

REPUBLIC OF THE GAMBIA

---

THIRD EDUCATION PROJECT

---

**RESETTLEMENT POLICY FRAMEWORK (RPF)**

---

**DRAFT FINAL REPORT**

**March 2006**

---

**TABLE OF CONTENTS**

DEFINITION OF TERMS USED IN REPORT

1. INTRODUCTION

- 1.1 Background
- 1.2 Objectives and Components of the CDP
- 1.3 Environmental and Social Considerations for the Project Activities
- 1.4 Basis and Format of the Resettlement Policy Framework
  
2. OBJECTIVES AND JUSTIFICATION OF THE RPF
  - 2.1 Objectives of the RPF
  - 2.2 Justification for the RPF
  - 2.3 Legal Framework
  - 2.4 World Bank Policies
  
3. LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS
  - 3.1 Jurisdiction of the Framework
  - 3.2 Land Ownership in Gambia
  - 3.3 Likely Number and Categories of Affected Persons
  
4. STEPS TO BE FOLLOWED IN LAND ACQUISITION AND RESETTLEMENT FOR THE CDP PROJECT ACTIVITIES
  - 4.1 The Screening Process
  - 4.2 Steps leading to Preparation of the Resettlement Action Plan
  - 4.3 Public Consultation and Participation
  
5. GUIDING PRINCIPLES FOR THE VARIOUS TYPES OF LAND ACQUISITION MECHANISMS
  - 5.1 Previous and Current land Acquisition Practice
  - 5.2 Proposed Land Acquisition Mechanism
  - 5.3 Voluntary Land Contribution with Compensation
  - 5.4 Involuntary Acquisition of Land
  
6. ELIGIBILITY CRITERIA AND CONDITIONS FOR DISPLACEMENT OF PROJECT AFFECTED PERSONS
  - 6.1 World Bank Criteria for determining Eligibility for Compensation
  - 6.2 Procedures for Payment of Compensation
  - 6.3 Gambian Legislation on Compensation
  - 6.4 Conditions to be followed in Displacement of People
  
7. NOTIFICATION, VALUATION PROCEDURES AND ENTITLEMENTS
  - 7.1 Notification Procedure
  - 7.2 Valuation for State Owned Land
  - 7.3 Valuation for Customary Land
  - 7.4 Calculations for Compensation Payments and Related Considerations
  - 7.5 Entitlements for Compensation

8. PROCEDURE FOR DELIVERY OF COMPENSATION
  - 8.1 Consultation and Public Participation
  - 8.2 Notification of Land Resource Holders
  - 8.3 Documentation of Holdings and Assets
  - 8.4 Complaints and Grievances Mechanisms
9. RESETTLEMENT FUNDING
10. INSTITUTIONAL ARRANGEMENTS
11. IMPLEMENTATION PLANS
12. MONITORING PLAN

#### ANNEX

- ANNEX 1: Table for Prices Used to Compensate for Loss of Trees  
ANNEX 2: Main Contents of the Resettlement Action Plan  
ANNEX 3: Contents for Abbreviated Resettlement Action Plan  
ANNEX 4: List of Persons and Institutions Consulted

#### **LIST OF ACRONYMS**

DPS	:	Displaced Persons
ESIA	:	Environmental and Social Impact Assessment
ESMF	:	Environmental and Social Management Framework
EXRMFP	:	Environmental, Social and Resettlement Management Focal Point

NEA	:	National Environmental Agency
NGO	:	Non Governmental Organization
OP	:	Operational Policy
PAPs	:	Project Affected persons(s)
PCU	:	Project Coordination Unit
RAP	:	Resettlement Action Plan
RPF	:	Resettlement Policy Framework
WB	:	World Bank

## 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 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 chiefs and alkalos.

**Project Affected Person(s) (PAPs)** are persons affected by land use or acquisition needs of the Education Project 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 acquisition of land including fixed assets thereon.

**“Cut-off date”** is the date of commencement 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 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.

**“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 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 repossession 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.

**”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 Education Project 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 Education Project will be prepared in conformity with the provisions of this RPF.

## **Education Sector, Resettlement Policy Framework**

### **Executive Summary**

#### **1. INTRODUCTION**

This project in the education sector falls within the framework of the Gambia's country assistance strategy. The national policy framework endorses the importance of key sectors such as education health, agriculture and the social sector as crucial to the attainment of the goals set out in the national policy.

The Gambia's education system has gone through various mutations over the years in response to changing conditions and requirements of its population as well as the international context.

In this regard and in order to render the policy functional, a strategic plan had to be developed in order to:

- Provide access to the relevant and high quality education for all,
- Provide the appropriate services,
- Ensure gender equity in education,
- Provide life skills and
- Promote the culture of life-long learning.

#### **2. DESCRIPTION OF THE PROJECT**

The project comprises six main components as follows:

**Basic Education:** The purpose of this component is to enhance enrolment and quality at the basic level by increasing access to Early Childhood Education, and the universalization of basic education and improvement of quality and relevance. With an extended basic education system, this component also aims for an increased access to relevant and high quality adult and non-formal education.

**Secondary Education:** This component is geared towards an improved access to relevant and quality secondary education through the provision of a curriculum that is responsive to the socioeconomic needs of the country, ensuring gender parity and attainment of minimum grade level competency.

**Tertiary and Higher Education:** This component's purpose is to improve access to relevant quality tertiary education through the integration of tertiary institutions under the umbrella of the University of The Gambia to ensure effective and efficient service delivery for an increased number of Gambians.

**Technical and Vocational Education and Training:** The component aims for an improved access to and quality of technical and vocational education and training by increasing access to relevant programmes that are locally accredited.

**Quality Assurance:** As a corner stone to the policy, this component is aimed at improving learning outcomes through the provision of adequate and appropriate teaching learning materials and ensuring its effective usage to enhance grade level competency and mastery.

**Sector Management:** The component is tasked to ensure that effective and efficient delivery of education services is achieved

#### **3. INSTITUTIONAL FRAMEWORK.**

The Permanent Secretary, Department of State for Education is the primary mover in the formulation and implementation of the national education policy.





#### **4. OBJECTIVES AND BASIC TERMS OF PREPARATION OF THE RPF**

The framework document is designed to enable the government, the Department of State for Education and the bank to address the needs of the populations that could be affected by the project by establishing policies, principles, institutional arrangements and indicative budgets. The legislation on resettlement of the government of the Gambia and the norms of the World Bank in its OP 4.12 will be the instruments that will govern any resettlement arising out of the activities of the project.

#### **5. IMPACTS, LAND ACQUISITION AND RESETTLEMENT**

Any resettlement of populations will engender:

- Loss of land ;
- Loss of housing or commercial business ,
- Loss of economic resources or employment,
- Marginalisation of the population concerned ,
- A degradation of health standards or increased morbidity,
- Loss of access to natural resources,
- Disarticulation or disturbance of way of life of affected population,
- Food shortages.

##### Acquisition of Land

The Department of State for Education, in collaboration with the local government authorities as well as local communities is vested with the authority to:

- Identify the scope of the project,
- Screen the projects as to their potential environmental, social, economic impacts as well as their potential to cause resettlement and its corollaries,
- Specify the zones of installation or siting of the projects.

The Gambia Government, in its various acts, notably those of 1990 and 1999 and the World Bank in 'OP 4.12 stipulate clearly that any land needed for a project can only be withdrawn from the existing user if equivalent land can be allocated to the category of persons concerned. The land must have the same productive capacity if not better than the original land. No other prejudice, whether economic or moral must be suffered by the displaced entity.

##### Resettlement

During the various discussions with government and project authorities as well as some local communities, the consultant noted the consensus amongst all the actors that no resettlement of populations will be necessary but that some insignificant loss of land may occur in some cases, notably in regions 1 and 2 and particularly in urban and peri-urban areas.

Several mitigating measures should be implemented by the project and the communities in the event of physical population re-location as well as the losses that such relocation will generate, namely:

- relocate the people affected to housing equivalent to those they left,
- reallocate land equivalent if not better than their land re-possessed,
- intensification of the methods of production and diversification of their produce or revenue generating activities outside their lands,
- use of the resources created by the project to improve productivity.

For those who may lose employment:

- creation of cottage industries and revenue generating activities,
- husbandry of small ruminants,
- fish farming from hand-dug ponds etc.

The displaced persons must not suffer any prejudice with regard to access to natural resources and services such as education, water, sanitation, health and other facilities.

