



## **The Resettlement Policy Framework for The Gambia Education Sector Support Project: (GESSP)**



*Making history from behind, the women of Ballanghar Chamen consulting*

**Ministry of Basic and Secondary Education  
The Gambia**

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## LIST OF ACRONYMS

AIDS	-	Acquired Immune Deficiency Syndrome
ESA		Environmental and Social Assessment
ECD	-	Early Childhood Development
ESFP	-	Environment and Social Focal Point
EIA	-	Environmental Impact Assessment
EMP	-	Environmental Management Plan
ESSC	-	Environmental and Social Screening Checklist
ESMF	-	Environmental and Social Management Framework
GEAP	-	Gambia Environment Action Plan
GESSP	-	Gambia Education Sector Support Project
GPE	-	Global Partnership for Education
HIV	-	Human Immunodeficiency Virus
ICT	-	Information Communication Technology
IDA	-	International Development Association
LACA	-	Land Acquisition and Compensation Act
LBS	-	Lower Basic School
MoBSE	-	Ministry of Basic and Secondary Education
MOHERST	-	Ministry of Higher Education, Research, Science and Technology
NEA	-	National Environment Agency
NEMA	-	National Environment Management Act
NEMAC	-	National Environmental Management Council
NEMP		National Environmental Management Programme
NGO	-	Non Government Agency
OP	-	Operational Policy
PAP	-	Project Affected Persons
PCU	-	Projects Coordination Unit (Min. of Basic and Secondary Education)
RAP	-	Resettlement Action Plan
READ	-	Results for Education Achievement and Development Project
RPF	-	Resettlement Policy Framework
SSS	-	Senior Secondary School
TAC	-	Technical Advisory Committee
TANGO	-	The Association of Non-Governmental Organisations
TOR	-	Terms of Reference
UBS	-	Upper Basic School
VDC	-	Village Development Committee
WB	-	World Bank

## DEFINITIONS OF TERMS USED IN THE REPORT

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

**“Alkalo”**: The administrative head of the village usually from the founding family /clan of the village

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

**“Bantaba”** means an open space in the village where people meet to discuss village matters

**“Census”** means a field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local seyfulo and *alkalulo*.

**“Compensation”** means the payment in kind, cash or other assets given in exchange for the (1) acquisition of land, including structures and fixed assets thereon or (2) use of that land.

**“Cut-off date”** is the date of the census of PAPs or DPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.

**“Displaced Persons”** mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets (or the use thereof) under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people will have their: standard of living adversely affected, whether or not the Displaced Person must move to another location ; lose right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

**“District”** means an area demarcated under the Local Government Act 2002 and it is the administrative unit immediately below the Region

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

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

**“Involuntary Displacement”** means the involuntary acquisition of land resulting in direct or indirect economic and social impacts caused by: Loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the Displaced Persons has moved to another location; or not.

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

**“Kabilo”**: A collection of families that constitute a village

**“Land”** refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.

**”Land acquisition”** means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.

**“Local Authority”** includes the council and the District Authority

**“Local Government Authority”** means a council established under the Local Government Act 2002

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

**“Project Affected Person(s) (PAPs)”** are persons affected by land use or acquisition needs of the GERMP. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets, lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.

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

**“Replacement cost”** means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on **Market rate (commercial rate)** according to the Gambian law for sale of land or property. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;

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

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

**“The Resettlement Policy Framework (RPF)”** has been prepared as an instrument to be used throughout the NAWEC Project (GERMP) implementation. The RPF will set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The **Resettlement Action Plans (“RAPs”)** for the NAWEC Project will be prepared in conformity with the provisions of this RPF.

**“Seyfo”**- the administrative head of a district sometimes referred to as District Chief



## Executive Summary

This Resettlement Policy Framework (RPF) provides guidelines to the Government agencies (Ministry of Basic and Secondary Education) and local communities for the development of Resettlement Action Plans under the **Gambia Education Sector Support Project (GESSP)**. Where a sub-project involves land acquisition or the restriction of access to natural resources then a Resettlement Action Plan has to be prepared as provided for in the agreement with the World Bank. This RPF will define the situation of the persons affected by the acquisition and provide guidelines for suggested remedial and compensatory measures for project affected persons.

The GESSP is being developed with the assistance of the World Bank to consolidate the achievements of the previous project- Results for Education Achievement and Development (READ) Project. The GESSP would largely concentrate on lower basic and secondary education in all the regions except West Coast Region and the GBA.

The objective of the proposed project is to increase access to Early Childhood Development (ECD) and basic education and to improve the quality of teaching and learning with an emphasis on geographic and economic disparities, gender, students with disabilities, and other vulnerable groups, through a blend of demand side and supply side interventions. The Project comprises three main components: i) Enhancing Access to ECD and Basic Education; ii) Improving Quality of Teaching and Learning; iii) Technical and Institutional Support.

### **Component 1: Enhancing Access to ECD and Basic Education**

This component will involve the construction of new classrooms ECD and Lower Basic School (LBS) classrooms, and continued provision of school transportation in selected communities. It will continue the modernization of daaras (Koranic schools) by introducing an adapted curriculum through a results oriented financing model in targeted regions, supported by a sensitization campaign.

### **Component 2: Improving Quality of Teaching and Learning**

Under this component the Project will support a set of interventions that will lead to the implementation of a revised curriculum for ECD, lower basic, and upper basic schools, with a particular focus on English. In addition, it will develop a strategic framework and coherent policy for an improved teacher training and professional development pre-service and in-service teacher training which views teacher education along a continuum.

### **Component 3: Technical and Institutional Support**

This component will support capacity building for evidence based decision making in the sector and

provide support for the implementation of the communication strategy.

According to the World Bank project classification the GESSP is a Category B project with respect to potential environmental and social impacts. A Resettlement Policy Framework (RPF) is therefore necessary to guide the land acquisition process and the development of future Resettlement Action Plans (RAP) in terms of the principles and procedures that will govern land acquisition, compensation and economic assistance to project-affected persons (PAPs).

The present project has similar objectives to its predecessor, Results for Education Achievement and Development Project (READ) for which an ESMF was prepared and approved and disclosed in 2013. The present study is an update of this document taking account of the experiences gained in the implementation of the safeguards policies in that previous project.

An RPF is being prepared because at this stage of project preparation, the scope, scale, locations and number of sub-projects have not been fully defined so it is not possible to determine what the land requirements and the real social impacts are, in terms of loss of livelihoods and economic activities and who the Project Affected Persons (PAP) are.

The RPF requires that all subproject infrastructure development should be screened to determine, whether or not, a particular sub-project(s) requires land, the size, location and availability. It will also consider alternative sites to avoid involuntary resettlement.

This screening exercise must be carried out on a case-by-case basis for all infrastructure investments 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 have been defined in sufficient detail that they can be readily implemented.

Where involuntary resettlement and land acquisition is unavoidable, a Resettlement Action Plan will be prepared. The activities to be undertaken shall include: communication between the Project and the affected community; conducting a baseline survey to determine their socio-economic status; identifying the impacts of the resettlement on assets and livelihoods; identifying affected groups/individuals; conducting a valuation exercise; preparing resettlement costs and submitting to appropriate authorities in the Government for funding; and compensating the affected persons.

Compensation can be in kind, in cash or both. Land acquired, shall preferably be compensated in kind in accordance with the laws of the Gambia and the World Bank Safeguard Policy OP 4.12. Buildings and other structures are to be compensated in cash using replacement cost. Other valuation methods have been presented for trees and crops. Resettlement and compensation shall be the responsibility of the Gambia Government.

Thorough consultations with affected groups/individuals shall be undertaken through public meetings, notification, involvement in resettlement committees and monitoring teams, during documentation of holdings and assets. They shall also be consulted in discussing agreements on

compensation, preparation of contracts and compensation payments. Grievances resulting from resettlement and compensation shall be resolved using traditional/administrative mechanisms. Where these fail to resolve the grievances the parties shall have recourse to the courts as provided for in the 1997 Constitution, the State Lands Act 1991 and the Land Acquisition and Compensation Act 1991.

Evaluation and monitoring are important components of the Resettlement Action Plan, and shall be carried out throughout the project cycle for feedback and the institution of corrective measures where necessary. At the regional level the Construction monitors in the regional offices shall be responsible and they shall send their reports to the PCU which shall prepare a consolidated report at national level for the attention of NEA which will have overall supervisory role for monitoring. Training workshops will be organised at both the national and decentralized levels to build capacity of the PCU staff and the implementing partners.

When completed the Resettlement Action Plan shall be widely disclosed. This will include distribution of as many copies as possible to different institutions and communities for comments and suggestions. The document will also be distributed to individuals and community leaders such as Members of the National Assembly (NAMs), Regional Governors; Area Councillors, and displayed at “Bantabas” etc. For national and international disclosure the World Bank Web-site will be used.

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## CHAPTER 1: INTRODUCTION

### 1.1 Background

The Government of The Gambia in collaboration with The World Bank is developing a project to support the Education Sector. The Gambia Education Sector Support Project will serve as successor to the Results for Education Achievement and Development Project (READ) and would consolidate the achievements made thus far in the sector by placing particular emphasis on educational access, and improvement of quality of teaching and learning.

According to the World Bank project environmental classification GESSP is a Category B project with respect to potential environmental and social impacts. Although no major resettlement issues are expected to arise during the course of implementing the GESSP, the World Bank OP 4.12 Safeguard policy is triggered based on the fact that the school construction program will require land.

However, at this stage of project preparation, the scope, scale and the locations of the sub-projects have not been fully defined so it is not possible to determine what the land requirements are, what the real social impacts would be and who the Project Affected Persons (PAPs) are. Against this background, the Resettlement Policy Framework (RPF) is being prepared to define the principles and procedures that will govern any resettlement activity and clearly indicate the measures to be taken to mitigate the adverse social and economic impacts likely to result from the GESSP during implementation and after.

This RPF reflects a commitment of the Project to comply with the Government's social policies, laws and regulations and the World Bank's social safeguard policies.

### 1.2 Project Objectives and Components

The proposed project seeks to increase access to Early Childhood Development (ECD) and basic education and to improve the quality of teaching and learning. The Project comprises three main components: i) Enhancing Access to ECD and Basic Education; ii) Improving Quality of Teaching and Learning; iii) Technical and Institutional Support.

#### **Component 1: Enhancing Access to ECD and Basic Education**

The aim of this component is to expand inclusive education for all, with an emphasis on geographic and economic disparities, gender, students with disabilities, and other vulnerable groups, through a blend of demand side and supply side interventions. On the supply side, access will be expanded through construction of new classrooms ECD and Lower Basic School (LBS) classrooms, and continued provision of school transportation in selected communities. On the demand side, access

will be expanded through a program which modernizes daaras (Koranic schools) by introducing an adapted curriculum through a results oriented financing model in targeted regions, supported by a sensitization campaign.

### **Component 2: Improving Quality of Teaching and Learning**

Under this component the Project will support a set of interventions that will lead to the implementation of a revised curriculum for ECD, lower basic, and upper basic schools, with a particular focus on English. In addition, it will develop a strategic framework and coherent policy for an improved teacher training and professional development pre-service and in-service teacher training which views teacher education along a continuum.

### **Component 3: Technical and Institutional Support**

This component will support capacity building for evidence based decision making in the sector and provide support for the implementation of the communication strategy including procuring equipment, materials, publishing, dissemination, logistics, and administration. The Project will also provide support to the implementing agency for capacity building initiatives and project management as well financing the project coordination unit (PCU) salaries and operating costs to coordinate the proposed project, and building Ministry of Basic and Secondary Education (MoBSE) and the Ministry of Higher Education, Research, Science and Technology (MoHERST) staff capacity development.

## **1.3 Project Sub-components likely to Trigger Negative Environmental and Social Impacts**

The Project component likely to trigger negative environmental and social impacts is **Sub-component 1.1: Supply Side Interventions to Increase Access and Equity** under which there will be construction of new ECD and LBS classrooms to expand access in select communities. This will comprise the (i) construction of 40 ECD classrooms (20 using the community based approach and 20 using the annexed approach); (ii) construction of 40 LBS and UBS classrooms (half of which are multigrade); (iii) special needs modifications. In addition to the classroom construction it is also expected to construct toilets and water points.

## **1.4 Scope**

The objective of the Resettlement Policy Framework (RPF) for the GESSP is to establish the conditions under which land acquisition and resettlement will take place and outline the principles and procedures to be followed, in the event that an infrastructural investment involves impacts and losses associated with its implementation. This is to ensure that no individuals, households and communities in the targeted areas are worse off due to future development. This process will be inclusive, to encompass vulnerable social groups and guarantee that they receive equitable treatment. The terms of reference for the study are attached as Annex 8.

