REPUBLIC OF THE GAMBIA

The Gambia Community Development Project

RESETTLEMENT POLICY FRAMEWORK (RPF)

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<td>MDFT</td>
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<td>NEA</td>
<td>National Environmental Agency</td>
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DEFINITION OF TERMS USED IN THE REPORT

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

“Census” means a field survey carried out to identify and determined 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 chiefs.

**Project Affected Person(s) (PAPs)** are persons affected by land use or acquisition needs of the CDP. 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.

“Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land including fixed assets thereon, in part or whole.

“Cut-off date” is the date of commencement of the census of PAPs/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” means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons physically relocate. These people will have their: standard of living adversely affected, whether or not the Displaced Person must move to another location; right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; access to productive assets adversely affected, temporarily or permanently; or business, occupation, work or place of residence or habitat adversely affected.

“Involuntary Displacement” means the involuntary taking 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 taking 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 customary rights.

“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 taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
**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.

**Resettlement and Compensation Plan**, also known as a “**Resettlement Action Plan (RAP)**” or “**Resettlement Plan**” - is a resettlement instrument (document) to be prepared when school locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPS contain specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

”**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 Gambia 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 labor and contractors’ fees; and (c) any registration costs.

“**Resettlement Assistance**” means the measures to ensure that Displaced Persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals which ever 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 CDP implementation. The RPF will be disclosed to 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 CDP will be prepared consistent with the provisions of this RPF.
1. **INTRODUCTION**

1.1 **BACKGROUND**

The Government of The Gambia’s Poverty Reduction Strategy Paper issued in June 2002, included a detailed assessment of poverty in the country. It noted that despite being on the increase in urban areas, poverty remains predominantly a rural phenomenon. Income poverty and poor access to social services are pervasive, resulting in reduced opportunities for human and economic development. Rural communities are particularly hard hit by poverty, due to a narrow agricultural-based livelihood system. Among the critical interventions discussed in The Gambia’s PRSP is the need to co-ordinate and provide funding for community-driven development interventions in order to improve the scope and impact of poverty reduction programs. One key element of that vision and indeed the Gambia’s Poverty Reduction Strategy Paper (PRSP) is to promote growth and employment, the provision of social services, building the capacity for local development, and mainstreaming gender equity and environmental issues.

The Government of the Republic of Gambia, with the World Bank support, is preparation of a rural development project based on the Community-Driven Development (CDD) approach. This project aims to improve living conditions and incomes of the rural poor, improve access to basic services, and improve health outcomes in under-served rural areas.

To ensure that these investments are carried out in an environmentally and socially sustainable manner, the project developed the present Resettlement Policy Framework (RPF). A Environmental and Social Management Framework (ESMF) has been prepared under separately.

The objective of this RPF is to provide a legal framework and a screening process for the future CDP’s activities, as the exact investments could not be identified prior to appraisal. The Resettlement Policy Framework (RPF) has been prepared as an instrument to be used throughout the CDP implementation. The RPF will be disclosed to 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.

1.2. **OBJECTIVES AND COMPONENTS OF THE CDP**

The project will evolve in the framework of the Gambian land Law (Land acquisition and compensation Act, 1990, etc.), which establishes and regulates a decentralized local government system for The Gambia. It has been established that the project will address issues concerning both rural development and health areas of intervention, at the decentralized level.

The CDP will comprise three components; a description of each is outlined below:

A. **Supporting community-driven initiatives and investments.** This component would support: (i) an investment fund for community-driven sub-projects that could include, for instance, small rural infrastructures, productive investments, community-driven public health interventions and environmental protection and conservation measures; (ii) strengthening capacity of community-based organizations and their unions for a variety of activities such as participatory planning and implementation, project design,
participatory consultations, and micro-project implementation; and (iii) establishing linkages with other partner institutions such as village savings and credit associations, marketing societies and bodies, and service providers (public, private, and non-governmental).

B. Building Capacity for Service Delivery. This component would: (i) support building capacity of identified NGOs and other agencies in mobilizing and training community groups/associations, and in provision of technical services; (ii) provide support to strengthen the capacity of key Division/district-level institutions in planning, implementation and financial management; (iii) provide limited support for capacity building (e.g., policy formulation, Monitoring & Evaluation [M&E], supervision, service cost recovery policy, etc.) of coordinating bodies at the central government level, including key ministry implementers in the departments of State for Health, Agriculture, and Local Government; and (iv) provide limited investments at the decentralized level (Area Councils) to improve coordination activities and strengthen the decentralization process.

C. Project Coordination and Monitoring. This component would comprise of two key sub-components: (a) Project coordination: Further to lessons learned from previous projects, the coordination mechanism will be kept as simple as possible. It will include three levels of intervention, as follows: (i) At the central level, the project will be under the overall supervision of an Inter-Departmental Steering Committee (leadership to be determined), responsible for policy orientation, for the approval of annual work plans and budgets, and for reviewing progress activities. The day-to-day coordination will be the responsibility of a Project Implementation Unit (PIU) which will also be in charge of the technical inter-departmental coordination; (ii) In each Division where the project will intervene, the Development Committee of the Area Council will be the implementing agency, while the Area Council will provide implementation oversight; and (iii) At the community level, the communities acting through their associations/organizations would assume responsibility for grass-root level participatory consultation, planning, and implementation of demand-based initiatives. (b) Monitoring and Evaluation: The project would also support the development and implementation of a sound and practical M&E system, support periodic impact assessments and poverty level mapping in collaboration with the Strategy for Poverty Alleviation Coordinating Office (SPACO). Beneficiary assessments will be carried out to determine to what extent the project is making a difference at the community level and at the first health level of referral. Periodic joint government/donor meetings would also be organized to avoid duplications, and ensure harmonization of approaches at the community level.
1.3. **Environmental and Social Considerations for the Project Activities**

Unmitigated involuntary resettlement arising from development projects often leads to severe economic, social and environmental impacts where:

- production systems are dismantled,
- people face impoverishment if their productive assets or income sources are lost;
- people are relocated to environments where their 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.

More important for this RPF, new projects, whose location and technical specifications are not known at the moment, are planned for future implementation.

To ensure that these sub-projects are carried out in an environmentally and socially sustainable manner, the project will carry out an Environmental and Social Impact Assessment (ESIA) and a Resettlement Policy Framework (RPF). The Environmental and Social Impact Assessment Report will be prepared as a separate document. This Resettlement Policy Framework (RPF) is confined to those impacts relating to land acquisition and resettlement, arising from implementation of the proposed CDP project activities. The framework serves to provide safeguards against severe adverse impacts of the proposed project activities and proposes mitigation against potential impoverishment risks by:

- avoiding displacement of people in the first place or;
- minimizing the number of Displaced Persons or;
- adequately compensating the displaced persons for losses incurred or;
- adequately addressing adverse impacts of the intended interventions.

