

**RESETTLEMENT POLICY FRAMEWORK FOR FISH LANDING SITES/BASIC
INFRASTRUCTURE WEST AFRICA REGIONAL FISHERIES PROGRAM (WARFP) IN
CAPE VERDE, SENEGAL, LIBERIA AND SIERRA LEONE (P106063), AND
ADDITIONAL FINANCING FROM GLOBAL ENVIRONMENT FUND (GEF) TO WARFP IN
LIBERIA AND SIERRA LEONE (P156759)**

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This Resettlement Policy Framework (RPF) provides guidelines to communities, local leaders and project officers for the development of Resettlement Action Plans (RAPs) under the West Africa Regional Fisheries Program (WARFP) and the Global Environment Fund (GEF) additional financing. RAPs are required, by agreement of each Government with the World Bank, for: i) the identification of property such as land, houses or businesses whether held under formal legal title or by customary right, ii) the physical relocation (resettlement) of families or businesses, and iii) the restoration of economic livelihoods in the event that these assets or activities are affected by a sub-project, be it through land acquisition or through restriction on access to natural resources. This RPF will define these situations and provide guidelines for suggested remedial measures to incorporate in the RAPs.

This RPF applies to all fish landing sites and basic infrastructure financed under the WARF that require land for their investment.

A. PROJECT DESCRIPTION

The objective of the West Africa Regional Fisheries Program (WARFP or the Program) and the Global Environment Fund Additional Financing (GEF AF) to sustainably increase the overall wealth generated by the exploitation of the targeted marine fish resources in the participating countries, and the proportion of that wealth captured by these countries. These objectives will be achieved by: (i) strengthening the countries' capacity to sustainably govern and manage their fisheries, not only at the government level but also through local co-management of resources ; (ii) reducing illegal fishing; (iii) increasing the value and profitability generated by fish resources and the proportion of that value captured by the countries ; and (iv) program monitoring.

The Program will be implemented in four countries (Cape Verde, Liberia, Senegal and Sierra Leone), and will extend to other member countries as conditions permit (Ghana, Gambia, Guinea Bissau, Guinea and Mauritania). Program investments in these countries will be concentrated largely in the coastal fishing communities and waters of these countries. The safeguard analysis therefore takes into account the current situation of overexploitation of the resources and excess fishing effort by these communities in the region as a whole, and in particular in the four targeted countries, and the possible social ramifications of reducing fishing effort in certain cases to allow the fish stocks to rebuild.

WARFP and the GEF AF will provide a menu of activities from which each country will select options based on its specific local context. These activities will be implemented at the national and the local level in collaboration with the Commission Sous-Regionale des

Peches (CSRP) in order to enhance regional coordination and policy harmonization. In other words, a common approach is coordinated at the regional level, but implemented nationally and locally in order to show concrete results on the ground.

This RPF accords with the WARFP principle of regional coordination of national implementation of regional initiatives for improved fishery sustainability and income. Also, this RPF provides general guidelines for the development of RAPs, when necessary. The emphasis in both this regional RPF and in each of the RAPs from each country is on local involvement and participation in the definition of options and initiatives, as well as on mitigation or compensatory actions when community decisions adversely impact a segment of the fishing community.

1. PROJECT DESCRIPTION

WARFP and GEF AF will support four component activities, several of which have sub-components. The overall program is described immediately below.

Component 1: Good Governance and Sustainable Management of the Fisheries. The objective of this component is to build the capacity of Governments and stakeholders to implement a shared approach that would ensure that the marine fish resources are used in a manner that is environmentally sustainable, socially equitable and economically profitable. This component will support the following sub-components:

- (i) Development of the Capacity, Rules, Procedures and Practices for Good Governance of the Fisheries
- (ii) Introduction of Fishing Rights;
- (iii) Adjustment of Fishing Effort and Capacity to more Sustainable Levels, Introduction of Alternative Livelihoods where Needed;
- (iv) Social Marketing and Communication

Component 2: Reduction of Illegal Fishing.

The objective of this component is to reduce the illegal fishing activities threatening the sustainable management of the marine fish resources. More specifically, this component improves the Monitoring, Control and Surveillance (MCS) systems of participating countries and adapts them to the needs of fisheries management, within the framework of a coordinated approach between the participating countries. This component will support the following sub-components:

- (i) Enabling Environment for Reducing Illegal Fishing;
- (ii) Monitoring, Control and Surveillance Systems
- (iii) Strengthened Regional Collaboration for MCS.

Component 3: Increasing the Contribution of the Marine Fish Resources to the Local Economies.

The objective of this component is to increase the benefits to West Africa from the marine fish resources, by increasing the share of the value-added captured in the region. This component will support the following sub-components:

- (i) Fish Landing Site Clusters;
- (ii) Fish Product Trade Infrastructure, Information and Systems – Regional Minimum Integrated Trade Expansion Platform (MITEP).

Component 4: Coordination, Monitoring and Evaluation and Program Management.

The objective of this component is to support the countries to implement the Program in the context of the CSRP Strategic Action Plan, and to monitor and evaluate results.

This component will support the following sub-components: (1) National Implementation and (2) Regional Coordination.

In component 3 noted above, the Program will support the development of basic infrastructure in several communities for fish landing site clusters, which provide a group of economic activities and services to the fisheries. These will consist of basic works to establish small jetties or landing sites for offloading of fish products, supported by an integrated package of services around the sites for processing the products.

More specifically, in component 3, as well as small elements of components 1 and 2, the following types of small infrastructure will be supported:

Component 1:

Community centers to support co-management of the fisheries

Component 2:

MCS offices and/or fisheries monitoring centers
Small coastal surveillance stations/bases

Component 3:

Fish landing sites
Laboratories for sanitary competent authority to inspect fish products

In terms of the specific countries, the Program would include the following investments:

Cape Verde:

Improvements to the port/landing site at Praia (no land acquisition needed)
Construction of a new fish landing site at Palmeira/Sal (potential for land acquisition)

Liberia:

Community centers for co-management of the fisheries (community-owned land)
MCS office with sanitary competent authority (Government-owned land)
Landing site at Robertsport (community-owned land)
Industrial fishing jetty in Monrovia (Government-owned land)

Senegal:

Two coastal surveillance stations (potential for land acquisition)
Fish landing site at Kafontaine (no land acquisition – reparations and investments on existing site)
Improvements to other fish landing sites (no land acquisition – reparations to existing sites)

Sierra Leone:

Community centers for co-management of the fisheries (community-owned land)

MCS office/fisheries monitoring center (potential for land acquisition)
Coastal surveillance stations (potential for land acquisition)
Fish landing site at Konakree dee (community-owned land)
Reparations to existing fish landing sites (no land acquisition)

The MCS office with sanitary competent authority envisaged in Liberia, the industrial fishing jetty envisaged in Liberia, the two coastal surveillance stations in Senegal, the MCS office/fisheries monitoring center in Sierra Leone, and the coastal surveillance stations in Sierra Leone will hereafter be referred to as 'small, basic infrastructure investments'.

The fish landing sites, and community centers for co-management, will hereafter be referred to as 'fish landing sites/community infrastructure'.

These two distinctions will be utilized throughout this RPF.

2. WHY RAPs CANNOT BE DEVELOPED AT THIS TIME

Fish landing sites/community infrastructure. A fundamental premise of the fish landing site clusters is that they will be linked to community-based resource management so that the entire value chain is targeted: from managing the fish in the water to processing the product for market. As such, the Program will support the introduction of such landing sites, together with the introduction of strengthened resource management and Territorial Use Rights Fisheries (TURFs) – i.e. areas of the sea where the fisheries would be managed by the communities. For this reason, the specific location of the landing sites is not always determined (even if the general area is), and will depend upon community identification in many cases.

Small, basic infrastructure investments. Small, basic infrastructure investments that would be made by the Program will depend in some cases on technical specifications or policy decisions from the Government during the first year of the Program's implementation in order to specify the location.

For these reasons, a framework is being prepared to define the general policy principles for future RAP development that will be applied to the fish landing sites/community infrastructure or small, basic infrastructure investments, as the technical design is completed. The express purpose of this Resettlement Policy Framework is to define those principles so, when this policy applies, local groups, in consultation and collaboration with project officials, can develop and implement their RAP prior to starting to implement the fish landing sites under the Program.¹

B. PRINCIPLES AND OBJECTIVES OF RESETTLEMENT OPERATIONS

¹ Under World Bank processing procedures, any project that entails resettlement and that will be undertaken in the first year of the project must present its detailed resettlement budget by appraisal. This stipulation poses no difficulty for the West Africa Regional Fisheries Program. In the present instance, community consultations and technical design work will occupy much of the first year. Too, there are several fish landing sites that will be supported that will not entail any resettlement, and these can be undertaken in the first year.

