

REPUBLIC OF THE GAMBIA



The Gambia Water And Sanitation Project (P513113)

Resettlement Policy Framework

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Glossary

Land Acquisition: *Land acquisition*” refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies. (The World Bank’s Environmental and Social Framework (ESF), ESS#5, page 53).

Resettlement Assistance: means measures taken to ensure that project-affected persons who may need to be physically relocated receive assistance in the form of a relocation allowance, residential or rental accommodation, as possible and as required, to assist with resettlement during rehousing. It is also, in the case of economic displacement, assistance that will be sufficient for people affected by the project who have no legal rights or legitimate claims to the land or property they occupy, or they use can reestablish their livelihoods in another place. (ESF, ESS#5, page 58 and paragraph 34c).

Resettlement Framework clarifies resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects or project components to be prepared during project implementation. Once the sub-project or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank. (ESF, ESS#5, page 63).

Compensation: When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. (ESF, ESS#5, paragraph 12, pages 55-56).

Replacement cost is defined as a method of valuation yielding sufficient compensation to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period between calculation of compensation rates and delivery of compensation is extensive. (ESF, ESS#5, page 54).

Involuntary resettlement. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term “*involuntary resettlement*” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. (ESF, Glossary, page 104).

Forced eviction is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to,

appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5. The exercise of eminent domain, compulsory acquisition or similar powers by a Borrower will not be considered to be forced eviction providing it complies with the requirements of national law and the provisions of ESS5, and is conducted in a manner consistent with basic principles of due process (including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate or excessive force). (ESF, Glossary, page 104).

Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will consider considerations relating to age, including the elderly and minors, and including circumstances where they may be separated from their family, the community or other individuals upon which they depend. (ESF, Glossary, page 03)

Livelihood refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering. (ESF, Glossary, page 105)

Livelihoods restoration refers to measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan will establish the entitlements of affected persons and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent, and equitable manner. The plan will incorporate arrangements to monitor the effectiveness of livelihood measures during implementation, as well as evaluation once implementation is completed. The mitigation of economic displacement will be considered complete when the completion audit concludes that affected people or communities have received all the assistance for which they are eligible and have been provided with adequate opportunity to reestablish their livelihoods. (ESF, ESS#5, paragraph 33, page 59).

Resettlement (Action) Plan: The plan will be designed to mitigate the negative impacts of displacement and as warranted, to identify development opportunities. It will include a resettlement budget and implementation schedule and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to gender aspects and the needs of the poor and the vulnerable. (ESF, ESS#5, paragraph 26, page 58).

Restrictions on land use refer to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones. (ESF, ESS#5, page 53).

Chapter I. Introduction

The Resettlement Policy Framework (RPF) is intended to avoid or minimize any adverse impacts associated with physical or economic displacement, and to ensure arrangements are in place to mitigate any adverse impacts that may occur. The Gambia hereby agrees to apply the principles, procedures, and standards incorporated in ESS5 of the World Bank ESF if obtaining any sites for project use would cause economic displacement¹ or physical displacement.² This RP is intended to utilize the existing legal and policy framework of The Gambia, incorporating any supplementary measures necessary to achieve consistency with ESS5 principles and standards.³

1.1. Project Description

Water and sanitation services in the Greater Banjul Area (GBA) are affected by chronic constraints, including intermittent service, frequent outages and failures, insufficient storage capacity, and water quality challenges. Rapid urbanization and population growth have further increased pressure on existing sanitation infrastructure.

The GWASAP Project aims to address these challenges by reinforcing sanitation treatment and storage systems and by strengthening NAWEC's operational capacity and monitoring systems.

Project Components

The project comprises four interconnected components that collectively address the impacts of identified climate risks on developing or rehabilitating climate-resilient water supply, sanitation, and water resources infrastructure and services.

GWASAP comprises the following four components:

Component 1: Water Resources Monitoring and Conservation (US\$3M)

Sub-Component 1.1: Enhancing transboundary cooperation on the Senegal-Mauritanian Aquifer Basin (US\$0.5M). This sub-component aims to strengthen The Gambia's leadership in regional water governance by activating the National Permanent Water Committee under OMVG. This committee will coordinate stakeholder contributions to the upcoming Senegal-Mauritanian Aquifer Basin (SMAB) cooperation agreement. This sub-component will facilitate national multi-stakeholder consultations and encourage The Gambia's active involvement in SMAB cooperation processes, ensuring sustainable mobilization of this water source for drinking water supply. The component supports The Gambia's co-leadership alongside Estonia in the 2025–2027 UNECE Water Convention Program of Work, focusing on conjunctive water management. Furthermore, the initiative will promote dialogue with Senegal by conducting a comprehensive assessment of the hydrological, ecological, and socio-economic conditions of the Allahein River Basin, while also considering future changes in climate and other factors.

Sub-Component 1.2: Enhancing water sources monitoring and conservation (US\$2.5M). The Gambia relies on two main water sources shared across borders: the Gambia River and the transboundary SMAB aquifer. This subcomponent aims to enhance Integrated Water Resources Management (IWRM) in the country by strengthening institutional capacity, infrastructure, and water resource monitoring systems. These efforts also support The Gambia's regional integration initiatives for managing shared water resources. Key activities include supporting provincial hydrological offices and providing mobility resources to facilitate field monitoring and regulatory enforcement. The water monitoring network will see significant improvements and added resilience to future hydroclimatic changes through the rehabilitation of monitoring boreholes, installation of automated monitoring devices, and the upgrading of selected surface

water stations with real-time telemetry capabilities. Moreover, to enhance national water quality monitoring capacity, a centralized Water Quality Laboratory will be established with the support of the IAEA.

Component 2: Improving Access to Sanitation Services (US\$8M)

This Component aims to improve the sanitation infrastructure of the Greater Banjul Area, contributing to improved living conditions, including better air and water quality, increased flood resilience as well as increased public hygiene. Additionally, it seeks to tackle sanitation and hygiene challenges in vulnerable regions identified in the National Sanitation and Hygiene Policy (NSHP), which advocates for universal access to safely managed sanitation by 2030.

Component 2.1: Urban sanitation (US\$6.5M). This sub-component focuses on implementing the emergency and short-term measures recommended in the recent wastewater study conducted under the GERMP-AF. This study defined an urban sanitation marketing strategy in GBA towards 2030 with the following pillars: (i) separate onsite sanitation and collective sewerage, (ii) maintain the entire GBA in an onsite sanitation strategy at medium term, (iii) develop a specific support to help households improving their toilets, (iv) rehabilitate the existing sewerage system in Kotu and Banjul in the short term, and (v) propose a new business model for O&M of the rehabilitated system in Kotu and Banjul. The activities of this sub-component include rehabilitating the sewer systems in Kotu and Banjul, as well as the wastewater treatment plant in Kotu and the sea outfall in Banjul. Additionally, the project will include completing an environmental impact assessment to ensure that any upgrade or renovation work meets the objectives of sustainable environmental protection. This process will involve hydroclimatic stress testing of fecal sludge infrastructure and establishing standards for rural sanitation to ensure that the infrastructure is resilient to intense rainfall and flooding.

Component 2.1.1: Emergency Wastewater Management – (US\$5.0M). For the Banjul sewerage system, emergency actions include diagnosing the sea outfall to assess its condition and determine whether it requires partial rehabilitation of damaged sections or total rehabilitation. Additional urgent measures will involve replacing clogged sections of the network after conducting cleaning and In-line Television (ITV) inspections. This process uses a remotely controlled camera to visually inspect the interior of sewer pipes. Furthermore, the plan includes rehabilitating pump houses, as well as guard and operator houses. It also involves purchasing mechanical cleaning trucks, sewer blocking balloons, and Closed-circuit Television (CCTV) equipment. These tools will enable the water utility to effectively identify defects in the sewerage system, assess the likelihood of failure, and address rehabilitation needs. Lastly, this sub-component will finance the rehabilitation of the Banjul pumping stations and related civil works, such as the installation of new and more energy-efficient pumps, screen scrapers, and motor cranes. The emergency work required to bring the Kotu sewage system up to international operating standards will involve the rehabilitation of the sewer collector (1.6 km of 300 mm pipes), manholes, pump houses and stations, and wastewater treatment plant. The project seeks the involvement of the private sector through an operations and maintenance (O&M) contract to ensure the sustainability of the treatment plant. This includes the development and commercialization of by-products like biogas and biosolids, which are nutrient-rich and can be utilized as agricultural fertilizers while reducing greenhouse gas (GHG) emissions. Approximately 156,000 households (1,560,000 people) are expected to benefit from the rehabilitation of wastewater systems in the GBA.

Component 2.1.2: Construction of a Fecal Sludge Treatment Plant (US\$1.5M). This subcomponent will support the construction of a dedicated fecal waste treatment plant in Kotu, located away from residential and tourism areas, benefiting approximately 153,000 households. This facility is essential for effectively managing fecal sludges from septic tanks and pit latrines, reducing exposure to unmanaged waste and waterborne disease exacerbated by flooding. The initiative aims to prevent overloading the Kotu wastewater facility, reduce illegal dumping, and protect water sources from contamination. Ultimately, it seeks to enhance overall sanitation management in the Greater Banjul Area (GBA) and the West Coast regions. Discussions are currently underway with the International Finance Corporation (IFC) and several interested local and international private sector companies regarding private capital mobilization (PCM) and public-

private partnerships (PPP), specifically in the form of build-operate-transfer (BOT) agreements. This anticipated involvement from the private sector is expected to broaden the scope of the sludge treatment facility and lead to innovations, such as transforming sludge into commercially viable by-products, including biogas for electricity generation.

Component 2.2: Rural Sanitation Development (US\$ 1.5 M). This sub-component aims to address sanitation and hygiene challenges in vulnerable regions. The Gambia has made significant progress in expanding access to sanitation, with over 90% of households and public facilities reported to have toilets, contributing to relatively high Open Defecation Free (ODF) coverage. However, challenges remain in last-mile communities in certain regions, particularly in the Central River Region (CRR), Western Region, North Bank Region, and parts of the Upper River Region, where open defecation persists at the community level. Moreover, only about half of households and public facilities have handwashing facilities, and access to safe water sources within households remains limited at 30%. These gaps underline the need for targeted interventions that strengthen sanitation infrastructure, promote hygiene behavior change, and ensure equitable access across communities. A coordinated national effort is therefore required to make The Gambia fully open defecation-free, building on the gains achieved through the Community-Led Total Sanitation (CLTS) approach and supported by updated GIS-based WASH data for evidence-based planning and resource allocation.

This subcomponent will therefore finance the following activities: (i) construction of 1,000 flood resilient improved household sanitation facilities in last mile Open Defecation communities (about 12,600 people); (ii) construction of 20 improve latrines in public places; (iii) conducting targeted Community-Led Total Sanitation (CLTS) Campaigns; (iv) strengthening handwashing facilities at household level; (v) conducting behavior change and hygiene promotion; (vi) support coordination between the Ministry of Health, Department of Water Resources, and local councils; (vii) monitoring open defecation communities using GIS Tools; (viii) establishing community-based monitoring teams to sustain ODF gains; (ix) conducting national ODF assessment; (x) conducting independent verification and certification; and (xi) National Declaration to end open defecation.