The displaced persons whether individuals, families or communities with certain affinities must be assisted by the project and the communities to reconstruct their livelihoods without any form of alienation, in particular by the host communities.

## **6. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION**

Displacement zero for the populations of any community is the guiding principle of the project.

Any displacement of persons or assets, loss of access and services must be covered by compensation and attenuation of all impacts due to re-installation to an appropriate site.

## **7. RESETTLEMENT ACTION PLAN PREPARATION (RAP), REVIEW AND APPROVAL**

The RAPs must reflect faithfully the prescriptions of the RPF in the project's infrastructure programme where resettlement or loss of assets (land in particular) is expected to occur.

It has been the experience of the consultant, through participation in several siting boards, that regions 1 and 2, urban and peri-urban zones will present the most difficult elements for consideration in the formulation of the RAPs.

A thorough screening process must therefore be adopted in this regard incorporating environmental and social considerations as well as access to services (water and sanitation, health and transport etc).

Gamworks and the project construction unit should be equipped to carry out the screening exercise and submit their findings to the regional education and local government authorities as well as the central government authority.

A matrix of the elements of the screening exercise is shown in the main report.

In cases where no physical relocation of persons takes place, the matrix should bring this out clearly. Where only land is to be acquired, the RAP could take the form of a description of how the acquisition is to be carried out. In the case of loss of assets, the types of compensation, the values and the categories of persons affected will be specified in the RAP.

## **8. ESTIMATED POPULATION DISPLACEMENT AND CATEGORIES OF AFFECTED PEOPLE**

The consultant could not at this stage do an estimation of the number of affected persons. The matrix in annex will bring this out for each micro-project and detailed in the RAP.

## **9. LEGAL FRAMEWORK FOR RESETTLEMENT**

It is important to note that the customary land tenure system that prevailed prior to the independence of Senegal has been suppressed.

The present laws recognise only:

- the national domain;
- the state domain;
- the private domain.

There are also various codes in place notably pertaining to:

- forests;
- mining;
- water
- the urban sector.

However the right of use of the land is recognised and presents no conflicts as far as implementation of the project is concerned.

The forest code poses no problems as the protected forests are controlled by the rural communities.

The mining code may, however pose problems in certain rural communities in which the project is being installed as, for example, Khosanto and Missirah Sirimana in Tambacounda region where the sub-soil contains gold deposits. The risks of resettlement to the population and project locations will be there when industrial exploitation of the deposits is decided.

The various laws and other provisions of the constitution recognise the right to compensation for loss of land and assets for all categories of persons as embodied in the World Bank OP 4.12. All the categories of persons including non-title deed holders, encroachers and squatters, the latter under the law “droit d’affaires” as well as title holders are provided for under the existing laws.

## **10. ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF AFFECTED PEOPLE**

To be eligible for compensation for all the categories cited in the paragraph above, one must have:

- property right over a defined area either through a title deed or by immatriculation;
- right of use over a defined area and that the right is exercised accordingly and recognised as such ;
- possession of the area hitherto unused as for example, encroachers and squatters.

Whilst the latter, under Gambian law are not entitled to compensation, they should however be resettled in accordance with the prescriptions of this RPF

Any loss of water rights or access should be compensated as well by providing the access and services as shown in the matrices in annex.

In order to avoid opportunistic invasion of any project location area, the best cut-off date for compensation should be the date on which an inventory of the site condition begins.

## **11. METHODS OF VALUING AFFECTED ASSETS**

In the Gambia the method of valuing assets is based on the principle of the “market value”

Expropriation or de-allocation of land will result in the payment of compensation calculated on the basis of this value and on the date the asset/land being declared as public utility. The indemnity or compensation can be fixed amicably or through legal procedures and will apply to:

- title to the land or right to it's use,
- title rights or other rights to structures constructed,
- non-corporal elements of commercial funds.

In all cases the value of the compensation is estimated at the current market value plus the added value or on the basis of the declared value to the fiscal authorities.

For non-corporal commercial losses, the level of compensation cannot be less than the real benefits over the last year declared to the fiscal authorities prior to the cut-off date for compensation.

These methods of valuing assets appear cumbersome compared to the World Bank normes which are based on the restoration of the assets without depreciation.

As to access to services, clients, suppliers, natural resources which are difficult to evaluate, the Bank tends towards the provision of equivalent sources of revenue that are also culturally acceptable.

## **12. ORGANISATIONAL ELEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS, INCLUDING THE RESPONSIBILITY OF EACH ACTOR**

The first principle is that the compensation is prior to and total before commencement of any works. As a prelude, the prejudice caused must be identified. This identification can be carried out by an ad-hoc committee composed of:

- legitimate representatives of the affected people,
- population specialists (legal experts on displacements of people and laws on land tenure, rural economists, sociologists),
- representatives from the Departments of State concerned as, for example, Education, Local Government and Lands.

This committee should as a priority publicise the location of the project in question, indicating the potential impacts with reference to resettlement or re-installation or loss of assets or access.

The prejudices caused will then be verified in consultation with the affected persons, validated and the nature and scope of any compensation specified in the RAP.

## **13. GENERIC ASPECTS OF THE IMPEMETATION SCHEDULE, INCLUDING HOW RESETTLEMENT WILL BE LINKED TO THE CIVIL WORKS**

The implementation schedule for all the projects is part of the tasks of Gamworks and the Construction unit. They, in consultation with the committee on resettlement will incorporate all start-up dates for civil works into their schedule with the proviso that no works will commence until full compensation has been effected.

#### **14. GRIEVANCE REDRESS MECHANISMS.**

Grievances can usually be redressed depending on the level and the scope of the consultations carried out within the impacted communities before and during the identification of the projects as well as their siting. Once a consensus is obtained on these it generally easy to avoid grievances arising over the consequences of the project as alternatives and compensatory and attenuating measures related to re-installation of persons or assets would have been adequately debated. The use of the community structures and affinities provides therefore the first and best forum for the redress of grievances.

If this mechanism fails to function, the persons affected have in general resorted to arbitration at the level of the chiefs, alkalos and commissioners who can take administrative decisions.

The affected people can, under all circumstances resort to a legal process for the redress of their grievances. The process can be long and not easily accessible in particular to rural communities.

#### **15. BUDGET AND FUNDING ARRANGEMENTS**

It must be noted that throughout the mission, no case of physical relocation of persons was evident.

As to funding arrangement for cases of this nature, the financing can be either in the overall budget of the project or to provide compensation in the form of revenue generating activities.

The budgeting for each of the projects is therefore the appropriate moment to insert all costs pertaining to any potential resettlement or loss of assets.

#### **16. METHODS FOR CONSULTING WITH AND PARTICIPATION OF AFFECTED PEOPLE**

The consultant found that the whole spectrum of projects retained were the subject of intense discussions with the rural communities as beneficiaries and likely to be affected in one way or the other. The consensus to-date is that physical relocation of people is unlikely but as stated earlier, loss of agricultural assets may occur.

It was confirmed by the rural councils and the communities encountered that the consultation process is permanent from the conception of projects to their localisation. It was evident that no project was retained against the will of the communities visited.

This RPF will be circulated to the communities through the offices of the Regional Directors of Education and commissioners and will be the subject of discussions at community level in order to ensure that safeguard policies embodied in the RPF are respected.

Any re-installation of persons or assets shall be specified in the matrices contained in the RPF and which should be reflected in all RAPs required for each project. The RAPs themselves will be prepared after consultations with all stakeholders, particularly with beneficiaries and those persons likely to be affected.

#### **17. MONITORING ARRANGEMENTS**

Monitoring will be carried out:

- at national by the divisions for monitoring and evaluation at the headquarters of the project;
- at regional level, by the monitors appointed for this other purposes in this project.

The tables or matrices contained in this RPF should adequately assist in focusing the work of the resettlement committees and local monitors appointed for this purpose.

In the event of the need for relocation of persons, loss of assets, loss of access to resources and services, the tables in the main report and in annex to this summary will be sufficient for the preparation of the RAPs where these are called for.

Tables 2 and 3 show the questions to be answered on the need for relocation and the basic mitigation or attenuation measures required for the displaced persons and their environment at the new re-installation site.

Table 4 should cover the categories of persons that could be affected, the nature of the prejudice caused and should be extended to show the level of compensation due as well as the measures expected to attenuate the hardships engendered by the displacement.