### Categories of losses and their impacts on displaced persons

<table>
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<tr>
<th>Loss Category</th>
<th>Social Impacts</th>
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<tr>
<td>Relocation</td>
<td>Impoverishment, disturbance of production systems, loss of sources of income, loss or weakening of community system 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.</td>
</tr>
<tr>
<td>Loss of land but no relocation</td>
<td>Impoverishment, loss of sources of income and means of livelihood, Loss of assets or access to assets, increased time to access resources</td>
</tr>
<tr>
<td>Alienation due to neighbors being relocated</td>
<td>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.</td>
</tr>
<tr>
<td>Hosting PAPs</td>
<td>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</td>
</tr>
</tbody>
</table>
Consultation during the study revealed that the Department for Lands and the Department for Planning have been involved in resettlement and compensation works where evaluations have been done by multi-sector committees comprising representation from Housing, Health, Education, Local Government, Agriculture, Energy and Lands authorities. It was learnt that in their payment for compensation, lists of prices were used for determining the amount to be paid for loss of trees, for instance.

This Resettlement Policy Framework (RPF), to be used for screening of projects in the Community Driven Development Project (CDP), has been prepared following the results of the findings from the above and other field investigations. Interviews with local people and officials from various Ministries, Local Government Offices, Private Sector; and information from some previous studies reports and documents have been used in preparing this framework. The framework establishes parameters for the conduct of land acquisition and compensation including resettlement of displaced persons (DPs), who may be affected during implementation of the CDP project activities, particularly for the new schools, whose project sites had not yet been identified at the time of preparing this framework.

The screening process developed in this framework is consistent with the Bank’s safeguard operational policy OP 4.12, for Involuntary Resettlement. This policy requires that all Bank-financed operations are screened for potential impacts, and that the required compensation work is carried out on the basis of the screening results. The framework therefore, while adopting and adapting some of the local experiences and the provisions of local legislation, is based on the World Bank’s Operational Policy (OP 4.12) on involuntary resettlement, which emphasizes on the following principles:

- Avoiding or minimizing involuntary land acquisition and resettlement, where feasible and exploring all viable alternatives before resorting to involuntary resettlement.
- Where involuntary resettlement and land acquisition is unavoidable, assistance and sufficient resources should be provided to the displaced persons with the view to maintaining and/or improving their standards of living, earning capacities and production levels.
- Encouraging community participation in planning and implementing land acquisition, compensation and/or resettlement, and provision of assistance to affected people regardless of the legality of their land rights or their title to land.

Format of the Resettlement Policy Framework (RPF)
The Resettlement Policy Framework is presented in the following manner:

- Chapter 1 provides a brief background of the project related to the poverty in rural communities in Gambia. The chapter presents the intentions the Government and the World Bank to address the problems. The CDP programme objectives and components are described and the environmental and social considerations (including the RPF and the ESIA) for the project activities are introduced.
- Chapter 2 gives the objectives and justification for preparing the RPF, highlighting among other issues, the objectives to address the hardships that could arise from land acquisition and resettlement of people to accommodate the CDP project activities. The justification for preparing the RPF is provided in the legal provisions of the Gambian Land Law Legislation and other relevant national legislation; as well as the World Bank’s OP4.12.
- In Chapter 3 Land Administration including land ownership and land tenure systems in Gambia are given. The Chapter also gives the likely categories of affected persons that include ordinary households, individuals and disadvantaged persons.
• Chapter 4 introduces the screening process and outlines the steps leading to the preparation of the Resettlement Action Plans, the RAPs
• Chapter 5 deals with land acquisition mechanisms for the project activities. It further proposes mechanisms for acquisition of all types including voluntary and involuntary types of land acquisition. The Chapter gives details of information and records to be kept for land acquisition activities.
• Chapter 6 deals with the eligibility and conditions for compensating project affected persons by first high lighting the World Bank’s OP4.12 provisions for eligibility for compensation, resettlement and rehabilitation assistance. The chapter continues with procedures for payment of compensation and makes a comparison between the World Bank and Gambian law regarding compensation. Finally the Chapter gives conditions to be followed in displacement of people
• Chapter 7 outlines procedures for notifying the public about intentions to acquire land earmarked for projects. The Chapter also gives procedures for the valuation of assets and calculation of compensation payments
• Chapter 8 provides procedures for delivery of compensation, emphasizing the need for public consultation and public participation, notification of land resources holders and documentation of land holding and assets as important aspects. The Chapter provides a procedure for addressing complaints and grievances. Finally the chapter emphasizes the importance of signing compensation agreements and the need for transparency and ensuring the presence and participation of all parties concerned when making compensation payments.
• Chapter 9 gives the budgetary implications and the funding mechanisms
• Chapter 10 gives the institutional and implementation arrangements, highlighting the roles of each of the institution in the overall implementation of the compensation and resettlement plan. The chapter further highlights the land acquisition and resettlement process that includes the preparation of resettlement plans, the importance of public consultation and participation in all the activities, the importance of observing key timeframes and the importance of linking resettlement implementation to the civil works.
• Chapter 11 provides for land acquisition and resettlement, implementation and monitoring plans. The Chapter provides formats for resettlement management plan and monitoring plan.
2. OBJECTIVES AND JUSTIFICATION OF THE RPF

2.1 OBJECTIVES OF THE RPF

Involuntary resettlement arising from development projects often gives rise to severe economic, social and environmental hardships. The hardships stem from the following reasons among others:

- disruption of production systems,
- affected persons skills being rendered inapplicable in new environments,
- increased competition for resources,
- weakening of community and social networks,
- dispersion of kin groups
- Loss of cultural identity and traditional authority and
- loss of mutual help

In most cases, resettlement of people to pave way for development projects is done because the project activities demand land acquisition. Little attention, if any, is given to the welfare of the people affected. The people may be affected because of loss of agricultural land, loss of buildings, loss of access or proximity to water, health and social amenities. Annex 2.1 gives details of categories of losses and their impacts on Displaced Persons.

The objective of this Resettlement Policy Framework (RPF) is to provide a screening process, for future CDP project activities, to ensure that where land acquisition for project activities is inevitable, resettlement and compensation activities for lost land should be conceived and executed in a sustainable manner. 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.

The Resettlement Policy Framework provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by future project activities whose exact locations are not known prior to project appraisal. The RPF is intended for use as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for sub-project activities during implementation of the CDP.

2.2 JUSTIFICATION FOR THE RPF

In the CDP, the proposed project activities, particularly those under Component “A”, and those for new projects are likely to result in resettlement of people, or in some way or another, to affect people’s livelihoods and access to land and socio-economic opportunities.

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 project activities.

The guiding principle for land acquisition shall be that where land is required for implementation of the CDP project activities, 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 CDP project sites where land disputes have not been resolved and on all future demand-driven project activities. The framework is intended for use by all proponents implementing World Bank funded (Category B) projects and will be applicable to private and NGO institutions that will utilize CDP funds; and all project activities that fall under the CDP programme as may be necessary. The RPF is presented in a much more comprehensive manner so as to guide and ensure that all situations of population disturbance are catered for.

### 2.3. Legal Framework

**Land Tenure and Property Rights**

Property rights and land tenure provide equal incentives to all groups for improved land management. The State Lands Act of 1990 and the Land Acquisition and Compensation Act, 1990, which takes care of land tenure and property rights has a cautious land acquisition plan. The Act designates State Lands in Banjul, the Kanifing Municipality, Kombo South, Kombo Central and Kombo North to be administered by the State rather than by district authority.