The most effective measure for avoiding disruption of people's lives and livelihoods is to avoid taking land in the first place. Involuntary resettlement can often be avoided by exploring all viable alternative designs for an investment. It is therefore expected that the Program will explore all possible configurations of the fish landing sites/community infrastructure and small, basic infrastructure investments and their possible location, in order to avoid the need for taking any land or at least to minimize the extent of land take.²

Where land acquisition is unavoidable, a RAP is required. The RAP will specify the procedures for land acquisition, compensation and economic assistance of project-affected people (PAPs). The RAP will also take into account the following principles and objectives in order to at least restore, and preferably improve, the standards of living of the PAPs.

First, when land is required, the area taken will be the smallest area possible, so that the extent of physical and economic dislocation is reduced to the absolute unavoidable minimum. In such instances, it is usually less disruptive to take community land rather than private land, as long as it is not occupied or utilized by others, whether legally or not. Where suitable unused community land is unavailable, private land must be acquired.³

Second, PAPs will be afforded full and meaningful opportunity to participate and contribute to the design and implementation of the project. It is preferable, especially in small fish landing sites, that the people affected concur fully with the necessity of the acquisition of their land; if not, other land should be considered. Further, even when people agree with the aims of the project, the compensation and other remedial measures will be discussed with and accepted by the PAPs, and they will have an important role in implementing the measures. Finally, the PAPs will play an important role in monitoring the resettlement operation, for their satisfaction with the operation is a significant project monitoring dimension.

Third, all PAPs will be compensated fully for the loss of any and all assets. This includes, but is not limited to: land, houses, business premises, other infrastructure (fences, wells, latrines, lost crops and economic trees), as well as, in the instance of businesses, employee wages and business profits for the period of disruption. In the case of land, compensation in-kind (that is, land-for-land) is preferred in rural areas. For other assets that are not replaced in kind, compensation values will be at new replacement cost, without depreciation, in order to assure that people can replace

² This review of alternatives considered will be presented in the introductory section of the RAP, which describes the project and the alternatives considered to avoid, or at least minimize, land acquisition and resettlement.

³ The Screening Process [below, Section C] distinguishes between these situations because a RAP will be required only for the acquisition of community or state land that is occupied or used and for the acquisition of private land. In Guinea Bissau, community land is often held for the community by the chiefs, and is referred to as 'kingdom land' or 'chief's land,' depending upon which level of chief is vested with the land. These are effectively community lands that may be alienated to the sub-project, without a RAP, if there is no other claimant or user, that is, no one is affected economically in a direct and adverse manner.

each asset. Also, payments will be effected in a timely manner so that the PAPs are not further inconvenienced.

Fourth, PAPs will be assisted in case of physical relocation or resettlement. Local officials and/or project officers will help PAPs identify and acquire a new residence or business locale, and will provide any other necessary ancillary support (e.g., purchase and/or transport of building materials, hiring building contractors, physical transfer and reinstallation).

Fifth, PAPs will be provided all reasonable and necessary assistance to restore their livelihoods, to the extent these are affected. This policy holds that where it is not feasible to avoid economic dislocation, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the landing site to share in the investment's benefits. Therefore, when incomes or livelihoods are affected, PAPs will be provided assistance in their efforts to improve their livelihoods and standards of living, or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

These principles provide basic guidelines for developing a detailed and time-bound Resettlement Action Plan when a fish landing site/community infrastructure or small, basic infrastructure investment requires land. The purpose of developing a RAP is to work through not only the procedures for land acquisition but also the measures necessary to improve -- or at least maintain -- the standards of living of the project-affected people, and to do so prior to sub-project implementation.

C. PROCESS FOR PREPARING AND APPROVING RESETTLEMENT PLANS

Fish Landing Sites/Community Infrastructure. The process for preparing and approving resettlement plans involves three steps. First, once a community in each country has agreed on a fish landing site or infrastructure investment, they will complete an Environmental and Social Screening Checklist (ESSC) to ascertain whether or not there is any land acquisition required (see Appendix 1). If so, the community, in consultation with the PIU staff, will develop a Resettlement Action Plan (see Appendix 2). Finally, the investment proposal, together with the RAP, will be submitted to the PIU for the approval of the appropriate authorities.

Small, Basic Infrastructure Investments. Once the PIU has completed the technical design for such investments, the PIU staff will complete an ESSC to ascertain whether or not any land acquisition is required (see Appendix 1). If so, the PIU will develop a RAP, which will be submitted to the appropriate authorities for approval.

These steps are detailed below.

1. VERIFYING WHETHER OR NOT THERE IS RESETTLEMENT: THE ENVIRONMENTAL AND SOCIAL SCREENING CHECKLIST

This section describes the process for ensuring that environmental and social concerns, in particular, resettlement issues, are addressed adequately and early on in the project cycle. The process involves a simple checklist, which is verified through existing institutional procedures for managing the identification, preparation, approval and implementation of the fish landing sites.

The Environmental and Social Screening Checklist (ESSC) is designed to inform the PIUs and local Co-Management Associations (CMAs) created through the Program to manage the TURFs about critical issues and to make available to reviewers key information so that mitigation measures, if any, can be identified and/or that requirements for further analysis can be determined at an early stage of the project cycle for compliance with national legislation and Bank safeguards.

For fish landing sites/community infrastructure, once a CMA decides together with the national Program Implementation Unit (PIU) on the location of the fish landing site and accompanying basic infrastructure, or once identified by PIUs in the case of the small, basic infrastructure investments, the specific investment is checked by the CMA or PIU to complete the ESSC, and in particular to answer the following questions (12 and 13 in the ESSC):

Will the landing site or basic infrastructure result in displacement, loss of assets, or access to assets (Yes or No)? and

Will the landing site or basic 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)?

If the answers are 'No,' the fish landing site/community infrastructure or small, basic infrastructure investment poses no particular resettlement concern. In this cases, the fish landing site/community infrastructure proposed by the CMA can be forwarded to the PIU for field verification of the findings and for final processing. If one or more of the answers are 'Yes,' then a Resettlement Action Plan (RAP) is required, and the CMA will work together with the PIU to develop it.

This screening exercise must be carried out on a case-by-case basis to determine: i) whether land that is occupied or used will be required and ii) whether associated mitigating measures that will be necessary before the construction phase of the landing sites have been defined in sufficient detail that they can be readily implemented.

2. DEVELOPMENT OF A RAP AND PROJECT CERTIFICATION

When the initial assessment indicates that there will be land acquisition and therefore involuntary resettlement as defined under this policy, for fish landing sites/community infrastructure the CMA, with the assistance of the PIU staff, will develop a Resettlement Action Plan. For small, basic infrastructure investments, the

PIU will develop a RAP. The Bank's policy requires a RAP for any investment that involuntarily displaces people from land or productive resources, and the displacement results in: relocation, the loss of shelter, the loss of assets or access to assets important to production; the loss of income sources or means of livelihood; or the loss of access to natural resources.

The RAP should meet the requirements a subproject and be easy to use. There is no standard format or length. Nonetheless, the RAP will:

- a. Describe the landing site or infrastructure (and alternatives considered to minimize resettlement)
- b. Define the impacts (including those identified during the census and socio-economic survey)
- c. Census the population affected and undertake a baseline socio-economic survey
- d. Detail the type and extent of loss incurred by each PAP
- e. Specify 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
- f. Determine and prepare the resettlement site, if any, including institutional arrangements
- g. Present any economic rehabilitation measures required
- h. Provide a timetable for resettlement and sub-project activities
- i. Present a detailed budget, and identify the sources of funds.

In practice, once the CMA or PIU has determined that there will be land acquisition and involuntary resettlement: (i) for fish landing sites/community infrastructure, the CMA (or a committee constituted of its members) will conduct a census of the affected population and an inventory of the assets each PAP will lose. At the same time, the TURF Facilitators working with the PIU will record basic demographic and economic information, specifically, the name, age, marital status, number of dependents, primary and secondary occupations of each PAP household, in parallel to CMA-conducted census, and the Facilitators will record the extent and type of impact and the importance of the area lost to each PAP family (See Appendix 2 for an example of a data collection sheet.); or (ii) for small, basic infrastructure investments, the PIU will conduct the above census and record basic demographic information, in order to record the extent and type of impact and the importance of the area lost to each PAP family. In the case of fish landing sites/community infrastructure, this work will be carried out with the assistance of the assigned PIU staff. In both cases the work will be supplemented, if necessary, with external technical assistance financed from the PIU budget.