## **18. CONCLUSIONS**

Although the brief of the consultant is to prepare an RPF, it is relevant to state that, at first examination of the spectrum of infrastructure retained by the project and the prevailing methods of consultations with the communities, there is little or no likelihood of any physical and involuntary displacement of people.

The most likely impact of the project is the loss of land for which the communities have adopted measures to avoid this loss to persons or to adequately compensate for such loss.

The communities and the project have agreed that no project will commence prior to compensation of those entitled and without economic or moral prejudice to those affected.

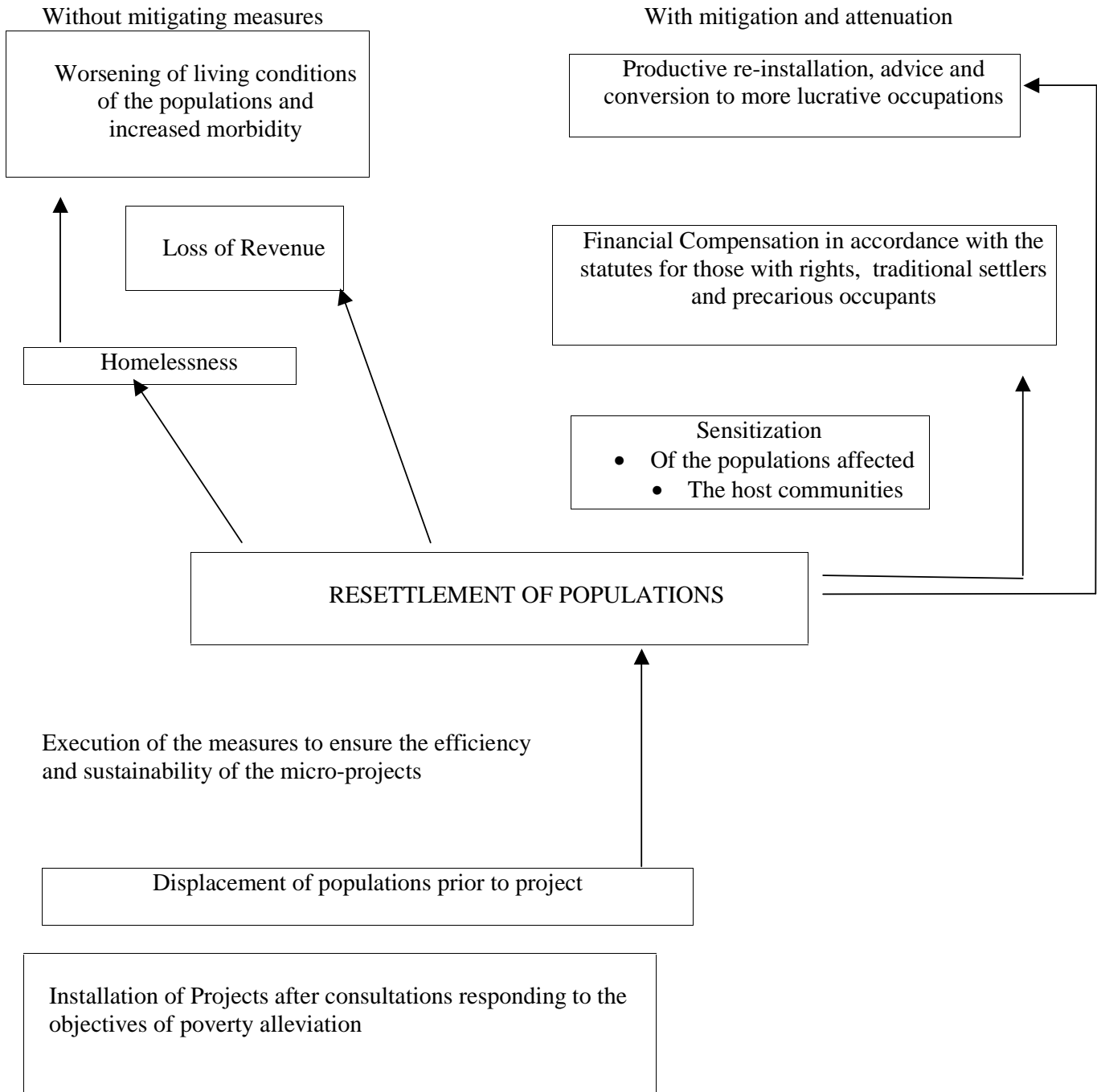
## **19. RECOMMENDATIONS**

- a) Prior sensitization of the communities at the level of conception of the projects will enable them to understand and readily adhere to its execution with all its implications better understood. The ESRMFP should on formation immediately commit itself to this task.
- b) The training of the elected community and village cadres should be re-enforced to enable them to better participate in screening of the projects as to their consequences.
- c) The creation of ad-hoc committees responsible for problems of resettlement or losses of assets or access is recommended.
- d) The committees could initiate preliminary socio-economic analyses to assist all communities on matters relating to land tenure, resettlement or re-installation of assets. The PCU could provide the resources for all the training requirements.
- e) Grievance redress mechanism at village and community level based on consensus should be the rule to be adopted.
- f) In the event that, in any region of the Gambia, any physical relocation of persons is deemed necessary, the sites for relocation must be provided with all the services required for their health, education, recreation, shelter and economically viable land for their well-being. All mitigating and attenuating measures, including all compensation for losses must be effected prior to displacement.
- g) Monitoring of the project implementation and auditing after execution should be systematic.

**Chart No. 1 Resettlement Impacts and Mitigation**

**Creation of poverty**

**Creation of a productive momentum**



**Table No. 1**

Village	PROJECT			
Matrix for Evaluation of the Impacts of the Project				
A. Element	Yes	No	result	Mitigation and attenuation
<p>The Project does it entail;</p> <ul style="list-style-type: none"> <li>a) the re-installation of populations,</li> <li>b) the loss of land,</li> <li>c) the loss of structures               <ul style="list-style-type: none"> <li>• for housing,</li> <li>• for commercial use,</li> </ul> </li> <li>d) the loss of access to:               <ul style="list-style-type: none"> <li>• natural resources,</li> <li>• health facilities,</li> <li>• water and sanitation</li> <li>• energy.</li> </ul> </li> <li>e) loss of revenue,</li> <li>f) any marginalisation</li> <li>g) increased morbidity</li> <li>h) disruption family an community values,</li> <li>i) disruption of socio-cultural or cult values</li> </ul>				



**Table No. 2 Potential Impacts at New Re-Installation Site**

<b>Village</b>		<b>Project</b>		
<b>Item.</b>	<b>yes</b>	<b>No</b>	<b>Irrelevant</b>	<b>Mitigation/attenuation</b>
1.Re-housing necessary ?				
2.What persons are affected ?				
3. Are there any loss of agricultural land, parks, loss of trees.				
4. Is the new site difficult to access or subject to inundation?				
5. Does the new site improve mobility of the populations?				
6. Is solid waste generated? Is there an appropriate disposal site?				
7. Is liquid waste generated? Is there an appropriate disposal system?				
8. Is there an adequate sanitation system in place?				
9. Is any soil erosion likely to occur? Are the drainage systems adequate?				
10. Are groundwater resources likely to be polluted?				
11. Is their likelihood of negative impacts on the health of the displaced persons?				
12. Is there a plan for the maintenance of the site?				