Additionally, the project will support capacity-building, behavior change and hygiene promotion activities using a comprehensive approach that includes assessments to identify and prioritize specific training needs of stakeholders in WASH, such as health workers, community development assistants, NGOs, civil society organizations (CSOs), community leaders, and local government officials. Customized training materials will be developed to cover essential topics, including the importance of sanitation and hygiene, best practices, community engagement strategies, and techniques for monitoring sustainability.

Lastly, this subcomponent will support the development of a National Rural Water Supply and Onsite Sanitation Master Plan for the years 2030-2050. The plan will focus on achieving Sustainable Development Goal (SDG) 6.1 & 6.2 and outline the necessary reforms and investment options to ensure sustainable delivery of water, sanitation and hygiene services.

Component 3: Improving Access to Urban Drinking Water Services (US\$15M)

The objective of this subcomponent is to enhance access to drought-resilient, improved water sources in GBA and surrounding towns. Funded initiatives will involve constructing boreholes in both deep and shallow sand aquifers, establishing a water treatment plant, and installing transmission lines and storage tanks. Additionally, the projects will include expanding the distribution network, creating more water connections, and improving management of non-revenue water.

Component 3.1: Water Supply Infrastructure Development (US\$14.0M). This subcomponent aims to enhance the water distribution network and expand service coverage in underserved areas of the Greater Banjul Area (GBA) and selected surrounding towns. Planned activities include: (i) constructing a treatment plant in the Brikama East area and connecting it to four boreholes that will be developed in both deep and shallow sand aquifers in the same vicinity; (ii) installing medium-voltage power supply lines and a SCADA system, as well as laying 2.5 kilometers of raw water mains; (iii) developing ground and elevated reservoirs, aeration units, and chlorination systems; (iv) providing a backup power supply using diesel generators. Additionally, the project will construct a clear water pumping station at the treatment plant, install 3.3

kilometers of clear water transmission lines, and build 50 kilometers of distribution mains, which will create 6,000 new household connections and provide access to safe drinking water to about 60,000 people in East Brikama. Spare materials, equipment, and tools will also be supplied to enhance the operation and maintenance of the system. It is anticipated that the production capacity will increase by approximately 24,000 cubic meters per day, representing a 17% increase in the current production capacity for the Greater Banjul Area (GBA). The introduction of medium-voltage power lines and SCADA systems will improve operational and energy efficiency, enable real-time monitoring and control, and ensure prompt responses to faults or disruptions. The combination of water from deep and shallow aquifers, along with the newly implemented aeration and chlorination units, will enhance water quality, drought resilience and reduce service interruptions during power outages and peak demand periods. The installation of backup diesel generators will further guarantee an uninterrupted water supply during outages.

Component 3.2: Private sector participation in NRW management (US\$1.0M). Non-Revenue Water (NRW) is currently estimated to be around 45 percent. This estimate may be inaccurate due to several factors, including incorrect meter sizing, improper pump ratings, the age of pumps and meters, and outdated technology. This component will fund a performance-based contract with a private sector operator to assist the water utility in addressing technical losses. This will involve active leak detection, tracking unauthorized connections, and implementing pressure management strategies. The goal is to reduce the NRW rate from 45% to 30% by the end of the project. Such improvements will enhance water conservation in response to climate change-exacerbated water scarcity and boost water availability during periods of high demand, such as droughts. The focus will primarily be on the ongoing NRW reduction program in the Greater Banjul Area (GBA) and its surrounding towns, following a four-step plan to modernize water infrastructure.

- **Installation of Tamper-Proof IT Equipment:** All sites will be equipped with tamper-proof IT equipment to protect water facilities from vandalism and theft. This measure aims to ensure uninterrupted water production and safeguard critical infrastructure.
- **Implementation of Smart Water Metering:** Smart water meters will be installed throughout the Greater Banjul Area to ensure accurate billing, reduce revenue losses, and enhance financial sustainability. This initiative will also improve the management of Non-Revenue Water.
- **Development of a Real-Time Leakage Detection System:** A comprehensive real-time leakage detection system will be established, along with automation of key operations such as pressure regulation and valve control. This system will minimize water loss, improve service delivery, and enable data-driven decision-making.
- **Improvement of Water Distribution Network Maintenance:** The implementation of a real-time leakage detection system will help the water company to better organize both curative and preventive maintenance interventions on the water distribution network. This will contribute to reducing water losses and, consequently, Non-Revenue Water.

Overall, these steps are designed to enhance water infrastructure and management in the GBA while promoting sustainability.

Component 4: Support to Sector Reform, Water Utility Capacity Building and Project Management (US\$4M)

Component 4.1 – Institutional Reforms and Performance-Based Conditions Monitoring (US\$2M). This component will support the ongoing strategic policy and institutional reforms associated with the unbundling of NAWEC and the creation of a new National Water Company. It includes four performance-based conditions (PBCs) with an estimated value of USD 2 million, which is 6.6 percent of the total IDA financing. These PBCs, designed to ensure the effective implementation of the separation roadmap and establish a foundation for the financial sustainability of the new water company, are as follows:

- **PBC 1:** Implementation of NAWEC's unbundling roadmap, adoption of the new Water Company's contract program with the government, and development of a WSS sector roadmap that includes a coherent program for Sustainable Development Goal 6 (SDG 6).

- **PBC 2:** Conducting a tariff study for the urban water sector, which should include affordability and efficiency analysis, and the adoption and implementation of a new water tariffs grill that will enable cost recovery for the water utility operations.
- **PBC 3:** Development of a financial model for the new water utility (NAWAC); and
- **PBC 4:** Signing a performance-based contract with a private sector operator to assist in managing non-revenue water (NRW), aimed at improving NAWAC's performance.

Component 4.2 - Project management (US\$2.0M). The new operation will not have a standalone, full-fledged project implementation unit (PIU); instead, it will be implemented by an existing PIU anchored to NAWEC and reporting to the Ministry of Petroleum and Energy (MoPE). This component will support: (i) project management activities, including coordination and supervision of implementation; financial management, procurement, and audits; (ii) staffing and training; day-to-day project activities; (iii) environmental and social (E&S) safeguard management, including supervision of implementation of an E&S commitment plan and relevant site-specific resettlement action plans as applicable, and operation of the Grievance Redress Mechanism (GRM); (iv) monitoring and evaluation (M&E); (v) citizen engagement activities; and (vi) operating costs of the Steering Committee.

1.2. Potential land acquisition and resettlement impacts

The main component of the project that will require land acquisition and physical displacement for project use is Component 2.1: The component aims to support the construction of a dedicated fecal waste treatment plant in Kotu, located away from residential and tourism areas, benefiting approximately 153,000 households. This facility is essential for effectively managing fecal sludges from septic tanks and pit latrines, reducing exposure to unmanaged waste and waterborne disease exacerbated by flooding. The initiative aims to prevent overloading the Kotu wastewater facility, reduce illegal dumping, and protect water sources from contamination. Ultimately, it seeks to enhance overall sanitation management in the Greater Banjul Area (GBA) and the West Coast regions. Physical relocation of people, either permanent or temporary, due to land acquisition, gardening activities, dust, or noise pollution during project action can cause social and psychological impacts on women, children, and other vulnerable project-affected persons. The interventions will also have socio-economic impacts on the people, including loss of livelihood, especially for gardeners and a cashew farmer. These potential risks and impacts will be further explored during the Environmental and Social Risks and Impact Assessment (ESIA) and feasibility studies for the identified. Since the definite project intervention location is identified and under the custody of the Gambia Tourism Board, which is subsequently owned by the government, this Resettlement Framework is prepared to provide guidance and measures on the principles, requirements, and approach to the land acquisition process, involuntary resettlement, and compensation as per ESS5 during project implementation.

1.3. Rationale for RPF preparation

This Resettlement Framework (RPF) is prepared based on the World Bank ESS5 “Land Acquisition, Restrictions on Land Use and Involuntary Resettlement” and relevant laws and regulations of The Gambia. The objective of this RP is to establish the resettlement principles, organizational arrangements, financing mechanisms, and design criteria to be applied to subprojects prepared during project implementation (paragraph 25). This RP will be applied to all project activities that result in involuntary resettlement, regardless of the funding source.

In accordance with paragraphs 10 and 11 of ESS1, the RP will also apply to activities deemed associated with the World Bank project. They concern “facilities or activities that are not funded as part of the project and are: (a) directly and significantly related to the project; (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist”. To this end, a screening of associated

facilities/activities will be carried out during the preparation of the Resettlement Action Plan (RAP) of each sub-project and, where applicable, mitigation measures will then be developed and integrated into said RAP.

Chapter II. Legal framework

2.1. National regulations and policies

The Gambia has a pluralistic legal system which features English common law, Islamic law and customary law. The relevant legal provisions for expropriation, land acquisition and resettlement are the following.⁴

The Constitution of 1997 includes a section protecting property rights, as well as guaranteeing the resettlement of populations who occupy their land under customary tenure (Section 22). The Constitution is complemented by **the Land Acquisition and Compensation Act (LACA) of 1991**, which provides the procedures and mechanisms regulating expropriation by the State. Additionally, land acquisition is regulated by **the State Lands Act and Regulations of 1995**, which aim at regulating the uncontrolled expansion of housing and provide mechanisms to replace customary land administration with state-administered emphyteutic leases of a period of 99 years in designated areas.⁵ Finally, **the Limitation Act of 1987** regulates eviction of informal users from private and public land. Finally, The Gambia's legal system recognizes customary rights and land tenure,⁶ which play a significant role in the society.

The Gambia's legal system requirements regarding land acquisition and resettlement are summarized as follows. The Constitution states that property can be compulsorily acquired by the State only in the public interest (defense, safety, planning...) and against the prompt payment of a fair and adequate compensation. These requirements are detailed in the LACA, which provides the expropriation procedure (see Section **Error! Reference source not found.**) and details the compensation calculation method (Sections 11 and 12). Valuation is carried out by the Department of Lands and Surveys (DLS), the authority in charge of expropriation. It should include improvements made on the land, the value of the land only in the case of freehold lease, and usufructuary rights over the land in the case of customary tenure, as well as damages done in the course of preparatory works to the owners or occupants. Additionally, the authority must compensate the rights owners and interested people for loss of rents and profits that occur between the expropriation and the compensation payment. The value of the compensation is defined at the time when DLS publishes the notice of intention to acquire, but there is no reference to market value nor replacement costs. Improvements made after the notification date are not compensated. Informal users can be compensated only when they have been occupying land for more than 12 years (as per the Limitations Act). The Gambia's legal framework also provides for resettlement and replacement of inhabitants who occupy their land under customary tenure when land acquisition entails their displacement. Such resettlement shall

⁴ A list of relevant laws and regulations can be found in Annex 1.

⁵ All land in the City of Banjul and Kanifing Municipality

⁶ Customary tenure applies to most of the country's land and is administered by district authorities (Seyfo) and village heads (Alkalo) drawing on local traditions. Customary tenure is largely determined through membership by kinship or lineage. The village chief, called Alkalo, administers land and together with descendants from other founding families holds the highest status and tenure security. Customary tenure distinguishes between clan (Kabilo) household holdings (managed by the clan head) and communal land ownership (managed by the village chief and the council of elders).

take place on suitable alternative land with due regard to their economic, social, and cultural conditions (Constitution, section 22). As per the Constitution, this applies only to inhabitants. However, these provisions are not articulated in specific acts or regulations. The implementation of these measures is evaluated and monitored by the National Environmental Agency, as part of overall environmental and social impact management.

