have you been sick for the last one month?1=Yes; 2=non / /

3.7.2 If Yes, what type of sickness?:.....

SECTION 4 – Description of Affected Assets

4.1 Types of Affected Infrastructures

Infrastructure Type	Function affected items(s)	Fixed Structure (1) or Movable (2)	Total area (m2 x m2, ST_2) & Total affected area (SA_2)	Type of construction materials	Total value of Affected Good/Asset

Section 4.2 Assessment of the Affected Economic Activity

4.2: Characteristics of the affected activity

4.2.1: Commercial Activity

Activity	Number of working days per week	Number of Employees	Daily Minimum Wage/Revenue	Staff salaries or Amount allocated to the staff
1				
2				

4.2.2: Agricultural Activities

4.2.2.1 Crops

Type of crops	Affected Cultivated Land (ha or m2)	Value/Revenu (Dalasi /ha ou m2)	Total Value (Dalasi)
1			
2			

4.2.2.2 Trees

Family Type	Number of Affected Trees	Maturation Level (young 1 or adult 2)	Rendement n Kg/pied	Value in D/kg	Value Totale (D)
1.					
2					

SECTION 5: Compensation of the PAP

5.1. During the resettlement site selection, which aspects/items do you consider important.....

5.2. In your view, how could a physical resettlement be made less cumbersome?
.....
.....

5.3. what is your preference in terms of compensation for the losses that you may incur?

COMPENSATION TYPES (for land/properties, structures/buildings, Goods and Services, trees, and other possessions)	Select 1 choice
Entire compensation of losses in cash	1

Get a piece of land as a replacement for land lost and the rest of compensation in cash	2
Rebuild anew in a new location	3
Other, indicate : _____	

Thank you for your cooperation

Signature/Thump print of the PAP Signature of the Enumerator

Annex 5a: List of Participants at the stakeholder consultations

Date	Community /Institution	No. of participants		Name of Participant	Position	Contact
		Male	Female			
14/04/22	Lamin Wayeto	6	15	Musa Senghore		7644605
				AmieDrammeh		7514923
				Monica Mendy		3540632
				Aja Fofana		2405843
				Rose Jarjou		
				MariamaSambou		
				IsatouJatta		2359379
				MariamaCeesay		9805364
				JatouSanyang		
				KaramoBojang		2244428
				Mariama Camara		7075448
				AramataMendy		2069372
				Ida Jarjou		7402775
				TaliboJammeh		7095715
				MotehSanyang		7867751
				NabaJawneh		2584488
				SirrehManneh		7318959
				Wando Ceesay		
				SambouDibba		7804176
Alkali Touray		7902378				
Assan Camara		2474328				
SirrehBojang		7122870				
15/04/22	Abuko Only women group	0	7	SarjoFatty		2343821
				BintaTunkara		7470553
				JokoJaiteh		9290384
				Mariama Fofana		3089641
				NyimaCeesay		7129528
				BintaJarju		3565400
				BintaCeesay		7177765
15/04/22	Nema Jufur	13	5	AlasanKambi	Civil Servant	9947718
				Amadou T. Bah	Civil Servant	9906555
				BubacarrJallow	Imam	2469998
				Amedou Bah	Deputy Imam	7919627
				GibrilBadjie	Civil Servant	3548040
				YunusaNdow	Retired Teacher	7684303
				IsahaSey	Business	7931908
				SirajoJallow	Business	9868600
				Amadou Jallow	Business	7017924
				FaburamaSaho	Business	3524120
				EbrimaMarong	Mason	
				ModouJoof	RetiredCivil Servant	7455389
				Naffie Colley	H/W	
				SoffieBojang	H/W	
				Landing Badjie	Mason	
				Momodou Bah	Business	7408088
				FatouDarbo	H/W	
Mama Chatty	Business					
15/04/22	Nema Jola Kunda	0	12	NjaimehJobe	Participant	2235398
				SafiatouBojang	"	7936769

	Only women group			Naffie Colley	“	2700938
Date	Community /Institution	No. of participants		Name of Participant	Position	Contact
		Male	Female			
				Salieu Jan	“	7674607
				Binta Cham	“	7675673
				IsatouBojang	“	7323011
				Khadijatou Bah	“	2994634
				Kumba Joof	“	2395669
				Fatoumata Jallow	“	2390363
				Fatou Sonko	“	5167171
				BintaSuwareh	“	3322393
16/04/22	Bundung Borehole	7	8	LaminDarboe	Councillor	2241126
				AbdoulieSanyang	J.P.	7491645
				Abubacar Barrow	P.R.O WDC	7042725
				SarjoSano	Participant	2671046
				MamandinCeesay	Participant	7889905
				Modou L. Darboe	Youth Leader	7000986
				MahataSidibeh	Participant	2331139
				NyimandingJammeh	“	7789958
				FatouJammeh	“	9713750
				BintaJammeh	“	9896473
				MariamaSawaneh	“	3678808
				DoballyKanyi	“	5077094
				MusuMarong	“	2610975
				Amie Jadama	“	7784600
			LaminJabbi	Beach Bar Operator	7192176	
15/04/22	Dippakunda /Tippa Garage	9	5	Ba Samba	Business	7950427
				MomodouDrammeh	Councilor	3032701
				Omar Krubally	Security Guard	7853417
				AbdoulieDrameh	Business	2265208
				Ebrima Camara	Participant	7003540
				Fatoumata Saidy	“	7876884
				Amienata Bah	“	3869507
				SaikouDrammeh	“	9993357
				BamultarrDrammeh	“	2520395
				Musa Bah	Mechanic	9414788
				IsatouJallow	Petty Trader	2152268
				Mariatou Camara	Participant	7470661
				IsatouHydara	Petty Trader	7011457
				DuwaJatta	Participant	7833736
16/04/22	Kotu/ Manjai VDC	10	6	Daniel Kanform	Secretary	7300990
				BullyTouray	Member	7840008
				Musa Tamba	Member	7063759
				Joseph P.L. Gomez	Sub. Ward Chairman	9865259
				IsatouBadjan	Member	7719812
				SarjoSanyang	Member	2129625
				AdamaBadjie	Member	7154434
				Amadou Jatta	Project Coordinator	7784203
				Omar Jarju	Member	3602140
				Fatou J. Janneh	Lady Councillor	9839817
				Amie Badjie	Participant	7173808
				NjammehBadjie	Participant	3902834
				ChernoWane	Shop keeper	2036386
				Edward Mendy	Station Officer	3950394

