

REPUBLIC OF THE GAMBIA



THE WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT – WARDIP (P176932).

Resettlement Policy Framework (RPF)

Final Report

April 2023

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Abbreviations and Acronyms

| | |
|----------|---|
| ACE | Africa Coast to Europe |
| AIDS | Acquired Immune Deficiency Syndrome |
| CBG | Central Bank of TheGambia |
| COVID-19 | Coronavirus Disease 2019 |
| DLS | Department of Lands and Surveys |
| DPPH | Department of Physical Planning and Housing |
| EIA | Environmental Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESF | Environmental and Social Framework |
| ESS | Environmental and Social Standard |
| FGD | Focus Group Discussion |
| GBA | Greater Banjul Area |
| GBV | Gender Based Violence |
| GCCI | Gambia Chamber of Commerce and Industry |
| GIEPA | Gambia Investment and Export Promotion Agency |
| GM | Grievance Mechanism |
| GoTG | Government of The Gambia |
| GRC | Grievance Resolution Committee |
| HIV | Human Immunodeficiency Virus |
| ICT | Information Communication Technology |
| ISP | Independent Service Providers |
| KII | Key Informant Interview |
| KPI | Key Performance Indicators |
| LGA | Local Government Authorities |
| MOFEA | Ministry of Finance and Economic Affairs |
| MOICI | Ministry of Information and Communication Infrastructure |
| MOTIE | Ministry of Trade Industry and Employment |
| NEA | National Environment Agency |
| NGO | Non- Government Organization |
| NRA | National Roads Authority |
| PAP | Project Affected Person |
| PPP | Public Private Partnership |
| PURA | Public Utilities Regulatory Authority |
| PDO | Project Development Objective |
| PIM | Project Implementation Manual |
| RAP | Resettlement Action Plan |
| RPF | Resettlement Policy Framework |
| SSCT | Sexual Exploitation and Abuse/Sexual Harassment Compliance Team |
| SEA/SH | Sexual Exploitation and Abuse/Sexual Harassment |

| | |
|--------|--|
| SEP | Stakeholder Engagement Plan |
| STD | Sexually Transmitted Diseases |
| UTG | University of The Gambia |
| VDC | Village Development Committee |
| WARDIP | West Africa Regional Digital Integration Project |
| WCR | West Coast Region |
| WDC | Ward Development Committee |

Definitions of terms used in the Report

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

Alkalo, pl. alkalolu : is the administrative head of the village usually from the founding family /clan of the village.

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

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

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

Compensation means the payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets thereon.

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

Displaced Persons mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether the said Displaced Persons are physically relocated. These people will have their standard of living adversely affected, whether the Displaced Person must move to another location; lose right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

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

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

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

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

Kabilo: is a collection of families that constitute a village

Land: includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

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 or not 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.

Local Authority: includes the council and the District Authority

Local Government Authority: means a council established under the Local Government Act 2002

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

Project Affected Person(s) (PAPs): are persons affected by land use or acquisition needs of the Western Africa Regional Digital Integration Program, The Gambia (WARDIP). These people(s) are affected because they may lose, be denied, or be restricted access to economic assets, lose shelter, income sources, or means of livelihood. These persons are affected whether they must move to another location.

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

Replacement cost: is defined as a method of valuation yielding compensation sufficient 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. 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 of time between calculation of compensation rates and delivery of compensation is extensive.

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

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

The Resettlement Policy Framework (RPF): sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the West Africa Digital Integration Project (WARDIP). **Resettlement Action Plans ("RAPs")** will be prepared in conformity with the provisions of this RPF.

Restrictions on land use: refers 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.

Seyfo” pl. Seyfolu is the administrative head of a district sometimes referred to as District Chief.