The Gambia's legal provisions on land acquisition, expropriation and resettlement provide a solid basis but do not fully address the challenges of resettlement in development projects. The Gambia's main strength is that the Constitution requires the Government to resettle the population displaced by a project on suitable alternative land, with consideration for their economic, social and cultural conditions. Additionally, the legal system formally recognizes customary land law and usufruct rights and acknowledges the right to compensation for impacted assets and structures of informal occupants who have lived on the land for more than 12 years. However, the legal system does not provide details on the procedures to follow regarding the Constitution's resettlement requirement. Moreover, The Gambia's legal system does not require payment of compensation prior to land acquisition and does not value the compensation at replacement cost, which can result in serious violations of impacted populations' property rights. Finally, The Gambia's legal system does not consider support for vulnerable groups affected by resettlement nor support for livelihood restoration. As a result, ESS 5 requirements shall regulate most resettlement activities.

2.2. The World Bank's policy – ESS5

ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and people. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

Objectives

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

Scope of application

This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation:

- Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;

- Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date;
- Displacement of people because of project impacts that render their land unusable or inaccessible;
- Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation;
- Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

2.3. Convergence, divergence and project measures

This section compares the legal framework of The Gambia with the World Bank's Environmental and Social Framework (ESF). In general, national legislation provides for a process of expropriation of land for public utility projects. Resettlement Action Plans (RAPs) are prepared, and compensation must be paid to affected individuals and groups before the start of the project. There are also public consultation processes to verify the ownership of expropriated property and to consult on the negative environmental and social impacts of the project. Compensation rates have also been defined by the government for different types of losses, including private and customary land, crops, trees and built infrastructure, etc. The following table shows us some key points in national legislation and Bank standards.

Table 1: Comparison between The Gambia's legal framework and ESS 5 requirements

The table below analyses the gaps between The Gambia's legal system and the requirements of the World Bank's Environmental and Social Standard (ESS) 5. Three types of gaps can be identified:

- **Major** – The Gambia's legal system does not consider ESS 5 requirements at all and results in the application of the ESS to the Project;
- **Moderate** – The Gambia's legal system partly considers or does not exactly consider ESS 5 requirements, resulting in the concurrent application of The Gambia's legal system and ESS to the Project;
- **No gap** – The Gambia's legal system satisfactorily considers ESS 5 requirements and applies to the Project.

Themes	National legal framework	ESS 5	Gap analysis
Objectives			
Objectives	The Gambia's legal framework on Environmental Impact Assessment does not establish a hierarchy that requires to first avoid impacts, then mitigate, minimize, or compensate when unavoidable.	ESS 5 is built on the principle of applying the mitigation hierarchy throughout the World Bank's ES Framework. These principles include anticipating and avoiding risks and impacts; minimizing or reducing risks and impacts to acceptable levels; mitigating risks and impacts once they have been minimized or reduced; and compensating for or neutralizing significant residual impacts where technically and financially feasible. These principles are interwoven with the objectives of the standards (Introduction, Objectives)	Major Gap Application of ESS 5. The Project will apply the mitigation hierarchy systematically, including about the possible resettlement of people generated by the Project.
Scope of application			
Scope of application	The LACA applies to cases when land is required for public or planning purposes. It is also applicable to preliminary investigations of land for projects preparation. The LACA requires to include the loss of usufructuary rights in the case of customary rights expropriation, so that	The applicability of ESS5 is established during the environmental and social assessment (§3). This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use, the resettlement of populations, including	Moderate gap Concurrent application of ESS 5 and The Gambia's requirements. The Project will consider in the social impacts the loss of usage rights or access restrictions as a form of physical or economic displacement and will apply the necessary mitigation measures. To ensure compliance with ESS

Themes	National legal framework	ESS 5	Gap analysis
	restrictions on land use are also included in the scope of application. However, the LACA does not specify that these provisions apply to ancillary infrastructures of a project.	activities that were carried out in anticipation or for the preparation of the Project. ESS 5 requirements also apply to ancillary infrastructures (§4)	5, these requirements will apply to the Project as well as its ancillary components.
General requirements			
Eligibility criteria	The Gambia's LACA considers the person entitled to compensation the beneficial owner, the occupant, or the person entitled to receive the rents from the land. Regarding informal occupants, the Limitation Act entitles informal occupants to support in resettlement if they occupy the land for more than 12 years. These provisions mean that owners of formal titles (leasehold, freehold) and customary titles, as well as those without formal or customary rights who occupy the land for more than 12 years, are eligible for compensation and resettlement. Regarding customary tenure, it is rooted in the original settlement patterns of villages and is therefore determined through membership by kinship or lineage. The village chief, called Alkalo, administers land and, together with descendants from other founding families, holds the highest status and tenure security. Customary tenure distinguishes between clan (Kabilo) household holdings (managed by the clan head) and communal land	According to ESS 5, individuals considered as affected are those who : a) have formal legal rights to land or assets; (b) do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or (c) have no recognizable legal right or claim to the land or assets they occupy or use (§10)	Moderate gap Concurrent application of ESS 5 and The Gambia's requirements. The Project will consider as eligible informal occupants, even those who have been occupying land for less than 12 years. Eligibility and compensation criteria will consider various rights at stake as per customary law and their ownership level (individual, collective and household or lineage).

Themes	National legal framework	ESS 5	Gap analysis
	ownership (managed by the village chief and the council of elders.		
Project design	The Gambia's constitution recognizes the fundamental nature of property rights and adds that expropriation can take place only in the public interest. However, the legal system does not require that expropriation take place only when it is necessary and that it should be limited if possible.	The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement (§11).	Moderate gap Concurrent application of The Gambia's legal system and ESS 5. The Project will seek to avoid resettlement, or limit resettlement when it is not possible to avoid
Support to vulnerable groups	The Gambia's legal system does not consider specific support to vulnerable groups. Regarding vulnerability, it should be noted that women, because of customary laws, have limited access to land ownership and economic autonomy. As a result, they may be excluded from the compensation process although they use land for market gardening. In practice, it is common that women, children, elders and people with disability receive payments and support.	Particular attention will be paid to gender issues and the needs of poor populations and vulnerable groups. The Borrower will consider resettlement impacts on the poor and vulnerable in project design. Special attention to vulnerable affected persons is also required by several other provisions of ESS5 (see Objectives; footnote 4; footnote 9; and paragraphs 7, 8, 28, and others), each of which should be read in conjunction with the definition of disadvantaged and vulnerable persons in footnote 28 of ESS1.	Major gap Application of the ESS 5. The Project will identify, based on a socioeconomic survey, vulnerable impacted households who need specific support in the resettlement and livelihood restoration. The Project will ensure that women will receive compensation and benefit from livelihood restoration activities. The Project will also ensure that women, youth, elders and people with disability will be consulted as required in ESS 10. Additionally, the Project will ensure that people from vulnerable groups receive specific support during resettlement and livelihood restoration. A dedicated section should be included in the RP when such groups are identified and impacted.
Compensation and opportunities for affected individuals			
Compensation value	In The Gambia, as a rule, land belongs to the State and is therefore not compensated. The LACA provides compensation for the loss of land only to owners of freehold titles. In this case,	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Project will offer affected persons compensation at replacement cost, and	Moderate gap Concurrent application of The Gambia's legal system and ESS 5. The LACA does not provide compensation for replacement costs. Therefore, the RP will define

Themes	National legal framework	ESS 5	Gap analysis
	compensation can be defined by the services of the Government Valuation Officer or any other competent valuer. However, the LACA states that compensation is paid “for the value of land”, which does not include transaction costs. Regarding structures, according to LACA, compensation is payable based on the value of improvements or works constructed on the land. The LACA does not refer to replacement costs. In practice, the method used to determine the open market value is based on the current cost of construction of the structures and improvements, including design, supervision, and financing costs, depreciated to reflect the remaining useful life and the state of repairs of the structure.	other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods (§12). Details of compensation and livelihood restoration are given below for physical and economic displacement.	compensation based on the market value of the land and impacted assets at replacement cost. Replacement costs can include transaction costs, as well as expenses incurred by resettlement of equipment and removal, including for informal occupants.
Temporary occupation	The Gambia’s legal system does not consider the compensation for temporary restriction of use or access.	Compensation and support activities for livelihood restoration apply to temporary restrictions resulting from the Project (§12).	Major gap Application of ESS 5. Any occupation, including temporary ones, will lead to compensation of owners or occupants as per ESS 5 requirements.
Publication of compensation rates	The Gambia’s legal system does not consider the publication of compensation rates for various restrictions and expropriation of rights affected by the Project.	Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. A clear basis for calculating compensation will be documented, and compensation will be distributed in accordance with transparent procedures. (§13).	Major gap Application of ESS 5. The Project will publish the methods used to calculate compensation in a transparent and accessible manner.
Compensation modality	The LACA mentions that compensation is “payable”, implying that the legal	Where livelihoods of displaced people are land-based, or where land is	Major gap

Themes	National legal framework	ESS 5	Gap analysis
(financial or replacement)	system considers only monetary compensation and does not consider compensation through replacement.	collectively owned, the Project will offer the displaced people an option for replacement land (§14)	Application of ESS 5. The Project will favor compensation through replacement and will propose the choice between financial compensation and replacement to affected persons.
PAPs without formal rights, customary rights or legitimate claim	In the case of informal occupants, the Limitation Act provides compensation for improvements and work constructed during their occupation. Moreover, the Constitution requires that, when land acquisition entails the displacement of any inhabitant, this person must be resettled on suitable alternative land with due regard to its economic wellbeing and social and cultural values	In the case of affected people without formal title or legitimate claim or recognizable rights, resettlement assistance will be provided in lieu of compensation for land (§14)	Moderate gap Concurrent application of The Gambia's legal requirements and ESS 5. The Project will provide compensation for affected structures and assets. To ensure full compliance with ESS 5, the Project will also aid with resettlement of informal occupants.
Taking possession of acquired land	The Gambia's Constitution and the LACA do not require the compensation to be paid prior land acquisition.	The Borrower will take possession of acquired land and related assets only after compensation in accordance with this ESS has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced people in addition to compensation (§15).	Major gap Application of the ESS 5. The Project will take possession of acquired land after the payment of compensation and before the beginning of construction activities.
Engagement with affected communities	The Gambia's legislation on land acquisition does not include provision on the engagement of affected communities, except for the negotiation of compensation. There are no requirements to undertake a public inquiry prior to resettlement. However, the regulations on Environmental Impact Assessment	The Project will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS 10. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant	Moderate gap Concurrent application of The Gambia's requirements and the ESS 5. The Project will ensure that stakeholder engagement meets ESS 10 requirements. To align with ESS 5, this engagement will consider vulnerable groups at each stage of RP development and implementation, the choice of the resettlement location, and