Date	Community /Institution	No. of participants		Name of Participant	Position	Contact
		Male	Female			
19/04/22	Kotu /Manjai	0	12	Momodou Gomez	Alkali	7533334
				FatouJatta	Participant	
				MusuJammeh	"	3343280
				IsatouBadjie	"	5236537
				KombeJoof	"	7588155
				Ma Awa Badjie	"	
				Omar Jarju	"	3602140
				SarjoSanyang	Head	2129625
				Astou Gaye	Participant	9934566
				AstouBadjen	"	7719812
				AdamaBadjie	"	7154434
Lala Gibba	"	7550223				
MariamaSanneh	"	7016134				
27/4/22	Gambia Bird Watchers Association	5	0	Karamba Camara	President	3177956
				YankubaJammeh	Secretary	7361610
				AlieuCeesay	Member	7794490
				EbrimaKorta	Member	7229474
				AnsuDunor	Asst. Secretary	7535003
				FansuBojang	Treasurer	7498571
27/04/22	Sunset Beach Hotel	1	1	HayatBlell	General Manager	28880060
				Clifford Johnson	Human Resources	79991902
27/04/22	Palm Beach Hotel	1	0	RajVakani	General Manager	2201246
GOVERNMENT AGENCIES AND NGOs						
30/03/22	MECCNAR	2	1	EbrimaJawara	Duputy PS	3807556
				Buboucarr Z. Jallow	Project Director	3053113
				JainabaFatty	M&E	3757557
14/04/22	NDMA	3	0	Babacarr Fofana	M&E	3943917
				Lamin Mass	Admin Director	9935535
				NfamaraNjie	Internal Audit	7285015
13/04/22	NAWEC	1	0	Lamin Fadera	Site EngineerSewerage	2717527
14/4/22	KMC	3	0	KemoFatajo	Manager Trade Licence	9996127
				Lamin F. Badji	Planning Dept	3481101
				Lamin S. Sanyang	Director of Services	3996542
28/04/22	MOH	2	0	Ablie Bah	Program Manager HMIS	7702237
				SajaTamba	Data Manager	7348990
21/4/22	MOBSE	1	0	AdamaJumbaJobe	DPS	7955154
28/04/22	NRA	1	0		ManagingDirector	
24/04/22	Dept. of Agriculture	1	0	PapiaMendy	Director, UrbanDirectorate	5113328
28/05/22	GAMWORKS	0	1	Elizabeth CarayolNdong	TechnicalDirector	7268097
29/04/22	AAITG	1	0	Foday Kanyi	Program head, Resilient Livelihood and Climate Justice	3513281
29/04/22	ACTIVISTA	1	0	Omar Danso	Coordinator	3732892
21/4/22	MOBSE	1	0	AdamaJumbaJobe	DPS	7955154

28/04/22	NRA	1	0		ManagingDirector	
24/04/22	Dept. of Agriculture	1	0	PapiaMendy	Director, UrbanDirectorate	5113328
28/05/22	GAMWORKS	0	1	Elizabeth CarayolNdong	TechnicalDirector	7268097
29/04/22	AAITG	1	0	Foday Kanyi	Program head, Resilient Livelihood and Climate Justice	3513281
29/04/22	ACTIVISTA	1	0	Omar Danso	Coordinator	3732892

Annex5b: Summary of stakeholder consultations with communities, government officials and private sector and officials