Once it is determined how many people are affected and how severely, the CMA or PIU will consult with the PAPs on remedial measures. Ideally, all land lost will be replaced by land of the same size and of the same characteristics. Structures can be replaced in-kind by the sub-project or by the PAP using his or her indemnification payment(s). Annual crops that are lost before harvest are compensated at the market rate for that production at the mid-point between

harvests. And economic trees are either valued for their lumber (timber trees) or, in the case of fruit trees, valued at the amount of production lost for the period it takes a replacement seedling to come into production.

This information is compiled in the RAP, along with key information on institutional arrangements, timetable and cost. In the case of fish landing sites/community infrastructure, the CMA leaders will sign the RAP to indicate that they and the PAPs agree with the propositions, and the TURF Facilitator will sign to certify that all of the information is complete and accurate. The RAP may then be sent to the PIU for further processing. In the case of small, basic infrastructure investments, the PIU will sign the RAP to indicate that they and the PAPs agree with the propositions, and the Director of Fisheries from the Ministry in charge of fisheries will sign to certify that all information is complete and accurate.

3. THE APPROVAL PROCESS

For fish landing sites/community infrastructure, the approval process involves three steps:

1. Once the location for the fish landing site/community infrastructure has been selected and the ESSC completed, the (CMA) will review the proposal, and sign the submission to indicate their support for an agreement with the initiative. If a RAP is required, the CMA members, as well as the TURF Facilitator who worked on the development of the investment, will sign the RAP in order to indicate their familiarity with the compensation and economic assistance measures and their willingness to carry them out efficaciously. The CMA then forwards the proposal to the PIU.
2. The Coordinator of the PIU will review the submission, and carry out any field verification that he or she believes to be warranted, before signing the proposed investment.
3. The Coordinator of the PIU will forward the proposed investment to the Director of Fisheries for approval, who is responsible for the PIU and day-to-day oversight of Program implementation.

For small, basic infrastructure investments, the approval process involves two steps:

1. The PIU will prepare the investment and ESSC, as well as a RAP if needed.
2. The proposal, together with the RAP will be forwarded to the Director of Fisheries for approval.

4. IMPLEMENTATION AND MONITORING

For details on implementation, please see Section I, and for details on monitoring, Section M, below.

5. TRAINING

In view of the fact that, in practice, project and local officials, as well as communities, may not be familiar with project requirements, it is recommended that (a) these aspects be covered in training courses, (b) simple field guides be prepared and provided (e.g., a one-page brochure of how to report land occupation and how to plan and implement mitigation measures) and (c) specialist advice be provided as required.

Training will be provided to PIU, collaborating agencies, and community representatives in the identification of these issues and the development of appropriate mitigating measures. This training can be conducted in several stages. During the Project Kick-off meetings, at least one session will be devoted to resettlement issues. Subsequently, the TURF Facilitators, with the support of the PIU Coordinator, will conduct resettlement and environmental impact workshops at the local level.

Simple brochures will be prepared for these training sessions. Each brochure will discuss the issues involved in one environmental or social topic (e.g., natural habitats, cultural property, and involuntary resettlement). The brochures will be distributed during the training programs and afterwards, so that participants have the material for future reference.

Situations may arise where Project-funded technical assistance is required, especially when the screening form triggers the need for an EIA or a RAP, i.e., if land must be acquired for a subproject or someone's access to resources they are accustomed to using is restricted/denied. Once the need for a Resettlement Action Plan has been determined, it will be important to assess the complexity of the operation and decide whether external technical assistance would be helpful to the CMA or PIU in preparing a RAP according to principles and procedures detailed in the RPF.

D. ESTIMATED POPULATION DISPLACEMENT BY CATEGORY

As shown in section A.1, a number of the potential fish landing site/community infrastructure investments, as well as small and basic infrastructure investments – but certainly not all -- may entail land acquisition. Constructing jetties or fish landing sites may require land taking. So does economic infrastructure to support these investments, as landing sites may be fenced off (restriction of access), and fish-processing and other value-adding activities need new buildings and building plots. In addition to fish landing sites, construction of new offices for MCS operations, including small surveillance stations, may also require land acquisition.

Table 1 (below) details whether an activity is likely to involve land acquisition, and, if so, how much land is involved and a likely range of the number of people to be affected. As the table illustrates, it is likely that land acquisition is apt to be relatively infrequent and, even in those instances, restricted in extent, so that the number of families affected will be limited.

Table 1: Estimated Area Affected and Number of Project-Affected People, by Type of Investment

| COUNTRY | INVESTMENT | LAND ACQUISITION LIKELY (YES OR NO) | LIKELY AVERAGE EXTENT OF LAND ARE TO BE TAKEN (HAS.) | LIKELY AVERAGE NUMBER OF OWNERS/OCCUPIERS (FAMILIES) AFFECTED |
|----------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------|
| Fish Landing Sites/Community Infrastructure | | | | |
| Cape Verde | Construction of a new fish landing site at Palmeira/Sal | Yes, unless unoccupied community land available | Less than 1 ha | (Total: TBD) |
| Liberia | Community centers for co-management of the fisheries | Potentially, but unoccupied community land is likely available | Area likely less than 50 meters by 50 meters | (Total: TBD) (Most likely, unoccupied village land will be available) |
| | Fish landing site at Robertsport | Potentially, but unoccupied community land is likely available | Less than 1 ha | (Total: TBD) |
| Senegal | Fish landing site at Kafountine | No, reparations to existing site | Existing site roughly 1 ha | 0 |
| | Improvements to other existing fish landing sites | No, reparations to existing site | Existing sites each less than 1 ha | 0 |
| Sierra Leone | Community centers for co-management of the fisheries | Potentially, but unoccupied community land is likely available | Area likely less than 50 meters by 50 meters | (Total: TBD) (Most likely, unoccupied village land will be available) |
| | Fish landing site at Konakree De | Potentially, but unoccupied community land is likely available | Less than 1 ha | (Total: TBD) |
| | Reparations to existing fish landing sites | No, reparations to existing site | Existing sites each less than 1 ha | 0 |
| Small and Basic Infrastructure Investments | | | | |
| Cape Verde | Improvements to the port/landing site at Praia | No, improvements to existing site | 0 ha. | 0 |
| Liberia | MCS office with sanitary competent authority | Unlikely, unoccupied Government land available | Area of roughly 1 hectare at Monrovia port | 0 |
| | Industrial fishing jetty in Monrovia | No, unoccupied Government land available | Less than 1 ha | 0 |
| Senegal | 2 coastal surveillance stations | Yes, unless unoccupied community land available | Each station would occupy area less than 100 m x 100 m | TBD |
| Sierra Leone | MCS office/fisheries monitoring center | Yes, unless unoccupied Government land available | Area likely less than 0.5 ha | Total: TBD |

| | | | | |
|--|-------------------------------|-------------------------------------------------|--------------------------------------------------------|-----|
| | Coastal surveillance stations | Yes, unless unoccupied community land available | Each station would occupy area less than 100 m x 100 m | TBD |
|--|-------------------------------|-------------------------------------------------|--------------------------------------------------------|-----|

The total number of PAPs depends upon the specific locations selected for the above investments. As such, the actual number of people that might lose land or assets is difficult to estimate.

Table 2:
Estimated Number of PAPs by Project Investment

| Type of Investments | No. of Investments | Est. No. of PAPs |
|-------------------------------------------------------------|--------------------|------------------|
| 1. Construction of new fish landing sites | 4 | 65 ⁴ |
| 2. Reparations to existing fish landing sites | 9 | 0 |
| 3. Community centers | 12 | 125 ⁵ |
| 4. MCS office/fisheries monitoring centers | 2 | 10 |
| 5. Coastal surveillance stations | 4 | 40 |
| 6. Industrial landing jetty/ improvements to existing ports | 2 | 0 |
| Total | 33 | 240 |

It warrants repetition here that there is, at this time, before any communities have met to define their development options and to establish their investment priorities, no sure way at present to estimate the approximate number of families that might be affected and how.

E. ELIGIBILITY CRITERIA

The OP on Involuntary Resettlement classifies as eligible for consideration all those who either have formal legal rights to land (including customary and traditional rights recognized under the laws of the country), those who do not have legal rights but have a claim to land or assets under national legal processes that could be adjudicated over time, and those who have no recognizable legal right or claim to the land they are occupying. Of this last category, the policy provides for resettlement assistance as necessary to achieve the objectives set out in the policy (recovery of lost assets, incomes and standards of living, or improvement of them). The only caveat is that all people should be recognized as having occupied the project area or had rights to its resources prior to an established cut-off date.