Themes	National legal framework	ESS 5	Gap analysis
	require the promotor of a project to inform most affected populations and seek their view (Section 16), but this procedure is not articulated with land acquisition procedures.	information and meaningful participation of affected communities and people will take place during the consideration of alternative project designs referred to in paragraph 11, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process (§17). ESS5 stipulates that consultation should be carried out throughout the resettlement planning, implementation, monitoring, and evaluation process. This process should pay particular attention to women and vulnerable groups (§18).	activities of livelihood restoration activities. Engagement with vulnerable groups will ensure that these receive specific support to participate in the consultation process. For this purpose, specific focus groups should be organized.
Grievance management	The LACA provides that disputes related to compensation calculation or property title, claimants have 21 days from the land acquisition notification to lodge a complaint before arbitration or the Supreme Court for leasehold and freehold tenure, and before district tribunals for customary tenure. However, the legal system does not require the establishment of a grievance mechanism specific to the Project.	The Borrower will ensure that a grievance mechanism for the Project is in place, in accordance with ESS10, as early as possible in project development, to address specific concerns about compensation, relocation, or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. (§19).	Moderate gap Concurrent application of The Gambia's provisions and ESS 5. To fully align with ESS 5, the Project will develop a grievance mechanism for grievance management as per ESS 10: the mechanism will provide a procedure that is inclusive, transparent, accessible, predictable and will consider vulnerability factors. Additionally, the mechanism will not exclude possibilities to rely on legal recourse.
Planning and implementation			
Affected people's census according to their eligibility status, inventory of assets and	The Gambia's State Lands Act and LACA do not require to undertake a census and socioeconomic survey of impacted individuals.	The Project will conduct a census to identify the people who will be affected to establish an inventory of land and assets to be affected and will conduct a socioeconomic analysis of these people.	Major gap Application of ESS 5. The Project will carry out a census of affected people during expropriation preparation. Moreover, the Project will develop a RP that identifies the affected persons and

Themes	National legal framework	ESS 5	Gap analysis
socioeconomic survey		The RP will determine the eligibility criteria for compensation and any other form of resettlement assistance, as well as the essential characteristics of displaced households and consideration of the claims of communities or individuals who, for legitimate reasons, may be absent from the project area during the census period (§20).	their socioeconomic situation. The census shall allow to identify socioeconomic, demographic, and other vulnerability factors (such as gender, disability, economic and demographic dependency, income, access to land, literacy...)
Cut-off date	The LACA requires that the land acquisition cannot take place earlier than 6 weeks from the notification of intent to acquire the land. This date serves as the moment to value the compensation amount. Yet, no provision requires the dissemination of the date in all the Project area.	The Project will determine a cut-off date. The information on this date will be detailed and disseminated in all the Project area regularly at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that people settling in the project area after the cutoff date may be subject to removal (§20)	Moderate gap Concurrent application of The Gambia's requirements and ESS 5. To close the gap, the Project will clearly communicate the cut-off date in the Project area, indicating that improvements on land and structures after this date will not be included in the compensation, and that any individual who arrives in the area after the date will not be eligible to compensation.
Instruments for resettlement management	There is no requirement to develop a RP or a RP in The Gambia's legal system.	To mitigate the impacts identified in relation to displacement, the Project will draw up a plan (resettlement plan for physical displacement, or livelihood restoration plan for significant impact on livelihoods or income generation (§21). Where the extent of displacement has not yet been determined, the Project will establish a Resettlement Framework which will define the principles applicable to displacement (§25)	Major gap Application of the ESS 5. The Project will develop a RP to plan and manage resettlement activities. The RP will provide activities that align with ESS 5.
Monitoring and follow-up	The Gambia's legal system does not consider monitoring and follow-up of resettlement activities.	The Borrower will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during	Major gap Application of the ESS 5. The Project will develop a monitoring mechanism and follow-up activities for the RP as per ESS

Themes	National legal framework	ESS 5	Gap analysis
		implementation to achieve the objectives of this ESS (§23). The RP will be considered completed when the adverse impacts of resettlement have been addressed in a manner that is consistent with the relevant plan as well as the objectives of this ESS. (§24)	5 §24. In addition, an external audit will be carried out if the project involves many relocations.
Resettlement			
Physical displacement			
Compensation modality	For physical displacement, the Constitution refers to the possibility to resettle displaced inhabitants because of expropriation on suitable alternative land when these occupied the said land under customary law, considering their economic well-being and social and cultural values. However, this provision does not apply to the resettlement of individuals occupying their land under freehold title. Regarding economic displacement, the LACA mentions that compensation is “payable”, implying the system does not consider compensation through replacement.	Compensation in kind will be preferred to monetary compensation, by giving people the choice of relocating to another location (§27). In the event of physical displacement, structures will be compensated either by replacement with a structure of equivalent value, or by financial compensation at replacement cost (§28).	Moderate gap Concurrent application of The Gambia’s legal requirements and ESS 5. To close this gap, the Project will favor compensation through replacement and will propose the choice between financial compensation and replacement to affected persons in case of physical and economic replacement, whether PAP occupy land under customary tenure or formal right.
Resettlement and support for resettlement (physical displacement)	The Gambia’s Constitution requires that for any land acquisition that leads to the displacement of any inhabitant who occupies land under customary law, the Government will be responsible for resettling these inhabitants on suitable alternative land with consideration for their economic, social and cultural conditions.	If people living in the project area are required to move to another location, the Project will offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and provide relocation assistance suited to the needs of each group of displaced persons. New resettlement sites will offer living conditions at least	Moderate gap Concurrent application of The Gambia’s legal requirements and ESS 5. To close this gap, The Project will propose measures facilitating the resettlement of affected populations not only for individuals occupying land under customary law. These activities can include, for instance, support for removal, support to find

Themes	National legal framework	ESS 5	Gap analysis
	Additionally, the Limitation Act prohibits forced eviction of informal occupants of land who are established for more than 12 years. Below this threshold, forced eviction is allowed according to specific judicial procedures.	equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher (§27). The Project will not resort to forced eviction of impacted people (§31).	suitable land, or the payment of the first 6 months of rent or deposit. Additionally, the Project will not proceed to force eviction, unless it is done with guarantees required in ESS 5.
Economic displacement			
Livelihood restoration	The Gambia's legal system does not consider livelihood restoration activities in case of resettlement affecting individual's livelihood.	In the case of projects affecting livelihoods or income generation, the Borrower's plan will include measures to allow affected people to improve, or at least restore, their incomes or livelihoods. (§33).	Major gap Application of the ESS 5. The Project will develop a livelihood restoration plan in line with ESS 5 requirements. The LRP can be organized around 2 axes, to be detailed with PAP: • Strengthening of activities already practiced by PAP; • The promotion of new activities or alternative activities The LRP will identify local stakeholders able to implement the LRP.
Loss of income (economic displacement)	According to The Gambia's LACA, the DLS shall compensate parties to interests or estate for loss of profits and rents. However, this compensation includes only the period between the acquisition is effective and the compensation payment. Additionally, the legislation does not mention whether employees of affected businesses are included in the compensation scheme.	Economically displaced people are those who face loss of assets or access to assets. They will be compensated for such loss at replacement cost. This implies that affected business owners will be compensated for the cost of identifying a viable alternative location; for lost net income during the period of transition; for the cost of the transfer and reinstallation of their assets and equipment, and for reestablishing commercial activities. Affected employees will receive assistance for temporary loss of wages and, if	Major gap Application of ESS 5. The Project will compensate for the loss of income, salary and business resulting from the land acquisition. The compensation will cover losses because of the interruption of economic activity and will encourage employees to find a new job, if necessary, for instance through vocational training.

Themes	National legal framework	ESS 5	Gap analysis
		necessary, assistance in identifying alternative employment opportunities. Economic operators with legal rights or legitimate claims to land that are recognized or recognizable under national law are eligible to replacement property of equal or greater value, or, where appropriate, cash compensation at replacement cost. Economically displaced people who are without legally recognizable claims to land will be compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements), at replacement cost and an opportunity to reestablish livelihoods elsewhere (§34). Opportunities will be offered to economically displaced people in accordance with the following provisions: • People earning their income from the land will be entitled to replace land of equivalent value and productive potential; • Users of ecosystem services will benefit from measures to re-establish access to impacted services, or access to other resources with equivalent potential; • In the event of unavailability of replacement land or ecosystem services, the Project will offer	

Themes	National legal framework	ESS 5	Gap analysis
		PAPs access to alternative income-generating activities (credit facilities, training, employment...) (§35).	
Collaboration with other responsible agencies or subnational jurisdictions			
Collaboration with other responsible agencies or subnational jurisdictions	The LACA focuses on DSL as the key public agency responsible for managing land acquisition. The LACA does not refer to collaboration with other agencies. In practice, several agencies are involved in resettlement and land acquisition such as: the National Environmental Agency, who oversees monitoring the implementation of resettlement activities; • The Ministry of Lands and Regional Governments, which is the final approving authority for all planning and land transactions undertaken and processed by its technical departments; • The National Physical Planning Board, which authorizes and directs the preparation of plans; • Regional Land Administration Boards, who advise on acquisition of land for public purposes, investigate disputes on land ownership and occupation,	The Project will define modalities for collaboration between the agency or entity responsible for project implementation and any other public agency or local authority or entity responsible for any aspect of land acquisition, resettlement planning or provision of necessary assistance. In addition, where the capacity of other relevant agencies is limited, the Project will actively support the planning, implementation and monitoring of resettlement activities. If the procedures or standards of other relevant agencies do not meet the requirements of this ESS, the Project will prepare additional provisions or mechanisms to be included in the resettlement plan to address identified gaps (§37).	Moderate gap Concurrent application of The Gambia's legal framework requirements and ESS 5. The Project will ensure that interactions will take place between various agencies whose competences are relevant to resettlement and livelihood restoration.

Themes	National legal framework	ESS 5	Gap analysis
	and monitor the registration of properties and land register within their areas; • The technical services of the Ministry of agriculture, who define prices for compensation of productive trees; • Customary authorities (Alkalo, Seyfo), as administrators of customary lands.		

Chapter III. Resettlement, compensation, and livelihood restoration policies

3.1. General principles

- Involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period. The project design will be carefully studied to avoid or minimize land acquisition or restrictions on land use while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable.
- All displaced people are entitled to compensation for land and attached assets, or to alternative but equivalent forms of assistance in lieu of compensation; lack of legal rights to the assets lost will not bar displaced persons from entitlement to such compensation or alternative forms of assistance. The compensation and resettlement process will be fair, transparent and respectful of the rights of people affected by the project.
- Compensation rates, as well as other necessary assistance, will be at replacement cost without depreciation, before their effective displacement at the time of expropriation of the land and property therein or the start of project work. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.
- Priority in the allocation of replacement land is given to households whose livelihoods are land-based, or where land is collectively owned. The project will also provide opportunities to displaced communities and people to derive appropriate development benefits from the project.
- The possession of acquired land and related assets will be implemented only after compensation has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced people. The livelihood restoration and improvement programs will commence in a timely fashion to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises. Resettlement activities cannot be designed and executed successfully without being integrated into a local development program offering sufficient investment resources so that those affected by the project have the opportunity to share the benefits.
- Consultation with project-affected communities, including host communities, will be carried out during the resettlement process. Particular attention is given to vulnerable groups, women or indigenous peoples required by NES7 to assert their points of view and interests.
- PAPs will be consulted and involved in decision-making and will have access to relevant information throughout the planning, implementation, monitoring and evaluation of the compensation, livelihood restoration and resettlement processes, and will participate meaningfully in all these activities. The consultation process should ensure that women's perspectives are obtained, and their interests factored into all aspects of resettlement planning and implementation. Women's and men's preferences in terms of compensation mechanisms, such as replacement land or alternative access to natural resources rather than in cash, should be explored.
- A grievance mechanism for the project is in place as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner. This complaints management mechanism should be aligned with the overall project PGP and should have avenues for sensitive complaints from PAPs and other stakeholders involved in the resettlement process.