## **1.5 Recommendations of the Audit report on the Implementation of the Safeguards Policies during the READ Project**

The present study is an update of the Safeguards documents prepared for the READ Project. In August 2016 the Government commissioned an audit to assess the READ Project's compliance with the safeguards instruments as defined in the ESMF, RPF and the Project Appraisal Document (PAD).

The main recommendations of the report can be summarized as follows:

### **i. Capacity Building-**

It is recommended that the newly appointed ESFP and the Quantity surveyor who supervises the RCMs be trained in safeguards similar to the course attended by the previous focal point. The RCMs and other implementing partners (e.g. NEA, DWR, LGAs and the contractors etc.) should also be provided in-country training to allow a greater number of participants.

### **ii. Land donations**

It is recommended that the community compensates voluntary land donors with suitable land where the donor needs it as already practiced in some communities. In addition, and again in line with the current practice in the Ministry, the donor or a member of his family should be considered for employment when job vacancies such as caretaker come up.

### **iii. Monitoring**

Expand the TOR of the RCMs to include safeguards monitoring and modify the monthly reporting format/ template to include safeguards reporting. For national supervision NEA should be urged to take it up fully. The conclusions reached at the recent bilateral meeting between the NEA and PCU should facilitate an early start of this exercise.

### **iv. Communication on the management of the project safeguards requirements**

To improve on communication the proper recording and filing of important documents such as the VLD certificates and completed ESSC is a good beginning. The information available must however be made accessible to other partners such as the implementing partners such as NEA and DWR, consultants working on infrastructure in the project and the contractors.

### **v. Water supply**

The contractors should be required to correct all the defective issues which were identified during the audit before the final handing over. It is also strongly recommended that the school sensitises the children and the community on the right way of using the hand pump.

### **vi. Staff quarters**

With respect to the orientation of the houses it is recommended that the wind direction during the rainy season be taken into account in future constructions sites for the houses.

The PCU should ensure that access ramp for the physically disabled are constructed in all the toilets.

The above recommendations have been taken into account in preparing the present update.

## 1.6 Methodology

In developing the RPF the following approach was adopted:

### ➤ **Desktop Review**

This consisted of the review of relevant documentation (both print and electronic) made available and they include the Audit report of the implementation of the RPF for the last READ Project, reports and documents relevant national legislations, as well as World Bank's OP 4.12. These reviews provided information on the national legislations that regulate land related issues in the country, with particular reference to compulsory land acquisition and also highlighted the Bank policy on involuntary resettlement.

### ➤ **Field visits and consultations with potential PAPs**

The visits and the consultations provided the opportunity to:

- See some of the potential project intervention sites and to discuss with the local communities about the project and its requirements for land and any social issues the potential beneficiaries may wish to raise;
- Identify specific interests and discuss potential roles and responsibilities of stakeholders that would facilitate their participation, ownership and sustainability of the project.

The consultations took the form of interviews with representatives of relevant government agencies and focus group discussions with potential project beneficiaries at the community level. The list of persons interviewed is attached as **Annex 6** and the summary of the interviews and the community consultations are attached as **Annex7**.

### ➤ **National workshop**

A national workshop is to be convened to discuss the draft report with the representatives of the various stakeholders. The comments/observations coming out of the workshop and those that may subsequently come from the World Bank will be incorporated in the final report to improve the quality.



## CHAPTER2: OBJECTIVES AND JUSTIFICATION OF RESETTLEMENT POLICY FRAMEWORK

### 2.1 Objectives and the basic terms of preparation of the RPF

Involuntary resettlement arises when people lose their land, assets and access to assets, their income and livelihoods with or without physical relocation. The effect of these losses on the persons living in the project zone would be, increased poverty unless measures are put in place to compensate them for the losses incurred. The objective of this Resettlement Policy Framework (RPF) is to provide a screening process, for the GESSP activities, to ensure that where land acquisition for project activities is inevitable, resettlement and compensation processes for the lost land and associated assets are conceived and executed in a sustainable manner. The Resettlement Policy framework document establishes policies, principles, institutional arrangements and indicative budgets to carry out the resettlement activities based on the national legislations of the Government of the Gambia and the policies of the World Bank particularly, Operational Policy (OP) 4.12.

This entails providing sufficient investment resources to meet the needs of the persons affected and/or displaced from their habitat and resources. It also requires adequate collaborative consultation and agreement with the project affected persons to ensure that they maintain or improve their livelihoods and standards of living in the new environment. **Table1** gives details of categories of losses and their impacts on Displaced Persons.

**Table 1: Categories of Losses and their Impacts on Displaced Persons**

Loss Category	Social Impacts
Relocation	Impoverishment, disturbance of production systems, loss of sources of income, loss or weakening of community systems and social networks, loss of access to social amenities such as hospitals and schools, water; dispersion of kin groups, loss of cultural identity and traditional authority, loss or reduction of potential for mutual help, emotional stress.
Loss of land but no relocation	Impoverishment, loss of sources of income and means of livelihood, loss of assets or access to assets, increased time to access resources
Alienation due to neighbours being relocated	Impoverishment, weakening of community systems and social networks, loss of mutual help and community support, loss of traditional authority, Loss of identity and cultural survival, emotional stress

PAPs and host communities	Impoverishment, loss of sources of income, reduced time and access to resources such as hospitals and schools, water, increased time to access resources, Disruption of social fabric, increased crime, increase in diseases such as HIV/AIDS, Clash of cultural and religious beliefs and cultural norms
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## 2.2 Justification for the RPF

Based on the experiences of the implementation of the READ Project, the proposed investment activities under the GESSP are not likely to result in the relocation of people. The loss of land and access to economic resources are, however, distinct possibilities given the prevailing customary land tenure system.

This framework therefore is necessary to provide guidelines for addressing concerns of affected persons where:

- land is contributed voluntarily for the development project activities in return for compensation;
- land is contributed voluntarily for development project activities without seeking compensation; and
- land is acquired involuntarily for the development of project activities.

The guiding principle for land acquisition shall be that where land is required for implementation of the investment program of the education sector, appropriate safeguards shall be observed to avoid or reduce the negative impacts of land acquisition on the affected community members.

This framework shall be used on all GESSP sites with built-in mechanisms for resolving any forms of disputes on land acquisition. The framework shall also be used for all education sector projects irrespective of the funding agency. The RPF is presented in a much more comprehensive manner so as to guide and ensure that all conditions of population dislocation or loss of socio-economic benefits are taken into account during formulation of the Resettlement Action Plans (RAP).

## 2.3 Impact of the Project on Peoples, Assets and Livelihoods

As the actual site and size of land requirement for the various sub-components is not known it is not possible to give an estimate of the persons to be affected and this is why a RPF is being prepared now to cater for any eventuality.

## **CHAPTER 3: POLICY AND REGULATORY FRAMEWORK FOR LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT**

Land acquisition and involuntary resettlement programs are governed by national laws and policies as well the World Bank safeguard policy OP 4.12 which are presented below.

### **Land Administration in The Gambia**

The Ministry for Lands and Regional Governments is the main Government agency responsible for the administration of land in the Gambia. The Ministry is supported in this role by two key technical departments; the Department of Lands and Surveys and the Department of Physical Planning and Housing. The former is responsible for the survey, mapping and demarcation of national and international boundaries and government layouts whereas the latter is responsible for ensuring the rational and equitable utilization of the available land resources. In addition to these two institutions there is the Land Commission which is provided for in the Constitution (Art. 192). The Commission, in co-ordination with relevant public agencies and government institutions, manages lands vested in the state and provides advice to the Minister on land matters.

The main acts relating to land administration since the colonial period were the Lands (Regions) Act 1991 and the State Lands Act 1991 which covers Banjul, the entire Kombo St. Mary as well the districts of Kombo North, South and Central in the West Coast Region. There are also the Physical Planning and Control Act 1991 and the Surveys Act 1991; Local Government Act, 2002; The Survey Act, 1990, Land Use Regulations, 1995; Lands Commission Act, 2007; State Lands Regulations, 1995; Development Control Regulations, 1995.

### **3.2 Land Tenure in The Gambia**

Land tenure in both the provinces and the state land areas fall under four main categories:

- i. Customary;
- ii. State Ownership;
- iii. Leasehold; and
- iv. Free hold.

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

allocations etc. to the relevant beneficiary state institutions as well as private individuals and organizations.

Lease hold tenure involves the execution of a lease between individual(s) and the Government/District Authority for a period of twenty one years for Provincial lands and ninety nine years in the state lands area. It is an interest in land for a specified period. Various terms and conditions may be imposed by the grantor including the payment of rent as consideration for the grant.

Free hold tenure is the highest form of ownership with no term limits and is only created by express grant from the crown or the Government. It is a rare form of tenure which confers absolute ownership of the land and it exist mainly in Banjul and the immediate suburbs.

### **3.3 The Laws on Compulsory Acquisition 1997**

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

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

#### **3.3.1 The Constitution of the Republic of the Gambia**

The Constitution of the Republic of Gambia (1997) recognizes and upholds the principle of private ownership of lands. Although the State has the inherent right of compulsory acquisition the Constitution clearly states that this can only be done in public interest. Article 22 of the Constitution states that *“No property of any description, shall be taken possession of compulsorily, no right over or interest in any such property shall be acquired compulsorily in any part of The Gambia, except:*

*Section 1(a)” The taking of possession or acquisition is necessary in the interest of defense, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such a manner as to promote public benefit;” and*

*Section 1(b)” the necessity therefore is such as to afford reasonable justification of the causing of any hardship that may result to any person having any interest in or right over the property;”*

Section 1(c) provides for the prompt payment of fair and adequate compensation and aggrieved persons have a right of access to a court or other impartial and independent authority for redress. Section (4) expressly stipulates that where the compulsorily acquisition involves the displacement of any inhabitant who occupy the land under customary law; the Government shall resettle them on suitable alternative land with due regard to their economic wellbeing and social and cultural values.

An important provision in the Constitution (Section 6) provides for the giving back of lands to the owners when such lands are not used for the purpose for which they were compulsorily acquired in the public interest.

#### **3.3.2 The Land Acquisition and Compensation Act (LACA) 1991**

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

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

In its practical implementation, whenever land is required for public purpose, the Land Administration Board may enter upon and survey such land for the purpose of ascertaining whether the land is suitable for the purpose for which it is required as well as to determine and mark out its boundaries.

When the Minister of Lands directs that any such land is to be acquired under this Act, notices are given to all persons having interest or claiming to be entitled to the land following a reasonable enquiry for the purpose. By such notice, which must be published in the Gazette at least once, such persons shall be asked to yield up possession of the land specified in the notice after the expiration of a specified period of time, which shall not be less than six weeks from the date of the notice. It is only after the expiration of the period specified in the notice that Government can be entitled to enter into and take possession of the land.

### **3.3.3 Dispute Resolution**

The Land Acquisition and Compensation Act provides that all disputes and disagreements on compensation or title can be settled by arbitration or the Supreme Court. These include claims made after 21 days from the date of the notice, unsatisfactory evidence to support claims or any disagreement between a land owner/occupier and the Board.

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

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

### **3.4 World Bank Safeguard Policy, OP4.12**

#### **3.4.1 OP 4.12: Involuntary Resettlement**

The World Bank policy on involuntary resettlement OP4.12, which was revised in 2013, indicates the processes and procedures required to be followed where people have to lose property, means of livelihood or where they experience a change in their standard of living as a result of the implementation of a Bank financed project. Thus, this policy provides the guidelines for the manner and timelines for payment of all compensations. It also recommends that due consultations be undertaken with all stakeholders of the project before, during and after project implementation with special attention to disadvantaged groups (women, children and the disabled) within the population.

Consistent with World Bank policies and guidelines the preparation of a Resettlement Action Plan (RAP), requires to take the following into consideration:

- i) Involuntary resettlement should be avoided, or minimized, as much as possible, by considering all feasible options including viable alternative project designs. Where involuntary resettlement is unavoidable, all people affected by it should be compensated fully and fairly for lost assets.
- ii) Involuntary resettlement should be seen and undertaken accordingly as an opportunity for improving the livelihoods of the affected people.
- iii) All people affected by involuntary resettlement should be consulted and involved in resettlement planning to ensure that the mitigation of adverse effects as well as the benefits of resettlement are appropriate and sustainable.

The Bank's Policies require that the RPF be;

- a) prepared before project appraisal;
- b) made widely available and circulated in The Gambia before project appraisal, at publicly accessible locations and in a form that the potentially affected people can understand; and
- c) also made available at the Bank's website.

The RPF can be revised as necessary during the entire life of the project but all revisions must be approved by the Bank.