Executive Summary

Context

The Government of The Gambia has obtained financing from the World Bank for the implementation of the Western Africa Regional Digital Integration Program, The Gambia (WARDIP). The project is regional covering The Gambia, Guinea and Mauritania and the overall Project Development Objective (PDO) is to increase access to broadband and digital services through the development and integration of digital markets in the Western Africa region. More specifically, the Project will seek to:

- Develop a single connectivity market, which will remove barriers to regional telecoms infrastructure and services deployment to encourage investment, improve performance, eliminate pricing and quality differentials between coastal and landlocked countries, as well as expand access to connectivity to all.
- Develop a single data market, which will enable secure exchange, storage and processing of data across borders to support regional deployment and access to data-driven services and innovation.
- Develop a single online market, which will allow government, firms and individuals to access and deliver both public and private services online, as well as to make online sales and purchases seamlessly from anywhere in the region. Core enablers for the online layer are digital financial services (DFS), electronic commerce, and priority public digital services for regional integration.

At the regional level, financing will be provided to the Economic Community of West African States (ECOWAS), to support the following activities: (i) development of regional regulatory framework when needed; (ii) monitoring of the implementation at the national level of regional frameworks; and (iii) capacity building/ support to national countries in trans positioning of the regional framework.

At the national level, WARDIP would enhance ongoing and planned national-level projects that support digital transformation in the region and fit into the above SDM framework but, it could also include more beneficiary/end-user focused activities to promote uptake and use of the digital services such as digital skills development, awareness campaigns around safe and productive use of the internet. Furthermore, national-level activities could include regulatory support (e.g. infrastructure-sharing, universal access, license and authorization procedures) that would prepare each country to better participate in and benefit from the emerging regional digital market.

Based on a Series of Projects (SOP) approach, countries and regional bodies could join in the future subject to the availability of IDA funds and meeting eligibility criteria. This approach helps to ensure coherence of interventions at country level to advance the objective of achieving a Single Digital Market in West Africa by 2030.

The five main components of the project are:

Component 1: Enabling environment for the establishment of a continental SDM (*to be implemented by AUC and Smart Africa*)

Component 2: Connectivity Market Development and Integration

Component 3: Data Market Development and Integration

Component 4: Online Market Development and Integration

Component 5: Project Management

Component 6. Contingent Emergency Response Component (CERC)

The project is expected to provide many benefits for the Gambian population and these include:

- a) Reduction of costs, improvement of quality of services, and stimulation of investment and innovation for the users resulting from the legal and regulatory reforms to improve the operating environment
- b) Facilitate access for individuals and businesses to public services and carry out transactions with government and among themselves more efficiently and conveniently
- c) Access to new training opportunities and support to find new digitally enabled jobs.
- d) Create opportunities for businesses to improve their productivity, tap new markets and secure more customers through training and support for technology adoption in online marketing and e-commerce.
- e) Better access for marginalized or vulnerable groups, rural and small communities to services and digitally enabled jobs with minimal barriers of distance and transportation.
- f) Support and encourage women and girls to participate in digital skills and entrepreneurship training opportunities in greater numbers
- g) Extend training opportunities to people with disabilities to ensure access to digital public service offerings

The negative impacts relate to land acquisition resulting in the loss of property and assets, and economic and/or physical displacement of project-affected people as indicated below.

- a) Permanent loss of land for the construction of the landing station, although the land-take is not expected to result in a major displacement warranting physical relocation.
- b) Temporary loss of land, which relates to the temporary occupation of the land by the contractor building the station as a base camp to store equipment, plant and machinery when not in use on construction site.
- c) Temporary loss of earnings for small business operators along the path for the extension of the submarine cable from the beach to the landing station. They will be required to temporary stop their business to allow the laying of the cables to proceed.

Land Requirement for the project

The main infrastructure to be put by WARDIP is the landing station. The distribution inland will be done through the existing national backbone, ECOWAS wide area net (ECOWAN). Following consultations with project preparatory team members and the administrator of the current Africa coast to Europe (ACE) landing station, the estimated land requirement will be about 900M² to house the equipment, offices and stores. Other land requirements will be for the cable laying which can be done along the right of way for public roads and highways.

Number of people to be affected by the resettlement

The exact site of the landing station as well as the trajectory of the underground cable is not known as yet so it will be difficult to give a precise figure of the people to be affected at this stage of project preparation.

The census to be carried during the baseline studies within the framework of RP preparation will specify the number of people and assets to be impacted.

It is against the background of these potential negative social impacts that this Resettlement Policy Framework (RPF) is prepared to mitigate the negative social impacts that may result from these activities. This Resettlement Policy Framework defines the principles that govern involuntary resettlement resulting in the loss of land, access to goods and other sources of income on which project affected people's livelihood depend. It also defines the institutional arrangements, mechanisms for managing the grievances or conflicts, monitoring and evaluation system for resettlement activities.