3.2. Eligibility criteria and entitlement matrix

3.2.1. Eligibility criteria

Affected persons may be considered, in accordance with the provisions of ESS 5, as persons: (a) Who have formal legal rights to land or assets; (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or (c) Who have no recognizable legal right or claim to the land or assets they occupy or use. While all three categories are entitled to some form of assistance under ESS 5, the nature of that assistance may vary, as is made clear in the following paragraphs of ESS 5.

Category a): Persons with formal legal rights to the land or property in question are those who, under national law, have formal documents evidencing their rights, or who are specifically recognized as not requiring any documents. In the simplest case, land is registered in the name of a person or community. In other cases, people may have a lease and therefore have legal rights to land.

Category (b): Persons who do not have formal legal rights to the land or property in question, but who have claims to that land or property that are, or could be, recognized under national law, can be divided into a number of groups. They may have farmed these lands for generations without formal documentation under customary or traditional land tenure arrangements accepted by the community and recognized by national law. Or they may have never been issued a land title, or their documents are likely to be incomplete or lost. They may have a claim to adverse possession if they have occupied the land for a certain period of time, as defined by national law, without the formal owner contesting the occupation. In such cases, national law often provides legal procedures by which claims can be recognized.

Category (c): Affected people who have no legal rights or legitimate claims to the affected land or property they occupy, or use are eligible for assistance under ESS 5. They may be seasonal resource users (shepherds, pastoralists, fishermen or hunters), although the latter may fall under categories (a) or (b) if their rights are recognized under national law. They may also be people occupying land in violation of applicable laws. Affected people from these groups are not eligible for land compensation but may benefit from resettlement and assistance in restoring their livelihoods, as well as compensation for loss of property.

Regardless of the category, eligibility for various forms of resettlement assistance should depend on the presence of the different categories on the sites where the works are installed before the deadline.

3.2.2. Vulnerable and disadvantage groups

Vulnerable households or individuals are those whose vulnerability is likely to increase as a result of resettlement under project activities. They are more likely to suffer from project impacts and/or are more limited than others in their ability to enjoy the benefits of a project. These individuals or groups are also more likely to be excluded from, or unable to participate fully in, the consultation process, and may therefore require special measures and/or assistance. In this respect, it's important to consider considerations relating to age, including the elderly and minors, and including circumstances where they may be separated from their family, the community or other individuals upon which they depend. The RAP will clearly identify vulnerable groups according to the specific conditions of the project and the measures and/or special assistance required.

3.3. Entitlement matrix

Table 2 Entitlement Matrix

Types of Loss/Issues	Eligibility (10a, 10b, 10c)	Entitlements
General		
Land acquisition (permanent or temporary) or Restrictions on land use (permanent or temporary)		• Compensation at replacement cost⁷ and other assistance as may be necessary • Restoration of the land to its original productive use or full compensation for the cost of restoration. According to Land Acquisition and Compensation Act 1991 (Section 11 Sub-Section 1)

⁷ Compensation rate may be adjusted upward in case of negotiated resettlement (paragraph 13)

Types of Loss/Issues	Eligibility (10a, 10b, 10c)	Entitlements
		1) 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 the land- (a) for the loss of usufructuary rights over the land in the case of land under customary tenure; and (b) for the value of the land in the case of freehold land.
		- Land replacement for those with land-based livelihoods (unless satisfactory demonstration of land availability. - An affected person may request to acquire the entire parcel if the remaining land is economically unviable. - Appropriate development benefits from the project
	10c	Resettlement assistance will be provided as described in paragraphs 29 and 34(c).
Physical Displacement		
Resettlement option		- offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and - provide relocation assistance suited to the needs of each group of displaced persons.
Development of resettlement site (when relevant)		- Offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. - Host communities will be consulted regarding planning options, and resettlement plans will ensure continued access, at least at existing levels or standards, for host communities to facilities and services. - Respect the displaced persons' preferences with respect to relocating in preexisting communities and groups (wherever possible). - Respect the existing social and cultural institutions of the displaced people and any host communities.
Loss of property	10a, 10b	- Replacement property of equal or higher value, with security of tenure, equivalent or better characteristics, and advantages of location, OR - Cash compensation⁸ at replacement cost.

⁸ Cash compensation may be appropriate where: (a) livelihoods are not land-based; (b) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual land is economically viable; or (c) active markets for land, housing, and labor exist, displaced persons use such markets, there is sufficient supply of land and housing, and the Borrower has demonstrated to the satisfaction of the Bank that insufficient replacement land is available (paragraph 28, footnote 21).

Types of Loss/Issues	Eligibility (10a, 10b, 10c)	Entitlements
		According to 1997 Constitution of the Gambia, property owners are entitled to "prompt, effective, and adequate compensation" when their land is expropriated.
	10c	• Provide arrangements to obtain adequate housing with security of tenure. • Compensate them for the loss of assets other than land • Provide relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site⁹.
Encroachment		• No compensation for those who encroach on the project area after the publicly established cut-off date. The Gambia Land law does not specifically address that compensation would be given to those who encroach on the project area after the publicly established cut-off date, the Land Acquisition and Compensation Act requires that a notice intention to acquire is either: - 1. served personally on the person to be served; 2. sent by registered post to the last known address of the person, if any such address after reasonable inquiry be ascertained; or 3. in case the person is absent from The Gambia or if the person or his or her last address cannot, after reasonable inquiry, be found, be left with the occupier of the land and such notice shall be published at least once in the Gazette. The Act also provides that issues relating to compensation or title to such land shall be settled through arbitration or the High Court of The Gambia.
Economic displacement		
Loss of assets or access to assets	Commercial enterprises	Owner: • Compensation for the cost of identifying a viable alternative location; • Compensation for lost net income during the period of transition; • Compensation for the cost of the transfer and reinstallation of the plant, machinery, or other equipment; and • Compensation for reestablishing commercial activities. Affected employees: • Assistance for temporary loss of wages and, <u>if necessary</u>, • Assistance in identifying alternative employment opportunities;

⁹ Livelihood restoration package may be reduced (with prior agreement of the Bank) if an affected person derives substantial income from multiple illegal rental units, compensation and other assistance is for non-land assets (paragraph 29, footnote 22).

Types of Loss/Issues	Eligibility (10a, 10b, 10c)	Entitlements
		While Gambian law recognizes compensation for loss of land and structures, specific provisions for economic displacement—such as providing affected individuals with alternative livelihoods, job training, or income restoration—are less clearly defined. However, such measures are sometimes addressed through government policies or donor-funded development projects. The Land Acquisition and Compensation Act 1991 provides compensation for loss of rent and profits. Section 12 of the Act provides:- “When the Department has, in pursuance of a notice under section 9, entered into possession of any lands, the Department shall also pay compensation to the owner or occupant of the land and to all parties entitled to any estate or interests therein for loss of rents and mesne profits for the period between the time the Department so entered and the time when the compensation or consideration due has been paid to the persons entitled thereto or has been paid into Court under this Act.”
	10a, 10b	• replacement property (e.g., agricultural or commercial sites) of equal or greater value will be provided, OR • where appropriate, cash compensation at replacement cost;
	10c	• Compensation for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at replacement cost. • Provide such people with an opportunity to reestablish livelihoods elsewhere. • No compensation for those who encroach on the project area after the publicly established cut-off date.
Income restoration		Will be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.
		Land based livelihood: • Replacement land with equivalent productive potential, locational advantages, and other factors.
		Natural resource-based or paragraph 4 applies: • measures to either allow continued access to affected resources or to provide access to alternative resources with equivalent livelihood-earning potential and accessibility. • Where common property resources are affected, benefits and compensation associated with restrictions on natural resource usage may be collective in nature; The Objectives of Agriculture Natural Resources Policy (ANR) 2017-2026 of the Gambia indicates the optimization of the use of its resources of land, labour, capital and entrepreneur/management but the policy does not give a specific clause on compensation associated

Types of Loss/Issues	Eligibility (10a, 10b, 10c)	Entitlements
		with restriction on natural resources. This is also not indicated in the 1991 Land Acquisition and Compensation Act
		Replacement land or resources are unavailable: - offer economically displaced persons options for alternative income earning opportunities (credit facilities, skills training, business start-up assistance, employment opportunities), OR - cash assistance, additional to compensation for assets. Although the Land Acquisition and Compensation Act 1991 of the Gambia does not define compensation, Government in line with the Act, would first value the land to ascertain and then discuss with the owners of the land to be acquired the compensation option available after a valuation is done. This may be monetary or land compensation depending on the government's assessment.
Transitional support		Will be provided <u>as necessary</u> to <u>all</u> economically displaced people, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

Chapter IV. Preparing and approving resettlement plans

4.1. RAP preparation

The RAP preparation requirement for a specific project activity is determined based on the results of its social screening carried out by the Project Implementation Unit (PMU) or equivalent entity. A list of screening questions is given in Table 2.

Table 2. Screening question for involuntary resettlement impact

Questions	Yes	No
General question: Will the project result in land acquisition or restrictions on use?		
1. Acquired or restricted land rights or land use rights		
• through expropriation or other compulsory procedures in accordance with national law;		
• following the failure of negotiations with landowners or those with a legal right to the land.		
2. Restrictions on land use and access to natural resources		
• Protected areas		
• Forests		
• Biodiversity areas or buffer zones		
• Marine and aquatic resources		
• Timber and non-timber forest products		
• Fresh water		
• Medicinal plants		
• Hunting and gathering grounds and grazing and cropping areas;		
3. Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;		
4. Displacement of people as a result of project impacts that render their land unusable or inaccessible;		
5. Land rights or claims to land, or resources relinquished by individuals or communities without full payment of compensation;		
6. Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.		

Note: The answer to the general question will be Yes if one of its component questions [1 to 6] receives a YES answer. Component questions 1 and 2 will be Yes if one of its items receives a Yes answer.

Once the need has been confirmed, the RAP will be prepared in accordance with the guidelines of this RP, the requirements of ESS5 and the relevant provisions of the legal system of The Gambia. The importance of the requirements and the level of detail of the RAP will vary according to the scope, scale and complexity of the relocation. It is prepared on the basis of reliable and up-to-date information on a) the proposed project and its potential impacts on displaced people and other adversely affected groups; b) appropriate and feasible mitigation measures; and c) the legal and institutional arrangements necessary for the effective implementation of resettlement measures. Annex 1 (Involuntary Resettlement Instruments) of the ESS5 suggests the essential elements of a resettlement plan (paragraphs 3-29).