### **3.5 Comparative Analysis of Gambian Laws with W/Bank Safeguard Policy OP 4.12**

This section gives a comparison of the requirements World Bank Safeguard Policy OP 4.12 and Gambian legislation on compulsory land acquisition and compensation namely: Land Acquisition and Compensation Act, 1990. This gap analysis is presented in Table 4-1 but the principal findings from this analysis are as follows:

Gambian law addresses some of the requirements of OP 4.12 but equally a lot of gaps do exist. The similarities of the two include:

- i) It is generally accepted by the two that those losing land or property should be properly compensated and that compensation should be assessed as replacement value.
- ii) Notification of compulsory purchase is required and redress is provided through the legal system;

Some of the most important gaps include:

- i) Whilst OP 4.12 aims at minimizing severe long-term hardship, impoverishment, and environmental damage caused by involuntary resettlement, current national laws merely provide the environment for compulsory acquisition of land and subsequent payment of appropriate compensation. There is no explicit requirement to minimize hardships relating to involuntary resettlement. Thus, additional measures such as allowances for ‘disturbance’ and assistance to resettle PAPs are not provided for by Gambian law;
- ii) Unlike OP 4.12 which covers economic and social impacts resulting in relocation or loss of shelter, loss of assets or access to assets and loss of income sources or means of livelihood, Gambian law does not provide for additional measures to aid livelihood recovery or to provide special assistance to vulnerable groups;
- iii) The Land Acquisition and Compensation Act provides for limited consultation procedures. Apart from a disclosure notice informing potential victims of Government’s intention of acquiring their property compulsorily for Public purposes, the Act has no provision for public consultation and involvement in the acquisition process;
- iv) The Land Acquisition and Compensation Act recognizes only those who have legal title to the land to be acquired. Consequently those who do not have a legal (Freehold, Leasehold or customary) right to land are not entitled to any compensation for lost property, assets or earnings. These groups, who would therefore not qualify for compensation, include squatters whether residential or business and renters.

- v) The Land Acquisition and Compensation Act provides no legal requirement to prepare Resettlement Action Plans (RAPs) or to undertake monitoring of the resettlement process.

Because adherence to OP 4.12 is a prerequisite for implementation of this project, this RPF therefore requires that MOBSE fully respects and implement the provisions of World Bank Op4.12 as well as those of national legislation and where the two differ then the Bank’s Policy guidelines, OP4.12 should prevail.

**Table 2: Comparative analysis of the Land Acquisition and Compensation Act and the World Bank O.P 4.12.**

<b>Provision</b>	<b>Land Acquisition &amp; Compensation Act</b>	<b>World Bank OP 4.12</b>
<b>Compensation</b>	1. Compensation required.  2. Compensation to be assessed as replacement value.	1. Compensation required.  2. Compensation to be assessed as replacement value.
<b>Notification</b>	Required	Required
<b>Redress</b>	Redress provided through the legal system	Redress provided through the legal system
<b>Consultation</b>	Provides for limited consultation procedures.	Public consultation and involvement including disclosure and information on grievance redress procedures required.
<b>Objective of Resettlement</b>	Merely provides for compulsory acquisition of land for public purpose and subsequent payment of compensation.	Minimises severe long-term hardship, impoverishment, and environmental damage
<b>Coverage</b>	Does not provide for additional measures to aid livelihood recovery or for increased assistance to vulnerable groups.	Covers economic and social impacts resulting in relocation or loss of shelter, loss of assets or access to assets and loss of income sources or means of livelihood.
<b>Minimising Resettlement</b>	No explicit requirement to minimize involuntary resettlement.	Involuntary resettlement should be minimized as much as possible.
<b>Eligibility</b>	Recognizes only those who have legal title	In addition to those who have legal title the Policy also recognises squatters and vulnerable groups.
<b>Preparation of Resettlement Action Plan</b>	No legal requirement to prepare Resettlement Action Plan.	Resettlement Action Plan required



<b>Monitoring of Resettlement Process</b>	Monitoring of resettlement process not provided.	Monitoring of resettlement process required.
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### 3.6 Institutional Framework for Resettlement

A number of institutions will participate in the implementation of any compulsory land acquisition, compensation and resettlement/ rehabilitation process that may arise during the implementation of the GERMP. The overall responsibility, however, will rest with NAWEC.

For the purpose of this RPF, the main institutions involved and their responsibilities at national, regional, local and / community levels are highlighted below.

#### i) National Level

At the national level the following agencies will be involved:

##### a) Ministry of Lands and Regional Governments

The Ministry of Lands and Regional Governments is the apex Institution responsible for all land administration activities in the country. The Ministry is the final approving authority for all planning and land transactions undertaken and processed by its technical departments. It is the custodian of all land-related legislation (including the Land Acquisition and Compensation Act) and overseas all Boards and Authorities responsible for land matters report to the Minister through the Directors of Lands and Surveys and Physical Planning and Housing respectively.

This Ministry is also responsible for Decentralization (Local Government Act 2002) which seeks to promote greater community involvement in the policy formulation and decision-making processes in order to improve local governance. This requires the involvement of the local community apart from the elected members and public servants, especially in those areas which directly affect the lives of the whole community. A more aware and involved community is likely to yield fresh ideas on problems and their solutions. Therefore, in the context of the preparation and implementation of the RAP the local community will be expected to be closely involved.

##### b) Department of Lands and Surveys

The Department of Lands and Surveys is responsible for the day-to-day administration of the State Lands Act, the survey Act, the Land Acquisition and Compensation Act and the Rating and Valuation Act. The Department is mandated to:

- i) demarcate all layout plans
- ii) prepare lease plans
- iii) maintenance of the National Geodetic Survey Framework
- iv) prepare cadastral (registration) plans for adjudication on land titles
- v) prepare base maps for valuation purposes
- vi) prepare various types of thematic maps
- vii) carry out property valuations for rating and compensation purposes

The Department acts as the secretariat of the Land Administration Boards and processes all applications for land, leases and assignments.

**c) Department of Physical Planning and Housing**

The Department of Physical Planning and Housing is responsible for:

- i) the preparation of physical development and land use plans at national, district and local levels
- ii) control of land development at national, district and local levels
- iii) control and coordination of land use at national, district and local levels
- iv) implementation of the National Housing Policy
- v) approval of all applications for development permits
- vi) serves as the secretariat of the six Divisional Planning Authorities as well as the National Planning Board.

**d) National Environment Agency (NEA)**

The National Environmental Agency was established by the National Environment Management Act 1994. The NEA is charged with the responsibility for environmental management in The Gambia. The Agency prescribes standards and guidelines relating to environmental protection and/or pollution. It may, by notice in writing, direct any developer carrying on any project to submit an Environmental Impact Assessment covering the project.

In the GERMP the NEA will be responsible for the overall supervision of the monitoring program and for screening and appraising the RAP as well as monitoring and evaluating the resettlement/rehabilitation process.

**e) Land Surveyors' Board**

The Act provides for the establishment of a Land Surveyors' Board to, among other things, grant license to private surveyors to enable them carry out surveying work in The Gambia and to advise the Director of Lands and Surveys or the Minister for local Government and Lands on any matter referred to it in connection with cadastral or other survey matter under the provision of the Act.

**f) National Physical Planning Board**

The Physical Planning and Development Control Act provides for the setting up a National Physical Planning Board. The Board shall be appointed by the Minister for Lands and Regional Government, and shall authorise and direct the preparation of draft Plans in accordance with the Act and shall advise the Minister:

- a) On the formulation of general Physical development policy for the country as a whole or for any part as may be necessary;
- b) On any matter relating to the administration of the Physical Planning and Development Control Act, including the making of appropriate regulations; and

- c) On any matter referred to it by the Minister and shall do such other things as it may consider necessary for the carrying out of its functions under the Act.

Similar bodies are also provided for by the Act at the regional level and referred to as Regional Physical Planning Authorities.

**g) Attorney General's Department**

The Attorney General's Department has redress mechanisms in place for aggrieved persons. Affected persons who are not satisfied with compensation due them are empowered by the constitution to seek redress in the court of law. When this happens, the Attorney General's Department represents the government in the court's proceedings. The Attorney General's Department is also responsible for drafting the Executive Instrument for acquiring the needed land for the project.

**ii) Regional Level**

**a) Local Government Authorities**

The Local Government Authorities only direct involvement in land administration is the maintenance of a register of all properties in their jurisdiction for rating purposes and in this way they have register of ownership albeit not always very accurate.

**b) Governors' Offices**

The Offices of the Governors process and prepare all applications for leases within their jurisdiction. The Governor is the chairperson of the Regional Physical Planning Authority.

**c) Land Administration Board**

The State Lands Act provides for the setting up a Land Administration Board for the Greater Banjul Area (GBA) and for each Region as and when required. The Board, which shall be appointed by the Minister for Lands and Regional Governments, shall perform the following functions amongst others:

- a) Advise on the acquisition and compensation of land for public purpose;
- b) Investigate disputes on land ownership and occupation in designated areas;
- c) Assess land tax and premium for properties within designated areas; and
- d) Monitor the registration of properties and inspect land register and records.

**d) Office of the Regional Directorate of Education**

The Regional Education Offices are responsible for the implementation of the policies and programs in the regions. They provide an important link between the communities and the Ministry. In the GESSP they will be actively involved in identifying specific subproject sites in

consultation with the community, conduct screening of subprojects and also sensitize the communities on the project objectives. In case of dispute relating to land acquisition they will be required to assist in resolving it through the traditional dispute resolution mechanisms.

**iii) Community level**

**i) District Authorities/Tribunals**

According to the Lands (Regions) Act, customary land is vested in the District Authority. In this regard, the District Authority, chaired by the District Chief, approves all applications for conversion of customary tenure to leasehold. It also considers and approves all applications for transfer of ownership of land within its jurisdiction.

The District Tribunal, also chaired by the District Chief, presides over all cases relating to land disputes and ownership.

**ii) Alkalo**

The Alkalo (Village Head) oversees the management of all customary land in the village on behalf of the District Authority. As a result the mandate to allocate village land is vested on the Alkalo. He also approves all allocation and transfers made by Kabilo heads. The Alkalo collects land rates on behalf of the Council. Given that the majority of properties fall under this category, the Alkalo perform significant land management functions in the country.

## **CHAPTER 4: PROCEDURES FOR LAND ACQUISITION AND RESETTLEMENT FOR THE GESSP INFRASTRUTURAL INVESTMENT**

The proposed activities under Components 1 of the Project will require land which may result in involuntary acquisition and this can lead to loss of land, denial of people's access or restriction of

access to land resources, services and social amenities. In this case, the resettlement action plans, consistent with OP 4.12 and the resettlement policy framework, must be prepared.

#### **4.1 The screening process**

Once a particular infrastructure subproject of the GESSP is known the Regional Directorate in the region where the investment is to take place shall screen the subproject investment. The Construction monitor attached to the Office shall complete an Environmental and Social Screening Form(ESSF) (Annex 1) to determine, whether or not, a particular sub-project(s) requires land and the size, location and availability in particular to answer the following questions (12 and 13 in the ESSF):

- Will the infrastructure result in displacement, loss of assets, or access to assets (Yes or No)? and
- Will the infrastructure result in the permanent or temporary loss of crops, fruit trees, and household infrastructure (such as granaries, outside toilets and kitchens, etc) (Yes/No)?

If the answers are ‘No,’ the construction poses no particular resettlement concern. If one or more of the answers are ‘Yes,’ then a Resettlement Action Plan (RAP) is required. The findings are forwarded to the for field verification of the assessment results. Where the construction poses no particular concerns or only minor ones which could be addressed by simple measures the construction work should be allowed to proceed. These simple measures should be included in the bidding documents and the contractors be made to fully implement those clauses.

However, where resettlement is involved, the assessment should be forwarded by the PCU to the NEA for further scrutiny and approval for the preparation of the RAP. The PCU shall recruit consultant(s) to prepare a RAP which will entail amongst others a baseline survey to be followed by the preparation of the plan. The completed plan is to be submitted to the NEA for review and appraisal.

Upon completion of review and appraisal the NEA will advise the PCU about the outcome based on the option which may include acceptance or resubmission or rejection of the RAP. The PCU will then proceed accordingly. Once approved, the PCU can proceed with implementation which commands priority over the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before the necessary measures for resettlement are in place. The PCU will ensure that compensation is effected in line with the national laws and World Bank Safeguard Policy on Involuntary Resettlement.

The screening of project components 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 have been defined in sufficient detail that they can be readily implemented.

The Environmental and Social Screening Form (ESSF) is designed to inform the PCU 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 legislations and Bank safeguards.

## **4.2 Preparation, Review and Approval of the Resettlement Action Plan**

### **4.2.1 Preparation**

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. When this is found to be the case the PCU will develop a RAP which will entail: first identification or screening stage to be followed by a baseline survey and finally the development of the plan.