The Resettlement Policy Framework draws its strength from local legal instruments that exist in Gambia, specifically the Land Acquisition and Compensation Act, 1999 and the State lands Act, 1990. This collection of legislation covers regulation for the key aspects of land occupation and use in Gambia. Also covered in the regulation are the various situations of land acquisition, including among others:

- the acquisition of the right of land use and benefit by customary occupancy in good faith,
- the acquisition of the right of land use and benefit through the official channels;
- the rules governing protection zones;
- the relationship between the public and the Cadastre Services; and
- the rights and duties of the title holders

### 2.4. World Bank Policies

The World Bank’s Safeguard Policy OP 4.12 applies to all components of the programme and to all economically and/or physically project displaced persons, regardless of the number of people affected, the severity of impact and the legality of land holding. Particular attention should be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons.

The Bank’s Policy requires that the provision of compensation and other assistance to Project Affected Persons is carried out prior to the displacement of people. In particular, possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving
allowances must be provided to the affected persons in accordance with the provisions of the Resettlement Action Plan.

The policy encourages participation of the affected persons, in the planning and preparation of Resettlement Action Plans. It could also offer the impacted persons an opportunity to improve their living standards.

**Comparison of Gambian Law and World Bank Op4.12 Regarding Compensation**

<table>
<thead>
<tr>
<th>Category of PAPs and Type of Lost Assets</th>
<th>Gambian Law</th>
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<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value under statute. Land for Land</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation based on the amount of rights they hold upon land under relevant laws. Illegal tenants not entitled to compensation</td>
</tr>
<tr>
<td>Land Users</td>
<td>-In some cases land users have some form of secured tenure extended to them under new laws. In other cases land users are not entitled to compensation for land. -Entitled to compensation for crops and any other economic assets. -Land for Land</td>
</tr>
<tr>
<td>Owners of Temporary Buildings</td>
<td>Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.</td>
</tr>
<tr>
<td>Owners of Permanent buildings</td>
<td>Cash Compensation is based on market value.</td>
</tr>
<tr>
<td>Perennial Crops</td>
<td>Cash compensation based upon rates calculated as an average net agricultural income.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>World Bank OP4.12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommends land-for-land compensation. Other compensation is at replacement cost.</td>
</tr>
<tr>
<td>PAP are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy.</td>
</tr>
<tr>
<td>Entitled to compensation for crops, may be entitled to replacement land and income must be restored to at least pre-project levels.</td>
</tr>
<tr>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop,</td>
</tr>
</tbody>
</table>
3. LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS

3.1 JURISDICTION OF THE FRAMEWORK

In implementing this framework, the following will apply:

- All land acquisition, including voluntary land contribution will be compensated.
- Compensation shall be limited to valuations made after the cut-off date.
- Compensation for existing schools shall be limited to new land for school and school related services extension, rehabilitation of infrastructure and construction of feeder roads.
- All land conflicts shall be resolved in a transparent manner and in a manner that is not coercive. Attempts shall be made to resolve conflicts at the village, Traditional Authority, Divisional or District level. Where this is not possible, courts of law shall be consulted.

3.2 LAND OWNERSHIP IN GAMBIA

General Land Acquisition, Title, Transfer and Term of Ownership

Land acquisition in Gambia may be achieved through:

- Occupancy by individual persons and by local communities, in accordance with customary norms and practices, which do not contradict the Constitution;
- Occupancy by individual national persons who have been using the land in good faith for at least ten years and;
- Authorization of an application submitted by an individual or corporate person in the manner established by the Land Law

The Land Law stipulates that a land title shall be issued by the Lands Department. However, the absence of title shall not prejudice the right of land use and benefit acquired through occupancy. The application for land title shall include a statement by the local administrative authorities, preceded by consultation with the respective communities, for the purpose of confirming that the area is free and has no occupants. Title to local community shall be issued in a name decided upon by the community and individual men and women who are members of the local community may request individual titles after partitioning community land.

The right of land use and benefit can be proved by presentation of the respective title; testimonial proof presented by members, men and women of local communities and by expert evidence and other means permitted by law.

Among other modes of land transfer, the Land Law permits the transfer of land by inheritance, without distinction by gender. The right of land use is not subject to time limit for the following cases: (i) Where the right was acquired by local communities through occupancy; (ii) Where it is intended for personal residential purposes and; (iii) Where national individuals intend it for family use.
3.3 LIKELY NUMBER AND CATEGORIES OF AFFECTED PERSONS

At the time of doing this study, details and extent of the projects’ activities that will take place were not known. Hence the likely numbers of persons who may be affected and displaced during implementation of the CDP project activities could not be accurately estimated. However, the Project Affected Persons (PAP’s) or the persons, likely to be displaced economically or physically can generally be categorized into the following main groups:

Affected Households
A household will be affected if one or more of its members are affected by the CDP activities. This will be either in form of loss of property, land or access to services or in any other way by the project activities. Affected household members will include:
- Any member of the household whether men, women, children, dependent relatives, friends and tenants,
- Vulnerable individuals who may be too old or ill to farm or perform any duties with the others,
- Members of the household who cannot reside together because of cultural rules, but depend on one another for their livelihood,
- Members of the household who may not eat together but provide house keeping or reproductive services, critical to the family’s maintenance; and
- Other vulnerable people who cannot participate, for physical or cultural reasons; in production, consumption, or co-residence.
- Disabled people who may be attached to a particular service center

In general, the local families live in sets that co-reside sharing production, consumption and domestic farming services on a regular and continuous basis. However, compensation should not be limited to people living together to ensure that even those who may not live together with the rest of the family, for reasons such as polygamy, are include.

The categories given above may not cover all types of affected persons. In addition, the categories are not mutually exclusive. It is important therefore that the CDP project activities should have well prepared and comprehensive resettlement action plans that would be specific and comprehensive enough to benefit all the categories of affected persons, through the following and other actions as may be appropriate:
- Quick decisions and rapid action on the RAPs’ to assist the affected persons timely;
- Both individual and collective consultation;
- The affected persons should be given the opportunity to participate or to work in the project activities;
- Alternative subsistence farming plots should be identified, surveyed and developed and made available to those losing land;
- Compensation for loss of crops and trees should be determined at the time of re-location or construction and paid as soon as possible thereafter;
- Transitional support, where appropriate, should be given to those moved from their land during construction and re-establishment;
- Resettlement should be aimed at improving their livelihood;
- Monitoring of the RAP’s to ensure that resettlement and compensation is benefiting all the affected persons to improve their livelihoods, in comparison with the pre-resettlement conditions and;
- Technical and financial assistance should be made available to them should they wish to use the grievance mechanism.
4. STEPS TO BE FOLLOWED IN LAND ACQUISITION AND RESETTLEMENT FOR THE CDP PROJECT ACTIVITIES

The project activities may require land acquisition, leading to people’s denial or restriction of access to land resources, services and social amenities. In this case, resettlement action plans, consistent with OP 4.12 and the resettlement policy framework, must be prepared.

4.1 THE SCREENING PROCESS

Once the list of CDP’s activities is known, the process for land acquisition and resettlement must start with the screening process (identification and analysis) of possible and alternative sites for project implementation.