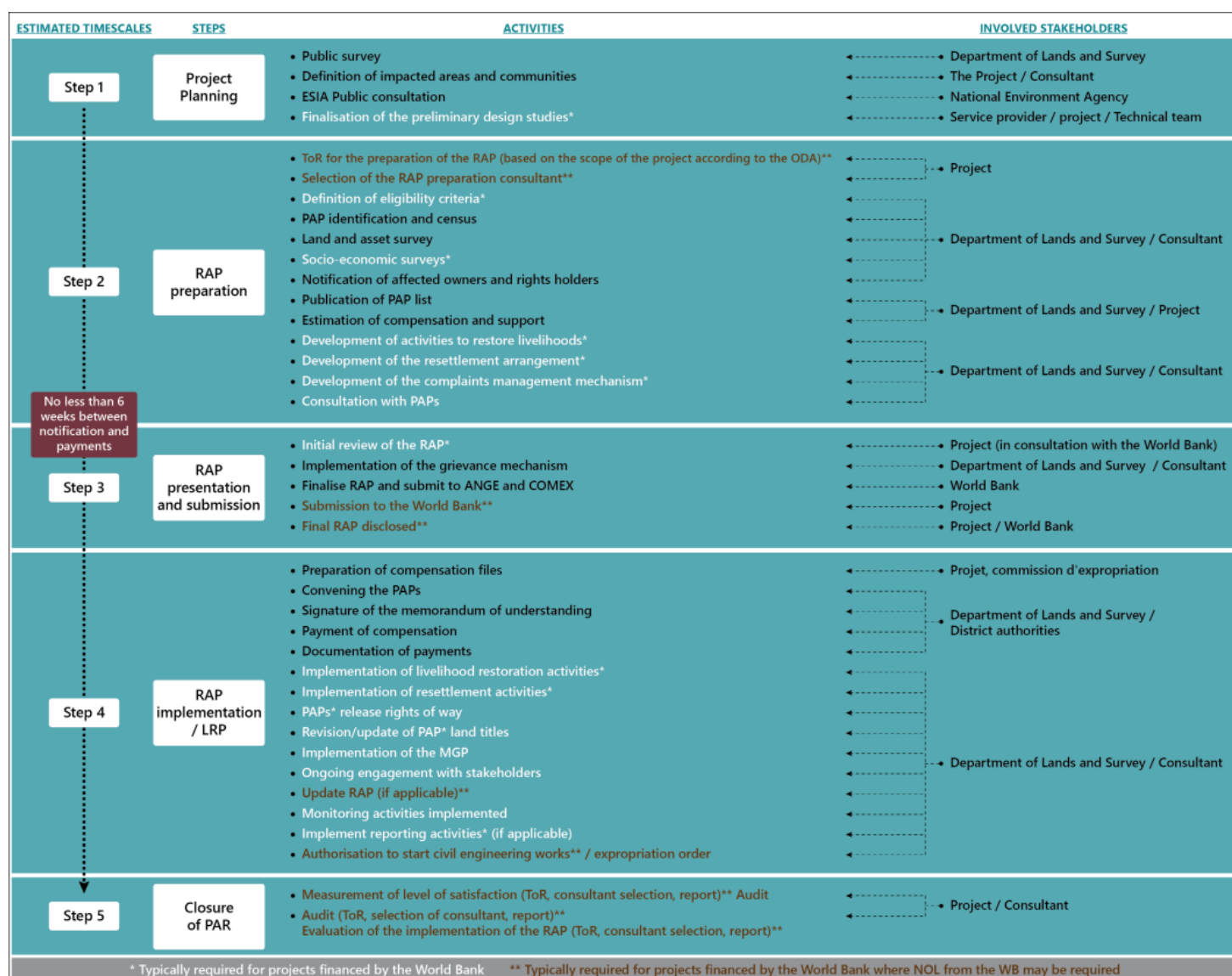
The RAP may be prepared by PMU staff or by a consulting firm commissioned by the PMU. The latter will be selected in accordance with the Bank's guidelines and based on terms of reference acceptable to the Bank.

4.2. Review and approval

Resettlement plans must be prepared, reviewed and approved by all parties involved and/or affected by the process. The RAP review and approval process can be carried out by following the steps below.

The infographic below describes the expropriation procedure under Gambian law. This procedure is completed through activities to ensure that the expropriation and resettlement procedure complies with World Bank requirements. Indeed, although the Constitution provides for an obligation to resettle people occupying land on the basis of customary law, few details are available on the resettlement procedure and modalities. These activities include

- Defining eligibility criteria ;
- Setting up consultation sessions throughout the resettlement process
- Setting up a complaints management mechanism; and
- Socio-economic survey of those affected



Because of the recognition and importance of customary tenure in Gambian society, land acquisition by the State in The Gambia is regulated by 2 procedures: the land acquisition for public purposes for formal properties in urban areas, and conversion of customary tenure to lease by the State in rural areas.

Regarding land acquisition as per the LACA, key steps of land acquisition procedures are limited as follows:

- The Department of Lands and Surveys (DLS) shall notify the impacted owner, and the acquisition becomes effective in a minimum six-week period that starts from the publication of the notification. The LACA defines owners entitled to compensation for the occupants of the land, or those who pay rent for such an occupation.
- After notification, the DLS proposes compensation to the affected owner for negotiation. Once the procedure is complete, the acquired land is considered State land. It should be noted that the legislation does not explain when owners are identified and compensated.

Regarding the conversion of customary tenure into lease for the use and common benefit of the community as per the State Lands Act and Regulations, processes are classified threefold: Traditional transfers, local government/official transfers, and central government transfers.

- Acquiring ownership of customary land from the founding families/clans (Kabilo) and Alkalo requires a change of ownership through the issuance of title deeds;
- In the next step, the official transfer, customary land is registered at the Area Council;
- Finally, at the level of central government, an occupancy permit and a lease certificate are allocated. These land titles are processed at the Ministry of Land and Regional Governments (MoLRG), the Department of Physical Planning and Housing (DPPH) and the DLS.

These procedures are applicable to individuals and entities. As a result of this procedure, occupants of such land become lessees through a 99-year lease against regular payment. If the occupant fails to apply for and obtain title deeds, he/she can be evicted at any time. The new lease must be received from the Alkalo (village head). The State Lands Act and Regulations do not mention the payment of compensation to the owners of customary rights over the land for this procedure. After expropriation, the land is considered State land; customary tenure extinguishes, which in turn allows the establishment of leases.

Chapter V. Consultation, participation and information disclosure

Public consultation and disclosure of information are required in ESS5 and the legal framework of The Gambia. The PMU will ensure the implementation of these activities as soon as possible and maintain them throughout the resettlement processes (planning, implementation, monitoring and evaluation) with the participation of all parties concerned, including PAPs, host communities and especially disadvantaged or vulnerable individuals or groups.

Key discussion points will focus on local priority development, project design, potential impacts, mitigation measures and feedback mechanisms. Consultation methods will be tailored to each target group (stakeholder consultations through site or household visits, public meetings, group discussions and socio-economic surveys). The results will be documented in the RAP (see paragraph 21) and in monitoring reports. The PIU will consider the choice of location and language in a way that suits the participants and improves the quality of participation in the consultation process. Languages common in the project area will be used (either directly or through interpretation).

This RP and the RAPs prepared under it will be subject to public disclosure in accordance with the Bank's requirements. Detailed information on consultation and engagement is provided in ESS10 and the accompanying guidance note.

5.1. Stakeholder Consultations

Consultations, which included disadvantaged or vulnerable individuals or groups, including women, allowed project stakeholders to express their views, opinions and/or concerns and make their specific needs and preferences known to the project. It is necessary to take sufficient time to consult all relevant stakeholders during RAP preparation and ensure that their views and concerns are well reflected in the final designs of the project. ESS 5 (GN17.2) states that meaningful community mobilization from the earliest stages enables households, communities, and other affected stakeholders to fully understand the implications of resettlement activities for their lives and to actively participate in the associated planning processes.

Meaningful consultations and inclusive participatory sessions were held at National and Regional levels as part of the preparation of this RP. At the national level, different institutional stakeholders such as Ministries,

Departments, agencies and technical officers, including the Ministry of Lands, the Ministry of Gender, Children and Social Welfare, the National Environmental Agency (NEA), and the Department of Lands and Survey, among other relevant stakeholders, were engaged at the national stakeholders' consultation. At the regional level, people consulted included regional governors, mayors, Chairpersons and Chief Executive Officers of Area/Municipal Councils, District chiefs, Ward councilors, Area councils, representatives from vulnerable groups (women, youth, People with disabilities), and roadside food sellers (vendors). Discussions revolved around the following points:

- Project objectives and components
- Opinion and perception on the project
- Concerns and fears about the project and its implementation outcomes
- The potential negative social impacts of the project on assets, properties and resources because of resettlement impacts on the communities
- Compensation for potential economic losses or losses of physical property
- Grievance mechanism for the management of complaints arising from resettlement
- Potential impacts of resettlement on vulnerable groups and individuals
- Suggestions and recommendations with respect to resettlement procedures

In addition to community consultations, the consultant conducted key informant interviews with representatives of government agencies (both at national, regional and community levels), state- owned enterprises, NGOs.), The consultations were to familiarize them with the RP, future RAP process and engagements required to make PAPs aware of their rights within this process. This will be undertaken when the RAP is to be prepared, with subsequent communications and outreach to PAPs to assist stakeholders' meetings, which will take place at culturally appropriate venues such as the "bantaba", the official residence or offices of local leaders, and the homes of PAPs. Such meetings will provide the opportunity to inform the PAPs of the eligibility criteria adopted as well as the principles of compensation, which will guide the estimation of losses. Each household will be informed of entitlement eligibility criteria, modes of compensation, complaints, and grievance resolution procedures. The information provided may help significantly reduce future litigation. The language most spoken by the potentially affected community was the one used. The languages used during the consultation were English and local languages the participants are comfortable with, such as Fula, Wollof, and Mandinka, for both the regional and national consultations.

The synthesis of consultations with stakeholders highlighted the following points, some of which relate to likely resettlement issues:

Table 3: Summary of Consultation with Stakeholders

<i>Stakeholder</i>	Stakeholder Concern/fear	Suggestion/Recommendation
PIU	Failure to consult the relevant stakeholders on time can cause project delays	Meaningful and timely Consultation with relevant stakeholders and all project-affected persons (PAPs)
	Socioeconomic impact as this project envisages a high level of change	Independent body to conduct the land evaluation to ensure fairness and transparency
	Timely payment of compensation	Compensation funds to be mobilized before implementation starts to avoid or minimize the delay in compensation
Ministry of Finance and Economic Affairs	Improper coordination of the land acquisition and compensation process can cause negative social	• Revisit the compensation policy to standardize the compensation Framework

	impact during implementation. -People might be relocated without a clear picture of the benefit they can get from the project.	• Conduct an inclusive and Transparent Social Impact Assessment • Work with the government (Ministry of lands) to develop a medium compensation package for a start; to assess what works well, then do a plan for the long term.
	Limited knowledge of the laws can cause conflict between the PAPs and the Governor (Project)	• Public sensitization to create awareness on the laws to avoid negative impact on people • Ensure that a proper assessment is done to verify that the people in the corridor have the legal
Ministry of Lands, Regional Government and Religion Affairs	People are sometimes compensated and do not want to move from the project site and this can delay the project implementation	• Take strict measures on this by enforcing the national laws • Sensitization of local council ward members of parliament, Governors, Chiefs and Alkalos from the initial • Early notification of the PAPs for them to be aware of the project • Ensure that the relevant authorities are involved.
	Limited coordination	Proper coordination is needed for good management
	Lack of Regional Physical Master Plan for the country	Harmonize our local Framework with International Standard
	Risk of people intruding in land that is identified for project intervention	Strong enforcement to avoid people to be ahead of government
	Compensation dispute regarding the valuation of the land	Identify the landowners from the initial stage and prepare proper documentation.
	Risk of unequal distribution of compensation among the PAPs	• Fair mechanism to ensure each property is valued correctly before compensation starts • Sensitizing the communities about the project objectives and benefits.
Nation Water and Electrical Company (NAWEC)	Improper coordination between stakeholders.	• Proper coordination is needed during the implementation of the RAP as this affects people and their livelihood.
	Difficult to deal with the communities when issues of compensation are raised	Community awareness needs to be strengthened to ensure that PAPs are aware of the compensation modalities as indicated in the laws.
	Insufficient information in the safeguard instruments can bring issues during project implementation	• The preparation of safeguard instruments needs to consider all factors affecting the project, and clear mitigation measures need to be detailed out in the Action Plans. • Put a functional GM mechanism in place that is acceptable to the PAPs