### **4.2.2 Identification Stage**

During the identification and preparation stage, an Environmental and Social Screening Checklist (Annex I) will be completed to determine, whether or not, a particular component requires land and the size, location and availability. The checklist is designed to inform the 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 legislations and Bank safeguards.

### **4.2.3 Consultations**

During the entire process of preparing the RAP consultations with the public is essential as it offers the affected persons an opportunity to participate and contribute to both design and implementation of the project activities. Public participatory consultation will be done through stakeholders' meetings and workshop at suitable locations, and the official residence or offices of the local leaders. The information will be made to each household on entitlement eligibility criteria, modes of compensation, complaints and grievances resolution procedures.

### **4.2.4 Baseline Survey**

Preparation of the resettlement plan will entail undertaking a baseline survey consisting of a census of all affected persons and assets and a socio-economic survey of the conditions of the affected persons.

The census would identify potentially affected individuals, households and vulnerable groups (children, the elderly, female headed households, widows, widowers, etc.). The socio-economic study will collect baseline socio-economic data of the potentially affected populations/communities within the project targeted areas. The socio-economic assessment would focus on identification of stakeholders (demographic data), the participation process, identification of affected people, impact on their property, their production systems, the institutional analysis and the system for monitoring and evaluation. Detailed calculation of household economies and identification of all impacts will be necessary in the socio-economic assessment and be determinant in the potential compensation process.

#### **4.2.5 Development of a Resettlement Action Plan**

The content of a resettlement action plan depends upon whether a full RAP where a major resettlement involving 200 or more persons is to be prepared. Less than this number an abbreviated RAP is prepared. The content of both a full rap and an abbreviated RAP are attached as **Annex 2** and **Annex 3** respectively.

#### **4.2.6 Screening and Appraisal of the RAP**

The completed RAP will be submitted by the PCU to the National Environment Agency for screening and appraisal by the relevant government agencies. The screening process will:

- i. Identify and assess potential impacts for the proposed Project Component and determine whether land is required and whether displacement or loss of access and/or property may occur;
- ii. Examine whether or not the involuntary resettlement policy will be triggered;
- iii. Examine whether the RAP is adequate and feasible; and
- iv. Review the environmental and social impacts assessment.

Upon completion of screening, the NEA will advise the PCU about the outcome of the screening based on the option which may include acceptance or resubmission or rejection of the RAP. The PCU will then proceed accordingly.

#### **4.2.7 Relocation and Compensation**

The PCU will oversee the implementation of the RAP once it is completed and approved. The implementation of the RAP commands priority over the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before the necessary measures for resettlement are in place.

The PCU will ensure that compensation is effected in line with the national laws and the World Bank Safeguard Policy on Involuntary Resettlement.

## **5. ELIGIBILITY CRITERIA FOR AFFECTED GROUPS/INDIVIDUALS**

### **5.1 Eligibility Criteria for Compensation**

For an effective involuntary resettlement programme, a description of the categories of the affected groups and the potential type of impacts need to be established. Based on these, entitlements for each type and category of impact, the detailed requirements for determining the value of affected assets and outlining the process by which valuation will be undertaken will be set out.

Once involuntary resettlement is identified necessary for a Project, a census in the context of preparing the RAP will be carried out to identify the persons who will be affected by the project and who will therefore be eligible for assistance. The potential PAPs can be classified in one of the following three groups:

- i) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the Gambia);
- ii) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- iii) Those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under categories i) and ii) are provided compensation for the land they lose, and other assistance/compensation in accordance with OP 4.12. Persons covered under iii) are provided resettlement assistance instead of compensation for the land they occupy, if they occupy the project the area prior to the established cut-off date and other assistance/compensation, as necessary, to achieve the objectives set out in OP 4.12.

Project Affected Persons (PAPs) under categories ii) and iii) above include residential and business tenants, tenant farmers, squatters, petty traders, and businesses operated out of make-shift structures (such as shipping containers and other informal structures).

To be eligible for resettlement, the primary requirement for eligibility is that PAPs are enumerated at their place of work or residence during the RAP census. Where PAPs are not, for one reason or the other, enumerated during the census, or in cases of disputed eligibility, PAPs will be expected to provide proof of their presence in the project area during the census period in order to be eligible for compensation. Proof can include registered land titles, certificates of occupancy, proof of customary ownership, tenancy agreements, rent receipts or development permits. Where PAPs have none of the above, testimony from neighbors, employers, Village Alkalos, or District Seyfos will be allowed.

## **5.2 Cut-off Date**

For each investment the cut-off date for eligibility will be set as the date when the PCU 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 and fences) and the affected groups have been duly informed of their dues. The same information should be made public in a meeting attended by the persons affected by the proposed sub project. The cut-off date will also be displayed at the offices of the Regional Governors, Regional Offices of NAWEC and the Area Councils.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

### **5.3 Categorisation of Persons Likely to be Affected**

To facilitate the process of determining compensations, PAPs will be categorized according to their level and manner of losses. Thus potential persons likely to be displaced (economically or physically) will be categorized into the following groups:

- a. Project affected persons (PAPs) are individuals whose assets may be lost and/or affected, including land, property, other assets, livelihoods, and/or access to natural and/or economic resources as a result of activities of this Project.
- b. Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the Project. These include members of the household, dependent relatives and tenants.
- c. Vulnerable groups who could be members of affected households. They include vulnerable members, such as those who are too old or too ill; children; those stricken with HIV/AIDS; women; unemployed youth, and orphans; households headed by women that depend on sons, brothers, and others needing support and are especially vulnerable. The vulnerable groups will be eligible for additional assistance. This category runs the risk of seeing their vulnerability increase as a result of the resettlement unless supplementary assistance is provided.
- d. Affected local communities – A community will be affected if project activities affect its socio-economic and/or social-cultural relationships or cohesion. For example project activities could lead to loss of welfare or cultural cohesion etc.

The Socio-economic studies to be undertaken in the preparation of the RAP will clearly define for each project component the specific category of people likely to be affected. During these studies special attention will be paid to these groups by identifying their needs so that (i) they are individually consulted and given the opportunity (i.e. not left out) to participate in the project activities, (ii) that their resettlement and compensation is designed to improve their pre-project

livelihood (iii) special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project and (v) decisions concerning them are made in the shortest possible time.

#### **5.4 Assistance to Vulnerable Persons**

Vulnerable groups are usually disadvantaged in processes involving land transactions especially when a lot of paperwork is involved. As a result, this resettlement process will extend particular recognition and support to all vulnerable groups including orphans, female-headed households, small scale female farmers, elderly persons, people living with disabilities and people living with HIV/AIDS.

Compensation for permanently lost parcels of land will be derived from the open market value of similar land in the immediate locality and base on prices previously paid, but which are adjusted to allow for changes and other circumstances affecting the land.

Thus, in this case, additional information will be sought from land brokers and/or field surveys involving the collection of the values of plots of land from the general area of the affected sites and comparing them with current physical characteristics of the land to be acquired.

## **CHAPTER 6: EVALUATION OF ASSETS AND COMPENSATION**

### **6.1 Land Compensation**

Compensation for loss of the productive value of the land will also be determined. This will be based on the replacement value of the land assuming a specific period which can reasonably cover the losses incurred, if land can be reinstated to previous use. Any trees or structures lost as a result of the relocation will be separately assessed and compensated.

## 6.2 Compensation for Trees

For timber trees the valuation for compensation would be carried out using either prevailing market prices from local markets or the consumer price index to allow for annual inflation. For fruit trees the valuation will depend on the type tree. For banana trees, for example, which have a relatively much shorter productive lifespan than mango trees-, compensation will be based on the full market values of the trees harvested in that year plus one additional year. Payment for the second-year would entail the replacement cost of planting a new tree, managing it and harvesting it all within a year.

For other types of fruit trees such as mangoes, the valuation would be based on the average annual yield potential of the tree multiplied by the number of productive years at time of felling of the fruit trees and all valued at the prevailing open market price. The Planning Service Unit (PSU) and the National Agricultural Research Institute (NARI) of the Ministry of Agriculture's (MOA) can be contacted for database on agricultural commodities prices and potential yields for crops and fruit trees.

## 6.3 Compensation for Crops

In the light of this, the valuation of annual crops would be based on the unit area cultivated (preferably in ha) multiplied by both the yield potential (kg/ha) that depends on the crop quality and current market price (price/kg) of the crop to derive the value of income from one season's production. The same computation methods would be used for the following year's harvest. The DOA and NARI could be consulted for the database on commodity market prices and yield potential of annual crops.

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

## 6.4 Compensation for Houses and Infrastructure

For houses and other structures, it is the replacement cost without taking into account the depreciation of the assets, the value of salvage materials, nor the value of benefits to be derived from the project.

The replacement cost for buildings and structures will be derived from references to current unit construction costs for similar types of structure. Similarly, costs for replacement of walls and fences will be calculated by unit length whilst costs for wells will take account of their depth and lining. Costs will include those related to reinstating utility connections.

For temporary structures, such as shipping containers, kiosks, sheds used as shops, and residences, compensation will not include replacement costs because it is assumed that the structure will be dismantled and/or relocated to another site. Assistance will however be provided to cover the full cost of removal and relocation to another site.

## 6.5 Compensation for Loss of Revenue derived from both Formal and Informal Activities

This category covers the following:

- (i) Loss of Income from Rent and Expenditure Incurred for Alternative Accommodation during reinstatement period;
- (ii) Loss of Business Income and Loss of Business Goodwill;
- (iii) Loss of Wages, Loss of Fees from Apprentice, Loss of Job Training.

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

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 in each RAP.

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

**Table 3: Matrix of compensation packages by type of asset lost and ownership right**

Compensation Category	Types	Compensation Method
<b>Land acquisition and compensation (Permanent acquisition)</b>  <i>Note: If remaining parcel is not viable, owner has right to require purchase of entire parcel.</i>	Customary lands, private lands	Prevailing market value of the land to be acquired; otherwise, replacement value  Owner has the opportunity of being allocated a new plot if one is available and it is suitable to owner's needs
<b>Compensation for houses/infrastructure</b>	All immovable structures and physical assets including buildings,	Replacement value equivalent to the cost of constructing a new structure of similar construction

<b>irrespective of legality of occupation rights of structure</b>  <i>This category will include squatters occupying line corridors</i>	concrete floors, perimeter walls, wells, outbuildings, etc.	standard and size at prevailing prices without depreciation. Costs for replacement of walls and fences will be calculated by unit length, whilst costs for wells will take account their depth and lining  PAPs will be allowed to remove salvageable construction materials and this will not affect compensation. Transportation costs will be based on truck hire costs commensurate with volume of salvageable materials and possessions
	Temporary structures including kiosks, shacks, converted shipping containers	Full costs of removal and transfer to a location selected by the owner
	For tenants only: compensation for cost of any improvements made	Replacement value
<b>Temporary loss of revenues during construction</b>	Include residential tenants, business operators (whether owners or renters of their premises) and squatters	Full reinstatement or replacement value or a combination of the two
<b>Compensation for crops</b>	Standing crops (include <i>groundnuts, maize, millet, etc.</i> )	Valuation based on unit area cultivated (preferably in ha) multiplied by the yield potential (kg/ha) and prevailing market price (price/kg)
<b>Trees</b> ( <i>includes timber, fruit trees</i> )	Timber	Valuation based on prevailing market price or the consumer price index
	Banana	Market value of the trees harvested in that year plus one additional year
	Other fruit trees (mangoes, oranges, coconut, guava, papaya)	Number of trees affected x by the average annual yield potential/tree x the number of productive years at time of felling x the prevailing market price

## CHAPTER 7: THE MECHANISMS FOR PREVENTION AND RESOLUTION OF CONFLICTS

### 7.1 Types of Complaints and Conflicts to Resolve

Where compulsory acquisition is to take place and a resettlement and compensation programme has to be implemented the potential sources of conflicts include the following:

- (i) Inventory mistakes made during census survey as well as inadequate valuation of properties.
- (ii) Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development.
- (iii) Disagreements on plot/asset valuation.
- (iv) Disputed ownership of a given asset (two or more affected individual(s) claim on the same).
- (v) Where affected individual(s) opt for a resettlement based option, disagreement on the resettlement package (the location of the resettlement site does not suit them).

## 7.2 Mechanisms for Conflict Prevention and Dispute Resolution

The above mentioned grievances, when they occur, can be resolved using traditional and administrative mechanisms or the law courts at national, regional and community levels.

Grievances and conflicts need to be addressed immediately at the community level. The PCU is to be notified of any disputes in the project area. The staff of the Regional Directorate should work closely with the communities particularly the community leaders (Alkalo and the VDC) to clarify and resolve any misunderstanding that could give rise to conflicts.