Thus, under this Policy Framework, any individual who loses land or other assets (e.g., residence, business premise, crops or economic trees) or whose livelihood is affected by land acquisition or changed land use by the West Africa Regional Fisheries Program is eligible for indemnification and/or assistance. The nature and extent of

⁴ Estimated maximum of 13 families, 5 persons per family

⁵ Estimated maximum of 25 families, 5 persons per family

indemnification and assistance depends on the rights that individual has to the land taken and on the nature and extent of the impact (Table 3).

In some instances, it may not be necessary to acquire the entire plot. If the remaining area is no longer viable, the entire plot will be acquired. Where, however, sufficient area remains for the occupant to continue using the remaining area, land and any structures taken are compensated, and the structures lost are rebuilt on the remaining area by the owner, if he or she so wishes.

Temporary land-take should be relatively uncommon, and is generally treated as land rent (e.g., area for a construction depot).

2. CUT-OFF DATE. The cut-off date for eligibility will be set for each investment as the date when either the CMA or the PIU completes the census of people occupying the land to be acquired and the inventory of their assets (land, built structures, and other infrastructure such as wells, latrines, fences),

**Table 3: Illustrative Matrix of Compensation Packages
By Type of Asset Lost and Ownership Right**

| IMPACT | RIGHT | COMPENSATION |
|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land | Formal title or customary title | Replace with plot of similar size and location for residence or similar size and characteristics (soil, water) for agriculture |
| | Renter or Leasee | No payment for land; assistance to locate replacement plot for rent |
| | Squatter | No payment for land; assistance to locate replacement plot |
| House or Business Premise (including all infrastructure such as wells, fences, outdoor kitchens, chicken coops and the like) | Owner | Replace with house of at least same size and infrastructure |
| | Renter | Reimburse any advance rental payments; provide assistance to locate new rental property; provide at least three months rent (as disturbance fee) |
| | Squatter | Provide assistance to locate new rental property; provide at least three months rent (as disturbance fee); assistance to acquire houseplot recommended |
| Crops | Owner/farmer | Compensate for lost production (yield) at price between harvests |
| Trees | Owner | Provide seedlings as replacement; Value of lumber or of fruit lost until seedlings come into production |
| Business | Owner | Compensate monthly profits foregone during period of relocation; Pay employee salaries during period of relocation |
| | Renter | Compensate profits and employees for wages.as above, plus assistance to acquire new locale (as for all renters) |

F. LEGAL FRAMEWORK

1. LAWS AND REGULATIONS OF CAPE VERDE

In terms of the legal framework for environmental impacts and activities, the Government elaborated the Second National Environmental Action Plan (PANA II), which has a 10-year horizon (2004-2014). The Plan's general objective is to provide the country with a strategy, promoting a rational use of natural resources and a sustainable management of economic activities. PANA II intends to answer to the Cape-Verdean diversity in topographic and agro-ecological terms, which is reflected in different environmental concerns and opportunities in each municipality.

The document identifies as priority environmental problems: i) limited water availability, suitable for home consumption and the development of economic activities; ii) the loss of marine and terrestrial biodiversity; iii) a poorly developed basic sanitation infrastructure that considerably affects public health and tourist development.

By means of a transversal, participative and decentralized process, involving public and private sectors, municipalities Non-Governmental Organizations and other civil society groups, municipal environmental plans were elaborated, and four priority interventions were identified: i) Sustainable management of water resources: ii) Basic sanitation, iii) Biodiversity and iv) Land use planning. In addition, several implementation instruments were outlined of which education, information, and environmental legislation and law enforcement were highlighted.

Additional laws and regulations that apply to this annex to the RPF include: Decree Number 3/2003 of February 24, 2003, which established the judicial regime for natural areas, the countryside, public monuments and areas that have importance in terms of biodiversity, natural resources, ecological functions, socio-economic interests, cultural interests, tourist interests or more broadly strategic interests, that would merit special protection in a national network of protected areas.

2. LAWS AND REGULATIONS OF LIBERIA

Administratively, the Republic of Liberia is divided into 15 counties namely Bomi, Bong, Gbarbolu, Grand Bassa, Grand Cape Mount, Grand Gedeh, Grand Kru, Lofa, Margibi, Maryland, Montserrado, Nimba, River Cess, River Gee and Sinoe. Counties are further divided into Districts, Townships and Villages. Townships are made up of a number of villages. In the traditional structure, the county is also divided into clans, which are subdivided into sub-clans. Townships are grouped into clans depending on the language groups and traditional affiliations.

The County administrative head is the Superintendent. A District is headed by a Commissioner, a Clan by a paramount chief, a sub-clan by a clan chief, a township by a town chief and the village by a village chief.

With regards to fisheries management by rural communities, the Bureau for National Fisheries, within the Ministry of Agriculture, has the primary management oversight

responsibility. The following are Ministries whose jurisdictions are relevant to various fishing communities:

- Ministry of Agriculture (land use, farming, shifting cultivation, farming settlements, plantations);
- Ministry of Gender and Development - created 2002 (the role of gender in development);
- Ministry of Information and Culture/Bureau of Culture and Tourism (eco-tourism, recreational use, cultural/natural heritage sites);
- Ministry of Internal Affairs (administration of political subdivisions from counties to towns);
- Ministry of Planning and Economic Affairs (long-term national planning, coordination of international aid programs);
- Ministry of Rural Development (integrated rural development including agricultural development); and
- Ministry of Public Works (road and bridge construction).

Liberia's policy, legal and regulatory frameworks do not adequately address the safeguard mechanisms found in OP/BP 4.12. Perhaps the closest parallels to the fishing sector are found in forestry, where community forests have been developed and supported. As far back as 1983-84, the Forest Development Authority paid compensation for lost livelihoods and infrastructure (crops, buildings, other) related to Sapo National Park, determined at prevalent local rates and negotiated with affected stakeholders. However the predominant approach to forest-resource decision-making has still been highly commercially driven and Monrovia-focused. Local concerns were seldom given relative priority. Thus the measures to establish communal forests, and to involve local communities and district and county environment committees in Park decision-making and development planning, represent tremendous strides towards establishing communities' rights over their environment and natural resources. The fisheries sector aims to follow a similar approach, with the creation of the TURFs in coastal fishing communities, and in the instances of construction of fish landing sites/community infrastructure. The measures outlined in the national RAPs will address situations where OP/BP 4.12 is triggered and will establish precedent in Liberia for dealing with similar situations in a transparent and consistent manner.

3. LAWS AND REGULATIONS OF SENEGAL

In 1972, with the creation of the rural communities, the implementation of the law on the national field (law no.64-46) became effective. In order to better secure the property of the State, Senegal adopted Law 76-66 concerning the Code of the Domaine of the State, which divided property into two categories: public and private domain. However, this law did not allow has the State to have complete power of seizure on all property. As such, Law 76-67 concerning expropriation of property for public utility was developed. Subsequently, in the implementation of the policy of decentralization, the Government revised initial laws and regulations through a number of reforms. Over the long term, the policy of decentralization led to the transfer of responsibility for land and property matters to the local government agencies, through the passage of Laws 96-06 and 96-07 concerning the code of local government agencies.

The laws governing land ownership and property in Senegal are the following:

The Constitution of Senegal, which is the fundamental law in the country, and in particular article 15 guarantees property rights;

Law 64 - 46 of June 17, 1964 relative to National Domaine, which governs public goods managed by the State and local authorities;

Decree No 64 - 573 of July 30, 1964 concerning the application of the above law for national domain;

Law 76 - 66 of July 2, 1976 concerning the code for Public Domaine, governing the mobile goods and real estate belonging to the State;

Loi 76 - 67 of July 2, 1976 relative to the expropriation of property for public utility, which constitutes the legal basis for procedures of resettlement and compensation;

Law 96 - 06 of March 22, 1996 concerning the code of local collectives, which includes the aggregate group of legal provisions for the organization of and operation of the regions, communes and rural communities;

Law 96 - 07 of March 22, 1996 concerning the decentralization of responsibilities to the regions, communes and rural communities; which governs the responsibilities and roles of the local collectives (i.e. the regions, the communes and the rural communities) vis-à-vis central Government; and Decree 96 1130 of December 27, 1996 concerning the application of the above Law to management and use of private and public domain;

In Senegal, land is divided in three categories:

1. the national domain comprised of lands not included in the public domain, nor registered in the Land Registry,
2. the domain of the State, comprised of goods and land rights which belong to the State, and
3. private domain, with land registered to private individuals.