**Table No. 3 Specimen Entitlement Matrix**

CATEGORY OF PAP	TYPE OF LOSS	ENTITLEMENTS				
		Compensation for Loss of Structures	Compensation for Loss of Assets	Compensation for Loss of Income	Moving Allowance	Other Assistance
Property Owners	Loss of land	–	Land replacement at new site, plus land clearing by project	Crops at market cost in scarce season	None	Food Aid during construction of new site
	Loss of structure Residential for business	Compensation at full replacement value not depreciated	Fences (wire or wood) at \$ 3/meter Hand-dug wells at \$200	For lost rental income Lump sum cash payment of 6 months rent per tenant	Moving to be done free by project	Disturbance Allowance
Residential Tenant	Loss of rental accommodation	No loss of structure, no entitlement to housing at new site	Replacement cost for non-movables if installation was agreed with owner	No loss of income	Free relocation if notification before cut-off date	6 months rent equivalent for disturbance
Business Tenant	Loss of premises	No loss	Replacement cost for facilities that cannot be moved	For loss of business income, payment of half of turnover for 6 months	Free relocation if notification before cut-off date	
Encroachers (using land)	Loss of land	–	Relocation to resettlement site of choice, with payment of rental fee for land. For crops, fences and wells, as above for owners	–	–	Food Aid during construction of new site

Squatters (living on site)	Loss of shelter	Compensation at full replacement value for structure, relocation to resettlement site, with payment of site rent	None	Payments in lieu of wages while rebuilding		Disturbance Allowance
----------------------------------	-----------------	---------------------------------------------------------------------------------------------------------------------------------------------	------	-----------------------------------------------------	--	--------------------------

## MAIN REPORT

# 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 education and social services are pervasive, resulting in reduced opportunities for human and economic development. Rural communities are particularly hard hit by poverty, due to lack of access to appropriate education apart from a narrow agricultural-based livelihood system. Among the critical interventions discussed in The Gambia's PRSP is the need to enhance and diversify the level of education throughout the country and to expand this to a spectrum of the population, notably, the female gender, those who hitherto had not had access irrespective of age or origins.

The Government of the Republic of Gambia, with World Bank support, is preparing this third education project as a follow-up to the first and second projects and this for the period with emphasis on facilities 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). An Environmental and Social Management Framework (ESMF) has been prepared separately.

The objective of this RPF is to provide a legal framework and a screening process for future Education Investment activities. As the exact scope of the investments could not be identified prior to appraisal, the Resettlement Policy Framework (RPF) has been prepared as an instrument to be used throughout the implementation of the investments of this third education project. The RPF will, on disclosure and approval will specify the legal instruments applicable to resettlement and compensation and organizational arrangements required for application of the policy framework.

## 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 the Land tenure system in the Gambia as well as the World Bank operational Policy OP 4.12 on Resettlement where this policy is triggered by any of the infrastructure investment programme of the education project.

The Education project comprises six components as follows:

**Basic Education:** The purpose of this component is to enhance enrolment and quality at the basic level by increasing access to Early Childhood Education, and the universalization of basic education and improvement of quality and relevance. With an extended basic education system, this component also aims for an increased access to relevant and high quality adult and non-formal education.

**Secondary Education:** This component is geared towards an improved access to relevant and quality secondary education through the provision of a curriculum that is responsive to the socioeconomic needs of the country, ensuring gender parity and attainment of minimum grade level competency.

**Tertiary and Higher Education:** This component's purpose is to improve access to relevant quality tertiary education through the integration of tertiary institutions under the umbrella of the University of The Gambia to ensure effective and efficient service delivery for an increased number of Gambians.

**Technical and Vocational Education and Training:** The component aims for an improved access to and quality of technical and vocational education and training by increasing access to relevant programmes that are locally accredited.

**Quality Assurance:** As a corner stone to the policy, this component is aimed at improving learning outcomes through the provision of adequate and appropriate teaching learning materials and ensuring its effective usage to enhance grade level competency and mastery.

**Sector Management:** The component is tasked to ensure that effective and efficient delivery of education services is achieved.

### **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.

An environmental and social management framework has been prepared in order to pre-empt and mitigate adverse environmental and social impacts of the education project infrastructure investment programme.

In discussions with project personnel and local government and lands authorities as well as some community leaders, it became evident that, insofar as land acquisition is concerned the prevailing atmosphere has been one of dialogue within and between communities, the local government authorities and the project.

The prevailing tendency has been the competition between communities has been to offer voluntarily land in order to attract the project irrespective of any other considerations.

This dialogue and this voluntary acquisition of land is normally carried out at the level of chiefs, Alkalos and heads of Kabilos. Any compensation process is usually undertaken within the community through this dialogue.

This method of land acquisition will, it is certain continue in the future but as a word of caution the children of the elders in the communities, in particular the expatriate elements are beginning to question the rights of their elders to voluntarily give up land in this manner whatever the utility of the land for their communities or the public at large.

It is evident therefore, in order to avoid any future litigation and in the case of voluntary land acquisition, the consultation process with the communities takes in as broad a spectrum of the communities (including youths and women).

The Resettlement Policy 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

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 neighbors 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

### 1.4 BASIS AND FORMAT OF THE RESETTLEMENT POLICY FRAMEWORK

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 education sector has been prepared following the results of the findings from the above and other field investigations. Interviews with local people and officials from various Departments of State, 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 Education Infrastructure Investment 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 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 highlighting 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 any future education project activities, to ensure that where land acquisition for project activities is inevitable, resettlement and compensation processes for lost land and associated assets 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 Education Project.

### **2.2 JUSTIFICATION FOR THE RPF**

In the Third Education Project, the proposed investment activities are not likely to result in the relocation of people except perhaps in the highly urbanised areas such as the Kombos. The loss of land and access to economic resources are, however, distinct possibilities given the prevailing customary land tenure system and the land speculation activities now prevalent in these urban and peri-urban areas of the Gambia notably as stated earlier in the Kombos and becoming evident in the North Bank Division.

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 programme 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 education project sites with the in-built 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 RAPs.

## **2.3 LEGAL FRAMEWORK**

### **Land Tenure and Property Rights**

Property rights and the land tenure system provide equal incentives to all Gambian groups for improved land management. The State Lands Act of 1990 and the Land Acquisition and Compensation Act, 1999, which take 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 authorities.

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 the Gambia. Also covered in the regulation are the various conditions 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 or immatriculation,
- the rules governing protection zones,
- the relationship between the public and the Cadastre Services and
- the rights and obligations of 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 Bank's policies and incorporated into all Resettlement Action Plans.

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

### Comparison of Gambian Law and World Bank Op 4.12 Regarding Compensation

Category of PAPs and Type of Lost Assets	Gambian Law	World Bank OP4.12
Land Owners	Cash compensation based upon market value under statute. Land for Land	Recommends land-for-land compensation. Other compensation is at replacement cost.
Land Tenants	Entitled to compensation based on the amount of rights they hold upon land under relevant laws. Illegal tenants not entitled to compensation	PAPS are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy.
Land Users	<p>-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.</p> <p>-Entitled to compensation for crops and any other economic assets.</p> <p>-Land for Land</p>	Entitled to compensation for crops, may be entitled to replacement land and income must be restored to at least pre-project levels.
Owners of Temporary Buildings	Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.
Owners of Permanent buildings	Cash Compensation is based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.
Perennial Crops	Cash compensation based upon rates calculated as an average net agricultural income.	As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop,

### **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 extensions, 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, recourse can be had at State legal institutions land ownership in the Gambia

#### **3.2 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 nationals who have been using the land in good faith for at least ten years and;
- authorization on the basis 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 land 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 individual nationals 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 Education 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 Education Project activities. This will be either in the form of loss of property, land or access to services or socio-economic resources.

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 are not residents 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,
- 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 farm families or Kabilos 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 the exclusion of those who may not be in residence with the rest of the family, for reasons such as polygamy.

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 in a timely manner,
- individual and collective consultations should be expedited at the conception of the project locations,
- 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 prior to re-location or construction and paid accordingly,
- rehabilitation support, where appropriate, should be given to those moved from their land during relocation and re-establishment,
- resettlement should be aimed at improving their livelihood,;
- monitoring of the RAP's to ensure that resettlement and compensation has improved the quality of life of all the affected persons , in comparison with their pre-resettlement conditions and

Technical and financial assistance should be made available to them should they wish to use the grievance mechanism stipulated below.

## **4. STEPS TO BE FOLLOWED IN LAND ACQUISITION AND RESETTLEMENT FOR THE EDUCATION INVESTMENT ACTIVITIES**

Implementation of the project investment activities, particularly the infrastructure and related services programme will include construction of new schools and the expansion /rehabilitation of the existing structures. These 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:

- **Step 1:** The project investment activities to be undertaken and the locations of the investments will undergo preliminary evaluation on the basis of the objectives of the project.
- **Step 2:** The PCU will approach the communities impacted through the local government authorities with the view to arriving at a consensus on possible sites for the education facility.
- **Step 3:** The Local Communities authorities (Area Councils, Village Development Committees) will undertake their inter-communal consultations in coordination with the PCU to arrive at a possible siting of the facility.
- **Step 4:** The environmental social screening process in conformity with the provisions of the ESMF and the resettlement screening process as contained in table nos. 1 and 2 in this framework document.