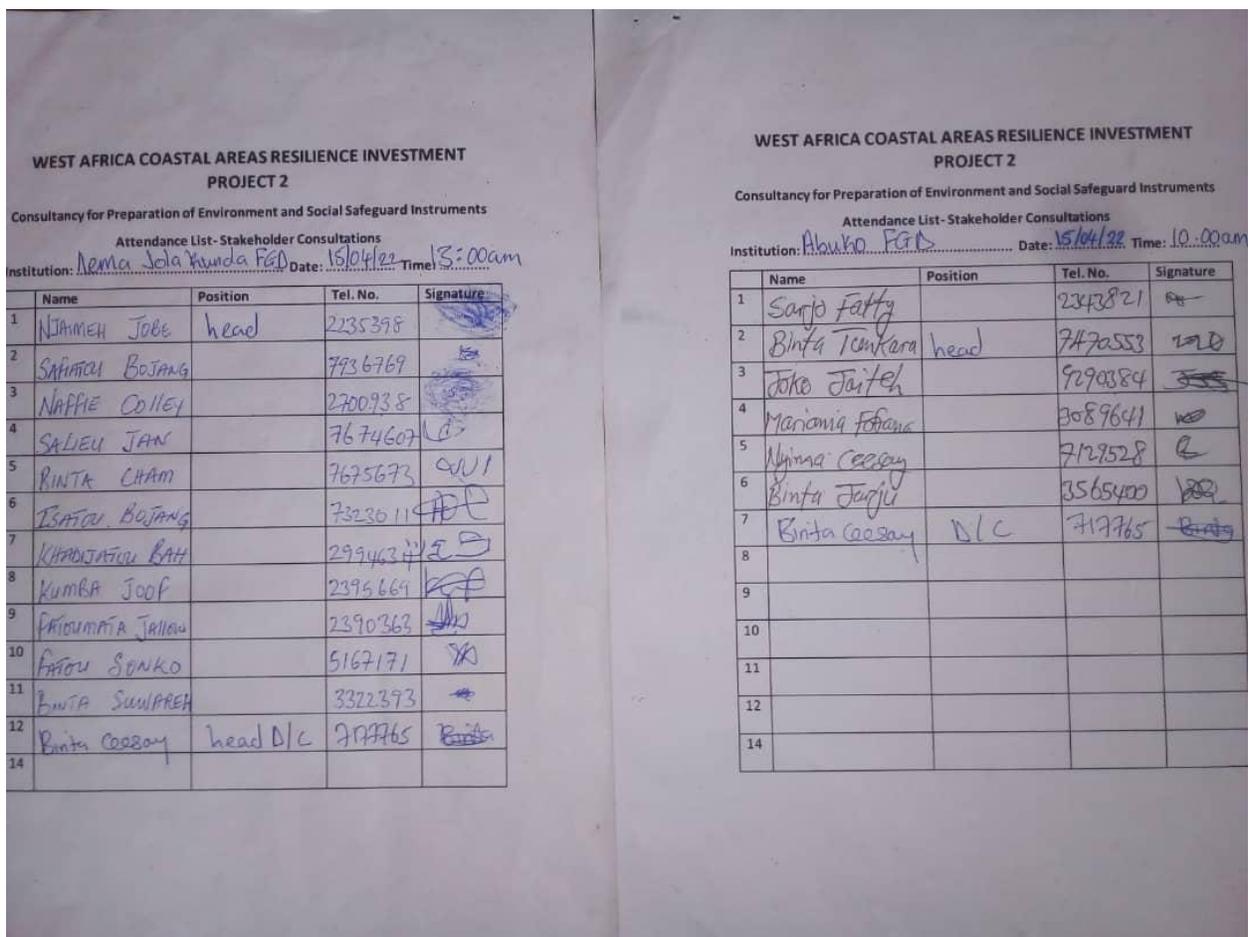
Date	Community/Institution	Topics Discussed	Conclusions/Recommendations
30/3/22	Ministry of ENV. CC & NR	<p>Review of the TOR for the study</p> <p>Potential environmental & social Impacts</p> <p>Documents currently available for the consultant</p> <p>Stakeholder identification</p>	The discussions helped reach a common understanding of the TOR, the documents required by the consultant and support in contacting stakeholders
14/3/22	LaminWayoto	<p>Support to protect their vegetables against floods</p> <p>Poor construction of an earlier dyke did not solve the problem of flooding</p>	The consultant explained the special focus of the project on women and livelihood support. If this area fall into the project area
15/4/22	Abuko Women group only	<p>Problem of flooding</p> <p>Need for women to also access project benefits</p> <p>Importance of the gardens and rice fields for their families.</p> <p>Need project support if land is taken</p> <p>For community works women should also be considered</p> <p>Youth employment</p> <p>Confirm existence of GBV-SEA/SH</p>	The group was informed that land taken will be compensated and if they are not the owners they will be compensated for their loss of earnings. Consultant further explained about the GM and their right to appeal if they are not satisfied with the compensation amount. Project should carry out a sensitization campaign before any activity relating to land acquisition
15/4/22	NemaJufur	<p>Flooding which destroys houses and property</p> <p>Restricted movement during which livelihood difficult</p> <p>Youth employment</p> <p>Failure of authorities to respond to their need during crisis</p> <p>Need to support the community</p>	Consultant again explained the project which will address some the problems raised. Women and youth will be a special focus of the project The social works will help communities to improve their livelihood.
15/4/22	NemaJolaKunda Only women group	<p>-Problem of erosion and flooding leading to destruction of houses</p> <p>-Risk of losing land for growing rice and vegetables</p> <p>Need to support women</p> <p>Youth employment</p> <p>No knowledge of the existence of GBV-SEA/SH in their community</p>	Houses on the flood path are a major contributor to flooding. Removing them will greatly increase the compensation amount. Important to encourage contractors to hire workers youth from the community if they have the necessary skills for the job.
16/4/22	Bundung Borehole	<p>Flood which sometimes results in death</p> <p>Lack of proper canals</p> <p>Indiscriminate dumping of waste</p> <p>Presence of reptiles and other pest</p> <p>Modalities of compensation payments for land and assets</p> <p>Youth employment</p>	The consultant explained since the women do not own the land the will be compensated for the lost earning. In addition the project will provide other livelihood schemes that will give priority to women and youth.

16/4/22	DippaKunda/Tippa Garage	<p>-Flooding and poor waste management</p> <p>-Compensation for loss of business premises</p> <p>- Youth employment</p> <p>- Support to women traders and rice and vegetable growers</p>	Participants informed that the project will compensate any person whose assets are impacted. The lost assets will be valued and paid by the Government. If the person whose assets are impacted does not agree with the valuation he/she has the right of appeal.
16/4/22	Kotu/Manjai VDC	<p>Need for an Alkali in Kotu/Manjai</p> <p>Flooding and erosionmaking transportation difficult especially for school children</p> <p>Relocation of some houses too close to the stream</p> <p>How will the compensation be determined and the timing.</p>	Consultant explained that the project will consider all these details in the design and on the basis of the design the houses and assets impacted will be valued and compensated. The works will not start until compensation is paid.
19/4/22	KotuManjai Women group only	<p>-Floods, erosion and waste dumping</p> <p>-Risk of losing the land on which the women grow vegetable and rice.</p> <p>-Compensation for women who do not own the land</p> <p>-Support to women</p> <p>Youth employment</p> <p>Acceptance of GBV within the communityand when it happens it is sometimes reported to thepolice</p>	The consultant reassured them that even if they do not own the land on which they cultivate they will receive some compensation if that land is taken. This compensation will be for the loss of earnings. Consultant emphasized the need to combat GBV and not to pretend that it does not exist in our society. The project has a strong stand on this issue.
27/4/22	Gambia Bird watchers Assoc. At the estuary of the stream	<p>-Pollution of the water by the NAWEC sewage plant which kills fish and the mangrove</p> <p>Timing of the works because civil works during the tourist season would create noise and scare away the birds</p> <p>Illegal settlements in the estuary</p> <p>Illegal fishing or use of wrong mesh sizes</p>	The consultant informed them that this is a serious environmental and health issue which will be taken up in the ESMF. The project should take this into account when planning of civil works in that part of the stream
27/4/22	Sunset Beach Hotel	<p>Poor state of the bridge which to be strengthened especially because of the high volume of traffic</p> <p>Spill of raw sewage from treatment plant which create foul smell in the hotel</p> <p>Need for the stream to flow in one direction to the sea</p> <p>Risks for children who swim in the polluted waters</p>	Consultant confirmed that the project will be constructing bridges although they have not yet been identified.
27/4/22	Palm Beach Hotel	<p>Pollution of the stream</p> <p>Need for a strict policy against dumping of waste that blocks the stream gives rise to bad odor</p> <p>Construction works during the tourist season will affect the tourists- best time for work is May to October</p>	The consultant confirmed that waste management is also an important component of the project.