According to Article 15 of the Constitution of Senegal, property rights can be expropriated only in the case of legally established public need, on condition of a fair and preliminary compensation:

preliminary in the sense that it is established and paid in advance of the loss of property or ownership, and

fair in the sense that it should compensate the totality of the direct, material and unquestioned losses or damages resulting from the expropriation of land or property.

Thus, expropriation of land or property on the grounds of public need or utility requires a fair and preliminary compensation for the totality of the damages directly caused by that expropriation. Article 38 of Decree number 64-573 of July 30, 1964, setting the regulations applicable to the Law 46-64 of June 17, 1964 concerning national domain, was modified by Decree 91-838 of August 22, 1991, in order to permit all of the occupants of land expropriated for public utility to be compensated (even if they were not there legally).

The calculation of compensation is described in the declaratory act of public utility in accordance with the regulations applicable to the expropriation of property for public utility (article 30 of Decree number 64-573 of July 30, 1964).

The compensation due to affected persons is set by a commission comprised of the Prefet or his/her representative and the following members: (i) a representative from the service of Public Works, (ii) a representative of the services of Lands, the Land Register, Planning, Water and Forests, and Engineering, (iii) two representatives from the communities, associations or organizations affected, including the president of the rural council if one exists.

The compensation is set on the exclusive basis of the constructions, operation, plantations or agriculture conducted by the affected persons (article 32 of Decree number 64-573 of July 30, 1964).

The commission signs the minutes of the meeting, as the basis of a decree establishing the zone of intervention, the amount of compensation, method of payment and the expropriation of the land for public utility.

4. LAWS AND REGULATIONS OF SIERRA LEONE

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

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

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

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

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

However, land that is not in the Public Land domain that is acquired by a warrant is

eligible for compensation.

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

Other statutes relating to land are:

The Interpretation Act No. 8 of 1971

Public Health Act No. 23 of 1960

Public Land Act 116

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

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

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

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

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

allocate unoccupied portions of family land to members of the family, to bring claims on land against outsiders on behalf of the family for trespass on family land.

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

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

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

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

There are generally three ways in which Individual Acquisition is implemented:

1. by clearing of virgin forest – any land not appropriated by the community as a whole can be claimed individually;
2. by straight-forward purchase – individuals who are not otherwise entitled to land in a given area can purchase land outright from the recognized owner; or
3. by gift – individual owners may acquire land as a gift.

2. BANK POLICY REQUIREMENTS

The World Bank Operational Policy on Involuntary Resettlement (OP 4.12) seeks to cover a multitudinous range of possible cases that can arise in countries around the world. The policy is therefore written in general terms, although its specifications can readily be defined for the individual country or case.

First, OP 4.12 mandates full community information and participation, with particular emphasis on including the poor, vulnerable and/or marginalized populations in a community. The premise here is not only that people have a right to know what investments and projects are being undertaken, they have a strong voice in making those choices. And since disadvantaged segments of a community may not feel concerned or confident enough to participate, special efforts must be made to involve the entire community, so that everyone understands, agrees with and thus supports the initiative.

In terms of eminent domain and asset acquisition, OP 4.12 stresses the importance of full and timely compensation for all assets lost due to land acquisition for a Bank-financed development projects. The premise here is simple: the people who make way for the project or investment should not also be forced to bear any part of the cost of the project. To do otherwise, not only likely further impoverishes the project-affected population, it contradicts the very principle of development, which is the economic betterment of all (rather than just the general good).

The other major policy requirement of OP 4.12 is to at least restore and preferably to improve the standards of living of the PAPs. The basic premise here is, again, to ensure that those who give up most for the project (e.g., their land, their homes, their businesses) are assisted to the fullest extent possible to restore their livelihoods so that they can maintain or improve their standards of living.

In order to ensure that indemnification and economic rehabilitation take place as planned, OP 4.12 also mandates a monitoring and evaluation program to track project progress.

3. RECONCILING DIFFERENCES IN WORLD BANK POLICY AND NATIONAL LEGISLATION

The RAP developed for each instance of land acquisition for infrastructure required by WARFP (or set of related investments in a place) will detail the applicable national laws, assess any gaps between national legislation and World Bank policy, and detail whatever measures are necessary to reconcile any differences so that both standards are met.

In general, it may be noted that there are two major differences, although the extent of any difference will vary with the specific country context. First, there is seldom provision for active and meaningful participation of the local population in involuntary land acquisition operations. This difference will be less notable in WARFP, which is premised on community discussion and selection of options (see below).

Second, national laws of eminent domain deal only with the forced acquisition of land and other immovable assets. They rarely make provision for the economic

rehabilitation of the population affected. Again, WARFP explicitly includes an Alternative Livelihoods program, which is specifically intended to replace any livelihoods that may be lost due to program investments and decisions (see the allied Process Framework for further detail).

G. METHODS OF VALUING AFFECTED ASSETS

The valuation of losses will be determined at their new (i.e., undepreciated) replacement cost. A description of the proposed types and levels of compensation under local law, and such supplementary measures as are necessary to achieve replacement cost for lost assets, will be provided in each RAP.

Although national standards exist in each country, values in the various regions within countries will vary significantly from these centralized valuation lists. Therefore, the PIU, in collaboration with the CMA, will assess actual values in the local area, using local customary procedures and the following principles:

Land:

House or Business Plots: Same size in similar location, replaced in-kind; with, for businesses, particular attention to clientele location

Agricultural Fields: Same size and with same soil type and water availability, replaced in kind; if no unoccupied land is available, compensate at the current rate for informal land sales over the past three years, and monitor that the PAP actually replaces the land

Structures

Current cost of building same sized structure with similar or better materials

Businesses

In addition to land and structures, reimburse lost employee wages and business profit for the period of the relocation

Infrastructure (e.g., fences, latrines, wells)

Current cost of replacing infrastructure (or in-kind replacement)

Crops

Value of amount of production lost, priced at local market price at mid-point between harvests

Trees

Timber trees: Value of lumber were tree to be sold and sawn up

Fruit trees: Value of production lost during period while seedling comes into production; provide replacement seedlings

(Please also refer to Table 3, above.)

In order to ensure that during the project implementation any person displaced by land acquisition will be provided full replacement cost of lost structures and is able to rebuild or replace his or her house without difficulty, the PIU and CMA will ensure that estimated building compensation rates are based on full replacement cost without depreciation. The PIU and CMA will also be responsible for ensuring (or arranging to provide) that alternative residential plots are provided to the displaced persons. 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, and reviewed for a no-objection by, the World Bank or its designated representative.

H. ORGANIZATIONAL PROCEDURES FOR DELIVERY OF ENTITLEMENTS

The delivery of entitlements will be either the responsibility of the local community, in the person of the CMA assisted by the TURF Facilitators, or directly of the PIU, depending upon what type of asset or assistance is being provided.

Where land is required, the community will proceed to identify plots of similar size and quality that can be offered for the PAP's consideration. The identification and negotiation of plots will be carried out during the design phase of the resettlement operation. The RAP will include these arrangements in the chapter on compensation (See the RAP outline, Item E, in Section C-2, above) and will append the signed agreements with the PAPs. Once the investment has been approved, the formal transfer of the land to the PAPs will be effected.

Where other assets are also affected (buildings, other infrastructure, annual crops taken before harvest, economic trees), the unit value of each asset in the local area will be determined, and the total cost of such compensation (including land if it is not to be replaced in kind) will be included in the RAP. (See Item E, Section C-2 above).

The CMA, in collaboration with the TURF Facilitators, is responsible for monitoring and reporting on the resettlement operation for fish landing sites/community infrastructure. (See Section M, below.) In these cases, the CMA and TURF Facilitator will therefore certify when the resettlement operation has been completed successfully, with all replacement land formally transferred to the PAPs and all other assets lost compensated appropriately. Upon receipt of that certification, the PIU will verify the assessment and, when satisfied with its completeness and accuracy, release the funds

allocated for the community development investment. Alternatively, for small and basic infrastructure investments, the PIU will be responsible for certification of the resettlement operation, prior to the investment.

I. IMPLEMENTATION PROCESS

1. IMPLEMENTATION PROCESS

Overall, the role of the state and the local organizations are to mutually consult, advise, and cooperate.

Figure 1 (below) depicts the general organizational structure of the WARFP.

The Ministry in charge of fisheries in each country, in consultation with a National Steering Committee, which will be constituted, will provide overall coordination for the project. The Ministry in charge of fisheries in each country will implement the project through a project implementation unit (PIU) embedded within the ministry.

In the case of fish landing sites/community infrastructure, once an investment has been approved by the CMA, and if there is no resettlement, the PIU would commence the works. The implementation process will be similar when there is resettlement, with the proviso that the PIU would not commence works until successful completion of the resettlement operation. This would also apply to the small and basic infrastructure investments directly managed by the PIU.