During screening and indeed during all the other planning and preparatory activities, there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the school projects. The affected persons must be made aware of:
   a. their options and rights pertaining to resettlement,
   b. specific technically and economically feasible options and alternatives for resettlement sites
   c. proposed dates for displacement or land taking.
   d. effective compensation rates at full replacement cost for loss of assets and services
   e. proposed measures and costs to maintain or improve their living standards.

4.2 STEPS LEADING TO PREPARATION OF THE RESETTLEMENT ACTION PLAN

The screening process is a very important component of several activities that contribute to the preparation of the Resettlement Action Plan (RAP). Preparation and submission of the Resettlement Action Plan to the relevant authorities comprises of the following steps 10 steps:
   - Step 1: The project activities to be undertaken have to be approved by the relevant authorities.
   - Step 2: For local activities, the Local Communities must be appointed
   - Step 3 : The Local Communities Boards (Councils, WARD or Village Development Committees) will request for suitable land.
   - Step 4: Local Communities Boards Administration will conduct local and public consultation to identify the required piece of land;
   - Step 5 : If the Local Communities Boards determines that the site is suitable, based on the screening criteria, the allocated land/site would be acceptable.
   - Step 6: If the site is not acceptable, the Local Communities Boards will be advised to allocate another piece of land/site that satisfies the screening criteria.
- **Step 7**: For situations where resettlement cannot be avoided, OP 4.12 and the Land Acquisition and Compensation Act, 1990; and State lands, will apply. In this case, for each parcel of land that has potential PAP’s the cut off date will immediately be established using participatory methods.

- **Step 8**: The Local Communities Boards will request its service providers (including the Cadastre Services) to carry out a socio economic survey, a census and to collect other information about the land area. This will be done to identify the potential PAP’s; focusing on the individual household and vulnerable groups and; to calculate their incomes, as the first step in the preparation of the RAP’s.

- **Step 9**: On completion of the socio-economic study and the baseline census, the Local Communities Boards will prepare a resettlement and compensation plan (RAP) for each parcel/site of land that is affected by resettlement and compensation. There will be as many RAPs as the affected parcels of land.

- **Step 10**: The Local Communities Boards then forwards the RAP’s, together with the modified designs, to the respective Lands Department Offices for screening and approval, in compliance with the local planning laws local administrative requirements.

### 4.3. Public Consultation and Participation

Projects involving the community owe their success to community participation and involvement from planning to implementation. Hence public consultations through participatory rural appraisal shall be mandatory for all projects requiring land acquisition, compensation and resettlement for the CDP project activities.

The aim of public consultations at this stage would be to:

- Disseminate concepts for proposed projects with a view to provoke project interest amongst communities.
- Determine communities’ willingness to contribute in kind towards the implementation of the project.
- Determine community willingness to contribute towards Demand Driven Project.
5. GUIDING PRINCIPLES FOR THE VARIOUS TYPES OF LAND ACQUISITION MECHANISMS

5.1 PREVIOUS AND CURRENT LAND ACQUISITION PRACTICE

While the land acquisition practice may have had its merits, some landowners were disadvantaged and made poorer. Mostly, the vulnerable people were disadvantaged because they did not have a say in the land acquisition process. The situation was aggravated by lack of capacity on the part of landowner(s) to forward their grievances to those responsible, including the courts of law to, address their grievances.

Currently in Gambia, there is growing awareness of the obligations on the part of project funding agencies, project implementers as well as the public and the government, to ensure fair practices in land acquisition, payment of compensation and resettlement.

5.2 PROPOSED LAND ACQUISITION MECHANISM

This Resettlement Policy Framework, for the proposed CDP project activities advocates all measures to minimize the impacts of physical and economic displacement of people. Therefore when involuntary acquisition of land is required, the CDP project shall:

• initially endeavor to utilize available freehold or public land;
• seek voluntarily donated land, sufficient for the purposes of the project;
• negotiate acquisition of land suitable for implementation of the project activities using agreed compensation plans and;
• only as a last resort, acquire land through involuntary means, following the provisions outlined below:
  - Upon identification of the specific land area to be acquired, the Community Development Office of the District or Divisional initiate negotiations with the Village Administration/Heads and their Chiefs, or occupier(s) of customary land, registered proprietor or their representatives.
  - Inter-department cooperation shall be utilized, wherever necessary, to tap on the expertise and experiences of the various stakeholder institutions.
  - The Community Development Department, shall prepare actions plans that comply with the provisions of the framework, for implementation of land acquisition and resettlement.
  - PAPs shall be served with notice, clearly explaining the purpose of the acquisition, the area of land required and the owner’s right to compensation, in accordance with the existing law.
  - In the case of customary land, the Community Development Department shall ascertain from the village head, the Land Register or which ever is applicable, in order to determine the person or persons who have the right over that land;
  - In the case of freehold land, the Community Development Department shall ascertain the registered owner or owners of the land to be acquired, from the land registers.
  - Community Development Department shall commission a survey on the land to be acquired. Thereafter a plan shall be prepared and certified to accurately show:
    o land to be acquired;
    o names of the owners and occupiers of that land as far as they can be ascertained; or in the case of customary land the name of the land owner who is the holder of the right over the land as ascertained by the local residents;
    o Identified local community leaders/representatives to assist in the process of land acquisition;
o Estimated magnitude of impacts relative to the need for resettlement and/or compensation and valuation of assets to be compensated for.

o Financial records to be maintained by the Community in order to permit calculation of the final cost of resettlement and compensation per individual or household. Each person receiving compensation will have a dossier containing: (i) Individual biological information; (ii) Number of people s/he claims as household or as homestead dependents; (iii) Amount of land available to the individual or household when the dossier is opened;

o Additional information will be acquired for individuals eligible for resettlement and/or compensation. This information will include: Level of income and of production; Inventory of material assets and improvements on the land, and; Debts;

o proposed compensation offers and draft agreements to be signed by the affected persons and the developer;

o details of the alternative land (if applicable), inclusive of ancillary support services such as transport for physical resettlement, provision of housing, provision of crop starter packs and food support or any other kind of assistance as may be relevant;

o details of resettlement after-care and assistance, where appropriate

o available employment opportunities for the PAPs to participate in the project activities;

o Mechanisms for monitoring and evaluation.

A copy of such a plan shall be deposited in the Local Government (Lands Offices) and another at the premises of the local chiefs. Land acquisition procedures shall ensure that persons, affected either physically or economically by the project, maintain or improve their livelihood.

5.3 VOLUNTARY LAND CONTRIBUTION WITH COMPENSATION

Voluntary Land Contribution with Compensation refers to a case whereby individual or community owners agree to provide land for project-related activities, in return for negotiated compensation.

5.4 INVOLUNTARY ACQUISITION OF LAND

Involuntary acquisition of land and assets thereon including resettlement of people, unless absolutely necessary, shall be avoided. In particular, acquisition of sites of spiritual or cultural/historical significance shall be avoided. If such involuntary land acquisition is unavoidable then it shall be minimized to the greatest extent possible.

Any plans for involuntary acquisition of land and other assets and provision of compensation shall be carried out in consultation with the persons to be displaced and Local Government Authority including local chiefs in such a manner that ensures minimal disturbance.