13/04/22	NAWEC	-Limited capacity for the sewerage dump - Lack of adequate space to manage the resulting solid waste Lack of testing equipment for the waste	The present of the sewage plan is a major source of pollution which needs to be addressed in the wider context managing solid and liquid waste
14/04/22	KMC	Limited funds to support disaster victims -Annual budget for maintenance of the drainage -Community outreach	An important partners in many ways such as community outreach, DRR intervention Will need support to make some of the interventions more effective
21/04/22	Dept. of Physical Planning	Limited capacity for monitoring any encroachment on government land -Need to demolish some of the settlements that block the flood path -Strict observance of land use regulations	There is a need to ensure proper monitoring of the area to ensure that people do not encroach on the land after it has been acquired
21/4/22	MOBSE	- Limited number of lower and upper basic school partly due to lack of space in the area -	The PIZ is already experiencing acute land shortage so any relocation may have to be done in another areas away from their present homes
28/04/22	NRA	Urgent need to construct bridges to facilitate communication	Communication is a major constraint
24/04/22	DoA	Estimated that 96% of farmers are women Main challenge is lack of ownership of the land -Other challenges are pollution from salt intrusion and used NAWEC engine oil	The need to bear this mind even in the context of social project by ensuring that any land-based intervention address the issue of ownership if women are involved.
28/04/22	Ministry of Health	- Limited number of health centers -poor road networks in some areas especially the communities around the stream. - Access to medical centers limited because high transportation costs	Importance of improving communications in the community
28/05/22	GAMWORKS	Responsible for carrying out public infrastructural works -Experience in public outreach with the stakeholder -Support in the design and review of engineering drawings	Can be important partner in the implementation of some of the minor civil works
29/04/22	AAITG and ACTIVISTA(Note: ACTIVISTA is the main	Wide experience in DRR Important advocates for land rights for women	Potential partners in some of the social project that will address conservation and climate change resilience

	implementing partner CSO of AAITG)		
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Annex 5c: Select number of Attendance registers



WEST AFRICA COASTAL AREAS RESILIENCE INVESTMENT
PROJECT 2

Consultancy for Preparation of Environment and Social Safeguard Instruments
Attendance List- Stakeholder Consultations

Institution: Comunitas DIPPaknd Alor hut spk Date: 19/08/22 Time: 10:00 am

	Name	Position	Tel. No.	Signature
1	Basimber Besheberah	Business	7950477	[Signature]
2	Monoda Dramed	Counselor	3032701	[Signature]
3	Omar Kribally	Security guard	7853417	[Signature]
4	Abdullahi Dauda	Business	2265007	[Signature]
5	Chriana Ceoma	Business	9005540	[Signature]
6	Fatamata Saiky	Business	7876774	[Signature]
7	Aminata Bah	Business	3869507	[Signature]
8	Saikwa Dramed	Business	9993057	[Signature]
9	Bamulata Dramed	Business	2520395	[Signature]
10				
11				
12				
14				

WEST AFRICA COASTAL AREAS RESILIENCE INVESTMENT
PROJECT 2

Consultancy for Preparation of Environment and Social Safeguard Instruments
Attendance List- Stakeholder Consultations

Institution: KOTU/MAJASAT VSC Date: 15/08/22 Time: 10:00 am

	Name	Position	Tel. No.	Signature
1	Aniel Kanform	Secretary	7300970	[Signature]
2	Bully Touman	Member	7850008	[Signature]
3	Musa Tamba	Member	7063759	[Signature]
4	Joseph PL Gony	Member	987-52-59	[Signature]
5	Isatou Babbar	member	7719812	[Signature]
6	Sania A Samuy	member	2129625	[Signature]
7	Adama Diallo	Member	7154436	[Signature]
8	Amadou ul Fata	Project leader	7784203	[Signature]
9	Omar Tariju	member	3622160	[Signature]
10				
11				
12				
14				

**WEST AFRICA COASTAL AREAS RESILIENCE INVESTMENT
PROJECT 2**

Consultancy for Preparation of Environment and Social Safeguard Instruments

Attendance List - Stakeholder Consultations

Institution: NAMA Date: Time:

	Name	Position	Tel. No.	Signature
1	Bubacar Fajana	M&E officer	3943917	[Signature]
2	Lamin M&E	DOA	9925525	[Signature]
3	refourer offic	Int. Audit	7285015	[Signature]
4				
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**WEST AFRICA COASTAL AREAS RESILIENCE INVESTMENT
PROJECT 2**

Consultancy for Preparation of Environment and Social Safeguard Instruments

Attendance List - Stakeholder Consultations

Institution: MOSSE Date: 2/10/22 Time: 2:55

	Name	Position	Tel. No.	Signature
1	Adama Jamba Joba	Deputy PS	7955159	[Signature]
2				
3				
4				
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WEST AFRICA COASTAL AREAS RESILIENCE INVESTMENT
PROJECT 2

Consultancy for Preparation of Environment and Social Safeguard Instruments

Attendance List - Stakeholder Consultations

Institution: MECENAR / *Env. & Soc. Dept* Date: 30/04/20 Time: 3.00

	Name	Position	Tel. No.	Signature
1	Pinetou Akpab	Gender expert	8201242	<i>[Signature]</i>
2	Monodou J. Iwale	Env expert	9962978	<i>[Signature]</i>
3	Alagie Fanel	GIS expert	3740271	<i>[Signature]</i>
4	Bielong L. Saka	Lead Commitee	9929133	<i>[Signature]</i>
5	Bakary L. D. Saka	Socio-Econ	7844728	<i>[Signature]</i>
6	Esima J. Iwale	PPD	3807556	<i>[Signature]</i>
7	Boubacar Traoré	MECENAR	3753103	<i>[Signature]</i>
8	Jainaba Fetty	MECENAR	3753557	<i>[Signature]</i>
9				
10				
11				
12				
14				

WEST AFRICA COASTAL AREAS RESILIENCE INVESTMENT
PROJECT 2

Consultancy for Preparation of Environment and Social Safeguard Instruments

Attendance List - Stakeholder Consultations

Institution: Dept of Hy. & W. Date: 30/04/20 Time: 15:30

Name	Position	Tel. No.	Signature
Monodou M. Iwale	PPD/Env. & Soc.	9914085	<i>[Signature]</i>
Madiha Lucie	Principal PPD	7731306	<i>[Signature]</i>

WEST AFRICA COASTAL AREAS RESILIENCE INVESTMENT
PROJECT 2

Consultancy for Preparation of Environment and Social Safeguard Instruments

Attendance List - Stakeholder Consultations

Institution: K.N.C. Date: 30/04/20 Time: 15:30

Name	Position	Tel. No.	Signature
Louisa J. Iwale	Dir. of Soc. & Env.	8996550	<i>[Signature]</i>

Annex 5d Photos of some consultations and site visits in the PIZ

Stakeholder consultations in Dippa Kunda



Consultations in Bundung



Stakeholder consultations in Kotu/Manjai VDC



Only Women's group meeting in Nema Jola Kunda



Source: Danyanko Company Ltd.