Where the dispute cannot be resolved at the community level, the PCU should bring the matter to the attention of the Permanent Secretary of the Ministry who shall immediately conduct consultations with the Office of the Regional Governor and the Ministry for Local Government & Lands to find an agreement acceptable to the aggrieved. A sample of a complaint reporting form is provided in **Annex 5**. The completed form should be submitted to the Construction Monitor for onward transmission to the PCU. A case file should be opened for each complaint which should record how the matter was resolved or otherwise.

Where these traditional and administrative procedures fail to resolve the dispute the aggrieved party has the right to take the matter to the courts with the possibility of reaching the Supreme Court which constitutes the last resort for solving these disputes. The 1997 Constitution, the State Lands Act 1991 and the Land Acquisition and Compensation Act 1991 all allow for the right of access to the Supreme Court by any person holding or claiming any estate or interest in the land.

## CHAPTER 8: INSTITUTIONAL RESPONSIBILITIES FOR THE IMPLEMENTATION OF RPF

To ensure the success of the resettlement plan requires an appropriate institutional framework both at agency and field levels. It is therefore important to identify as early as possible in project preparation the appropriate agencies to be mandated to carry out the various activities set out in the RPF.

### 8.1 The Project Coordinating Unit (PCU)

The most important agency to be involved in the implementation of the whole resettlement planning and implementation process will be the PCU. It will be responsible for the oversight of implementation of the RPF and provide an enabling environment for the same. The Ministry Basic and Secondary Education shall have oversight role and overall responsibility.

The tasks and responsibilities of the PCU shall include:

- Designation of an environmental and social focal point within the PCU to be responsible for all the social aspects of the Project including the implementation of the RPF and the project grievance mechanism/resettlement;

- Responsibility for screening, conducting subprojects-specific Environmental Social Impact Assessment/ Environmental Management Plans/Resettlement Action Plans
- Ensuring that the concept of minimal relocation and resettlement is taken into account in developing sub-projects;
- Systematic screening of all subprojects to determine whether further environmental and/or social assessment is needed;
- Ensure that bidding documents contain environmental and social clauses and that contractors fully implement those clauses;
- Ensure that compliance monitoring with Bank safeguard policies and national environmental laws and regulations is periodically carried out.
- Conducting subprojects-specific Environmental Social Impact Assessment/ Environmental Management Plans/Resettlement Action Plans
- Ensure that compulsory acquisition process is initiated where it is required (preparation of plans, preparation of the necessary legal instruments for acquisition)
- Supervise the implementation of monitoring and evaluation program.

## **8.2 Office of the Regional Education Directorates**

The Regional Directorates form an important link between the Ministry and the local communities and are responsible for implementing on the ground the policies and programs of the Ministry. They work with the community elders in the identification of building sites for the schools. The Directorate also houses the Construction Monitors who regularly monitor work at the construction sites.

In the implementation of the RPF the Office of the Regional Directorate shall have the following responsibilities:

- Identification of subproject sites in consultation with the local community;
- Conduct the screening of all infrastructural investments to determine whether resettlement is involved. The screening results, as mentioned above, should be sent to the PCU;
- Conduct regular compliance monitoring of the implementation of the mitigation measures designed to reduce or minimize the negative social and economic impacts generated by project activities;
- Work with the local community particularly the elders to prevent disputes and when they occur use the traditional mechanisms to resolve them.

### 8.3 National Environment Agency

The NEA will have a monitoring supervisory role and shall be responsible for confirming the results of the screening process, reviewing and clearing subproject-specific safeguard instruments and conducting compliance monitoring, with national laws and regulations, as well as World Bank safeguards policies and procedures. In addition the Agency shall:

- Conduct biannual nationwide supervisory visits to GESSP sites and provide technical advice and support in project implementation;
- At regional level conduct quarterly visits to project sites and provide support to the Regional Directorate in the screening and categorisation of infrastructural investments;
- Participate in the training and sensitization of beneficiaries to enhance understanding of the national laws on social safeguards and World Bank Safeguard instruments, particularly OP 4.12.

### 8.4 Capacity Building

In the implementation of RPF it will be necessary for various institutional actors and other implementing of the RPF and the resettlement plans to have training sessions on the World Bank Safeguard instruments particularly OP 4.12 and on the tools, procedures and content of resettlement programs (RPF, RAP, etc) in order to enhance their capacities. This will require the organization of training workshops which could be attended by representatives of various institutions involved in the implementation of RPFs or RAPs at the central as well as at the decentralized levels. Such training shall be conducted in the in the framework of the overall capacity building programme for the implementation of the ESMF.

## CHAPTER 9: MONITORING AND EVALUATION

Monitoring and evaluation are fundamental components of the Resettlement Policy Framework and they will be carried out on a continuous basis.

### 9.1 Monitoring

Monitoring will take place during the implementation of the resettlement policy framework and will consist of both internal and external monitoring.

#### - **Internal Monitoring**

First the Construction monitors will be required to provide monthly reports on progress on the identification and acquisition of land, progress in the compensation of PAPs and the level of their participation in project activities. These reports will be submitted to the PCU for transmission to the Project Steering Committee and the NEA.



Second, the PCU will compile the monthly resettlement reports and make an integrated resettlement report in the annual M&E report to the Project Steering Committee and the World Bank and the NEA.

- **External Monitoring**

External monitoring will be done by the NEA and/or a qualified NGOs working in the area. The frequency and scope of this monitoring will be determined in the Memorandum of Understanding to be signed between the PCU and NEA.

The monitoring system will:

- a) alert PCU and the Project Steering Committee on the necessity for land acquisition in any sub-project proposal;
- b) provide timely information about the valuation and negotiation process;
- c) report any grievances that require resolution; and
- d) document timely completion of the sub-project resettlement obligations for all permanent and temporary loses, as well as unanticipated, additional construction damages.
- e) Community Monitoring
- f) As part of promoting greater community participation and involvement in the project and also to promote a sense of ownership, the community will be involved in the monitoring of the implementation of the RPF. For this purpose they need to be adequately sensitized land issues and transfer procedures and conditions governing such transfers. This will create a better understanding of the land issues as they relate to the project.

## 9.2 Evaluation

An evaluation will be done to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed.

The following are the objectives of the evaluation:

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

Preferably the evaluation should take place after all RPF activities have been completed including development initiatives, but before the financial commitments to the program are finished. This

will allow the flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

## **9.3 Indicators for Monitoring and Evaluation**

### **9.3.1 Monitoring Indicators**

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

- number of statutory acquisition notices delivered and those outstanding;
- number of PAPs who have left the area by type by category comprising owners who have lost land or structures as well as tenants and employees who have lost their place of work, and the number remaining;
- number, type, and value of cash and in-kind compensation payments made;
- number and type of grievances redress applications, type of grievance made, and manner of resolution; and
- Issues brought to the notice of the PCU handling the resettlement process by PAPs and the mode of settlement used.

### **9.3.2 Evaluation Indicators**

Similarly, the evaluation indicators are also summarized below:

- the number of population that would be affected, number of stakeholder engagement conducted and duration;
- The numbers of PAPs relocated and numbers un-relocated based on initial estimates.
- the number of compensation disbursed by type/ category of PAP, including the ability to comply with the terms of compensation contained in the RAP;
- % or number of grievance received, number resolved and number left unresolved and why?
- % or number of potential adverse impacts identified, number resolved, when
- % or number of PAPs compensated and % or number that have regained their incomes activities

## **CHAPTER 10: BUDGET AND FUNDING ARRANGEMENTS**

### **10.1 Budget**

Resettlement Action Plans will include a detailed budget for compensation and other rehabilitation entitlements. It will also include information on how funds will flow as well as compensation schedule. The estimate of the overall cost of resettlement and compensation cannot however be determined prior to identification of the sub project, but will be determined during the socio-

economic study. The compensation modality will be agreed upon between the PAPs and the Project. Final Resettlement cost estimates and budget will consider items covered in Table 4 below.

**Table 4: Resettlement Cost Estimation**

Resettlement and Compensation cost	<ul style="list-style-type: none"> <li>• Cost of census and survey of PAPs and inventory of assets</li> <li>• Cost of information and consultation</li> <li>• Compensation for lost assets (land, structures etc)</li> <li>• Cost of replacement land</li> <li>• Cost of preparation of replacement farmland</li> </ul>
Relocation and transfer	<ul style="list-style-type: none"> <li>• Cost of moving and transporting movable items</li> <li>• Cost of replacement housing</li> <li>• Cost of site and infrastructure development and services</li> <li>• Subsistence allowance during transition</li> <li>• Cost of replacement businesses and downtime</li> </ul>
Income restoration plan	<ul style="list-style-type: none"> <li>• Cost estimates for income restoration plans (e.g. training, small business, community enterprise, etc)</li> <li>• Cost of incremental services (extension, health, education)</li> <li>• Environmental enhancement package (forestry, soil conservation, grazing land etc)</li> </ul>
Administration costs	<ul style="list-style-type: none"> <li>• Physical facilities (office space, staff housing, etc)</li> <li>• Transport/vehicles, materials</li> <li>• Operational staff (managerial, technical) and support staff</li> <li>• Training and monitoring</li> <li>• Technical assistance</li> <li>• Evaluation by independent agency</li> </ul>

**Source: Cernea, Michael, 1988. Involuntary Resettlement in Development Projects, the World Bank, Washington DC**

## 10.2 Sources and Mechanism of Financing

The implementation of the RAP, prepared as a result of the implementation of the present RPF will be financed by the Gambia Government. As the Borrower, the Government of The Gambia has official responsibility for meeting the terms of this framework, including financial obligations associated with land acquisition. The funds for resettlement/rehabilitation will therefore be

provided by the Government of The Gambia through the Ministry of Finance and Economic Affairs.

A detailed inventory of all affected assets carried out while preparing the RAP, will provide the basis for estimating the compensation and assistance costs. The funds will be disbursed in the same manner as the funds for the other components of the project and will comply with the regulations of The Gambia Government on the disbursement of funds by government agencies (i.e. direct transfer to bank accounts of the respective beneficiaries).

The IDA credit will finance the preparation of the RAP, communication & sensitization, capacity building, monitoring and evaluation (Mid-term and Final evaluation).

## **CHAPTER 11: CONSULTATION AND DISCLOSURE PROCEDURE**

Consultations the communities are an important component of any resettlement exercise as they give an opportunity to the community, particularly the PAPs, to participate in the project. It is important for the consultation process to be documented.

### **11.1 Consultations on the Preparatory Processes**

The documents on the resettlement process will be extensively discussed at the preparatory stage for the views of the stakeholders and once the documents are finalized they will be made available to the general public to ensure as wide publicity as possible.

### **11.2 Consultations on the Resettlement Policy Framework**

As provided under World Bank policy OP. 4.12 information and consultation on the GESSP Resettlement Policy Framework shall be organized as follows:

- (i) Organize Resettlement Policy Framework validation workshop for all relevant stakeholders for comments
- (ii) Share with the World Bank for comments
- (iii) Incorporation of stakeholders and World Bank comments
- (iv) Discuss and sensitize local communities on the content of the RPF to facilitate their active participation in its implementation.

### **11.3 Consultation on the Resettlement Action Plan (RAP)**

Consultation with the public on the entire process of resettlement is essential as it offers the affected persons an opportunity to participate and contribute to both design and implementation of the project activities.

Public participatory consultation will be done through stakeholders' meetings and workshop at suitable locations such as the "bantaba", and the official residence or offices of the local leaders.

The information will be made to each household on entitlement eligibility criteria, modes of compensation complaints and grievances resolution procedures.

#### **11.4 Disclosure**

The document for the Resettlement Action Plan when completed will be widely disclosed. Methods for the disclosure of the document will include:

- (i) Distribution of as many copies as possible to different institutions and communities for comments and suggestions.
- (ii) Distribution to individuals and representative persons like Members of the National Assembly (NAMs), Regional Governors, Village Councillors, Village Development Committee members etc.
- (iii) Conducting meetings to discuss the plan. The meetings will be conducted at the places where the resettlement will take place.
- (iv) An executive summary of the RPF and of any RAP will be made available in the local languages and disclosed in locations accessible to all the stakeholders.
- (v) The Government will also authorize dissemination of this document through the World Bank's web-site

## **ANNEXES**

### Annex 1: Involuntary Resettlement Screening and Categorization Form

Impact	Not Known	Yes	No	Indication of Scope
Is the proposed sub-project undertaking likely to involve land acquisition?				
Does the land in question have to be compulsorily acquired?				
Are the sites for land acquisition known?				
What is the ownership status of the land?				
Are non-titled persons present?				
Will tenants, lessees, share farmers, or other third party users be affected?				
Will there be loss of housing?				
Will there be loss of crops, trees, and other fixed assets?				
Will there be loss of incomes and livelihoods?				
Will access to facilities, services, or resources be lost?				
Will there be loss of businesses or enterprises?				
Will any social or economic activities be affected by land use related changes?				
Will the involuntary resettlement be conducted in accordance with World Bank Safeguard Policy?				
Does the government executing agency have sufficient skilled resources for resettlement planning and implementation?				
Are training and capacity-building required prior to resettlement planning and implementation?				