The Displaced Persons shall participate throughout the various stages of the planning and implementation of the land acquisition, compensation and resettlement plans and processes. Prior to the preparation of the Resettlement Action Plans, the persons to be displaced shall be informed of the provisions of this Framework and their entitlements at public meetings.

The Lands Law Legislation set out in detail, the procedures for the acquisition of customary land and freehold land by Government for the CDP’s projects.
6. ELIGIBILITY CRITERIA AND CONDITIONS FOR DISPLACEMENT OF PROJECT AFFECTED PERSONS

6.1 WORLD BANK CRITERIA FOR DETERMINING ELIGIBILITY FOR COMPENSATION

According to OP 4.12 of the World Bank, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for persons to be displaced, shall be based on the following:

a. Persons that have formal legal rights to land, including customary and traditional; and religious rights recognized under the laws of The Gambia. This class of people includes those holding leasehold land, freehold land and land held within the family or passed on through generations.

b. Persons who do not have formal legal rights to land or assets at the time the census begins; but have a recognized claim to such land or assets through the national and traditional laws of The Gambia. This class of people includes those that come from outside the country and have been given land by the local chief to settle, and/or to occupy in matrimonial society.

c. Persons who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from. This class of people includes those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority.

Affected persons classified under paragraph (a) and (b) shall be provided compensation, resettlement and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project. The compensation shall be in accordance with the provisions of this framework and if affected persons occupied the project area prior to the cut-off date (date of commencement of the Census).

Persons covered under sub-section (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy. In addition, they have to be given the necessary assistance to satisfy the provisions set out in this policy, if they occupy the project area prior to the established cut-off date.

All persons in the three sub-sections above are to be provided with compensation for loss of assets other than land. Consequently, this policy advocates for some kind of assistance to all affected persons, including squatters or other persons encroaching on the project area illegally, irrespective of whether they have formal titles, legal rights or not. However, all persons who encroach on the project area after the cut-off date will not be entitled to any compensation or any assistance.

Communities including districts, towns, wards and villages permanently losing land, resources and/or access to assets shall be eligible for compensation. Compensation to communities will include that for public toilets, market places, car parks and health posts.
Compensation measures shall ensure that pre-resettlement socio-economic status of the communities are restored and maintained.

6.2 **PROCEDURES FOR PAYMENT OF COMPENSATION**

Compensation payment shall be made in the following ways:

(a) By agreement between the government and the landowner(s):
   
   • The government shall offer such sums deemed adequate as compensation to that person; and the person may accept that amount as compensation payable to him.
   
   • Such sums will be disbursed to the Divisonal/District Council for payment to the DPs. This local administrative Authority shall maintain a record of DPs, their claims and entitlements. After payment of such sums, she/he shall document the name(s) of the DP, the amount of compensation and the records of how the compensation was arrived at. A copy of such records shall be made available to the government and local chiefs.

(b) By the court if there is no agreement: If the compensation payable is not agreed upon between the government and the land owner, such compensation shall be determined by the Courts of Law.

A claim shall not be entertained after five years from the date of the proclamation; and or 12 months after the execution of the purpose out of which the claim has arisen in respect of any damage done to the land acquired.

Payment of compensation shall strictly be based on results of the census and shall be recorded in the register at the District/Division Administration Office (Council). A copy shall be kept by the Village for record purposes and future reference.

6.3 **GAMBian LEGISLATION ON COMPENSATION**

Section 1 and Section 2 above provide the general basis for determining eligibility for compensation in accordance with the Land Law of The Gambia (Land Acquisition and Compensation Act, 1990; States Lands, 1990) and the current practice used by some of the government institutions. In general, cash compensations are paid based upon market value of the crops. The affected persons are, in some cases, entitled to new housing on authorized land under government housing programmes. Under the customary law, land is given in compensation for land.

Shortfalls in the Gambian Legislation on resettlement and compensation have been the basis for internationally funded projects to refer to internationally acceptable policies, including the World Bank policies, on resettlement and compensation.

**Computation of compensation**

Where any land has been acquired under this Act, compensation shall only be payable in addition to the value of any improvement or works constructed on such lands:
- for the loss of usufructuary rights over such lands in the case of land under customary
tonure, and
- for the value of such lands in the case of freehold land

In estimating the compensation to be given for any land or any estate therein or for any
mesne profits thereof, the following shall be taken into account:

a) assess the same according to what it shall find to have been the value of such
lands, estate or interest or profits at the time of the service of the notice to acquire,
and shall not take into account any improvements or works made or constructed
thereafter on the lands,
b) where part only of the lands belonging to any person is acquired under this Act,
take into consideration the enhancement of the value of the residue of the lands by
reason of the proximity of any improvements or works made or constructed by to
be made or constructed by the Government, and
c) have regard not only to the value of the lands acquired for public purposes but also
to the damage, if any, to be sustained by the owner by reason of the severance of
such lands from other lands belonging to such owner or occupier or other injurious
affecting of such other lands by the exercise of the powers conferred by this Act.

Compensation for Loss of Rents and Profits
When the Board has, in pursuance of notice under section (9), entered into possession of any
lands, the Board shall also pay compensation to the owner or occupant of such lands and to
all parties entitled to any estate or interests therein for loss of rents and profits for the period
between the time the Board so entered and the time when the compensation or consideration
due has been paid to the persons entitled thereto or has been paid into Court under this Act.

The Land Acquisition and Compensation Act captures and observes internationally
innovative features that facilitate equitable development, based on relations that are mutually
beneficial to local communities and to investors whether these are national or foreign.

Hence the Land Acquisition and Compensation Act provides adequate legal foundation for
the preparation of this Resettlement Policy Framework.

6.5 CONDITIONS TO BE FOLLOWED IN DISPLACEMENT OF PEOPLE

Where displacement of people is unavoidable, the following conditions shall be followed:

(a) The entitlement cut-off date shall be determined and agreed upon in
consultation with the Village Administration, the Community Development
Office, and all the stakeholders particularly the affected persons.
(b) an estimation of the time likely to be needed to restore their living standards,
income earning capacity and production levels shall be prepared
(c) the estimate shall ensure that the condition of the displaced persons shall be
maintained to at least the displaced person’s pre-project levels condition;
(d) the displaced persons shall be provided with development assistance, in
addition to compensation measures described in above. This shall include assistance for land
preparation, credit facilities, training, or job opportunities, residential housing, or housing sites; or, as required, agricultural sites for which a combination of productive potential, location advantages, and
other factors shall be at least equivalent to those of the old site. Assistance to displaced persons during relocation shall also be provided.
(e) displaced Persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.
7. **NOTIFICATION, VALUATION PROCEDURES AND ENTITLEMENTS**

7.1 **NOTIFICATION PROCEDURE**

The CDP shall by public notice, to be published in the Daily Newspapers, notify the public of its intention to acquire land earmarked for projects. A copy of such notice shall be served to each owner, occupier and person or agent having an interest in the land thereof. The names and addresses of the owners, occupiers and agents shall be readily ascertainable. The notice shall state:

(i) Government’s proposal to acquire the land; (ii) The public purpose for which the land is wanted; (iii) That the proposal or plan may be inspected at the Community Development Offices (or in the Office of the Division/District Administration), during working hours; (iv) That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the CDP within 30 days of the first publication of the Notice.