The process will determine:

- whether any resettlement will be required at the chosen site and if so whether alternative sites are available,
  - whether any loss of land, assets or access to economic resources will occur or
  - whether any of the world bank operational policies will be triggered.
- **Step 5:** On the basis of analysis of the matrix emanating from the two screening processes a final selection of the optimum site presenting the least negative environmental and social impacts including resettlement /loss of assets can be made.
  - **Step 6:** Where resettlement or loss of assets cannot be avoided, the provisions of the World Bank's OP 4.12 will be applied.

From this point, the provisions of this RPF will be utilised up to payment of the compensation package including resettlement support where appropriate.

The costs associated with this resettlement or relocation will be included in the RAPs for all the investments.

### **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 Education Project Investment 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.

## **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 the 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, particularly in regions 1 and 2 on the need for fair practices in land acquisition, payment of compensation and resettlement.

### **5.2 PROPOSED LAND ACQUISITION MECHANISM**

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

- initially endeavor to utilise 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 in this RPF.

The local government authorities, the communities concerned and the PAPs shall be consulted, clearly explaining the purpose of the acquisition, the area of land required and the owner's right to resettlement and compensation without any economic or moral prejudice.

In the case of customary land, apart from implicating the local government authorities, the community leaders such as chiefs, alkalos, heads of Kabilos and a broad spectrum of the community, including youths and women should be party to any consensus to the acquisition of land and the modalities envisaged.

Whatever the consensus arrived at the provisions of this RPF and the World Bank operational policy OP 4.12 shall be applied.

The institutional framework for application of this consensus or any litigation thereof is discussed further in this document.

In this regard the institution charged with piloting the land acquisition shall consign in a record:

- the land to be acquired,
- 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 alkalo,
- identify local community leaders/representatives to assist in the process of land acquisition,
- assess magnitude of impacts relative to the need for resettlement and/or compensation and valuation of assets to be compensated for,
- establish financial records showing the costs of relocation and compensation, the beneficiaries and indicating how these costs were arrived at.
- information on households or individuals eligible for relocation to their socio-economic standing (incomes, production material assets, debts etc) ,
- details of the relocation site(s) in response to the exigencies contained in table 2,
- details of resettlement after-care and assistance, where appropriate,
- available employment opportunities for the PAPs in the project activities;

These records shall be retained as annexes to the RAPs with copies detained by the PCU and the local government authorities.

### **5.3 VOLUNTARY LAND CONTRIBUTION WITH COMPENSATION**

Voluntary Land Contribution with Compensation refers to cases where individuals or community owners agree to provide land for project-related activities, in return for negotiated compensation.

Note: Voluntary Land Contribution without Compensation is not recommended, because the experience has shown that opening up this venue either leads (i) to elitism or to (ii) forced contribution from the most vulnerable groups or persons. To avoid this elitism, abuses of vulnerable groups, and delays in civil works, it is preferable to compensate all land acquisition for project activities.

### **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 not be tolerated.

Where involuntary land acquisition is unavoidable then it shall be minimized to the greatest extent possible.

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.

## **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 of use to such land or ownership of 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 encroachers and squatters.

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. In addition, they have to be given the necessary relocation assistance in conformity with the provisions of this policy framework provided the land was occupied 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 and encroachers, that is, irrespective of whether they have formal titles, legal rights or not.

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 Project and the PAPs or entities (individuals /households /communities:
  - The Project shall offer such sums deemed adequate as compensation to the entity who may accept that amount as compensation payable to him.
  - Such sums will be disbursed directly to the beneficiary entity with the relevant records of payments including the information stipulated in chapter 5 (land acquisition mechanism) consigned to the RAPs and the records of the appropriate local government authority.
- (b) By court order on the amount of compensation where this has been the subject of litigation between the Project and the Project Affected Entity.

## **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 reason for internationally funded projects to prefer such universally acceptable policies as those of the World Bank.

#### **6.4 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 assessment of the time likely to be needed to restore their living standards, income earning capacity and production levels shall be made.
- (c) The assessment shall ensure that the condition of the displaced persons shall be improved or at least maintained at least the levels prior to project implementation.
- (d) The displaced persons shall be provided with development assistance, in addition to compensation measures described above. These shall include assistance for land preparation, credit facilities, training for job opportunities, residential housing, 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.

## **7. NOTIFICATION, VALUATION PROCEDURES AND ENTITLEMENTS**

### **7.1 NOTIFICATION PROCEDURE**

The Education Project shall, by public notices in the daily newspapers and radio and television services, 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) The Project'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 Regional Education Headquarters or the Divisional Administrative Offices; (iv) That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the Education Project within a period to be specified at the time of publication of the Notice.

### **7.2 VALUATION FOR STATE OWNED LAND**

The land asset types identified under Gambian Law are:

- State Lands,
- Lands under traditional or customary rights.

State owned land may be allocated free or sold on a commercial basis to individuals or communities by the Secretary of State responsible for land administration. For cases where the state-owned land is being used by the public (for instance as settlements, farming, for grazing or any other productive activity,) the individual or 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 Education Project will often require the use land under customary tenure 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 be compensated for assets and investments (including labor, crops, buildings, and other improvements) according to the provisions of the resettlement plan,
- compensation rates would be replacement costs as of the date that the replacement is to be provided.
- the market prices for cash crops would have to be determined and used,
- 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 compensation in kind to the community.

## **7.4 CALCULATIONS FOR COMPENSATION PAYMENTS AND RELATED CONSIDERATIONS**

### **General Considerations**

#### **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 tenure, and
- for the market 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 the potential profits thereof, the following shall be taken into account:

- a) the value of such lands, estates or interests or profits at the time of the emission 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 entity /person is acquired under this Act, the enhancement of the value of the residue of the lands by reason of the proximity of any improvements or works to be made or constructed by the Project, and
- c) 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 injurious effects of severance of such lands from other lands belonging to such owner or occupier.

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 crops and the labour used to cultivate the crop. Compensation relating to land will cover the market price of the land, the cost of the 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 to be 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 farmland.

### **Compensation for Buildings and Structures**

Compensation for buildings and other structures will be paid by replacement of these structures including fences, water and sanitation facilities etc. where part of the compensation is to be paid in cash 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 and harvested for daily use. Until a replacement garden can be harvested, the family displaced (economically or physically) as a result of the project will thereafter have to be compensated at the purchase price of 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 commonly used for commercial purposes in The Gambia will be compensated at replacement value based on historical production statistics.

## **7.5 ENTITLEMENTS FOR COMPENSATION**

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 preferably be made 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. 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 this 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. Assistance may be in form of food, temporally 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 Education Project. Funding would be processed and effected by the PCU preferably directly to beneficiaries in conformity with the RAPs:

### **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 conception, technical design 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 local government administrations, lands offices and traditional leaders will be solicited to help identify owners or users and sensitize them on the project and implications especially the cut-off dates. It is hoped, however that the media publications would be sufficient to avoid such eventuality.

## **8.3 DOCUMENTATION OF HOLDINGS AND ASSETS**

The structure described below, essentially an expanded Environmental Focal Point as contained in ESMF (separate document) will be charged with all documentation related to the acquisition of land, the compensation and payment processes up to the level of the Project Coordination Unit. These documents will serve as baseline data for resettlement monitoring.

## **8.4 COMPLAINTS AND GRIEVANCES MECHANISMS**

### **Objections**

Prior to approval of any resettlement plans for the different infrastructure investment projects, individuals and households already associated in the conception, design and location of the projects would have been in a position to express their dissatisfactions or grievances to the structures described below and attempt to resolve these in an amicable manner using traditional and customary avenues of conflict resolution. In pursuit of this same approach grievances could be addressed through the various tiers of local government authority.

Where all these avenues for redressment of grievances have been exhausted without arriving at an amicable solution or consensual decision, recourse can be had with the judicial institutions in place, namely the law courts. In this regard, the Project is obliged to provide, in particular to vulnerable and disadvantaged groups the requisite assistance enabling them to present their case to such decision-making organs of government.

## **9. RESETTLEMENT FUNDING**

### **Dispositions or Funding**

Funds for implementing inventory assessments as well as land acquisition and resettlement action plans will be provided by the Project. In general, the cost burden of compensation will be borne by the executing agencies such as government departments of state or the Project.

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs/DPs and local chiefs, will be made by the PCU.

### **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 Project will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals of the PCU.