Objectives of a Resettlement Policy Framework

The principles and objectives of the RPF are:

- 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

Description of the Process for Preparing and Approving Resettlement Action Plans

As part of the preparation of the project, the Government of the Gambia requires a Resettlement Policy Framework (RPF) to address the needs of the people and the communities who may be affected by the project. Because the project sites and works have not yet been determined, the RPF will be written in conformity with the standards of the Government's own policy on Resettlement and Environmental and Social Standard (ESS) 5 of the World Bank's Environmental and Social Framework. The Project Implementation Unit (PIU) will also be required to prepare the resettlement action plans (RAPs) for the construction of the landing sites and the laying of the fiber cable link between the shore where the submarine cable will terminate and the landing station. Once the RPF is approved by Government and by the World Bank, it will be disclosed in-country and at the World Bank's external website.

Methodology

The approach and methodology for the RPF processes involved review of project and other relevant documents; consultations with stakeholders in the form of interviews, focus group discussions; and field visits.

Legal framework for resettlement

The relevant legal documents relating to resettlement are:

- The Constitution of the Republic of The Gambia (1997);
- The Land Acquisition and Compensation Act (LACA) 1991
- The Physical Planning and Development Control Act, 1991
- The Surveys Act 1991
- Local Government Act, 2002
- Land Use Regulations, 1995
- Lands Commission Act, 2007
- State Lands Regulations, 1995
- Women’s Act 2010

The World Bank Environmental and Social Standards (ESS) 5 on Land Acquisition, Restriction on Land use and involuntary resettlement stipulates the processes and procedures to be followed in cases of involuntary resettlement resulting from the implementation of a Bank financed project. Although the national laws have many points in common with the World Bank’s ESS5, there are significant differences, which include the rights of squatters, special assistance to vulnerable and disadvantaged groups, establishment of a grievance mechanism and the inclusion of monitoring and evaluation of the resettlement program. In preparing the RPF, these higher principles as provided in ESS 5 were adopted.

Valuation and Compensation

Compensation can be in kind, in cash or both and the method of valuation is based on replacement cost for assets (land and properties) affected by the project without considering depreciation, and where the remaining part of a demolished asset is not economically viable, compensation is estimated based on the entire asset. Compensation for land acquired, shall preferably be in kind while buildings and other structures are to be compensated in cash using replacement cost. The report also includes other valuation methods for other assets such as trees and crops. The Table below presents the matrix of compensation packages by type of asset lost and ownership right.

Matrix of compensation packages by type of asset lost and ownership right

| Compensation Category | Types | Compensation Method |
|---|---|---|
| Land acquisition and compensation (Permanent acquisition) <i>Note: If remaining parcel is not viable, owner has right to require purchase of entire parcel.</i> | Customary lands, private lands | Prevailing market value of the land to be acquired; otherwise, replacement value Owner has the opportunity of being allocated a new plot if one is available and it is suitable to owner’s needs |
| | Agricultural land Less than 20% of land holding affected | Compensation for affected land equivalent to replacement value, taking into account market values for land. Farmer/ title holder Cash |

| Compensation Category | Types | Compensation Method |
|---|--|---|
| | Land remains economically viable. | <p>Cash compensation for affected land equivalent to replacement value taking into account market value- Community land</p> <p>Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater- Tenant/ lease holder</p> |
| <p>Compensation for houses/infrastructure irrespective of legality of occupation rights of structure</p> <p><i>This category will include squatters occupying the land</i></p> | <p>All immovable structures and physical assets including buildings, concrete floors, perimeter walls, wells, outbuildings, etc.</p> | <p>Replacement value equivalent to the cost of constructing a new structure of similar construction standard and size at prevailing prices without depreciation. Costs for replacement of walls and fences will be calculated by unit length, whilst costs for wells will take account their depth and lining</p> <p>PAPs will be allowed to remove salvageable construction materials, and this will not affect compensation. Transportation costs will be based on truck hire costs commensurate with volume of salvageable materials and possessions</p> |
| | Temporary structures including kiosks, shacks, converted shipping containers | Full costs of removal and transfer to a location selected by the owner |
| | For tenants only: compensation for cost of any improvements made | Replacement value |
| <p>Temporary loss of revenues during construction</p> | <p>Include residential tenants, business operators (whether owners or renters of their premises) and squatters</p> | <p>Full reinstatement or replacement value or a combination of the two</p> |