7.2 **VALUATION FOR STATE OWNED LAND**

The land asset types identified under Gambian Law are:

- State Land not within the jurisdiction of a village
- Village Land, including customary rights of villagers.

State owned land may be allocated free or sold on a commercial basis to the Community by the Minister responsible for land administration. For cases where the state-owned land is being used by the public (for instance for grazing, settling or otherwise), the Community would be expected to pay compensation. Privately owned property, would have to be compensated for at the market value. The general guiding principle is that whoever was using the land to be acquired would be provided alternative land of equal size and quality.

7.3 **VALUATION FOR CUSTOMARY LAND**

The CDP project will often require the use of village land for its project activities. In this case, valuation methods for the affected land and assets should conform to customary laws and land assets would be valued and compensated for according to the following guidelines:

- The Communities would compensate for assets and investments (including labor, crops, buildings, and other improvements) according to the provisions of the resettlement plan.
- Compensation rates would be replacement cost, as of the date that the replacement is to be provided.
- The market prices for cash crops would have to be determined.
- Calculations for compensation would not be made after the cut-off date, in compliance with this policy.
- For community land held under customary law, the permanent loss of any such land will be covered by community compensation, which will only be in-kind.
7.4  **Calculations for Compensation Payments and Related Considerations**

**General Considerations**
Individual and household compensation will be made in kind and/or through assistance. Although the type of compensation may be an individual’s choice, compensation in kind will be preferred.

For cash payments, compensation will be calculated in Gambian currency adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labor.

**Compensation for Land**
Compensation for land is aimed at providing for loss of crop and the labour used to cultivate the crop. Compensation relating to land will cover the market price of labour invested, as well as the replacement cost of the crop lost.

**Determination of Crop Compensation Rates**
Prevailing prices for cash crops would have to be determined. Each type of crop is to be compensated for, using the same rate. This rate should incorporate the value for the crop and the value for the labor invested in preparing new land.

**Compensation Rates for Labour**
The value of labor invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement farm land.

**Compensation for Buildings and Structures**
Compensation for building and structures will be paid by replacing huts, houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on the acquired replacement land. However cash compensation would be available as a preferred option for structures such as extra buildings lost, that are not the main house or house in which someone is living. The applicable replacement costs for construction materials will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey and update construction material prices on an ongoing basis.

**Compensation for vegetable gardens**
Vegetable are planted for daily use. Until a replacement garden can be harvested, the family displaced (economically or physically) as a result of the project will have to purchase these items on the market.

**Compensation for Horticultural, Floricultural and Fruit trees**
Given their significance to the local subsistence economy, fruit trees will be compensated on a combined replacement value. Fruit trees such as coconut and cashew trees for commercial purposes in The Gambia will be compensated at replacement value based on historical production statistics, the age of tree and the commodity's market prices at pick season (counter season prices).
Entitlements for compensation shall be based on the eligibility criteria and the various
categories of losses identified in the desk studies and field consultations. Unless otherwise
indicated, payment of compensation and other entitlements and the extension of assistance
will be given to PAP households and not individuals.

In dealing with compensation, preference shall be given to land based resettlement strategies
for Project Affected Persons whose livelihoods are land-based. If land is not the preferred
option for the displaced persons, the provision of land would adversely affect the
sustainability of the project. Where sufficient land is not available at a reasonable price, non-
land based options built on opportunities for employment or self re-employment should be
provided in addition to cash compensation for land and other assets lost. However the lack
of land shall be documented and justified.

In addition to these entitlements, households who are found in difficult situations and are at
greater risk of impoverishment (i.e. widowed household heads, households without
employment, single parent households etc) as identified by the census will be provided with
appropriate assistance by the project through Community Development Offices. The
Division/District Administration shall furnish the CDP with the necessary information.
Assistance may be in form of food, temporarily accommodation, medicine subsidy,
employment referrals or priority employment in project activities. The assistance is meant to
help them cope with the displacement caused by the project.
8. PROCEDURE FOR DELIVERY OF COMPENSATION

Compensation and resettlement activities will be funded like any other project activity eligible under the CDP. Funding would be processed and effected through the Communities financial processing arrangements. The compensation process, which will involve several steps, would be in accordance with the Resettlement and Compensation Plans and would be delivered as follows:

8.1 CONSULTATION AND PUBLIC PARTICIPATION

Consultation and public participation with the PAPs will initiate the compensation process. This consultation and public participation will be part of an ongoing process that would have started at the planning stage; and would have continued through the technical design inception and development, land selection and screening stages. This trend will ensure that all affected individuals and households are well informed and adequately involved in the entire process.

8.2 NOTIFICATION OF LAND RESOURCE HOLDERS

Those who hold title to the land resources would be informed through the process in 7.1 above. Where there are clearly no identified owners or users, the respective Divisional Community Development Offices, Land Offices, Administration and the Traditional Leaders will notify the community leaders and representatives to help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance.

8.3 DOCUMENTATION OF HOLDINGS AND ASSETS

The Divisional Community Development Offices, Land Offices, Administration and the Traditional Leaders will arrange meetings with affected individuals to discuss the compensation process. The dossiers will be kept current and will include documentation of pieces of land that are to be surrendered. All claims and assets will be documented in writing. Such baseline information is necessary for monitoring.

8.4 COMPLAINTS AND GRIEVANCES MECHANISMS

Objections
At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and households would have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and will be administered as far as possible, at local levels to facilitate access by PAPs.

The Community Development Offices being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the Village Assembly assisted by the District/Divisional Administration.
All attempts should be made to settle grievances amicably. Those seeking redress and wishing to state grievances would do so by notifying their Village Assembly. The Village Assembly will inform and consult with the CDP institutions to determine validity of claims. If valid, the Village Assembly will notify the complainant and s/he will be assisted. If the complainant’s claim is rejected, the matter shall be brought before the Local Administration for settlement.

Consensus, Negotiations and Conflict Resolution

Consensus and negotiation are central to addressing grievances. In generally, people are aware of their rights, their commitments to the country as citizens and their allegiance to village and family issues. However some projects have been known to stall due to delays in disbursement of compensation. Prior negotiations, between Government representatives and project beneficiaries, are therefore crucial to the success or failure of the project. As a guiding principle emphasis should be placed on simplicity and proximity of the conflict resolution mechanisms to the affected persons and the following should be noted:

(a) Negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual land owners or households affected by community projects. These grievances shall be channeled through the Local Chiefs.

(b) CDP should ensure that any consensus is achieved freely by the main parties involved. The general public should be advised clearly by the CDP or the relevant government representative as to who is responsible for the activity and the procedure for handling grievances or compensation claims.

(c) Grievances should be addressed during the verification and appraisal process. If a suitable solution is not found, the Community Development Offices shall defer consent of the project and the concerned project activities shall not be allowed to proceed.

(d) Grievances for which solutions have not been found should be referred back to the community for discussion where the Local Chiefs and Division/District Administration will redress the matter of concern to assist the claimants. The mediation process will be implemented according to traditional methods of mediation/conflict resolution. The resolution will then be documented on the relevant consent forms and verified.