Annex 6: Sample Terms of Reference for Preparing a Resettlement Plan

Introduction

- Briefly describe the project.
- List project components including associated facilities (if any).
- Describe project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

Scope

For achieving these objectives, the Consultant should develop a resettlement action plan (RAP) based on the following sections which correspond to the scope of work.

Task 1: Description of the project and surrounding area

The Consultant should provide a general description of affected areas in the geographical, administrative, physical, biological, human, socio-economic of the area concerned.

Task 2: Potential social impacts of the project

The Consultant should identify the potential positive and negative impacts of the infrastructural activities to be undertaken during the following aspects:

components or activities that require resettlement or restriction of access;

zone of impact of components or activities;

alternatives considered to avoid or minimize resettlement or restricted access to sources of income;

mechanisms established to minimize resettlement, displacement, and restricted access to sources of income, to the extent possible, during project implementation;

Task 3: Legal and institutional framework of the resettlement

The analysis of the legal and institutional framework in The Gambia should cover the following:

scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc.;

- applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-projects;
- relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc. related to displacement and resettlement, and environmental laws and social welfare legislation;

- laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

- agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

Task 4: Socio-economic studies

The Consultant should conduct socio-economic studies with the involvement of potentially affected people. These socio-economic studies should include the overall results of the census of the PAPs, property and livelihoods covering:

- current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;

information on vulnerable groups or persons, for whom special provisions may have to be made; and

- provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following, as needed:

-land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;

-patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-projects;

-public infrastructure and social services that will be affected; and

-social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and Non-Governmental Organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Task 5: Eligibility and entitlements

The Consultant should define and characterize displaced persons or PAPs and the criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Task 6: Valuation and compensation for losses

The Consultant should determine the methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g., market rates) and included transporting building materials to the construction site, any labor and contractors and any registration cost.

For the compensation of lands lost by PAPs and whose they depend for their livelihood (agricultural and pastoral lands for example), the Consultant should ensure that these PAP find alternative lands in the area with the similar quality or better than the lost lands, without any registration costs.

In any case, the Consultant should consult PAPs to know their preferences compared with different types of compensations.

Task 7: Resettlement measures

The Consultant should do the description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the resettlement objectives. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

If a resettlement site is an option, the Consultant should describe the alternative relocation site, indicating:

the institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- ✓ the necessary measures to prevent land speculation or influx of eligible persons at the selected sites;
- ✓ the procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- ✓ the legal arrangements for recognizing (or regularizing) tenure and transferring titles to resettlers;

- ✓ the housing, infrastructure, and social services: plans to provide (or to finance resettler's provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described;
- ✓ the environmental protection and management: description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement). The RAPs needs to clearly present detail information on the propose mitigation measures for each affected entity or PAPs with reasoning for the site, type and level of mitigation being offered;
- ✓ the community participation: consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:
 - ✓ description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
 - ✓ summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
 - ✓ review of resettlement alternatives presented, and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g., places of worship, pilgrimage centers, cemeteries); and
 - ✓ arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including, ethnic minorities, landless, children and youth, and women) are adequately represented.
- ✓ The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:
 - ✓ consultations with host communities and local governments;
 - ✓ arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
 - ✓ conflict resolution involving PAPs and host communities; and
 - ✓ additional services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

Task 8: Grievance Management Mechanism

The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms. The grievance management mechanism should include the Regional Coordination Unit (RCU) located in ECOWAS.

Task 9: RAP implementation responsibilities

In the RAP, the Consultant should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover:

the delivery of RAP compensation and rehabilitation measures and provision of services;

an appropriate coordination between agencies and jurisdictions involved in RAP implementation;

the measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g., community-based livelihood restoration; participatory monitoring; etc.).

Task 10: Implementation Schedule

The Consultant should include in the RAP, an implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. This schedule should identify the target dates for delivery of benefits to settlers and hosts and a clearly defined closing date. This schedule should indicate how the RAP activities are linked to the implementation of the overall project.

Task 11: Costs and budget

The Consultant should provide in the RAP for the specific sub-projects, detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

Task 12: Monitoring and Evaluation

The Consultant should include in the RAP section on monitoring and evaluation the arrangements for monitoring of RAP activities by NAWEC (the implementing agency), and the independent monitoring of these activities. An independent monitor or agency will carry out the final evaluation to measure RAP outcomes and impacts on PAPs' livelihood and living conditions.

Task 13: Disclosure and publication

The Consultant should indicate the arrangements for RAP disclosure/publication in order to make them accessible to the PAPs.

Methodology and preparation of the proposal

CPCU has overall responsibility for the implementation of the Project and in this regard, it will have oversight responsibilities for the RAPs studies and implementation. It shall provide the necessary support and guidance to the Consultant or Firm and shall liaise closely with the Regional.

The Consultant will carry out the Resettlement Action Plans (RAP) in accordance with the Resettlement Policy Framework (RPF) and the Environmental and Social Impact Studies (ESIS) of GIRAV project in line with national laws and provisions of Environmental and Social Standard 5 of the World Bank.

In the preparation of the RAPs, the PAPs and other stakeholders will be consulted. Such consultations will be part of the ongoing activities of the project. The consultations seek to increase transparency, public understanding, and citizen involvement in the design and implementation of the RAP. It helps ensure that the PAPs are adequately informed about the project and have the chance to make informed decisions regarding their position on the project. The target group for these consultations will be the PAPs and other relevant stakeholders such as government agencies, at national and regional levels, Local government representatives, NGOs and CSOs, women and youth groups at the regional level. These consultations shall, in all cases, take due consideration of representativeness and inclusion of women and marginalized or vulnerable groups. However, in view of the potential difficulties these groups sometimes have in making their voices heard in large open meetings, special arrangements shall be made at group and individual levels to reach out to them to create the necessary awareness and collect their views.