## **Annex 2: Main Contents of the Resettlement Action Plan**

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

## **Annex 3: Contents for Abbreviated Resettlement Action Plan**

- Census of displaced persons and valuation of assets.
- Description of compensation and other resettlement assistance to be provided.
- Consultations with displaced people about acceptable alternatives
- Institutional responsibility for implementation and procedures for grievance redress.
- Arrangements for monitoring and implementation and,
- A timetable and budget

**Annex 4: Sample 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 <sup>2</sup> )	HOUSE DIMENSIONS (M <sup>2</sup> ) ; (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 <sup>2</sup> )			HOUSE COMPENSATION			OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)			TOTAL
	Replace in-Kind	Cash Comp		m <sup>2</sup>	Dalasi // m <sup>2</sup> (same building materials)	Total	Item	Dalasi/ per	Tot	
Dalasi/ M <sup>2</sup>		Tot								
PAP 1										
PAP 2										
PAP 3										
...										
Totals										



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

**CURRENT HOUSING**

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

Observations on Businesses :

1 : \_\_\_\_\_

2 : \_\_\_\_\_

3 : \_\_\_\_\_

**REPLACEMENT COSTS**

<b>BUSINESS</b>	<b>PLOT COMPENSATION (M<sup>2</sup>)</b>			<b>STRUCTURE COMPENSATION</b>			<b>OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)</b>			<b>LOST WAGES, PROFITS (PER MO.)</b>		<b>TOTAL</b>
	Replace in-Kind	Cash Comp		m <sup>2</sup>	Dalasi per/m <sup>2</sup> (same building materials)	Total	Item	Dalasi/ per	Tot	Employee No.	Profit Wa ge	
PAP 1		Dalasi M <sup>2</sup>	Tot									
PAP 2												
PAP 3												
...												
Totals												

3. Number of Agricultural Plots Taken : \_\_\_\_\_

FARMER PAP	LAND			CROPS			TREES					OTHER INFRASTRUCT.		TOTAL
	m <sup>2</sup>	In-kind	Cash Total (and Dalasi / m <sup>2</sup> )	Crop (kg/ha)	Value (Dalasi /ha)	Total (Prod ha x Dalasi /ha)	Timber		Fruit			Item	Value	
							Species	Value	Species	Yield (Dalasi/kg)	Value			
1.														
2.														
3.														
...														
Totals														

**Annex 5: Complaint Reporting Form (to be submitted to the CM for onward transmission to the PCU, Banjul)**

Date: \_\_\_\_\_

Region \_\_\_\_\_ District \_\_\_\_\_ Village \_\_\_\_\_

File N° .....

**COMPLAINT**

Name of Complainant : \_\_\_\_\_

Address : \_\_\_\_\_

Village: \_\_\_\_\_

Type of assets affected: \_\_\_\_\_

**DESCRIPTION OF COMPLAINT:**

.....  
.....  
.....

At ....., Date.....

\_\_\_\_\_  
Signature Complainant

**OBSERVATIONS OF THE COMMUNITY HEAD:**

.....  
.....  
.....

At ....., Date.....

\_\_\_\_\_  
(Signature Alkalo/District Chief)

**OBSERVATIONS OF THE REGIONAL DIRECTOR**

.....  
.....  
.....

At..... Date.....

\_\_\_\_\_  
(Signature of the Director)

## **Annex 6a: Summary of Consultations with representatives of Government agencies**

### **i) Meeting with the Construction Programme Manager, Mr. Ebou Serign Gaye, (PCU) on Tuesday 2<sup>nd</sup> January 2018**

The Programme Manager emphasized the need to see that safeguards policies are fully implemented during the project implementation. This, he said, will require a better understanding of the safeguards instruments. He therefor insisted on the need to train the construction monitors and the contractors especially on the World Bank safeguards policies. Mr. Gaye also referred to some of recommendations of the last audit report which need to be taken in to account.

With respect to the implementation arrangements, Mr. Gaye suggested the possibility of having two focal points –one for social and the other for environmental. On the supervisory role of the other implementation partners namely: NEA and DWR, Mr. Gaye expressed the need to maintain them based a revised MoU. However, he said DWR will be expected to do a better next time.

### **ii) Meeting at the Department of Lands and Surveys on Thursday 4<sup>th</sup> January 2018**

The meeting was chaired by the Director of Lands and Surveys, Mr. Kebba Ceesay, and attended by the Director of Physical Planning and Housing, Mr. Musa Badgie, and the Valuation Officer, Mr. Omar Darbo. The officials presented the various laws and regulations relating to land administration, particularly the State Lands Act 1991, the Lands (Regions) Act 1991 which was formerly known as the Provinces Land Act. They explained the increasing pressure on land particularly in urban and peri-urban areas. Therefore it was important, they explained that Government agencies consult with their when discussing a project that may require land.

They also raised the issue of the high compensation costs and question the ability of the Government to make such payments when the annual allocation from the Ministry of Finance is very low. This situation is further complicated by the fact that in the urban areas the people whose land is required for the project are asking for in-kind land compensation and not cash compensation which they consider to be small and the Government does not have enough land in the urban areas to address all these land need. There is an increasing awareness of the value of land. However, it was generally recognized that in the regions where the GESSP is to be implemented land availability is less acute.

### **iii) Meeting with the Acting Programme Manager, Mr. Abdoulie Sowe, on Thursday 4<sup>th</sup> January 2018**

The meeting was attended by the Procurement Officer, Mr. Addison Gomez. The Acting Programme Manager, expressed the need for an early conclusion of the study to allow the proposed project to move forward. He emphasized the supervisory role of NEA in the implementation of the safeguards policies and said that the PCU will work hard to improve

relations which were raised in audit report on the READ Project. He suggested that the nationwide supervision missions should be biannual and not quarterly in view of the category B status of the project. However, the internal monitoring at the level of PCU should be strengthened by building the capacity of the construction monitors and the focal point.

**iv) Meeting with the Construction Monitors on Thursday 4<sup>th</sup> January 2018**

The meeting was chaired by Mr. Musa Jassey, Quantity Surveyor, and attended by four of the six CMs. The meeting discussed the important role of the CM in the screening and monitoring programme. The CMs raised the issue of a structured training to allow a better understanding of the safeguards policies which will give them a sense of direction common to all. They also expressed the need to meet before the project starts to have a common understanding of all the key activities relating to the implementation of the safeguards instruments. This will ensure monitors have a common understanding and approach and also allow a consistent assessment of the compliance of contractors.

The Monitors also raised the issue of having proper coordinates for all land donated to avoid the risks of encroachment which sometimes occur when villagers give land. For this purpose they recommended that the project should provide a Global Positioning System (GPS) for all monitors to establish the exact coordinates for land donated to the school.

Finally the CM lamented the problem of mobility. Their work, they said, is very much constrained by the lack of mobility which limits the number of site visits. They find the motorcycle inadequate in view of the large distances to be travelled, the frequency of travel and the risks associated with their on some of the tracks in the rural tracts.

**v) Meeting with the officials of the National Environment Agency: Monday 8<sup>th</sup> January 2018**

The meeting was Chaired by the Executive Director of NEA, Mr. Momodou Suwareh, and attended by Messrs Harouna Jobe (Senior Programme Officer Agriculture and Natural Resources) and Buwe Haidara (). The Executive Director expressed the need for closer collaboration and partnership to facilitate the implementation of the supervision responsibilities assigned to his agency. In the past this has not been the case and as a result NEA has not been able to fulfill its role properly. The release of funds has been a particularly difficult issue as a result of misunderstandings which need to be addressed in the new arrangement. With respect to the number of nationwide monitoring the Agency agreed to biannual visits with the Regional Environmental Officers doing quarterly visits in their regions. The agency also accepted to take part in any training programme on safeguards policies.

The consultant requested the agency to prepare an indicative budget of their supervision and training activities. This was prepared and submitted.

**vi) Meeting with the Senior Education Officer responsible for Planning and Human Resources in Region 4, Mr. Musa Bah, on Wednesday 10<sup>th</sup> January 2018**

The discussion focused on the responsibilities of the various staff at the Regional Directorate in order to determine how they can contribute to an effective implementation of the safeguards policies. Mr. Bah explained that the Director handles policy matters, sensitization on education in the communities and land matters. When a community cannot resolve the land issue the Director would normally refer the issue to the District Chief and subsequently the Governor. The CM helps to determine the suitability of the land in terms of the location and the topography.

The Cluster Monitors are responsible for a minimum of 8 schools and their role is to monitor compliance with educational standards and provide technical support to the head teachers. Through cluster meetings they identify needs. The Planning Focal Point is responsible for school mapping. The work of the Regional Directorate is supported in the area of environment by the Regional Environment Officers who sometimes called on to join supervision missions or visit certain location/ schools to assess the environmental situation.

There is overall adequate capacity at the regional level to provide the screening exercise as well as the monitoring of the implementation of the safeguards policies. For effectiveness it is important to include these different categories of staff at regional level in any future safeguards training.

**vii) Meeting with the Permanent Secretary, Mr. Mohammed B. S. Jallow: on Friday 12<sup>th</sup> January 2018**

The consultant had a final meeting with the Permanent Secretary and the staff of the PCU to discuss some of the key findings. On implementation the meeting proposed the retention of one Focal Point within the PCU that will be responsible for overseeing and supervising the CMs. However, it will be necessary to build the capacity at the different levels to ensure a proper understanding of the safeguards policies especially those of the World Bank.

On the site visit the consultant reported on the enthusiasm of the communities except one (Fass Chaho) for the project and their willingness to provide land. The sites were randomly selected. In addition to the schools, some of the communities also raised other development needs such as health facility and water supply.

The meeting also discussed at length the issue of allocating vehicles to CM to facilitate and improve their mobility. The Permanent Secretary agreed to have the matter further reviewed.

On the monitoring of the water facilities the Permanent Secretary expressed the view to end the arrangement with DWR and explore the private sector to deliver this service. The use of the services of DWR was discussed earlier, he said and the decision reached was to use the private sector because it was believed will be more efficient.

The meeting also agreed on improving the relationship with NEA and as part of this process Mr. Jallow said they had been inviting the agency to CCM meetings and REO have been invited to take part in the quarterly project site visit by the PCU. These developments need to be strengthened.

## **Annex 6b: Summary of Consultations with the potential beneficiary communities 8<sup>th</sup>-10<sup>th</sup> January 2018**

The selection was made out of a comprehensive list of all potential sites based on the Planning Units assessment. For the time available a total of 7 sites were visited Regions 3, 4, and 5 and they include:

- i. Fass Chaho-Upper Niumi District North bank Region;
- ii. Bereto- Illiasa District-NBR
- iii. Ballanghar Chamen-Lower Saloun District- CRR North
- iv. Wellingara-Kejaw- Lower Fulladu West- CRR South
- v. Moria- Niamina East-CRR South
- vi. Kundon Fulakunda, Kiang Central, LRR
- vii. Wudeba, Kiang West, LRR.

At the meetings the GESSP was introduced stating the main objectives and the planned activities. The project requirement for land was explained and the fact that any land given will have to be the subject of a donor certificate and that such land will be the permanent property of the school. The villagers were informed that they were not under obligation to give land however, if land is not available then the project will have to go elsewhere where land is available.



*Chairperson of VDC, Adama Bah, with the Wudeba community at the meeting*

The mission also explained the need for consultation and participation before, during and after the project because the schools should be seen as belonging to the community so the involvement of the community from the start will give them the opportunity to have their views taken into account and thereby facilitate ownership and sustainability.

In general the communities welcomed the possibility of having the ECD as they saw it as a beginning that can lead to further development. In some cases the communities said that this was a development they were looking for over twenty years (Wudeba and Moria villages). It was only in Fass Chaho that the community rejected the school saying they were interested in traditional

daara which was established by the elders. They will only accept an ECD if it goes together with support for their daara. This is a traditional centre of koranic studies although some members of the community are already sending their children to western type education school in neighbouring villages. Although the proposed ECD does not address their needs the mission advised them to contact the PCU for possible assistance under the ‘daara’ scheme.

The communities also took the opportunity of our presence to raise other development issues for their communities such as health facility and water supply (Wudeba and Ballagher Chamen). The mission explained that this will have to be handled by other competent Government agencies. With respect to water supply they were informed that the proposed ECD will also include water supply points which will benefit the community.