(e) If an agreement cannot be reached at community level the aggrieved party or parties shall raise their concerns with the CDP Coordination Unit who shall refer them to the respective Division/District Administration, within 20 days of the verification meeting. Grievances that cannot be resolved at the divisional/district level shall be officially referred to the CDP. Should grievances remain unresolved at this level, they can be referred to a court of law.

8.5 AGREEMENT ON COMPENSATION AND PREPARATION OF CONTRACTS

All types of compensation are to be clearly explained to the individual and households involved. The respective Community Development Offices will draw up a contract listing all property and land being surrendered; and the types of compensation (cash and/or in-kind) selected and agreed upon. Those selecting in-kind compensation will sign an agreement
form, which will be witnessed by the Village Management Committees’ Representative. The compensation contract and the grievance redress mechanisms shall be read aloud in the presence of the affected party and the representative of the Divisional/District Lands Board, Administration and the Traditional Leaders, prior to signing.

8.6 COMMUNITY COMPENSATION PAYMENTS

Community compensation will be paid in-kind only for a community as a whole. This will be in the form of reconstruction of the facility to at least the same or better standard and as required by local planning regulation. Community compensation may in itself require land-take and people may be affected thereby requiring compensation. All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, the traditional leaders and their officials; and representatives of the local government administration.
9. RESETTLEMENT FUNDING

Dispositions or Funding
Funds for implementing inventory assessments as well as land acquisition and resettlement action plans will be provided by Communities that will benefit for the CDP’s sub-projects. In general, the cost burden of compensation will be borne by the executing agencies such as government ministries, NGO’s and the private service providers as may be appropriate.

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. The Local Communities would have to finance the resettlement compensation because they are the parties who would be impacting on the livelihoods. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs/DPs and local chiefs, will made through the relevant Division/District Administration.

Estimated costs
At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the technical designs and details have not yet been developed and the land needs have not yet been identified. When this information is available and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available. Such information will facilitate the preparation of a detailed and accurate budget for resettlement and compensation.

The Communities will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the CDP.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative comprehensive budget, estimated to 120 000 US$ or about 60 families.
10. INSTITUTIONAL ARRANGEMENTS

The CDP, through the Community Development Offices based at local level, shall make every effort to ensure that no land is acquired against the will of the person(s), exercising rights over their land. In the event that land acquisition is unavoidable, it shall be done according to the process outlined in this framework.

The overall responsibility for the implementation of this Framework is under three main institutions:

- the Council, at divisional level;
- the WARD (association of village development committee at district level)
- the Village Development Committee (at village level)

These institutions will ensure that the framework is publicly disseminated and that project staff has the requisite skills and knowledge and, where necessary, appropriate training to implement the framework should be provided.

The Divisional Development Community Offices shall take responsibility for implementation of the Framework at local Level, with assistance from the Multidisciplinary Facility Team (MDFT) which comprises agents from all departments: Lands Office; Agriculture, Soil and Water; Forestry; Housing; etc. The MDFT (at divisional level) and the WARD (at district level) will be responsible for monitoring the resettlement and compensation plans drawn up for the PAPs. They will work closely with the local population and organizations to ensure that the resettlement and compensation contracts signed by PAPs are timely executed and that the interests of the PAPs are protected.

NGOs may, where appropriate and necessary, be periodically engaged for the independent monitoring of the resettlement and compensation plans and shall report any deviations from the planned activities to CDP. The NGO’s shall be responsible for funding their activities except for cases where a special contract agreement has been entered into with the client.

Public Consultation and Participation

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the program activities. This reduces the likelihood for conflicts between and among PAPs and with the management committees.

In recognition of this, particular attention should be paid to public consultation with potentially affected individuals, households and homesteads (including host communities) when resettlement and compensation concerns are involved.

As a matter of strategy, public consultation should be an on-going activity taking place throughout the entire project cycle. Hence, public consultation should take place during the:

- project inception and planning
- screening process
- socioeconomic study,
- resettlement and compensation planning
- drafting and reading/signing of the compensation contracts.
- payment of compensations
• resettlement activities and
• implementation of after-project community support activities

Public participation and consultation should take place through meetings, radio programs, request for written proposals/comments, completion of questionnaires/application forms, public readings and explanations of the project ideas and requirements.

Public documents should be made available in appropriate languages at the National, local and homestead levels and at suitable locations including the official residences/offices of Village Governments and village elders. Public consultation measures should take into account the low literacy levels prevalent in the rural communities, by allowing enough time for discussions, consultations, questions, and feedback.
11. IMPLEMENTATION PLANS

Resettlement Action Plans
CDP shall make sure that following the census, a comprehensive Resettlement Action Plan is prepared for each project activity that triggers resettlement. In this undertaking, the CDP may employ the ministry responsible for lands or a private consultant to provide valuation services required for the RAPs. In case of involuntary resettlement, approval of the new pieces of land to be used for resettlement shall be sought from the Government in consultation with local communities.

The process of preparing the resettlement action plans, in line with the requirements of Section 5 above, will involve the following:

- a census shall be carried out to identify Displaced Persons
- The census will generate information about the Displaced Persons, their entitlements regarding compensation, resettlement and rehabilitation assistance as required;
- Disturbances, especially those affecting income-earning activities, should be properly recorded for the sake of compensation or replacement in case of resettlement.
- Based on the census and inventory of losses, and in consultation with the Displaced Persons, a time phased action plan with a budget for provision of compensation, resettlement, and other assistance as required, shall be prepared.

To ensure transparency of procedures, Displaced Persons shall be informed of the method of valuation employed to assess their assets. All payments of Compensation, Resettlement Assistance and Rehabilitation Assistance, as the case may be, shall be made in the presence of the Displaced Person in question and the local chiefs.
12 MONITORING PLAN

In order to assess whether the goals of the resettlement and compensation plan are met, a monitoring plan will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities.

The arrangements for monitoring the resettlement and compensation activities would fit the overall monitoring programme of the entire CDP, which would fall under the overall responsibility of the CDP. The CDP will institute an administrative reporting system that:

(a) alerts project authorities to the necessity for land acquisition in the project activities design and technical specifications;
(b) provides timely information about the asset valuation and negotiation process,
(c) reports any grievances that require resolution, and
(d) documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary loses, as well as unanticipated, additional construction damage.
(e) updates the database with respect to changes that occur on the ground as resettlement and compensation activities are being implemented

Annual evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the sub project activities; and whether the PAPs enjoy the same or higher standard of living than before.

A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the DPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for different RAPs or ARAPs will have to be developed to respond to specific site conditions. As a general guide, Annex 11.2 provides a sample of monitoring indicators.

Independent monitoring can be arranged from time to time to validate the programme implementation.
ANNEX

ANNEX 1: TABLE FOR PRICES USED TO COMPENSATE FOR LOSS OF TREES

<table>
<thead>
<tr>
<th>Type of plant or tree</th>
<th>New/Small (0-1 years old) US$</th>
<th>Medium (1-5 years old) US$</th>
<th>Large (above 5 years old) US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mango Tree</td>
<td>15</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Papaya Tree</td>
<td>1</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Orange Tree</td>
<td>20</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Lemon Tree</td>
<td>15</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Banana Tree</td>
<td>2</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Coconut Palm</td>
<td>15</td>
<td>30</td>
<td>50</td>
</tr>
<tr>
<td>Eucalyptus</td>
<td>10</td>
<td>20</td>
<td>50</td>
</tr>
<tr>
<td>Guava Tree</td>
<td>5</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Cashew Tree</td>
<td>10</td>
<td>40</td>
<td>40</td>
</tr>
</tbody>
</table>

Note: Prices will be adjusted to market price at for these commodities at pick season.