In line with the Stakeholder Engagement Plan for the project, the Consultant will conduct:

Public meetings in suitable locations ('bantaba,' market-place, etc.), the official residence or offices of the local leaders will be held in the affected areas with community leaders, opinion leaders, and PAPs as individuals (as during the survey) and in their groups. At these meetings, the people will be informed about the project, the assets likely to be impacted, the principle of compensation for the various types of losses, the entitlement eligibility criteria, if already known, modes of compensation and the complaints and grievances resolution procedures. The stakeholders will also be informed about their rights and the alternatives available to them if the proposed compensation to them is considered inadequate.

Individual(s)-based meetings will be conducted with each affected household either at the affected house or local office of the project. During these meetings, the affected individual/households will be informed of their asset(s) that have been affected and informed of the resettlement options. The affected group or individual will also be informed of their right to acquire assistance from any competent valuator, lawyer or legal counsel during the assessment or meeting relating to the assessment of assets.

These meetings and consultations will be documented by signed minutes, minutes and photos.

In his offer, the Consultant will highlight his experiences and detailed references concerning the execution of RAP contracts present the signed CVs of the specialists of his team, and make documented proposals on the following axes:

- understanding of ToRs and the mission;
- the main activities and expected results at each level;
- the timetable for the execution of the study.

Timetable and outputs

The Consultant is expected to submit to CPCU the following:

Inception report describing the procedures and timetable for completion of the RAP preparation process (by second week after contract signing);

Draft RAP report (by 60 working days after contract signing);

The RAP will be accompanied by an Excel database containing all information on PAPs and loss of property and assets, including geo-referenced data. The Consultant will develop a template for a PAP form and agreement by type of PAP.

After completion of the review of the draft RAP, including consultations with PAPs and communities on the main finding of the RAP, the final RAP will be disclosed by CPCU. During the review process, the Consultant is expected to make the necessary changes to the RAP and organize the disclosure and consultation process. The RAP will be subject for review and validation by the Technical ESIA working group at the National Environmental Agency prior to disclosure and approved by the World Bank.

Consultant Profile

The Consultant must be a Consultant or firm with at least ten (10) years of experience in conducting social and environmental assessments, including the development of Resettlement Policy Frameworks (RPFs) and Resettlement Action Plans (RAP) on behalf of International Development Agencies projects.

The Consultant or the Firm must have a permanent team, multidisciplinary and qualified for the tasks, including at least the following profiles:

an **Expert in Environmental and Social Assessment**, Team Leader, with a postgraduate degree (Master level), with an experience of at least ten (10) years in the preparation of Resettlement Action Plans and having a good knowledge of the World Bank or other International Development Institutions policies on safeguards.

a **socio-economist, specialist in socio-economic surveys, gender, social inclusion and public consultation**, postgraduate degree (Master level) with at least ten (10) years of experience.

an **Expert in Geographical Information System (GIS)** with a postgraduate degree (Master level) with at least 4 years of professional experience in his area of expertise, good knowledge of GIS software, database management system (Access, Excel), modeling and knowledge in photo-interpretation and remote sensing.

Conduct of the Consultant

The Consultant will, at all times, be expected to carry out the assignment with the highest degree of professionalism and integrity, including prohibition of any SEAH misconduct. The Consultant will be expected to conduct his/her duties in an open and transparent manner;

The Consultant will not, under any circumstance, take any actions or be seen to be taking any actions, which may hinder or prevent the project from executing this assignment;

The Consultant will study all the WACA s project guidelines and policies and will be expected to ensure that the assignment is concluded with the strictest adherence to all such policies and regulations;

The Consultant will not, under any circumstances, take any material decision pertinent to this assignment without the express permission and written consent of an authorized representative of the GIRAV Agro-Climatic Resilience Landscapes project; and

The Consultant will not, under any circumstances, discuss, divulge or use any information regarding this assignment or any other transaction conducted as part of the FGN's Program, without the express written permission of an authorized representative of the scapes project.

Fees and Reimbursable

Firm / Consultant fees and reimbursable (travel costs, organization of consultation meetings with key stakeholders) shall be included in the proposal/ Work plan.

Annex 7: Bibliography

- 1) Constitution of the Republic of the Gambia, 1997
- 2) State Lands Act,1991
- 3) Local Government Act, 2002
- 4) Land Acquisition and Compensation Act, 1991
- 5) Lands (Regions) Act 1991
- 6) Physical Planning and Development Control Act, 1991
- 7) Surveys Act 1991
- 8) National Environmental Management Act 1990
- 9) Environmental Impact Assessment Procedures 1999
- 10) Environmental Impact Assessment Guidelines 1999
- 11) Lands Commission Act 2007
- 12) Development Control Regulations, 1995
- 13) Physical Plans Regulations, 1995
- 14) State Lands Regulations, 1995
- 15) Women's Act 2010
- 16) Environmental and Social Framework, World Bank 2017
- 17) World Bank Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works, World Bank 2018
- 18) Guidance Note For Borrowers: Environmental & Social Framework for IPF Operations ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, World Bank 2018

Annex 8: Terms of Reference for the Preparation of a Resettlement Policy Framework (RPF)

1. PROJECT BACKGROUND

The Government of The Gambia through the Ministry of Environment, Climate Change and Natural Resources (MECCNAR) is seeking financial support from the World Bank to develop and implement the West Africa Coastal Areas Resilience Investment Project 2. The Project Development Objective (PDO) is to strengthen the resilience of targeted communities and areas in coastal Western Africa. To achieve this objective, the project will consist of four (4) components: (1) Strengthening Regional Integration; (2) Strengthening the Policy and Institutional Framework; (3) Strengthening National Physical and Social Investments; and (4) Project Management.

The proposed project will support the Government to improve the institutional and policy frameworks around disaster risk management, integrated coastal development, natural resource management, and urban resilience. It will also improve flood and coastal risk management in selected risk prone areas in Greater Banjul Area, investing in climate resilient infrastructure and promoting nature based solutions, involvement and interventions at the community level. Furthermore, it will contribute to public service delivery improvement as it will improve flood management and mitigate the negative effects flooding events have on basic public service delivery.

It is expected that the project will: (a) strengthen the resilience to flood risks; (b) improve the attractiveness and accessibility of the riverfront: recreational purposes, biodiversity; (c) enhance socio-economic development of area; (d) improve liveability and urban environment; (e) reduce pollution from uncontrolled storm water runoff; (f) improve public health conditions; and (g) improve accessibility/connectivity avoiding traffic disruption.