Thus, before any fish landing site/community infrastructure or small or basic infrastructure investment is made, PAPs must be compensated in accordance with the resettlement policy framework and subsequent RAP. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons.

The measures to ensure compliance with this policy directive will be repeated in any resettlement plan that must be prepared for a specific investment requiring land that is occupied or otherwise utilized and that therefore involves resettlement or compensation, as defined in this RPF.

2. THE ORGANIZATIONAL STRUCTURE OF WARFP

A. The Commission Sous Regional de Peche (CSRP)

The Commission Sous Regional des Peches Maritimes (CSRP) is the agency for regional coordination of national maritime fisheries initiatives. The CSRP was established by 6 member states in 1983 with the mandate to provide a forum to harmonize fisheries policy and management in the West Africa region.⁶ CSRP consists of a Secretariat, based in Dakar, which carries out the directives of its Council of Ministers, which is composed of the Ministers in charge of fisheries in each member state, and more frequently the Coordinating Committee of the Directors of Fisheries of each member state, one structure for regional coordination of national marine fisheries initiatives.

⁶ The CSRP now includes 7 member states: Mauritania, Senegal, the Gambia, Guinea-Bissau, Guinea, Cape Verde and Sierra Leone.

In the context of WARFP, CSRP will act as the coordinating agency for the national Ministries of Fisheries, or their equivalent, in each of the participating member states. In the specific context of this PF, CSRP is responsible for ensuring that the principles established in this policy document are integrated into the national PF action plans for local co-management and for ensuring that innovations in one country or countries are disseminated to the other participating member states. To that end, CSRP will review and, with the relevant national Ministry amend each national PF before submitting it to the World Bank for review. CSRP, in consultation and collaboration with the national Ministries, will supervise implementation of the program, and ensure that local access restrictions and their consequent mitigate measures accord with the principles of this policy.

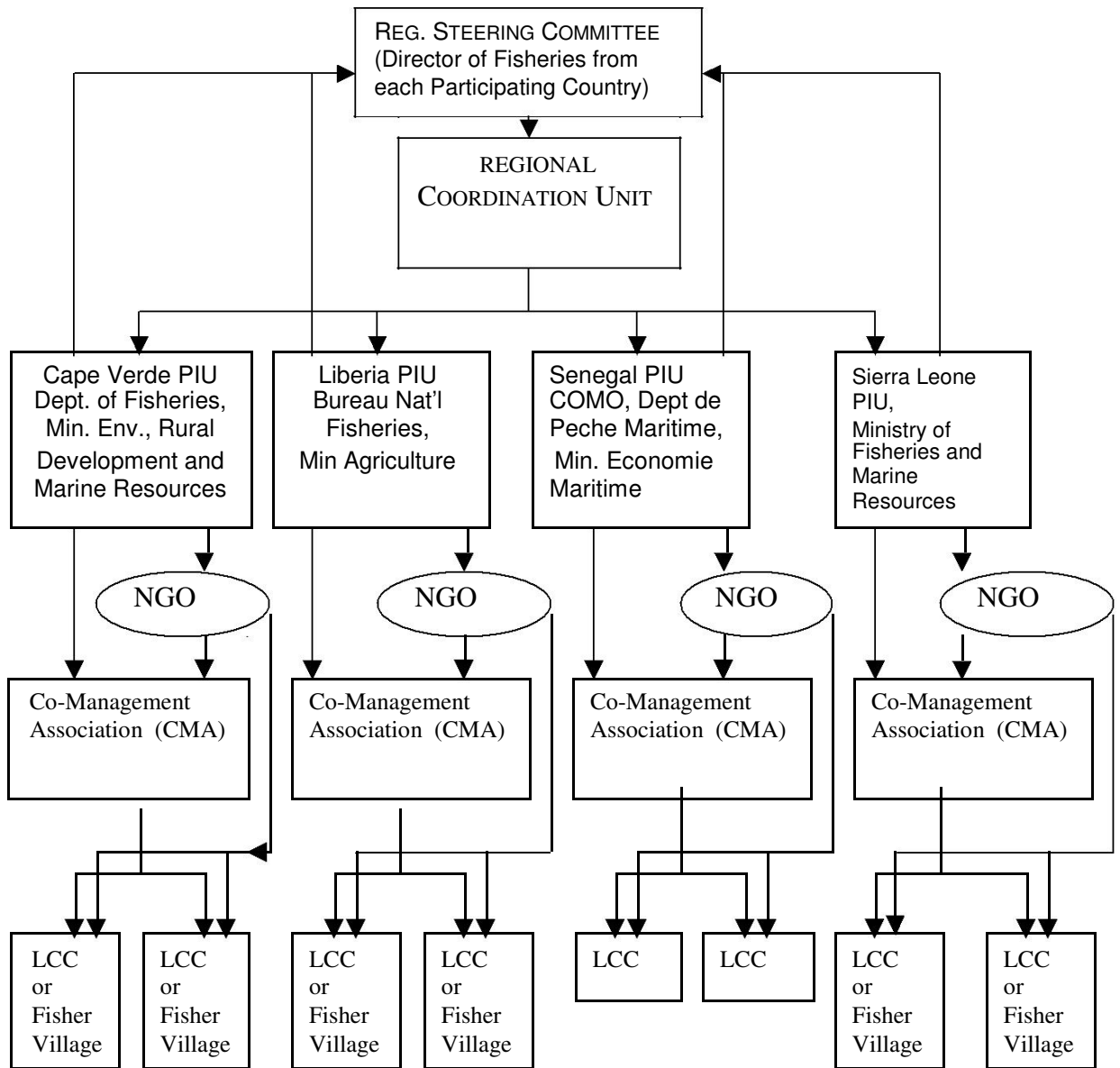
B. The National Ministries of Fisheries

The lead agency in each member state is distinct. In Cape Verde, the lead agency is the Department of Fisheries of the Ministry of Environment, Rural Development and Marine Resources. In Liberia, the Bureau for National Fisheries, which is within the Ministry of Agriculture, will serve as the lead agency. In Senegal, the lead agency is the Ministère de Economie Maritime, Direction de Pêche Maritime (DPM), which has a Cellule d'opération de mise en œuvre (COMO) which was established under the current GIRMaC project. And, in Sierra Leone, the Ministry of Fisheries and Marine Resources will be the implementation agency. Each agency is expected to establish and staff a district office in each of its project areas for the supervision and coordination of activities in that area.

The lead agency in each country will be responsible for:

1. Development of the National Process Framework as part of the national co-management development plan;
2. Inventorying fishing villages in the project area,
3. Selection of villages to collaborate in WARFP in consultation with the villages themselves, (See the Process Framework for further detail);
4. Facilitating village organization, where necessary;;
5. Assisting in the registration of villages as formal juridical entities;
6. Providing all available baseline information to the participating villages;
7. Providing technical assistance to the local co-management groups in the definition and implementation of marine-resource restrictions;
8. Providing technical assistance and financing for all mitigation measures;
9. Implementing the informal and formal grievance resolution process; and,
10. Collaboration in and support for local efforts to monitor the co-management program.

Figure 1:
Organizational Structure of WARFP



CMA: Co-Management Association (District Area Fishery Council; *Conseil local de pêche artisanal* in Senegal)

LCC: Local Community Fishery Committee (*Comite local de pêche* in Senegal)

Importantly, in the context of the local agreements that will be signed between the Ministry and the local communities, the Minister will sign any Ministerial decrees (e.g., *arretes*) necessary to support the implementation of the co-management initiatives, such as, for example, restrictions on (i) the use of certain types of fishing gear and motors; (ii) level of fishing harvest; (iii) fishing areas or periods open to fishing; (iv) processing of fish products.

C. NGO or Other Collaborating Agency

In this work, the lead agencies may choose to engage outside assistance, as they deem advisable. In some instances, a research bureau may collaborate under contract to the lead agency for specified services. In other instances, a Non-governmental Organization (NGO) may be engaged to assist in community development, fishermen group organization and operation, implementation of the Alternatives Livelihood program, as well as in implementation and monitoring of the co-management program. Whatever agency or agencies contracted by the lead ministry unit, the firm will be responsible for daily oversight of a number of district- and local-level activities, including :

- Community develop activities
- Co-management activities
- Alternative livelihood activities
- Conflict resolution support; and
- Monitoring.

Each of these component activities itself involves a number of sub-component activities such as training, public meetings, social surveys, individual consultations, and monitoring studies and reports. The contract between the lead agency and the collaborating agency will specify which of these activities will be undertaken by each contractor, develop a timeline for these activities, and provide an adequate budget for them.