## **10. INSTITUTIONAL ARRANGEMENTS**

The Education Project shall adopt a project siting strategy that will ensure the least damage to the environment in conformity with ESMF whilst at the same avoiding relocation of persons and their assets.

In this regard, the consultant is proposing that the siting of projects should be carried out by a structure that can address the issues of the environment and resettlement concomitantly.

An expanded EPF make every effort to ensure that no relocation of persons and their assets take place.

It is proposed therefore that in all project siting, the EFP shall co-opt:

- a population specialist ( legal expert on displacement of peoples and laws on land tenure)
- a rural economist,
- a sociologist.

The EFP already comprises representatives of the communities and the local government authorities in addition to the construction unit of the PCU as well as Gamworks, the construction consultants for the project

This structure hereinafter to be called the environmental, social and resettlement focal point (ESRFP) will ensure that both frameworks are publicly disseminated and that project staff has the requisite skills and knowledge and, where necessary, appropriate training to implement the provisions of both frameworks.

It will work in close collaboration with the local population and organizations to ensure that the resettlement and compensation agreements signed by PAPs are executed in a timely manner 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 the Education Project. The NGO's shall be responsible for funding their activities except for cases where a special contract agreement has been entered into with the project.

### **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 of the Project.

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 conception and planning,
- screening process,
- socio-economic study,
- preparation of the School Development Plans,
- resettlement and compensation planning,
- drafting and reading/signing of the compensation agreements,

- payment of compensations,
- resettlement activities and
- implementation of after-project community support activities.

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

## **11. IMPLEMENTATION PLANS**

### **Resettlement Action Plans**

The Education Project shall make sure that, following the census of PAPs, a comprehensive Resettlement Action Plan is prepared for each project activity that triggers resettlement. In this undertaking, the Education Project may contact the services of a valuation expert to carry out the evaluations of the assets of PAPs to be embodied in the RAPs. In case of involuntary resettlement, approval of the new land areas designated 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 with the view to 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 Persons in question and a witness, the local chiefs for example.

## **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 guidelines 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 Project which would fall under the overall responsibility of the Education Project. The PCU 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 assets 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);
- e) updates the database with respect to changes that occur on the ground as resettlement and compensations 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 individual sub project activities; and whether the PAPs enjoy the same or higher standards of living than before.

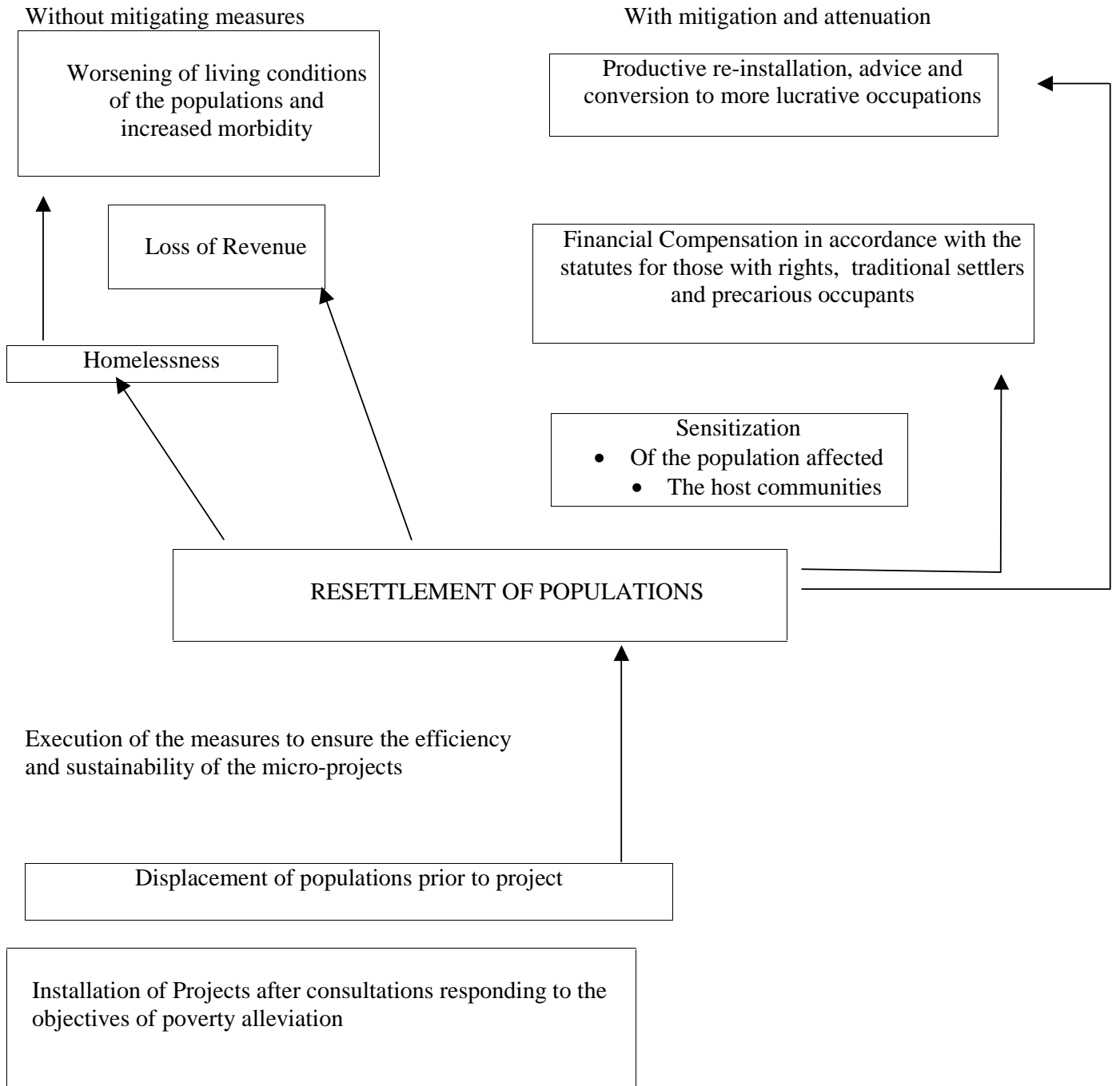
A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the DPs, to determine and guide improvement in their social well-being.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

Independent monitoring as for example by NGOs can be arranged from time to time to validate the programme implementation.

# Chart No. 1 Resettlement Impacts and Mitigation

## Creation of poverty

## Creation of a productive momentum





**Table No. 1**

<b>Village</b>	<b>PROJECT</b>			
<b>Matrix for Evaluation of the Impacts of the Project</b>				
<b>A. Element</b>	<b>Yes</b>	<b>No</b>	<b>result</b>	<b>Mitigation and attenuation</b>
<p>The Project does it entail;</p> <ul style="list-style-type: none"> <li>j) the re-installation of populations,</li> <li>k) the loss of land,</li> <li>l) the loss of structures               <ul style="list-style-type: none"> <li>• for housing,</li> <li>• for commercial use,</li> </ul> </li> <li>m) the loss of access to:               <ul style="list-style-type: none"> <li>• natural resources,</li> <li>• health facilities,</li> <li>• water and sanitation</li> <li>• energy.</li> </ul> </li> <li>n) loss of revenue,</li> <li>o) any marginalisation</li> <li>p) increased morbidity</li> <li>q) disruption family an community values,</li> <li>r) disruption of socio-cultural or cult values</li> </ul>				

**Table No. 2 Potential Impacts at New Re-Installation Site**

<b>Village</b>		<b>Project</b>		
<b>Item.</b>	<b>yes</b>	<b>No</b>	<b>Irrelevant</b>	<b>Mitigation/attenuation</b>
1.Re-housing necessary ?				
2.What persons are affected ?				
3. Are there any loss of agricultural land, parks, loss of trees.				
4. Is the new site difficult to access or subject to inundation?				
5. Does the new site improve mobility of the populations?				
6. Is solid waste generated? Is there an appropriate disposal site?				
7. Is liquid waste generated? Is there an appropriate disposal system?				
8. Is there an adequate sanitation system in place?				
9. Is any soil erosion likely to occur? Are the drainage systems adequate?				
10. Are groundwater resources likely to be polluted?				
11. Is their likelihood of negative impacts on the health of the displaced persons?				
12. Is there a plan for the maintenance of the site?				