The proposed Project has four components as follows:

Component 1: Regional integration. The objective of the regional integration component is to strengthen the effective coordination of interventions for coastal resilience in West Africa at the regional and national levels. This is achieved through the consolidation of the regional institutional set-up and harmonization of policy, to seek economies of scale and the development of new strategic partnerships needed for the scale-up of response to the coastal resilience development challenge.

Component 2: Strengthening the policy or institutional frameworks. The project will support the strengthening of institutional and policy frameworks around coastal development, protection, and natural resource management. Focus areas will include strengthening of existing national coordination mechanisms and of institutional capacity for coastal development and protection.

Component 3: Physical and social investments. This sub-component will finance site-specific interventions for coastal protection and/or flood control to reduce risks of flooding and/or erosion in the Greater Banjul Area (GBA), home to 25 percent of the country population and 45 percent of GDP. The project is expected to finance a mix of gray, green, and hybrid infrastructure solutions at along the selected prioritized Kotu Stream hotspot to reduce risks of flooding and erosion. Green or nature-based solutions include but not limited to retention ponds/tanks/wetlands/parks, water squares/sunken plazas, (bio)swales, tree tranches, sidewalk planters, green roofs, soak ways, water harvesting, green

infrastructure/planting, urban gardens, submerged native aquatic vegetation, and mangrove protection to serve as a buffer to inundation and sea-level rise. Potential grey solutions include small-scale localized infrastructure such as constructing primary and secondary drainage systems and widening the Kotu Stream banks for mitigating erosion and urban flood risk and building bridges to serve as crossing point along the project site for enhancing community access, while hybrid solutions incorporate both approaches depending on site-specific needs and characteristics. Feasibility and design studies for the intervention will also be supported by this component.

The project will also support interventions for social development and economic recovery based on the needs of affected urban and coastal communities. The project will support participatory activities (social subprojects) to work with communities on nature protection and conservation and alternative livelihoods.

Component 4: Project management. The component will finance project management costs of the CPCU for staffing, monitoring and evaluation, project technical audits, safeguards, financial management, procurement and training.

Preparation of Resettlement Policy Framework (RPF)

The RPF will clarify resettlement principles, policies, organizational arrangements, schedules and indicative budgets and design criteria to be applied to subprojects to be prepared during project implementation. These arrangements are also to ensure that there is a systematic process (as against an adhoc one) for the different stages of the implementation of a framework that assures participation of affected persons, involvement of relevant institutions and stakeholders, adherence to both World Bank and the Government of Gambia procedures and requirements, and outline compensation for affected persons.

Once the subprojects are defined and the necessary information becomes available, the RPF will be expanded into a subproject-specific Resettlement Action Plans (RAP) / Abbreviated RAP (A-RAP) proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until RAPs/A-RAPs have been finalized and approved by the Bank and all people affected received their compensation A fair, prior and equitable compensation needs to be effective before civil works starts.

The RPF should cover the following elements:

- i. Description of the project and components for which land acquisition and resettlement are required, and an explanation of why a RPF is being prepared;
- ii. Review of the legal framework and fit between Gambian laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- iii. Principles and objectives governing resettlement preparation and implementation, linking resettlement implementation to civil works;
- iv. Description of the process and criteria for assessing right-of-way impact and compensation packages;
- v. Description of the process for preparing and approving resettlement plans;
- vi. Estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible;
- vii. Eligibility criteria for defining various categories of displaced persons;
- viii. Methods of valuing affected assets;
- ix. Organizational procedures for delivery of compensation and other resettlement assistance;

- x. Description of GRMs;
- xi. Description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- xii. Description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- xiii. Arrangements for monitoring by the CPCU/PIU and, if required, by third-party monitors.

Specific Requirements of the RPF

The preparation of this RPF shall follow the requirements of the World Bank's Environmental and Social Standard on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, ESS 5. The RPF shall also make reference to Government of Gambia's legal and institutional requirements. Any identified gaps between these two requirements are to be clearly captured, explaining how these gaps will be filled, and which should take precedence with reasons.

Scope of Assignment

The Consultancy Firm/Specialist shall cover the following key areas as described in this ToR. Other areas considered relevant may be considered by the Consultancy Firm/Specialist so far as they add value to the outlined areas below.

(i) Project Description

Provide a brief description of the project to place the RPF in the right context. This would include a summary of the background to the project, the different components. Most importantly, the Consultancy Firm should identify the possible resettlement issues that each component and subcomponents are likely to generate, and for which reason this RPF is being developed.

(ii) Review of Country Legal and Institutional Guidelines and Requirements

The firm or the Consultancy Firm will require to undertake a comprehensive review of the national laws governing land take and other assets. She/he shall also look at the various land tenure and ownership systems in The Gambia, the different legal instruments regarding government and individual acquisitions and resettlement and compensation policies. The Consultancy Firm should describe any discrepancies identified in the different legal instruments. The RPF shall also identify the legally mandated institutions associated with these legal instruments and their respective roles. This should be at all levels where implementation of project activities is likely to take place. Attention should be given to local-based institutions and structures at the implementing project states. The institutional arrangement will include implementation and monitoring mechanisms that ensures inclusiveness and participation of all affected people, groups and communities.

(iii) Gap Analysis

The Consultancy Firm shall spell out the World Bank's ESS5: Land acquisition, Restriction of land use and Involuntary Resettlement and assess how this applies in the specific case of the Project. Attention should be paid and documented on the difference(s) between the Standard and The Gambia's laws and regulations on land acquisition if applicable; noting that where the differences are significant whichever policy is of a comparatively higher standard will apply.

(iv) Social Assessment and Socio-Economic Surveys

The Consultancy Firm or the firm shall conduct an initial social and economic survey at the proposed regions for the project activities required under the different components and subcomponents that trigger ESS 5. The survey shall cover issues on the social structure, economic activities, social characterization of potential affected persons, and the numbers likely to be involved, the different social institutions, social capital and mechanism for social cohesion. The RPF shall also explore and describe existing conflict resolution mechanism and potential for conflict situations that might arise in course of implementing the project. This information will serve as critical baseline data for a future RAP (to be reviewed as needed).