It was interesting to note that in Balaghar Chamen it was the women who insisted and convinced the men to fully endorse the ECD project. One of them, Njome Ceessay, put up a strong case for the ECD saying it is when you travel that you appreciate the value of learning. Even letters received in the village have to be taken elsewhere to be translated. The community certainly needs a school and an ECD is a good beginning.

All the communities that accepted to have the ECD indicated their willingness to provide land on the conditions explained and promised to cooperate fully with the project to ensure ownership and success. They also promised to ensure that the community provides annually sufficient children to the school.



*The community of Moria and their Alkali, Kaddy Sidibeh, hoping to get an ECD for their children*

**Table 5: List of communities visited with their observations**

S/No.	Community	Key remarks /observations by the community
1	Fass Chaho Community Mostly Wolof	Not interested in the EDC but would welcome support if it can be combined with daara education The priority for the community is to ensure that the children have basic quoranic education. Western education, they said, can come after they have received their daara education



2	<b>Bereto</b> Community mainly Mandinka	Express delight for the opportunity to be considered for the new project as it will reduce the distance to travel to school for the young ones some of whom are not attending school presently because of the distance to Farafenni (about 3-4 km) Sometimes children have to stop going if they are not well / have physical handicap because of distance. Mrs Amie Mboge referred to the case of her daughter who to stop because she was not very well and could not walk the long distance to Farafenni. Land they said will be available for construction The community raised the problem of water supply
3	<b>Ballanghar-Chamen</b> Community mainly wolof	The women insisted on having the ECD and they were joined by the men after an initial hesitation on their part. They expressed appreciation for being consulted on this matter especially since this is the first time they are given such an opportunity. They promised to make land available for the ECD. The community raised the problem of water supply for the community
4	<b>Wellingara Kejaw</b> Community mainly mandinka and some fula	The Community welcomed the ECD because presently some of the children have to travel to Brikamaba and Saruja while the younger ones stay at home. The ECD will also offer greater security. They requested that the contractors give employment opportunities to local people if possible
5	<b>Moria</b> Mixed community of Mandinka, Wolof and Fula	Expressed delight in the possibility to have an ECD because they are far from schools in Sinchu Bundu and Kudang..They cited the case of one Mamadou who had to withdraw four of her daughters from school in the neighbouring village because of the distance they have to travel after they close from the afternoon session. They confirmed availability of land
6	<b>Kundon Fulakunda</b> Mainly Fula with some Mandinka and wolofs	Expressed delight in the opportunity as they have been after the Government for the last 20 years Because of the distance many of the younger children cannot travel to the schools in the neighboring villages of Jiroff, Nema and Kwinella They confirmed the availability of land and assured the mission that they will work had to ensure the school has regular supply of children The community expressed the need for health facility. They wee informed that this would be better addressed by the Ministry of Health.
7	<b>Wudeba</b> Mainly Fula and some Mandinka	Thy also welcome the ECD and said the nearest school is Dumbuto about 3 km away and which little children cannot walk to so they do not go to school They also confirmed availability of land on the conditions explained by the mission. The VDC chairperson said the women will regularly monitor school attendance and ensure that all parents sent all the children to the ECD

### Annex 7a: List of persons contacted in Government institutions

NAME	FUNCTION	INSTITUTION	TEL	EMAIL
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Mr. Mohammed B. S. Jallow	Perm. Secretary	MoBSE		<a href="mailto:msjallow@gmail.com">msjallow@gmail.com</a>
Mr. Abdoulie Sowe	Acting Project Mgr.	PCU, MOBSE	9966871	<a href="mailto:Aasowe45@gmail.com">Aasowe45@gmail.com</a> <a href="mailto:Gpn.pcu@edu.gm">Gpn.pcu@edu.gm</a>
Mr. Ebou Serign Gaye	Construction Prog. Manager	PCU,	9960661	<a href="mailto:ebouserigngaye@yahoo.com">ebouserigngaye@yahoo.com</a> <a href="mailto:cpm@edugambia.gm">cpm@edugambia.gm</a>
Musa Jassey	Quantity Surveyor & ESFP	“ “	3308980	<a href="mailto:mukjasy@yahoo.com">mukjasy@yahoo.com</a>
Mr. Musa Bah	Snr. Educ. Officer	Region 4, MoBSE	6303063	<a href="mailto:musabahdongoroba@gmail.com">musabahdongoroba@gmail.com</a>
Mr. Addison Gomez	Procurement Manager	PCU	9914525 9964525	<a href="mailto:Addison_ms@yahoo.com">Addison_ms@yahoo.com</a>
Mr. Yaya Sanyang	Construction Monitor	“ “	3360129	<a href="mailto:yahvamas2000@gmail.com">yahvamas2000@gmail.com</a>
Mr. Mamudu Ceesay	“ “	“ “	9918160	<a href="mailto:mamudouceey8960@yahoo.com">mamudouceey8960@yahoo.com</a>
Mr. Ousman Bojang	“ “	“ “	3305778	<a href="mailto:baousman@gmail.com">baousman@gmail.com</a>
Mr. Momodou Suwareh	Executive Director	NEA	9962978	
Mr. Harouna Jobe	SPO-agric. & NR		9993622	<a href="mailto:arunaajobe@gmail.com">arunaajobe@gmail.com</a>
BUWE Haidara			9502012	<a href="mailto:Mrhydara99@gmail.com">Mrhydara99@gmail.com</a>
Mr. Kebba Ceesay	Director	Dept of Lands & Surveys	9910436	<a href="mailto:ckebba@yahoo.com">ckebba@yahoo.com</a>
Mr. Musa Badgie	Director	Dept Physical Planning & Housing	9960228	<a href="mailto:mbadgie@yahoo.com">mbadgie@yahoo.com</a>
Mr. Dawda Darbo		Dept. of Lands		

#### Annex 7b: List persons contacted at the potential project sites

Name	Function	Village	Tel.
Momat Saho	Alkali	Fass Chaho	
Bubacar Saho	Dep. Alkali	“ “	2055854
Alh. Tijan Saho	Khalif	“ “	
Alaji K. Saho	Secretary, VDC		7201940
Alh. Bubu Jah	Elder	“ “	
Aja Seinabu Faal	Women Elder	“ “	
Abdou Kanteh	Alkali	Bereto	
Omar Keita	Cashier, VDC	“ “	3904890
Imam Abdu Suno	Imam	“ “	
Ebrima Marong	Member, VDC	“ “	6670596
Mariama Kanteh	Member women kafo	“ “	6996833
Binta Sawaneh	Women Youth leader	“ “	
AMIE Mboge	Member women's kafo	“ “	6931648
Modou Cham	Alkali	Ballanghar Chamen	
Sait Cham	Imam	“ “	
Ali Cham	Youth leader	“ “	
Alaji Cham	Youth Leader	“ “	
Ousman Cham		“ “	

Njome Ceesay	Women Leader	“ “	
Fatou Cham	“ “	“ “	
Mbengue Touray	“ “	“ “	
Samba Jaiteh	Alkali	Wellingara Kejaw	6313607
Bamba B. Sanneh	Chairman , VDC	“ “	6392564
Sidi Keita	Village Elder	“ “	6210520
Mama Fatty	Women Elder	“ “	7612861
Isatou Fatty	“ “	“ “	
Mariama Dumbuya	Member VDC	“ “	
Kaddy Drammeh	“ “	“ “	
Kaddy Sidibeh	Alkali	Moria	7958079
Fatou Camara	Sec. Women Garden Kafo	“ “	3623875
Seit Jobe	Member VDC	“ “	70227581
Isatou Keita	Member Women Garden Kafo	“ “	7018417
<b>Momad jallow</b>	<b>V/Chairman VDC</b>	“ “	
<b>Amina Jobe</b>	Member Women Garden Kafo	“ “	<b>7796476</b>
<b>Sireh Keita</b>	“ “	“ “	<b>6319034</b>
<b>Kebba Jarra</b>	<b>Asst. Alkali</b>	<b>Kundon Fulakunda</b>	<b>6961648</b>
<b>Alasan Tarawalle</b>	<b>Village Elder</b>	“ “	<b>2189367</b>
<b>Omar Jarra</b>	<b>VDC Member</b>	“ “	<b>7376615</b>
<b>Mamadou Bah</b>	“ “	“ “	<b>7636304</b>
<b>Kaddy Yabo</b>	“ “	“ “	<b>2342099</b>
<b>Subba Jawo</b>	<b>Chairman VDC</b>	“ “	<b>2573628</b>
<b>Awa Jawo</b>	<b>VDC Member</b>	“ “	<b>2775702</b>
<b>Mai Yabo</b>	“ “	“ “	<b>2993030</b>
<b>Yaya Bah</b>	“ “	“ “	<b>7841062</b>
<b>Lamin Jawo</b>	“ “	“ “	<b>6213058</b>
<b>Isatou Jarra</b>	“ “	“ “	<b>7098902</b>
<b>Burama Kolley</b>	<b>Village Elder</b>	<b>Wudeba</b>	<b>7775087</b>
<b>Ebrima Jallow</b>	<b>Youth Leader</b>	“ “	<b>7970932</b>
<b>Omar Kolley</b>	<b>Member VDC</b>	“ “	<b>2845460</b>
<b>Mrs. Adama Bah</b>	<b>Chair person VDC</b>	“ “	<b>7837678</b>
<b>Isatou Ceesay</b>	<b>Village Elder</b>	“ “	<b>7039295</b>
<b>Ismaila Jallow</b>	<b>Youth leader</b>	“ “	<b>7987066</b>
<b>Omar Bah</b>	<b>Member VDC</b>	“ “	<b>7615127</b>
<b>Samba Sidibeh</b>	<b>Village Elder</b>	“ “	<b>6209675</b>
<b>Habib Jallow</b>	<b>Youth Leader</b>	“ “	<b>2298175</b>
<b>Mamad Saloum</b>	“ “	“ “	

## Annex 8: World Bank policy on involuntary resettlement

## OP 4.12 - Involuntary Resettlement

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

OP 4.12  
December, 2001

Note: OP/ [BP 4.12](#), *Involuntary Resettlement*, were revised on April 2013 to take into account the recommendations in “*Investment Lending Reform: Modernizing and Consolidating Operational Policies and Procedures*” (R2012-0204 [IDA/R2012-0248]), which were approved by the Executive Directors on October 25, 2012. As a result of these recommendations: (a) [OP/ BP 10.00](#), *Investment Project Financing*, have been revised, among other things, to incorporate OP/BP 13.05, *Supervision* and OP/BP 13.55, *Implementation Completion Reporting*, (which have consequently been retired); and (b) [OP/ BP 8.60](#), *Development Policy Lending*, and [OP 9.00](#), *Program-for-Results Financing*, have also been revised. OP/ [BP 4.12](#) have consequently been updated to reflect these changes, to clarify the extent of applicability of OP/BP 4.12 to Development Policy Lending and Program-for Results-Financing, and to reflect the updated title of the Bank’s policy on access to information.

Questions on this OP/BP may be addressed to the Safeguard Policies Helpdesk in OPCS ([safeguards@worldbank.org](mailto:safeguards@worldbank.org)).

Revised April 2013

1. Bank<sup>1</sup> experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

### Policy Objectives

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.<sup>2</sup>

(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons<sup>3</sup> should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.<sup>4</sup>

### Impacts Covered

3 . This policy covers direct economic and social impacts<sup>5</sup> that both result from Bank-assisted investment projects,<sup>6</sup> and are caused by

- (a) the involuntary<sup>7</sup> taking of land<sup>8</sup> resulting in
  - (i) relocation or loss of shelter;
  - (ii) lost of assets or access to assets; or
  - (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- (b) the involuntary restriction of access<sup>9</sup> to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are

- (a) directly and significantly related to the Bank-assisted project,
- (b) necessary to achieve its objectives as set forth in the project documents; and
- (c) carried out, or planned to be carried out, contemporaneously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see [BP 4.12, para. 7](#)).<sup>10</sup>

#### **Required Measures**

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:

- (a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
  - (i) informed about their options and rights pertaining to resettlement;
  - (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
  - (iii) provided prompt and effective compensation at full replacement cost<sup>11</sup> for losses of assets<sup>12</sup> attributable directly to the project.
- (b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
  - (i) provided assistance (such as moving allowances) during relocation; and
  - (ii) provided with residential housing, or housing sites, or, as required,

agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.<sup>13</sup>

(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are

(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;<sup>14</sup> and

(ii) provided with development assistance in addition to compensation measures described in paragraph 6(a);

(iii) such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which

(a) specific components of the project will be prepared and implemented;

(b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and

(d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples,<sup>15</sup> ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural

preferences and are prepared in consultation with them (see [Annex A](#), para. 11).