**Table No. 3 Specimen Entitlement Matrix**

CATEGORY OF PAP	TYPE OF LOSS	ENTITLEMENTS				
		Compensation for Loss of Structures	Compensation for Loss of Assets	Compensation for Loss of Income	Moving Allowance	Other Assistance
Property Owners	Loss of land	–	Land replacement at new site, plus land clearing by project	Crops at market cost in scarce season	None	Food Aid during construction of new site
	Loss of structure Residential for business	Compensation at full replacement value not depreciated	Fences (wire or wood) at \$ 3/meter Hand-dug wells at \$200	For lost rental income Lump sum cash payment of 6 months rent per tenant	Moving to be done free by project	Disturbance Allowance
Residential Tenant	Loss of rental accommodation	No loss of structure, no entitlement to housing at new site	Replacement cost for non-movables if installation was agreed with owner	No loss of income	Free relocation if notification before cut-off date	6 months rent equivalent for disturbance
Business Tenant	Loss of premises	No loss	Replacement cost for facilities that cannot be moved	For loss of business income, payment of half of turnover for 6 months	Free relocation if notification before cut-off date	
Encroachers (using land)	Loss of land	–	Relocation to resettlement site of choice, with payment of rental fee for land. For crops, fences and wells, as above for owners	–	–	Food Aid during construction of new site

Squatters (living on site)	Loss of shelter	Compensation at full replacement value for structure, relocation to resettlement site, with payment of site rent	None	Payments in lieu of wages while rebuilding		Disturbance Allowance
----------------------------------	-----------------	---------------------------------------------------------------------------------------------------------------------------------------------	------	-----------------------------------------------------	--	--------------------------

## ANNEXES

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

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

### 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: TERMS OF REFERENCE**

#### **EDUCATION SECTOR**

##### **Resettlement Policy Framework**

#### **1. PROJECT OVERVIEW**

The Gambia's Country Assistance Strategy specifies that ... "overall economic growth boosted and poverty reduced by (a) achieving a macro-economic balance through fiscal reforms, (b) establishing appropriate public and private sector roles, (c) enhancing productivity of women, (d) reducing fertility and mortality rates, (e) improving the cost-effectiveness of service delivery, and (f) improving project implementation". The national policy framework (Vision 2020 and the PRSP) recognize the strategic importance of the social sectors; education, health and agriculture, in the attainment of the desired objectives.

The Gambian education system has over the years undergone a series of significant configurations, ranging from partial structural reforms to a radical transposition of many of its aspects. These stemmed from attempts aimed at responding to changing needs and circumstances, guided by perspectives and experiences derived from both national and international contexts. Noting that education is change-driven and change-oriented, amidst the research findings that inform practice, the mutation of the system has neither been fortuitous nor dictated by mere natural tendencies. The implication is that the interventions made have transformed the system according to national priorities and visions.

There is an urgent need, at the dawn of the new millennium, to judiciously redirect education in the country according to the dreams and aspirations of the people and to equitably scale up participation rates and performance across groups and regions in order to meet the educational aims, objectives and targets. In consequence, the new Education Policy 2004-2015 focuses on ensuring that the right to quality education for all is upheld and that Education for All, with its ramifications, and the Millennium Development Goals are achieved. The ultimate object of eliminating poverty, enhancing quality living and nurturing a learning society forms the cornerstone of this policy.

To operationalise the new Education Policy, the sector is finalizing a Strategic Plan that has been developed through a Sector Wide Approach (SWAP) involving both local stakeholders and development partners; notably the IDA, DFID, AFDB, UNICEF, JICA, to name a few. The Strategic Plan sets the sector's Vision Statement as ... *"By 2015 universal access to relevant and high quality education has been achieved"* with a Mission Statement aiming at:

- Providing access to relevant and high quality basic education for all;
- Providing high quality education services;
- Ensuring gender equity in education;
- Provision of relevant life skills; and
- Promoting the principle of life long learning.

Against the background of its purpose statement that by 2015 the Department of State of Education and its affiliated institutions are providing effective, efficient, relevant and high quality education services to its clients, the Strategic Plan outlines six major programme areas as thus:

1. **Basic Education:** The purpose of this component is to enhance enrolment and quality at the basic level by increasing access to Early Childhood Education, and the universalization of basic education and improvement of quality and relevance. With an extended basic education system, this component also aims for an increased access to relevant and high quality adult and non-formal education.
2. **Secondary Education:** This component is geared towards an improved access to relevant and quality secondary education through the provision of a curriculum that is responsive to the socioeconomic needs of the country, ensuring gender parity and attainment of minimum grade level competency.
3. **Tertiary and Higher Education:** This component's purpose is to improve access to relevant quality tertiary education through the integration of tertiary institutions under the umbrella of the University of The Gambia to ensure effective and efficient service delivery for an increased number of Gambians.
4. **Technical and Vocational Education and Training:** The component aims for an improved access to and quality of technical and vocational education and training by increasing access to relevant programmes that are locally accredited.
5. **Quality Assurance:** As a corner stone to the policy, this component is aimed at improving learning outcomes through the provision of adequate and appropriate teaching learning materials and ensuring its effective usage to enhance grade level competency and mastery.
6. **Sector Management:** The component is tasked to ensure that effective and efficient delivery of education services is achieved.

The IDA in collaboration with Gambia Government recently concluded the Implementation Completion Report of the First Phase of the IDA intervention in the Third Education Sector Programme, which saw the end of the Education Policy 1988 – 2003 and indeed ushered in the new Education Policy 2004 – 2015. IDA role in the education, as the lead donor is critical both in terms of the planning processes and resource mobilization for programme implementation.

This project, the second phase of IDA intervention, serves as successor to the first phase and would consolidate on the achievements made thus far and placing particularly emphasis on the policy priority of improving quality of learning outcomes. The PHRD grant and the PPF resources are being utilized to inform the Strategic Plan and to guide resource allocations for IDA interventions and indeed other donor inputs.

## **I. SCOPE OF WORKS**

1. **Project Description.** Provide a brief description of the project, especially for readers who may not see other project documentation. Include all locations that this project will impact. Summarize all project components briefly. Provide more detail of those components and/or activities which trigger safeguard policies, especially those requiring land acquisition, resettlement, and/or restricts access to natural resources.

Explain why RAP or Abbreviated RAP cannot be done at this time. Include estimated scope of impact.

2. **Objectives and Terms of Preparation.** Provide objectives of tasks of preparing RPF. State conditions for the work, actions taken, and basic steps in producing the final RPF.

3. **Preparing RAP.** Describe process by which RAPs will be prepared, approved, and monitored once impact location is known. The RPF must note that this document follows the WB requirements and safeguards policies, and designed to met government legal requirements.
4. **Impacted Population.** Estimate impacted population. Include individuals and groups impacted, categories of impacted people, numbers impacted, degree of impact, and budgets. This will be further detailed in the RAP once activity and location are specifically known.
5. **Eligibility.** Establish method to determine a cut-off date for compensation. Provide description of different categories of impacted people determined by degree of impact and assets lost. Define criteria to be used in identifying who is eligible for compensation for each category of population impacted. RAPs will need to further elaborate on amount of losses, ownership status, tenancy status, and any other relevant information. Identify who and how impacted persons will be impacted, who will determine eligibility, and how process will work.
6. **Legal Frameworks.** Review relevant national laws especially with regards to land ownership and tenure and tenure rights, taking of land and other assets, access to resources, as well as other items worth noting. Discuss similarities and gaps between WB requirements and government legal requirements. What measures will be put in place to bridge any gaps. If there are discrepancies between WB requirements and government requirements WB policies will prevail.
7. **Valuing Assets.** Describe method(s) by which assets will be valued and deemed eligible for compensation. Explain methods for inventorying assets, assigning values to each type of asset, and terms of agreements for affected persons and groups. Provide, if possible, a table showing expected types of people impacted, types of losses, compensation actions and estimated amounts.
8. **Delivery of Compensation.** Describe organization and procedures for delivery of compensation including responsible agencies.
9. **Implementation Process.** Describe how activities trigger safeguard policies and what actions will be taken to ensure due process. Include how RAP will be implemented, how compensation will be paid, and other implementation related activities.
10. **Grievance Redress Mechanisms.** Describe the mechanisms available to affected people for complaints about aspects of their treatment under this project activities. Show how the mechanism will be accessible (include: distance, and cost) to affected people, and what recourse/appeal from the local grievance mechanism may be available.
11. **Funding.** Estimate overall resettlement costs, including over site and sub-project implementation. Describe how compensation will be funded. Who will fund? Who will dispense? How will funding be dispensed? When will it be dispensed? Include cost estimates, flow of funds, and contingency arrangements. Estimate the overall costs of resettlement, including funds for general oversight and for implementation of subprojects. Show the source of funds.
12. **Consultation.** Consultations must be done for both the Resettlement Policy Framework, from which resettlement parameters will be carried out, and each sub-project RAP.