		● Proper identification of all stakeholders and PAPs to conduct effective consultation during project preparation is crucial before project effectiveness. ● The process of consultation needs to be inclusive ● Socio-economic survey needs to have data on - ● Who you have met ● Who you have not met ● Who owns the land ● The occupant of the land
NAWEC	No official rate of land valuation	● Work with the Ministry of Land to determine the rate of land and other assets. ● People need to know the rate of land
	Risk of unequal payment of compensation to PAPs with the same land value	■ Correct census of the PAPs can help to have correct data on the socio- economic survey ■ The rates need to be displayed before the cut-off dates ■ Published in government offices and Municipalities ■ Display in radios and newspapers
	Mismatch of socio - economic data which can lead to unfair distribution of compensation packages	■ The Socio -economic data survey needs to be communicated to PAPS; indicate both start and end dates ■ Identify each plot of land inside the right of way ■ Map out the number of households affected ■ Determine who owns what and what is in each land ■ Attached a picture of the PAP ■ Develop a digitized database. ■ Have a clear budget for the RAP; ❖ RAP implementation ❖ RAP Audit and ❖ Budget for the Grievance Mechanism
National Road Authority (NRA)	Timely payment of compensation before demolishing	● Government to consider payment of compensation before demolition of properties ● Workers' welfare needs to be monitored to avoid exploitation of workers during project activities

	Getting implementing partners on time is difficult (Department of lands and survey)	● Give allowances to counselors and VDC ● Capacity Building for land and physical planning
Department of Physical Planning Lands and Survey	Demolishing people's property without involving physical planning can cause problems, as it would be difficult to solve the issue if you are not involved from the beginning. Improper mapping of the road can cause damage. There need to be mitigation measures not to extend the road corridors during demarcation.	✓ Notification of physical planning is key before any demolition takes place. ✓ The project cannot demolish any site without the notification of physical planning authorities ✓ Department of Physical Planning officers to be part of the task force team ✓ Physical planning regional authorities to be included in activities supposed to take place in their respective regions ✓ Proper mapping of the road is essential to avoid delays in work ✓ There needs to be specific guidelines to follow for the site of the road that needs to be part of the project. ✓ Road alignment needs to be worked on and the Department of Physical Planning needs to review it before work starts
Department of Lands and Survey	Sometimes we do have issues with land evaluators who do not work with the government During previous project activities, demolition does take place without proper evaluation of the property. The true value of land should be reflected in the evaluation process.	✓ Proper Evaluation of properties before Demolitions start ✓ Continuous engagement with stakeholders and communities ✓ Understand the process of value evaluation and land acquisition ✓ Manpower and resources are needed to support the work. ✓ Need capacity building for the valuation unit
Ministry of Justice	There needs to be stamp duties on all compensation packages.	Conduct monitoring transactions to know the number of people who receive compensation A legal officer to be part of the task force.
Department of Forestry	Every project needs to consider the forest reserve; hence the need to involve the forestry department. Forestry Officers to mark the forest trees	✓ To have personnel from the forestry department join the task-force team ✓ Forestry department to be involved during road mapping ✓ Encourage pre-nursery for restoration ✓ Forestry regional authorities to be informed if there is a proposed activity in their respective regions

Ministry of Gender, Children and Social Welfare	Loss of livelihood-impact of people	Power relation issues need to be avoided during the process
	Loss of social services, for example, hospitals and schools	● Proper mechanization for compensation needs to be put in place. ● The same value needs to be compensated for considering social services for the PAPs in their host communities where they are supposed to be relocated.
	Resettlement and Relocation-Women might be relocated and seriously affected People might be psychologically affected. Lot of confusion.	Community engagement and meaningful consultation are key.
	Getting women for consultation is very difficult	● Development of a gender Action Plan with code of conduct ● Include a representative from the Ministry of Gender and use their structure for proper land documentation ● Hotline number for GBV cases Seek more collaboration.
Gambia Revenue Authority (GRA)	Contracts need to be reviewed to verify which taxes need to be waived.	Procurement to consult GRA for customs duties during contract negotiation. Involve GRA during relocation exercise to help determine certain duties on Environmental and Administrative tax.
	Risk of relocated businesses paying tax at a high percentage while getting less profit from their business in the new location.	If a business owner is located in an area where many people live and relocates to a different location where he/she finds few people, it is not fair to impose the same tax on the individual.
Kanifing Municipal Council (KMC)	Policy issues as the national policies have gaps and this can affect the implementation No standard value for land- a key challenge in the land acquisition and management process. Inadequate information on the project activities by relevant stakeholders and affected communities	Need to review the policy to meet International Standards.

	Limited coordination between implementing partners	● Proper coordination between implementing partners is relevant
	Limited community health and safety measures at the project site during the planning and implementation stage.	● Health and Safety measures need to be put in place to consider the health and safety of people who live around the project site. ● Supervision and monitoring of safeguards, specifically with issues related to health and safety around the project site. ● Conduct Training for contractors on Occupational health and community safety during project implementation.
Ombusman	Risk of high voltage transmission lines that can cause temporary relocation of people	Assessment of E&S risk at an early stage and put in mitigation measures
	Radiation emitted from the cable	Inclusive consultation to inform them about the project and consider their comments to put in mitigation measures to be incorporated in the site-specific safeguard instruments (ESIA and ESMP)
MoBSE	Risk of health and safety of children if the project site is near a school area	Develop signboards to avoid the risk of health and safety
	Improper mapping of geo-coordinates	Involve MoBSE during the identification of roads near the schools to avoid constructing roads where the community reserves land for further expansion of school premises
	Risk of relocation of schools along the road corridor	Avoid constructing roads or passing a transmission line through school premises-it causes both financial, environmental and social risk
	Risk of SEA/SH cases in schools near project site-Exploitation of school children by project workers	Conduct SEA/SH training before and during project implementation-This needs to be done regularly for both community and project workers
	Fear of PAPs not having clear channels as entry point for raising their grievances or concerns	Early identification of clear entry points to develop a functional and inclusive GM which is accessible to all stakeholders including all affected and interested parties Conduct proper consultation with PAPs to sensitize them on the availability of the GM.
Ministry of Environment, Climate Change and Natural Resources (MECCNAR)	Risk of inadequate support of livelihood restoration for PAPs	Develop a detailed RAP that outlines clear measures for proper compensation of all PAPs with consideration of livelihood restoration.

NEA	Government imposing a rate on compensation is an issue	Review of the compensation policy to establish a proper compensation mechanism
Geology Department	Mining operations affect PAPs during project implementation	Contractors need to be trained in community health and safety precautions on issues related to mining and proper mitigation measures need to be put in place to avoid negative environmental impact on PAPs
Serrekunda Women Association for Disabled Membership	Limited consideration of gender specific needs, which can hinder equal distribution of resources during the compensation process	Proper gender analysis needs to be conducted to have a good tool to prevent inequality during project implementation.
	Women, especially those with special needs and single parents, suffer a lot during the relocation process. ❖ This makes people have a bad perception about the government.	Give them livelihood support; let it be transparent-from the government directly to the affected person. ❖ Do not involve a third party in the process
	Loss of property-destruction of people's property without their consent.	Social inclusion is paramount to ensure that the voice of PAPs is heard and their concerns are considered. ❖ The government needs to consider compensation before any relocation takes place.

Since consultation is an iterative process, further stakeholder consultations will occur throughout the project lifespan to ensure PAPs, communities and institutional stakeholders are given the opportunity to express their concerns regarding resettlement. Consultations will continue during the development of the Resettlement Action Plan (RAP) to ensure a transparent process for effective social inclusion.

Summary of consultation with Governors, and district authorities

During the consultation at regional level, participants were concerned about unclear land ownership records, which could lead to conflicts over compensation. Local authorities indicated that past infrastructure projects have seen delays in compensating affected people, leading to financial hardships for displaced families. Local leaders stated that affected communities are often not properly consulted before infrastructure projects begin. They then emphasized the need for a transparent and accessible system for resolving complaints related to resettlement and compensation. They highly recommend continuous engagement and updates on project progress to ensure community concerns are addressed in a timely manner. To determine the value of land and properties to avoid disputes, they emphasized the need for a transparent, independent valuation process, and the need to protect historical and sacred sites that might be affected by the project was also discussed during the meeting.

Recommendations

Key recommendations suggested by the participants are to ensure clear and transparent compensation policies that reflect the true value of affected assets and determine the value of land and properties to avoid disputes. Establish a robust and accessible grievance redress mechanism to handle complaints efficiently. Enhance community participation by conducting regular consultations with affected individuals and local authorities. Develop livelihood restoration programs to support displaced farmers, traders, and business owners. Strengthen environmental protection measures to mitigate negative impacts on forests, water sources, and cultural heritage sites. Conduct further legal reforms to ensure land acquisition policies align with national and international best practices. Improve communication and stakeholder engagement to maintain transparency and build trust among affected communities, and include local leaders in identifying property owners.

Other recommendations are to encourage fair and timely compensation of PAPs, Regular, transparent and honest engagement of stakeholders. Foster collaboration between implementing institutions and the Area Councils for any infrastructure development. Encourage the involvement of locals in identifying spots to construct culverts. Promote employment by giving priority to the affected communities of the infrastructure projects. Ensure clear and transparent compensation policies that reflect the true value of affected assets. Establish a robust and accessible grievance redress mechanism to handle complaints efficiently. Enhance community participation by conducting regular consultations with affected individuals and local authorities. Develop livelihood restoration programs to support displaced farmers, traders, and business owners. Strengthen environmental protection measures to mitigate negative impacts on forests, water sources, and cultural heritage sites and conduct further legal reforms to ensure land acquisition policies align with national and international best practices.

Table 5 summarizes actions proposed by stakeholders for the engagement method during RAP preparation.

Activities	Topic of consultation	Method used and proposed schedule	Targeting stakeholders	Responsibilities	Disclosure of information
Development of Resettlement Action Plan (RAP)	Project information, compensation plan, expected deliverables, Monitoring negotiation and expenses, Grievance Redress mechanism, gender-based violence, Mitigation measures. This should be done at a smaller level by (PIU), Consultants	Email correspondence and videoconferencing meetings. Interviews with experts in land valuation, Social Development Experts, Managers and Technical Focal Points at the level of ministries and departments. Virtual consultation meetings. Consultation with all PAPs including vulnerable and disadvantaged groups and elderly people.	Interested parties and other institutional stakeholders. Consultation with all PAPs, including vulnerable and disadvantaged groups and elderly people.	The PIU will be responsible for coordinating and ensuring that appropriate consultations are conducted.	Public announcements through TV/radio/print/website/newsletter/ Flyers.

5.3. Information disclosure

The Gambia Access to Information Act 2021 requires proactive disclosure of public information within 30 days of the information being generated or received. This is in line with the requirement of ESS10 information disclosure. Early public disclosure of, and consultations on, draft resettlement plans and budgets are important to ensure effective and inclusive planning, which in turn is more likely to lead to successful implementation that meets the objectives of ESS 5. The RP/RAP have been/will be extensively consulted upon in English and local languages (Mandinko, Wolof, Pulaar, etc.) and widely disclosed publicly, and the methods of the disclosure will include:

- i. Distribution of as many copies as possible to different institutions and communities for comments and suggestions
- ii. Publication on the project website and through national media and additional channels identified in the Stakeholder Engagement Plan, including the WBG website
- iii. Distribution to individuals and officials such as Regional Governors, and Village Development Committees in the project affected areas
- iv. The Government will also liaise with the World Bank Group and authorize the public dissemination of this document on its website.