D. TURF Co-Management Associations (CMAs)

The TURF Co-management Association (termed *Comite local de peche artisanale* [CLPA] in Senegal) is responsible for coordinating the activities of the local fishing communities, or, where established, the Local Community Committees or Councils (LCC; termed CLP or *Comite local de peche* in Senegal) in its area. The CMAs could be defined as either (i) local private associations comprised of elected representatives of each of the fishing communities in each TURF, i.e. entirely private entities, or (ii) local councils composed of representatives of Government agencies, such as the representative of the Ministry of Fisheries, senior traditional leaders, and elected representatives of the CLPs, including artisanal fishermen, fish processors, marketers and other stakeholders, following the CLPA model in Senegal, i.e. more of a public-private partnership. In Senegal, the CLPAs were established by Government in order to advise the Ministry of Fisheries on management and conservation measures for coastal fisheries.

E. Local Community Fishery Councils (LCC)

At the local level, the Local Community Fisheries Councils (*Comite local de peche* [CLP] in Senegal) are the village-level co-management groups. The LCC are legally-recognized private associations that regroup fishermen and others working in fishery-related activities at the community level. The LCC is the deliberative body for local decision-making, assessing the options available to it for limitations on marine resource restrictions, determining which segments of the community will be adversely impacted by those restrictions, resolving grievances in the first instance, and monitoring local conditions. The LCCs will work in collaboration with the NGOs and Fisheries Ministry staff to develop their co-management initiatives.

The co-management initiatives proposed by the LCCs will be consolidated into one sub-project for that community, describing the necessary implementation budget and support activities for each of the management or conservation measures proposed, such as (1) participatory research, (ii) training; (iii) education and awareness raising (iv) infrastructure and equipment needs; (iv) surveillance and enforcement of management and conservation measures; (v) monitoring and evaluation; and (vi) any other necessary activities.

The community co-management program will be submitted to the Ministry of Fisheries, after having been reviewed by the CMA representing that particular LCC (provided that the CMA has been legally established and is functioning effectively). The agreements will then be signed by the Minister and by the President of each LCC, and implemented by the respective LCCs with the support of the Government. A similar procedure will be followed for RAP development, where required.

J. GRIEVANCE REDRESS MECHANISMS

The fish landing site/community infrastructure investments are premised on local determination of investment decisions. In this, it is critical that the community and CMA meetings include not only those members who will benefit from the activity (e.g., fishers, fish processors, merchants, etc.) but also those who may be adversely affected (i.e., land owners and occupiers). Both the CMA and the TURF Facilitator are charged with ensuring that the PAPs and any vulnerable segments of the community attend the meetings or at least are aware of the proceedings.

Since each investment will be a local development activity, it is presumed that the CMA and the community will minimize land take, and when land acquisition is unavoidable, use a community plot that is free of all occupation and claims. When no such suitable community land is available, the community, through its chief, may alienate private land held under customary tenure. In such instances, it is preferable to obtain the accord of all the people affected before proceeding with the investment.

Similarly, for small and basic infrastructure investments managed by the PIU, the PIU will aim to minimize land take, and when land acquisition is unavoidable, make every effort to utilize Government-owned land that is free of all occupation and claims.

If land that is owned or occupied privately must be acquired and one or more of the owners or occupiers is not in agreement with the alienation of the parcel to the community, the aggrieved will first make his or her case to the CMA. The proceedings of the meeting will be recorded, and if there is no agreement, will be forwarded to the PIU for further consideration.

If the PIU cannot arrange an agreement acceptable to the aggrieved, the complaint will be forwarded within 15 days to the Director of Fisheries within the Ministry. The Director will conduct hearings at the local level, and will report to the National Steering Committee for their determination of the matter.

If resolution of the matter cannot be reached at either the local level or the project level, the aggrieved always has the right to sue in court for an acceptable agreement. Such recourse is often costly in terms of time and money, and rarely successful. But the option remains open formally. No investment can be initiated until the matter is resolved.

K. FUNDING RESETTLEMENT ARRANGEMENTS

Funding for local resettlement operations will be a mix of local and project resources.

When an investment requires private land, whether held under formal title or customary right, the CMA or PIU, in consultation with the relevant Land Chief(s), will identify an unclaimed and unoccupied parcel of land of similar size and of similar characteristics (urban location, or soil type and water availability for agricultural fields, orchards and pastures) to replace the parcel lost. The PAP will sign the transfer agreement in order to indicate his/her acceptance of the replacement land.

For structures, infrastructure, lost crops and economic trees (and land, if there is no replacement land available), the CMA or PIU will, as part of its RAP, estimate the value of the assets lost and include the total cost of lost assets as a separate part of the budget for the investment. As soon as the resettlement operation is complete and certified, the PIU will be able to utilize the remaining part of the budget for that investment, to commence the works on behalf of the CMU, or directly in the case of small and basic infrastructure investments.

L. CONSULTATIVE PROCESSES AND LOCAL PARTICIPATION

The basic approach of the WARFP project is for a village or group of villages within a CMA to meet, consider their fisheries management and development priorities, decide on particularly management measures and project investments, and work with the TURF Facilitator to develop a proposal for submission to the PIU. Once approved by the PIU, the project finances the commencement of the works, according to CMA specifications.

The same participatory approach applies when an investment involves resettlement. When villages or the CMA are considering options, they will, with the guidance of the TURF Facilitator, take into account the possible environmental and social (in particular, resettlement) implications. If land is required and no suitable, unoccupied community land is available, the group will and must consult with both the PIU and the potential PAPs. Ideally, the potential PAPs will accede to the need for their lands (or assets), and they will be offered the appropriate compensation, as defined in this RPF. If a PAP does not agree to a reallocation of land or to the other compensation offered, the group would do well to seek an alternative location, if possible, in order to avoid the delays inherent in a grievance process. At every stage of this process, full and complete information about the prospective investment, its land requirements, and the implications of that need will be available to all parties, in public meetings, in the reports of those discussions, as well as through printed materials.

The key to the success of the TURFs are their solid grounding in local processes. The level of transparency should be very high. Project information will be disseminated in, and public meetings will be held in, the local language(s), ensuring that the villagers are fully aware of developments. If those adversely affected disagree with the public consensus, they have the right to bring up their points during the CMA meetings, and if not listened to, to pursue their issues with, respectively, village leaders and project staff. While no participatory process can ensure that everyone will always be in full and complete agreement, the constant use of local participation and consultation will go a long way towards ensuring that the investments proposed by the community development group accord with the wishes of all of the villagers.

M. MONITORING AND EVALUATION

Monitoring of resettlement operations will occur in three levels.

Most immediately, the PIU and TURF Facilitators are charged with daily supervision of any resettlement operation. They will make succinct, monthly reports to the Director of

Fisheries on progress in identification and acquisition of replacement land, progress in construction of any replacement structures, identification, acquisition, transfer and opening of any new agricultural fields, and distribution of replacement seedlings for fruit trees.

Second, the Director of Fisheries will compile the monthly resettlement reports and make an integrated resettlement report in the annual Program M&E report to the Regional Coordinator at the Sub-Regional Fisheries Commission. The Regional Coordinator will incorporate the resettlement reports into his/her annual report to the Regional Steering Committee and the Bank.

Finally, inasmuch as the resettlement plans formally constitute part of the EIA and EMP, a social specialist will be engaged for the mid-term project review and for the Investment Completion Report in order to verify the findings of the field assessments.

N. DISSEMINATION

This RPF and any subsequent RAP will be made available to any and all interested parties at the Regional Coordination Unit at the Sub-Regional Fisheries Commission, the Ministries in charge of fisheries in each country, the PIUs and at the local CMA offices/meeting areas.

An executive summary of the RPF and of any RAP will be made available in the local languages of the TURFs in each country.

The Government will also authorize dissemination of this document through the World Bank InfoShop.