Describe how affected peoples will be consulted and participate in planning, implementation, and monitoring. During consultation process, the affected persons will also be informed of grievance procedure.

For the RPF, show that meaningful consultation is being carried out with a broad array of stakeholders including both borrower officials at every level, and the types of people who may be the beneficiaries of, and affected by, typical subprojects (include list of consultations in Annex). Show that the draft RPF is to be, or has been, circulated to interested parties, and that further consultations will take place before finalization. Insert a record of all such consultations as an annex to the RPF. Once specific project activities and site locations are known, show how the people affected by the particular subprojects will be consulted throughout the process of sub-project RAPs.

**13. Monitoring.** Describe how RAPs will be implemented and monitored. Include who is implementing agency, who is responsible for monitoring, and how will monitoring be done, including frequency of monitoring. Ensure that all affected people will be monitored to ensure achievement of resettlement goals. Include reporting mechanism, how this information will be utilized in project implementation, as well as reporting of non-compliance and grievances.

#### **ANNEX:**

- I. Provide matrix of entitlement. (\*see example below\*)
- II. List all Consultations: Who was consulted? When were they consulted? What issues were raised? How were these issues addressed and incorporated into planning process?
- III. If the resettlement policy is triggered and once subproject activities and locations are known, sub-project RAPs will need to be prepared. These RAPs must follow procedures set forth in this RPF. Additionally, RAPs will include:
  - a. Baseline census
  - b. Socio-Economic Survey
  - c. Specific Compensation Rates and Standards
  - d. Entitlements related to any additional impacts
  - e. Site Description
  - f. Programs to Improve or Restore livelihoods and Standards of Living
  - g. Implementation Schedule
  - h. Detailed Cost Estimate

ANNEX 1: ENTITLEMENT MATRIX

CATEGORY Of Project Affected People (PAP)	TYPE OF LOSS	ENTITLEMENTS				
		Compensation for Loss of Structures	Compensation for Loss of Assets	Compensation for Loss of Income	Moving Allowance	Other Assistance
Property Owners	Loss of land	....	Land replacement at new site, plus land clearing by project	Crops at market cost in scarce season	None	Food from WFP during construction of new site
	Loss of structure, residential or business	Compensation at full replacement value not depreciated	Fences (wire or wood) at \$3 /meter Hand- dug wells at \$200	For lost rental income Lump sum cash payment of 6 months rent per tenant	Moving to be done free by project	Disturbance Allowance of \$100
Residential Tenant: Business Tenant	Loss of rental accommodation	No loss of structure, no entitlement to housing at new site	Replacement cost for non- movables if installation was agreed with owner	No loss of income	Free moving if notification before deadline	
	Loss of premises	No loss	Replacement cost for facilities that cannot be moved	For loss of business income, payment of half of turnover for 6 months	.....	Food from WFP during construction of new site
Encroachers (using land)	Loss of land	....	Relocation to resettlement site of choice, with payment of rental fee for land. For crops, fences and wells, as above for owners	....		Disturbance Allowance of \$100
Squatters (living on site)	Loss of shelter	Compensation at full replacement value for structure, relocation to resettlement site, with payment of site rent	None	Payments in lieu of wages while rebuilding		

REFERENCES

World Bank O.P. 4.12 on Resettlement.

Land Acquisition and Compensation Act 1991.

Appa, G & G Patel (1996) 'Unrecognized, Unecessary and Unjust displacement – Case Studies from Gujarat, India', in McDowell, pp. 139-50. Barth, F. & T.R. Williams (1994).

Initial Resettlement Planning and Activity (1992-1994) in a large-scale Hydropower Process: The Ertan Dam.

Armelle Faure: Preparation de l'évaluation de l'impact social 7 Mars 2003.

Cernea, M.M. (1997a) 'The Risks and Reconstruction Model for Resettling Displaced Populations', *World Development*, 25(10).

Cernea, M.M. (1997b) 'African Involuntary Population Resettlement in a Global Context'.

ESSD Social Assessment Series No. 045. Washington D.C.: World Bank

Cernea, M.M. (1996b) 'Public Policy Responses to Development-induced Population Displacements', *Economic & Political Weekly*.31(24) : 1515-23.

Cernea, M.M. (1993) ' Anthropological Research and Policy Development for Population Resettlement', in Cernea & Guggenheim (eds), pp. 13-38.

Cernea, M.M. & C. McDowell (eds) *Reconstructing Livelihoods: New Approaches to Resettlement*. London : Berghahn Books (forthcoming).

Cernea, M.M. & S.E. Guggenheim (eds) (1993) *Anthropological Approaches to Involuntary Resettlement : Policy and Theory*. Boulder CO : Westview Press.

Cook, C. (eds) (1994) 'Involuntary Resettlement in Africa'. World Bank Technical Paper No. 227. Washington DC : World Bank.

Fernandes, W. & E. Ganguly Thukral (eds) (1989) *Development, Displacement and Rehabilitation : Issues for a National Debate*. New Delhi : Indian Social Institute.

Mr. Baboucarr Boye – Permanent Secretary, Department of State for Education  
Mr. Jawara Gaye – Coordinator, PCV  
Mr. Muhammed Jallow – Director of Planning, PCV  
Mr. Yunus Hydara – Deputy Director of Planning, PCV  
Mr. Momodou Sarr – Executive Director, NEA  
Mr. Dodou Jatta – Director of Lands  
Mr. Omar Gaye – Technical Director, Gamworks  
Mr. Addison Gomez – Project Construction Unit, PCV  
Mr. B.M.K. Touray – Principal, Essau SSS  
Mr. Momodou Jallow – Vice Principal, Essau SSS  
Mr. Sambou – Vice Principal, Kuntaur SSS  
Mr. Modou Lamin Sonko – Vice Principal, Kerewan UBS  
Mr. Sheriff B. Kanyi – Principal, Nyabakunda UBS  
Mr. Lamin B. Manneh – Vice Principal – Farrafenne SSS  
Mr. Samba Manga – Teacher, Ngayen Sanjal UBS  
Mr. Sheriff K. Njie – Headmaster, Ngayen Sanjal LBS  
Mr. Musa Jasseh – Teacher, Jarumeh Koto BCS  
Mr. Hafner –Principal, Armitage SSS  
Mr. Momodou Nyang – Vice Principal, Armitage SSS  
Mr. Ismaila Njie, Teacher, Nyakou UBS,SSS  
Mr.Kemo Koute – Headmaster, Nyakoi LBS  
No one present – Sabi UBS  
Mr. Lamin Janneh – Headmaster, Bakadaji LBS  
Mr. Pathe Jallow – Principal, Bakadaji UBS  
Mr. Jalimeri Jobarteh – Principal, Brikamaba UBS, SSS  
Mr. Bangally Kanuteh – Vice Principal, Brikamaba UBS, SSS  
Mr. Bori Jatta – Principal, Soma LBS  
Mr. Ebriam Nyassi – Deputy Principal, Soma LBS  
Mr. Njaga Jeng – Deputy Headmaster, Pakalinding LBS  
Mr. Almamy F.B. Coly – Principal, Pakalinding UBS  
Mr. T.A. Korter – Principal, Tahir Ahmadiya SSS  
Mr. Omar Khan – Commissioner, URD  
Mr. Tamba Kinteh, Chief Executive, Basse Area Council  
Mr. Kemo Gassama, Assistant Records Officer  
Mr. Balla Njie – Director of Education, Region 6  
Mr. Baboucarr Suwareh – Director of Education, Region 5  
Mr. Musa Suso – Director of Education, Region 3  
Mr. Alhajie Senghore, Vice Principal, Gambia High School

## **ACKNOWLEDGEMENTS**

The Consultant wishes to express his gratitude to: -

Mr. Baboucarr Boye – Permanent Secretary, Department of State for Education

Mr. Jawara Gaye – Coordinator, Project Coordination Unit

Mr. Ira Sagnia

And Mr. Saihou Darboe, my driver who have variously assisted me in the completion of my mission in so short a time.