(v) *Estimated Population, Displacement and Categories of Affected People*

This requires a record of the number of estimated people likely to be affected or displaced by the project activities as noted in the project component description. The distinct categories may include those who may be losing temporary access to land, ecosystem services and other livelihood enhancement resources that might be rehabilitated by the project. These are only examples of those who are likely to be affected through displacement. The RPF shall identify the right categories as per the impacts noted or expected.

(vi) *Eligibility Criteria for various Categories of Affected People*

The Consultancy Firm shall determine the compensation type for the distinct categories, losses and affected persons. These may include persons affected by land take, rights of access to resources or properties like housing, and water sources, loss of livelihood, and loss of cultural properties/sites (where it applies). The RPF shall take note of the multidimensional impact of the project and factor that into the analysis especially about different sites and different forms of social impacts that reflect the peculiarity of each state. The RPF shall pay attention to the different forms of impacts because of the nature of the project and explore the relevant issues appropriately. The criteria for compensation should be as per national legal requirements and provisions of ESS 5, social sustainability and poverty reduction factors and fairness to avoid conflict and dissatisfaction. The section should also identify and document the unit of compensation that is whether individuals, families or groups and indicate the scenarios or cases for the application of each unit of analysis or a combination of units where appropriate.

(vii) *Entitlement Matrix for proposed Resettlement and Compensation Policy*

Following from the above, the RPF shall develop a matrix that detail the type of compensation that each identified PAP will be entitled to and a rationale as part of the matrix explaining the reasoning behind the entitlement as will be proposed in the Matrix.

(viii) *Methods for Valuing Affected Assets*

This section is the most important part of the RPF hence it shall describe in detail the methods used in valuing those assets that will be eligible for compensation. This method shall be consistent with both national policy requirements and regulations and ESS5. This process should capture the methodology for taking of inventory of assets, values assigned, and agreement reached with each identified PAP and consider inflationary realities in the final determination of values. The PAPs should have an opportunity to do their own valuation if they have doubts or misgivings through the facilitation of the project for further negotiations between the PAP(s) and the client. Valuing of assets should be a process of engagement with PAPs and not an imposition. The RPF shall demonstrate that the methods used for the exercise in its entirety were engaging and acceptable to all stakeholders.

(ix) Organizational Arrangements and Procedures for Delivery of Entitlements

The RPF shall describe the process for organizational arrangements, responsibilities and roles. The RPF shall describe the approval processes for the various stages of the compensation work and which actors will undertake and have what roles and responsibility. This section will also spell out the actual process for delivering the entitlement including the roles for the different agencies and reporting formats.

(x) Methods for Consultation with and participation of Affected People

The Consultancy Firm shall as a matter of importance, describe in clear terms the methodology for consultation and participation by the PAPs in the process until they have received their entitlements. This process should be elaborate and clear to avoid and minimize confusion and suspicion. This could be done according to the various levels of consultations, the expected outcome from the various stages of the consultation and participation approach that would be adopted. The consultation process includes that for the development of the RPF and subsequent Resettlement Action Plans (RAPs). The RPF should categorically emphasize the importance of documentation and other evidential indication for the consultation and participation process for this RPF and for subsequent RAPs. The record of consultation and participation for this RPF should be attached as an annex to the final RPF report for the client. As part of this, the Consultancy Firm will develop a program for the disclosure of the RPF to facilitate the work of the client on this matter. The responsibility for both the disclosure and dissemination however lies with the client.

(xi) Grievance Redress Mechanisms

Under the grievance redress mechanism, the Consultancy Firm shall describe the options available to PAPs for grievance redress they may have about the process, the identification of eligible people for compensation, the valuing and compensation and any other complaints they may have with the entire process. The RPF shall indicate how these would be disseminated and accessible to the PAPs. The grievance redress mechanism should also have an in-built monitoring mechanism to check on responsiveness to complaints or grievances lodged. The different forms of receiving the complaints should be clearly described together with the various stages of going through the process. In addition, the redress mechanism shall indicate alternatives, in case the proposed mechanism, for any reason, does not respond to all grievances and complaints.

(xii) Budget and Funding Arrangements

The RPF should clearly state the sources of funding for subsequent RAPs, an overall cost estimates for resettlement including for monitoring of the resettlement activities. If there are multiple sites, the RPF should give an indicative budget for resettlement for each of the sites or communities. The financial responsibility of the relevant stakeholders, where applicable, should be categorically stated to avoid ambiguity of source of funds for resettlement activities. These budgets should take into consideration inflationary tendencies

(xiii) Monitoring Arrangements

The RPF shall provide appropriate mechanism for monitoring the implementation of the resettlement activities. The Consultancy Firm shall propose current and participatory monitoring methodologies that would involve the PAPs themselves. The roles of different players like the PAPs, civil society, traditional authorities, and local government authorities among others, in the implementation and monitoring

process will need to be clarified. The RPF shall develop, as part of this, a template for monitoring with indicators based on the key issues identified and spelt out in the RPF.

(xiv) Implementation Schedule

To avoid confusion with cut-off dates and other time lines especially because compensation will have to be paid prior to commencement of any civil works, it is important for the RPF to set out implementation schedule for the resettlement. The RPF shall in addition to the implementation schedule, identify potential risks that could militate against the smooth implementation of the resettlement actions and suggest plausible mitigation measures to serve as a guide to the client and the team who will be working on the implementation.

(xv) Outline of Resettlement Policy Framework

The Resettlement Policy Framework to be developed under this project will accord with The Gambia legislation and regulations and with ESS5.

The content should be presented in the following format:

- Executive Summary;
- A brief description of the project and components for which ESS5 is required;
- Principles and objectives governing resettlement policy framework;
- Assessment of estimated population displaced and likely categories of displaced persons, to the extent feasible;
- Eligibility criteria for defining various categories of displaced persons;
- Assessment and presentation of the legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- Methods of valuing affected assets;
- Organizational procedures for delivery of entitlements;
- Description of grievance redress mechanisms;
- Arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds and contingency arrangements;
- Mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- Arrangements for monitoring by the implementing agency and, if required, by independent monitors.

(xvi) Template for the Design of Resettlement Action Plan

The RPF shall develop a template and sample ToR for the design of a RAP based on the details of the RPF and informed by World Bank framework for RAPs. This template will spell out the main subsections of the RAP and any other relevant annexes that should be included.