APPENDIX 1 : FORMULAIRE DE SÉLECTION ENVIRONNEMENTALE ET SOCIALE

Le présent formulaire de sélection a été conçu pour aider dans la sélection initiale des projets du devant être exécutés sur le terrain (vulgarisation/diffusion). Le formulaire a été conçu pour mettre les informations entre les mains des exécutants (OP) et des agences d'exécution afin que les impacts environnementaux et sociaux et les mesures d'atténuation y relatives, s'il y en a, soient identifiés et/ou que les exigences en vue d'une analyse environnementale plus poussée soient déterminées. Le formulaire de sélection contient des informations qui permettront aux structures de mise en œuvre de déterminer les aspects caractéristiques de l'environnement biophysique local et social aux fins d'évaluer les impacts socio-économiques potentiels de l'activité sur lui. Si le formulaire de sélection contient des réponses affirmatives quelconques « Oui », ou celles négatives apparemment injustifiées « Non », la demande du projet devrait expliquer de manière adéquate et démontrer que le sujet a été appréhendé pour éviter les effets/impacts négatifs inacceptables.

| Formulaire de sélection environnementale et sociale | | |
|------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------|
| 1 | Nom de la localité où le projet sera réalisé | |
| 2 | Nom de la personne à contacter | |
| 4 | Nom de l'Autorité qui Approuve | |
| 5 | Nom, fonction, et informations sur la personne chargée de remplir le présent formulaire. | |
| Date: | | Signatures: |

PARTIE A : Brève description de l'infrastructure à réaliser

Fournir les informations sur (i) le projet proposé (superficie, terrain nécessaire, taille approximative de la surface totale à occuper) ; (ii) les actions nécessaires pendant la mise en œuvre des activités et l'exploitation du projet.

Partie B : Brève description de la situation environnementale et identification des impacts environnementaux et sociaux

1. L'environnement naturel

(a) Décrire la formation du sol, la topographie, la végétation de l'endroit/adjacente à la zone d'exécution du projet agricole _____

(b) Faire une estimation et indiquer la végétation qui pourrait être délogée _____

(c) Y a-t-il des zones sensibles sur le plan environnemental ou des espèces menacées d'extinction

2. Ecologie des rivières et des lacs

Y a-t-il une possibilité que, du fait de l'exécution et de la mise en service, l'écologie du milieu marin pourra être affectée négativement. Oui _____ Non _____

3. Aires protégées

La zone se trouvant autour du site du projet se trouve-t-elle à l'intérieur ou est-elle adjacente à des aires protégées quelconques tracées par le gouvernement (parc national, réserve nationale, site d'héritage mondial, etc.)? Oui_____ Non_____

Si l'exécution/mise en service s'effectuent en dehors d'une aire protégée (ou dans ses environs), sont-elle susceptible d'affecter négativement l'écologie de l'aire protégée (exemple : interférence les routes de migration de mammifères ou d'oiseaux)?
Oui_____ Non_____

4. Géologie et sols

Y a-t-il des zones de possible instabilité géologique ou du sol (prédisposition à l'érosion, aux glissements de terrains, à l'affaissement)? Oui _____ Non_____

5. Paysage/esthétique

Y a-t-il possibilité que les travaux affectent négativement l'aspect esthétique du paysage local?

Oui_____ Non_____

6. Site historique, archéologique ou d'héritage culturel.

Sur la base des sources disponibles, des consultations avec les autorités locales, des connaissances et/ou observations locales, le projet pourrait-il altérer des sites historiques, archéologiques ou d'héritage culture ou faudrait-il faire des fouilles tout près ?

Oui_____ Non_____

7. Compensation et ou acquisition des terres

L'acquisition de terres ou la perte, le déni ou la restriction d'accès au terrain ou aux autres ressources économiques seront-ils le fait du projet concerné? Oui_____

Non_____

8. Perte de récoltes, arbres fruitiers, et infrastructures domestiques

Le projet concerné provoquera –t-il la perte permanente ou temporaire de récoltes, arbres fruitiers, ou infrastructures domestiques ? Oui___ Non_____

9. Pollution par bruit pendant l'exécution et la mise en œuvre du projet

Le niveau de bruit pendant la mise en œuvre du projet concerné va-t-il dépasser les limites de bruit acceptables? Oui___ Non_____

10. Déchets solides ou liquides

L'activité concernée va-t-elle générer des déchets solides ou liquides? Oui_____

Non_____

Si "Oui", le projet dispose-t-il d'un plan pour leur ramassage et leur évacuation? Oui_____

Non_____

11. Consultation du public

Lors de la préparation et la mise en œuvre du projet, la consultation et la participation du public ont-elles été recherchées? Oui_____ Non___ Si "Oui", décrire brièvement les mesures qui ont été prises à cet effet.

12. Displacement of Persons

Will the landing site or basic infrastructure result in displacement, loss of assets, or access to assets (Yes or No)?

13. Loss of Assets

Will the landing site or basic 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)?

Partie C : Mesures d'atténuation

Pour toutes les réponses « Oui », les Consultants Environnementalistes et les PFE/CN-PRAO, en consultation avec les institutions techniques locales, en particulier celles qui sont chargées de l'environnement, devraient décrire brièvement les mesures prises à cet effet.

Partie D : Classification du projet et travail environnemental

Projet de type : A B C

Travail environnemental nécessaire :

Pas de travail environnemental

Simplemesures de mitigation

Etude d'Impact Environnemental

NOTA : A l'issue du screening, les activités susceptibles de porter atteintes aux zones sensibles telles que les mangroves ne seront pas financées par le PRAO.

Appendix 2.

**RESETTLEMENT SUMMARY DATA SHEETS
POPULATION CENSUS, ASSET INVENTORY
AND SOCIO-ECONOMIC SURVEY**

1. Number of families who live on the parcel of land to be taken : _____

CURRENT HOUSING

| FAMILY | HOUSE PLOT SIZE (M ²) | HOUSE DIMENSIONS (M ²); (Number of Rooms) | CONSTRUCTION MATERIALS | OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE) | OTHER OBSERVATIONS |
|--------|-----------------------------------|-------------------------------------------------------|------------------------|---------------------------------------------------|--------------------|
| PAP 1. | | | | | |
| PAP 2 | | | | | |
| PAP 3 | | | | | |
| ... | | | | | |

Observations on Housing :

PAP 1 : _____

PAP 2 : _____

PAP 3 : _____

REPLACEMENT HOUSING COST

| FAMILY | HOUSE PLOT COMPENSATION (M ²) | | | HOUSE COMPENSATION | | | OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE) | | | TOTAL |
|--------|-------------------------------------------|-------------------------------|-----|--------------------|-----------------------------------------------|-------|---------------------------------------------------|----------|-----|-------|
| | Replace in-Kind | Cash Comp FCFA m ² | Tot | m ² | FCFA/m ² (same building materials) | Total | Item | FCFA/per | Tot | |
| PAP 1 | | | | | | | | | | |
| PAP 2 | | | | | | | | | | |
| PAP 3 | | | | | | | | | | |
| ... | | | | | | | | | | |
| Totals | | | | | | | | | | |

2. Number of businesses on the parcel of land to be taken : _____

CURRENT HOUSING

| BUSINESS TYPE (E.G., TAILOR, HARDWARE STORE, GRAIN SELLER) | PLOT SIZE (M ²) | BUSINESS DIMENSIONS (M ²) ; (Note whether structure, kiosk or table ; for structure, number of Rooms) | CONSTRUCTION MATERIALS | OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE) | OTHER OBSERVATIONS (E.G., AMOUNT OF INVENTORY, NUMBER OF EMPLOYEES, MONTHLY PROFITS) |
|---------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| ... | | | | | |

Observations on Businesses :

- 1 : _____
- 2 : _____
- 3 : _____

REPLACEMENT COSTS

| BUSINESS | PLOT COMPENSATION (M ²) | | | STRUCTURE COMPENSATION | | | OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE) | | | LOST WAGES, PROFITS (PER MO.) | | TOT |
|----------|-------------------------------------|---------------------|-----|------------------------|------------------------------------------------|-------|---------------------------------------------------|------------|-----|-------------------------------|------|-----|
| | Replace in-Kind | Cash Comp | | m ² | FCFA/ m ² (same building materials) | Total | Item | FCFA / per | Tot | Employee No. | Wage | |
| PAP 1 | | FCFA m ² | Tot | | | | | | | | | |
| PAP 2 | | | | | | | | | | | | |
| PAP 3 | | | | | | | | | | | | |
| ... | | | | | | | | | | | | |
| Totals | | | | | | | | | | | | |

3. Number of Agricultural Plots Taken : _____

| FARMER PAP | LAND | | | CROPS | | | TREES | | | | | OTHER INFRASTRUCT. | | TOT |
|---------------|----------------|---------|-----------------------------------------------------|-----------------|------------------------|----------------------------------------|-------------|-------|-------------|------------------------|-------|-----------------------|-------|-----|
| | m ² | In-kind | Cash Total (and FCFA / m ²) | Crop (kg/ha) | Value (FCFA /ha) | Total (Prod ha x FCFA /ha) | Timber | | Fruit | | | Item | Value | |
| | | | | | | | Spec ies | Value | Spe cies | Yield (FCFA /kg) | Value | | | |
| 1. | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | | | |
| ... | | | | | | | | | | | | | | |
| Totals | | | | | | | | | | | | | | |