Respect the principles of confidentiality (particularly regarding personal data)

- From the government (PIU, Ministries, local authorities, communities)
- From the World Bank
- Disclosure platform

Chapter VI. Institutional and implementation arrangements

6.1. Responsibilities of involved stakeholders

Republic of The Gambia assures that the stakeholders will be responsible for conducting any resettlement operations that take place as part of the project. In the Gambia, the institutional framework for expropriation consists mostly of the DLS within the Ministry of Lands and Regional Governments. More specifically, the DLS is in charge of :

- Surveying and marking land to be acquired for public purposes;
- Notifying tenants and owners of the rights of the Government to acquire land;
- Calculating and proposing a compensation amount to the rights holder; and
- Entering possession of the expropriated land in the name of the Government.

Additionally, the National Environmental Agency (NEA), generally responsible for environmental management in The Gambia, oversees the Environmental and Social Impact Assessment (ESIA) procedures. In practice, this agency also evaluates and monitors the recommended resettlement activities proposed in the ESIA report.

Other relevant stakeholders include:

- The Ministry of Lands and Regional Governments, which is the final approving authority for all planning and land transactions undertaken and processed by its technical departments. It supervises all Boards and Authorities responsible for land matters, including the Directors of Lands and Surveys, and Physical Planning and Housing;
- The National Physical Planning Board, instituted by the Physical Planning and Development Control Act. It authorizes and directs the preparation of plans and advises the Minister of Lands and Regional Government on the formulation of planning policies and regulations;
- Regional Land Administration Boards, established by the State Lands Act. These advise on acquisition of land for public purposes, investigate disputes on land ownership and occupation, and monitor the registration of properties and land register within their areas;

- District Authorities (Seyfo), as administrators of customary lands, approve applications for conversion of customary tenure to leasehold. They also preside over land disputes once informal dispute resolution mechanisms have failed;
- The Village Head (Alkalo), who oversees the management of all customary land in the village on behalf of the District Authority. More relevant to resettlement is the role of Alkalo in allocating village land and other land management functions, which can be a relevant function when resettling communities on other lands;
- The Village Development Committee, a local management institution composed of about 7 to 12 members representative of the whole of the village. It aims at favoring participation of communities in the development processes. VDC identifies and prioritizes the village's development needs, mobilizes communities for better participation, and manages development plans. As such, they take part in the resettlement and livelihood restoration process.

Within the PIU, the E&S team (or the Project's social expert) will work in close collaboration with all the players involved, village heads of the project communes and affected people, to implement the RAPs. Actions will be coordinated in the context of transparency and efficiency, to make resettlement a genuine development operation. This requires sufficient financial (made available by the State) and human resources, efficient institutions and a transparent, credible partnership framework. It is essential to put in place a strategy for consulting affected people, so that they can meaningfully participate in the design, implementation, monitoring and evaluation of resettlement activities. To better comply with social and environmental safeguard requirements, the project must carry out information and consultation campaigns before the compensation or resettlement process is launched.

6.2. Grievance mechanisms (GM)

The implementation of the project will undoubtedly generate complaints. To ensure that displaced people can raise complaints regarding the land acquisition process, calculation or payment of compensation, provision of assistance, or other relevant matters, the RP provides an accessible and responsive grievance mechanism. The RAP describes submission procedures, organizational arrangements, and performance standards for handling grievances, as well as measures to inform displaced persons or communities about grievance initiation and response standards. The grievance mechanism does not preclude displaced persons from pursuing other legal remedies available to them. The [name of implementing agency] keeps a record of all complaints referred to the grievance mechanism, including a description of issues raised and the status or outcome of the review process.

A GM could be established with the following principles. The amicable complaint management mechanism will be carried out at the village, sub-prefecture or national level through grievance management committees set up at each level. After receiving the complaint (complaint register, telephone, e-mail, formal letter, message, etc.), each committee will examine the complaint, deliberate and notify the complainant. If the complainant is not satisfied with the decision, he or she may take the matter to the next level. Regardless of the outcome of a complaint at the local committee level (resolved or not), the information must be reported to a higher level. If amicable means fail, it is possible to go to court. It is the last level in the chain of complaint management bodies. It is used only as a last resort when all attempts at amicable resolution at the local, intermediate and national levels have been exhausted. The judge is responsible for reviewing complaints and issuing a decision. It is important to ensure permanent communication on the grievance mechanism at the level of the different actors.

6.3. Monitoring and Evaluation

PIU will plan for monitoring implementation and will provide periodic monitoring reports to the Bank regarding the status of land acquisition and implementation of the RAP. For projects with significant impacts, competent resettlement monitoring professionals will monitor implementation progress, provide advice on any necessary corrective actions, and conduct an implementation review when all mitigation measures in the RAP are substantially complete. The implementation review evaluates the effectiveness of mitigation measures in achieving RAP and ESS5 objectives and recommends corrective measures to meet objectives not yet achieved. External (or independent) monitoring is often needed to periodically assess resettlement implementation and impacts, verify internal reporting and monitoring, evaluate qualitative aspects of the resettlement program, and suggest adjustments to the delivery mechanisms and procedures, as required.

The PIU regularly reviews and updates the M&E framework, ensuring that it is consistent with project progress and policy requirements. Sub-project RAPs will include a process for systematic tabling of internal and external monitoring results at

resettlement program coordination group meetings. Each coordination meeting should discuss follow-up to issues and problems identified through internal, and especially external, monitoring. Those affected will be consulted during the monitoring process. Periodic reports will be prepared in this respect, and those affected will be informed of the results of the monitoring as soon as possible.

Monitoring indicators can be built around the following major themes, on which the RAP will develop relevant sub-indicators for each sub-project:

- Allocation of personnel (suitability, number and skills) and resources
- Establishing a mechanism for internal work and coordination with external organizations
- Establishment and operation of a complaints and whistle-blowing mechanism
- Progress on compensation payments to affected households
- Preparation and implementation of income and livelihood restoration programs/activities
- Disclosure and consultation activities
- Level of satisfaction (level of agricultural production; improvement in people's living conditions; compensation rate; traffic conditions; progress of the grievance procedure and speed of redress) and recommendations from those affected.
- Assessing compliance with the replacement cost principle
- Evaluation of NES5 requirements for replacement lands
- Assess the impact of livelihood restoration activities and the ability to meet policy requirements.

6.4. Linking resettlement implementation to civil works

ESS5 stipulates that the Borrower will take possession of the land and related assets only when compensation has been paid in accordance with the provisions of this ESS and, where applicable, when displaced persons have been resettled and displacement compensation has been paid to them in addition to compensation. In addition, livelihood restoration and improvement programs will start as soon as possible to provide project-affected people with sufficient means to prepare them to exploit alternative sources of livelihood, where appropriate (paragraph 15). This requirement necessitates the coordination of many different parties (including within the project management team) to both ensure policy requirements and meet the demands of the project schedule. The implementation of land acquisition, compensation and resettlement must be considered and coordinated with the following areas:

- **Project Implementation Unit (PIU):** The Project Implementation Unit (PIU) shall be responsible for ensuring the timely and effective implementation of land acquisition, compensation, and resettlement activities. This includes ensuring that adequate funds are allocated and made available in a timely manner to meet compensation and resettlement obligations; coordinating with the Procurement function to update tender plans and bidding documents where commencement of works requires clear land, and adjusting the compensation and resettlement implementation schedule to align with contractor mobilization requirements; integrating land acquisition, compensation, and resettlement considerations into the project's monitoring and evaluation framework; and ensuring that related issues are incorporated into project communication, capacity-building, and stakeholder engagement activities
- **Construction contractors:** to update the construction plan to identify key locations for land acquisition, compensation and resettlement. For contractors building ancillary works (resettlement areas and associated infrastructure, resettlement houses, basic social infrastructure works), sharing construction progress will help the PMU develop a plan. Relocation and livelihood restoration activities are planned in the most reasonable way, minimizing transition. Time between handover of site and receipt of new living quarters.
- **Local government/competent agency (expropriation committee):** Many countries require local governments or designated entities to handle land acquisition, compensation and resettlement. Consequently, the PMU must maintain close coordination, ensuring that this is done in accordance with the plan and in compliance with commitments made with the World Bank.
- **Consultancy firm.** Ensure that issues related to land acquisition, compensation and resettlement are integrated into the monitoring activities of these units.

Chapter VII. Methods of valuing affected assets

The methods used to assess losses in projects financed by the World Bank are based on the principle of replacement costs. In this project, compensation for the impacts of land acquisition will be calculated according to the following principles¹⁰:

- (a) *Agricultural (including fallow) land or pastureland*: Land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, plus the cost of preparation to levels like or better than those of the affected land, and transaction costs such as registration and transfer taxes or customary fees.
- (b) *Land in urban areas*: The market value of land of equivalent area and use, with similar or improved infrastructure and services, preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.
- (c) *Houses and other structures* (including public structures such as schools, clinics, and religious buildings): The cost of purchasing or building a replacement structure, with an area, quality, and location like or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors' fees; and transaction costs, such as registration, transfer taxes, and moving costs.
- (d) *Loss of access to natural resources*: The market value of the natural resources, which may include, among others, wild medicinal plants, firewood, and other non-timber forest products, meat, or fish. However, cash compensation is seldom an effective way of compensating for lost access to natural resources—as discussed in the guidance associated with paragraphs 16 and 33–36. The Borrower assesses means to provide, or facilitate access to, similar resources elsewhere, considering the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available.

¹⁰ Guidance Note – ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

Chapter VIII. Costs and Budget

At this stage, when the sites of the sub-projects have not yet been fixed and the number of PAPs cannot yet be determined, it is difficult to provide a real estimate for the total cost of resettlement that could be associated with the project. In fact, the exact estimate of the overall cost of resettlement and compensation will only really be known once the socio-economic studies have been completed, and the location of the various projects is known. The costs of implementing individual RAPs will be established based on discounted district compensation unit prices, reflecting the replacement cost of all affected assets and inflation. The Government assumes responsibility for fulfilling the conditions contained in this RP. It will ensure that the Project Management Unit has the necessary resources, at the right time, to meet the financial requirements linked to resettlement (possible acquisition of land, payment of indemnities and compensation due to displaced people), to raise awareness of the various stages of resettlement and to implement the process. Funding for RP and RAP implementation can come from counterpart funds or from the World Bank. The latter option requires WB approval prior to implementation.

Estimate for implementation of the RP

The budget estimates for implementation of the RPF will cover the disclosure workshop, capacity building for PIU, with other implementing partners, sensitization on the GM and SEA/SH, etc. This is to help execute defined roles, including RP compliance. The budget includes the preparation of RAPs (consultancy costs for individual sub-projects). The cost of preparing the RAP and supervising.

Activities	Cost (in US Dollar)	Source of funding
Provision for the selection of consultants to prepare the RAPs / Specific Livelihoods Restoration Plans	50, 000.00	
Engagement and sensitization of local communities and populations	100, 000.00	
1 Training of stakeholders on resettlement procedures in accordance with ESS 5 including SEA/SH prevention and response measures	100, 000.00	
Total cost of activities	250, 000.00	