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, 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 the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).<sup>16</sup>

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area,<sup>17</sup> or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction<sup>18</sup> of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:
- (a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.
  - (b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

- (c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.

#### **Eligibility for Benefits<sup>19</sup>**

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the [Annex A](#), para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. *Criteria for Eligibility.* Displaced persons may be classified in one of the following three groups:

- (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see [Annex A](#), para. 7(f)); and<sup>20</sup>
- (c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance<sup>21</sup> in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank.<sup>22</sup> Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

#### **Resettlement Planning, Implementation, and Monitoring**

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

- (a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and [Annex A](#));
- (b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see [Annex](#)



A; and

(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs.<sup>23</sup> The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.<sup>24</sup>

23. The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to

determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also [BP 4.12](#), para. 16).

## **Resettlement Instruments**

### *Resettlement Plan*

25. A draft resettlement plan that conforms to this policy is a condition of appraisal (see [Annex A](#), para. 2-21) for projects referred to in para. 17(a) above.<sup>25</sup> However, where impacts on the entire displaced population are minor,<sup>26</sup> or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower (see [Annex A](#), para. 22). The information disclosure procedures set forth in para. 22 apply.

### *Resettlement Policy Framework*

26. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see [Annex A](#), paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see [Annex A](#), paras. 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

28. For other Bank-assisted project with multiple subprojects<sup>27</sup> that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with

this policy prior to appraisal (see [Annex A](#), paras. 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

29. For each subproject included in a project described in para. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

30. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

#### *Process Framework*

31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

#### **Assistance to the Borrower**

32. In furtherance of the objectives of this policy, the Bank may at a borrower's request support the borrower and other concerned entities by providing

- (a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;
- (b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
- (c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and

- (d) financing of the investment costs of resettlement.

33. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionalities, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.

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1. "Bank" includes IBRD and IDA; "loans" includes IDA credits and IDA grants, guarantees, Project Preparation Facility (PPF) advances and grants; and "projects" includes projects under (a) PPFs advances and Institutional Development Fund (IDF) grants, if they include investment activities; (b) grants under the Global Environment Facility and Montreal Protocol, for which the Bank is the implementing/executing agency; and (c) grants or loans provided by other donors that are administered by the Bank. The term "project" does not include programs supported by Development Policy Lending (for which the environmental provisions are set out in [OP/ BP 8.60](#), *Development Policy Lending*), or by Program-for-Results Financing (for which environmental provisions are set out in [OP/ BP 9.00](#), *Program-for-Results Financing*). "Borrower" also includes, wherever the context requires, the guarantor or the project implementing agency.
  2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include [OP 4.01](#), *Environmental Assessment*, [OP 4.04](#), *Natural Habitats*, [OP 4.10](#), *Indigenous Peoples*, and [OP 4.11](#), *Physical Cultural Resources*.
  3. The term "displaced persons" refers to persons who are affected in any of the ways described in para. 3 of this OP.
  4. Displaced persons under para. 3(b) should be assisted in their efforts to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.
  5. Where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments.
  6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see [OP 8.00](#), *Rapid Response to Crises and Emergencies*).
  7. For the purposes of this policy, "involuntary" means actions that may be taken without the

displaced person's informed consent or power of choice.

8. "Land" includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.
9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a). Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).
10. The *Involuntary Resettlement Sourcebook* provides good practice guidance to staff on the policy.
11. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see [Annex A](#), footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6.
12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.
13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.
14. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements.
15. See [OP 4.10](#), *Indigenous Peoples*.
16. Where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of escrow or other interest-bearing deposit acceptable to the Bank, and has provided a means satisfactory to the Bank for resolving the dispute concerning said offer of compensation in a timely and equitable manner.
17. See [OP 4.04](#), *Natural Habitats*.
18. As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.
19. Paras. 13-15 do not apply to impacts covered under para. 3(b) of this policy. The eligibility

criteria for displaced persons under 3

(b) are covered under the process framework (see paras. 7 and 30).

20. Such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.
21. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.
22. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.
23. For projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel of independent, internationally recognized resettlement specialists to advise on all aspects of the project relevant to the resettlement activities. The size, role, and frequency of meeting depend on the complexity of the resettlement. If independent technical advisory panels are established under [OP 4.01](#), *Environmental Assessment*, the resettlement panel may form part of the environmental panel of experts.
24. See [The World Bank Policy on Access to Information, para. 34](#) (Washington, D.C.: World Bank, 2002).
25. An exception to this requirement may be made in highly unusual circumstances (such as emergency operations) with the approval of Bank Management (see [BP 4.12](#), para. 8). In such cases, the Management's approval stipulates a timetable and budget for developing the resettlement plan.
26. Impacts are considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost.
27. For the purpose of this paragraph, the term "subprojects" includes components and subcomponents.

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## **Annex 9: Bibliography**

- 1) Constitution of the Republic of the Gambia, 1997
- 2) State Lands Act, 1991
- 3) Local Government Act, 2002
- 4) Land Acquisition and Compensation Act, 1991
- 5) Lands (Regions) Act 1991
- 6) Physical Planning and Development Control Act, 1991

- 7) Surveys Act 1991
- 8) National Environmental Management Act 1990
- 9) Environmental Impact Assessment Procedures 1999
- 10) Environmental Impact Assessment Guidelines 1999
- 11) Lands Commission Act 2007
- 12) Development Control Regulations, 1995
- 13) Draft Plans Regulations, 1995
- 14) State Lands Regulations, 1995
- 15) World Bank OP 4.12 - Involuntary Resettlement Operational Manual, 2001 (Revised April 2013)
- 16) Environmental and Social Safeguards Report on the Implementation of the Results For Education Achievement and Development (READ) Project- Ministry of Basic and Secondary Education Banjul, 2016
- 17) Resettlement Policy Framework for The Gambia Education Project: Results for Education Achievement and Development Project (READ), Ministry of Basic and Secondary Education, Banjul-2013

## **Annex 10**

### **Terms of Reference**

#### **Resettlement Policy Framework for The Gambia - Education Sector Support Project**

##### **1.0 Introduction**

The Government of The Gambia in collaboration with The World Bank is preparing a Project Appraisal Document (PAD) which gives an outline of a future education sector support program. The program will serve as successor to the Results for Education Achievement and Development

Project (READ) and would consolidate the achievements made thus far in the sector by placing particular emphasis on educational access, and improvement of quality of teaching and learning.

## **2.0 Project Objectives**

The proposed project seeks to increase access to ECD and basic education and improve quality of teaching and learning.

## **3.0 Project Components**

The Project comprises three main components: i) Enhancing Access to ECD and Basic Education; ii) Improving Quality of Teaching and Learning; iii) Technical and Institutional Support

### **3.1: Component 1: Enhancing Access to ECD and Basic Education**

The aim of this component is to expand inclusive education for all, with an emphasis on geographic and economic disparities, gender, students with disabilities, and other vulnerable groups, through a blend of demand side and supply side interventions. On the supply side, access will be expanded through construction of new classrooms ECD and LBS classrooms, and continued provision of school transportation in selected communities. On the demand side, access will be expanded through a program which modernizes daaras (Koranic schools) by introducing an adapted curriculum through a results oriented financing model in targeted regions, supported by a sensitization campaign.

### **3.2: Component 2: Improving Quality of Teaching and Learning**

Under this component the Project will support a set of interventions that will lead to the implementation of a revised curriculum for ECD, lower basic, and upper basic schools, with a particular focus on English. In addition it will develop a strategic framework and coherent policy for an improved teacher training and professional development pre-service and in-service teacher training which views teacher education along a continuum.

### **3.3: Component 3: Technical and Institutional Support**

This component will support capacity building for evidence based decision making in the sector and provide support for the implementation of the communication strategy including procuring equipment, materials, publishing, dissemination, logistics, and administration. The Project will also provide support to the implementing agency for capacity building initiatives and project management as well financing the project coordination unit (PCU) salaries and operating costs to coordinate the



proposed project, and building MoBSE and MoHERST staff capacity development.

#### **4.0: Environmental and Social Aspects of Project Activities**

As the proposed Project activities are not expected to generate significant negative or irreversible environmental and social impacts, the project may be under Category B classification according to the World Bank's guidelines. However, implementation of the proposed activities may incur negative social impacts and the main safeguard issue potentially triggered is the potential loss of livelihoods due to land acquisition/displacement of existing populations related to the construction of schools. The applicable World Bank safeguard policy is likely to be Involuntary Resettlement (OP 4.12).

#### **5.0: Objective of the Assignment**

The objective is to prepare a Resettlement Policy Framework (RPF) for the proposed Project and conduct consultations with key stakeholders, as appropriate. The RPF would follow the World Bank policy on Involuntary Resettlement (OP 4.12) which requires the avoidance of displacement to the extent possible and if not, that people affected by the project, receive compensation to the extent that their livelihoods are restored. The RPF should be carried out in line with the requirements of Gambian legislation.

#### **6.0 : Scope of Assessment**

Implementation of the Project may require the utilization of natural resources such as land which could trigger OP 4.12. Assess the resettlement issues involving compensation for lost of assets or loss of livelihoods due to project activities as well as required mitigation measures. Specifically, the RPF should establish the conditions under which resettlement will take place and outline the principles and procedures to be followed, in the event that an investment involves impacts and losses associated with its implementation to ensure that no individuals, households and communities in the targeted areas are worse off with future development. This process should be inclusive, to encompass vulnerable social groups and guarantee that they receive equitable treatment.

#### **7.0: Review of Legal and institutional framework**

The study shall also review the national legal and institutional frameworks with respect to landownership including customary law, land acquisition, the evaluation of the direct socio-economic impacts of the project and the compensation mechanisms. The study shall take account of the experiences of the implementation of the RPF of the previous Education Project.

The consultant shall also undertake a comparative analysis of Gambian Legislations with that of World Bank guidelines OP 4.12 to identify gaps in:

- Resettlement planning and procedural requirements
- Compensation eligibility criteria
- Provisions for Illegal land use in The Gambia
- Extent of Compensation and Resettlement Assistance
- Valuation of assets
- Income restoration

### **8.0: Consultations**

The Consultant shall carry out meaningful consultations with the various categories of stakeholders including borrower officials and other stakeholders who may be potential beneficiaries of, and/or affected by the projects. The Consultant shall describe how affected peoples will be consulted and participate in planning, implementation, and monitoring. The record of these consultations shall be included in the report as an Annex.

Once the draft RPF prepared it shall be the subject of further consultations with stakeholders before finalization. The consultant shall include a record of all such consultations as an annex to the RPF. Once specific project activities and site locations are known, the Consultant shall show how the people affected by the particular subprojects will be consulted throughout the process of sub-project RAPs.

### **9.0: Grievance Management and Redress Mechanism**

The study shall also review potential areas of grievances and disputes that can arise during the course of implementation of the resettlement and compensation programme and propose grievance management and redress mechanisms.

### **10. Monitoring**

The Consultant shall describe how the RPF will be implemented and monitored clearly indicating who is the implementing agency, who is responsible for monitoring, and how monitoring will be done, including frequency for monitoring. S/he shall include in the reporting mechanism, how the information generated will be utilized in project implementation, as well as reporting of non-compliance and grievances.

### **11. Output**

Present a brief description of all project components and all the locations that the project will impact with particular emphasis on those components and/or activities which trigger safeguard policies, especially those requiring land acquisition, resettlement, and/or restrict access to natural resources.

Define the regulatory policy for involuntary resettlement and /or compensation of affected people and/or likely to be affected.

Describe the process by which Resettlement Action Plans (RAPs) will be prepared, approved, and monitored once impact location is known.

## **12. Content of the Report**

The content of the report should include the following elements:

- Cover page
- Table of contents
- List of acronyms
- Executive summary
- Introduction;
- Project description;
- Objectives of the Resettlement Policy Framework (RPF)
- Methodology used to prepare the Resettlement Policy Framework (RPF)
- The conclusions and recommendations;
- Recommendations for additional studies;
- Annexes:
  - Terms of reference of the study;
  - List of persons interviewed/met;
  - Minutes of consultation meetings held with local communities and other stakeholders;
  - Summary report of the validation workshop;
  - References;
  - Any other information.

## **13. Expertise required**

A graduate in sociology, geography, development studies or any other related academic field with experience in RPF and RAP assignments related to public sector investment is required. Familiarities with The Gambia operational requirements and with World Bank's safeguard policies and guidelines.

## **14. Level of Effort and Timeline**

The expected level of effort is three (3) staff – weeks for this assignment. An electronic copy of the RPF should be made available to the Government of The Gambia and the World Bank by end of January 2018, and the final draft electronic document should be available before appraisal.