ANNEX 2: MAIN CONTENTS OF THE RESETTLEMENT ACTION PLAN

- Description of the project
- Potential impacts
- Objectives
- Socio-economic studies
- Legal framework
- Institutional framework
- Eligibility
- Valuation and compensation for losses
- Resettlement measures
- Site selection, site preparation and relocation
- Housing infrastructure and social services
- Environmental protection and management
- Community participation
- Integration with host population
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Cost and budget
- Monitoring and evaluation

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: LIST OF PERSONS AND INSTITUTIONS CONSULTED

<table>
<thead>
<tr>
<th>Name-Surname</th>
<th>Structure</th>
<th>Position</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Musa B. Jagne</td>
<td>Community Development Project</td>
<td>Coordinator</td>
<td>9920548</td>
</tr>
<tr>
<td>Musa Drammeh</td>
<td>Department of Health</td>
<td>Environmental and health Unit</td>
<td>9921485</td>
</tr>
<tr>
<td>Sering Falu Njie</td>
<td>Poverty Reduction strategy</td>
<td>Coordinator</td>
<td>9901262</td>
</tr>
<tr>
<td>Ida Faye-Hydara</td>
<td>Women’s bureau</td>
<td>Coordinator</td>
<td></td>
</tr>
<tr>
<td>Kekoi Kuyateh</td>
<td>Ministry of Agriculture</td>
<td>Director of Department of Planning</td>
<td>4228751, 9944663, Banjul</td>
</tr>
<tr>
<td>Landing Sonko</td>
<td>Department of agricultural services ; pest management unit</td>
<td></td>
<td>7796623, Yundum</td>
</tr>
<tr>
<td>Babou Camara</td>
<td>Department of agricultural services ; soil management unit</td>
<td></td>
<td>4472920, 9906401, Yundum</td>
</tr>
<tr>
<td>Momodou SARR</td>
<td>NEA</td>
<td>Director</td>
<td>9960732</td>
</tr>
<tr>
<td>Sahou Njie</td>
<td></td>
<td>Charged of Waste Management programme</td>
<td>9923683</td>
</tr>
<tr>
<td>Adama B Cham</td>
<td></td>
<td>Charged of Pesticide Monitoring/control programme</td>
<td>9925135</td>
</tr>
<tr>
<td>Ndey Sireng Bakurin</td>
<td></td>
<td>Director Inter sectoral Network</td>
<td>4224867</td>
</tr>
<tr>
<td>Mr. Jatta</td>
<td>Department of State for local government and Lands</td>
<td>Director</td>
<td>9960753, 4227337</td>
</tr>
<tr>
<td>Ousman Jarju</td>
<td>The peri urban horticulture and livestock Development Project Abuko</td>
<td>Coordinator</td>
<td>9921124, Abuko</td>
</tr>
<tr>
<td>Haddy Bojang</td>
<td>Department of agricultural services</td>
<td>Village Extension Worker Djambur Western</td>
<td>9901568</td>
</tr>
<tr>
<td>Sekou Kambi</td>
<td>Department of agricultural services</td>
<td>Station agricultural agent of Kerewane</td>
<td></td>
</tr>
<tr>
<td>Group of women</td>
<td>Vegetable garden</td>
<td>Kerewane Djambur</td>
<td></td>
</tr>
<tr>
<td>Khady Ngum</td>
<td>Group of women Garden</td>
<td>Madina Kanuna</td>
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<tr>
<td>Lamin Signateh</td>
<td>Gardener individual</td>
<td>Keur Gombeu</td>
<td></td>
</tr>
<tr>
<td>Aussainou B. Jobarteh</td>
<td>Department of State for local government and Lands</td>
<td>Director</td>
<td>9931641</td>
</tr>
<tr>
<td>Lamin Jajussey</td>
<td></td>
<td>Charged of training</td>
<td>9853231</td>
</tr>
<tr>
<td>Bakary Nyassi</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Buba Joof</td>
<td>Department of Community Development</td>
<td>Project Coordinator</td>
<td>Banjul</td>
</tr>
<tr>
<td>Lamin Jobe</td>
<td>NARI</td>
<td>Ag Director of research</td>
<td>9935283</td>
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<tr>
<td>Manneh Faye</td>
<td></td>
<td>PMR officer pathology</td>
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</tr>
<tr>
<td>Momodou Darbo</td>
<td></td>
<td>PMR officer entomology</td>
<td></td>
</tr>
<tr>
<td>Mamfally Gassama</td>
<td></td>
<td>President</td>
<td>Brikama</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Organization/Office</td>
<td>Location</td>
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<tr>
<td>-----------------------------</td>
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</tr>
<tr>
<td>Momodu Lamin Sissoho</td>
<td>member</td>
<td>AFET (farmer’s NGOs)</td>
<td></td>
</tr>
<tr>
<td>Sidi Bensoulda</td>
<td>member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dawda Kujabi</td>
<td>member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dodo Darbo</td>
<td>member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fatou Darbo</td>
<td>member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mama Janneh</td>
<td>Chief</td>
<td>Community Development Office</td>
<td>Brikama</td>
</tr>
<tr>
<td>Teteh Sambou</td>
<td>Deputy</td>
<td></td>
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<tr>
<td>Lamin Marneh</td>
<td>President</td>
<td>MDFT</td>
<td>Brikama</td>
</tr>
<tr>
<td>Kawsu Conteh</td>
<td>member</td>
<td></td>
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</tr>
<tr>
<td>Momodu Lamin Sissoho</td>
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<tr>
<td>Isatu Jallow</td>
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</tr>
<tr>
<td>Amie Loppy</td>
<td>Tanneries’ trainers</td>
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<td>Brikama</td>
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<tr>
<td>Fatou Sanneh</td>
<td></td>
<td></td>
<td>Brikama</td>
</tr>
<tr>
<td>Sehu SANYANG</td>
<td>Area Council</td>
<td></td>
<td>Brikama</td>
</tr>
<tr>
<td>Kawsu deyo</td>
<td>Health officer</td>
<td></td>
<td>Brikama</td>
</tr>
<tr>
<td>Jerreh Suwa</td>
<td>President</td>
<td>VCD of Kassa Kunda</td>
<td>Kassa Kunda</td>
</tr>
<tr>
<td>Mabintu SANYANG</td>
<td>Member</td>
<td></td>
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</tr>
<tr>
<td>Dembo Keita</td>
<td>Member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Karfa SANYANG</td>
<td>Member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alaji Jarju</td>
<td>Member</td>
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<tr>
<td>Fatou Bajo</td>
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<td>Cherno Oumar Sabally</td>
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<td>Tijan Njie</td>
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<tr>
<td>Sulayman Jarju</td>
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<tr>
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