| Compensation Category | Types | Compensation Method |
|---|---|---|
| Compensation for crops | Standing crops(include <i>groundnuts, maize, millet, etc.</i>) | Valuation based on unit area cultivated (preferably in ha) multiplied by the yield potential (kg/ha) and prevailing market price (price/kg) |
| Trees (<i>includes timber, fruit trees</i>) | Timber | Valuation based on prevailing market price or the consumer price index |
| | Banana | Market value of the trees harvested in that year plus one additional year |
| | Other fruit trees(mangoes, oranges, coconut, guava, papaya) | Number of trees affected x by the average annual yield potential/tree x the number of productive years at time of felling x the prevailing market price |

Resettlement and compensation shall be the responsibility of the Gambia Government.

Consultations with Stakeholders

During the preparation of the RPF and in line with ESS10, Stakeholder Engagement and Information Disclosure, there were consultations with project stakeholders through focused group discussions (FGD), key informant interviews (KII) and one-on-one meetings. The consultations took place from March 4th to March 23rd 2022 mainly in the Greater Banjul Area (GBA) where the project will require land for construction and laying of the fiber optic cable. Separate meetings were held with the women facilitated by a female member of the consulting team to enable them to express freely their views especially on issues such as inclusiveness, gender-based violence (GBV), sexual exploitation and abuse (SEA). These consultations help to ensure that potential project beneficiaries are informed about the project and have the opportunity to make suggestions for the improvement of project planning and implementation. Some of the concerns expressed by the local communities during these consultations included:

- (i) Fear of people losing their land and not be compensated
- (ii) The need for a fair and equitable compensation taking into account the high cost of land in GBA;
- (iii) The need to know the actual area identified for the landing station
- (iv) Possibility for youth employment;
- (v) Discrimination of women in accessing project benefits such as training and credit facilities.

For the women, the key issues raised include:

- Project support to women through participation in training programs and access to credit
- Compensation for lost assets including land
- Project to avoid displacing women rice and vegetable growers along the coast
- Need to protect young girls against sexual abuse/ sexual harassment

The Consultant documented each of these consultations and an attendance register was opened to record all persons who attended the meeting. Copies of the attendance lists are attached as **Annex 5b**. The

stakeholders consulted include government agencies, private sector operators and local communities. A total of 107 people were contacted and 36.4% or 39 people were women (8 from GSM and ISP operators, 2 from banks and 29 from local communities).

Grievance Mechanism

Grievances resulting from resettlement and compensations will be resolved using the project grievance mechanism (GM). The GM consists of a three-tier system: (i) local community level; (ii) project level grievance mechanism; and (iii) national judicial level. The procedure is that a PAP should first raise a complaint at the local level where the local Grievance Resolution Committee will address the complaint. If the complaint is not resolved at this level, it is referred to the Grievance Resolution Committee (GRC) at project level. If this proves unsuccessful, the complainant can proceed to the judicial/legal system as provided for in the laws of The Gambia.

Monitoring and evaluation

Monitoring and evaluation (M&E) will be carried out throughout the project cycle to ensure that resettlement planning and implementation are carried out in accordance with the relevant requirements of the RPF, and for follow up remedial actions, where necessary. The provisions for monitoring and evaluation (M&E) will ensure the proposed actions are implemented as intended and within the timelines established, and that, the expected results are achieved. Where shortcomings or problems are found, M&E can initiate appropriate corrective actions.

The Social Development Specialist within the PIU shall be responsible for the internal monitoring and he/she shall be assisted by other staff of the in the project implementation unit (PIU). The reports of the monitoring shall be sent to the PIU and the World Bank.

There will be a midterm and final evaluation of the implementation of the RPF/RAP. The final evaluation should preferably take place after completion of all RAP activities including development initiatives, but before the end of the financial commitments to the program. This will allow the flexibility to undertake any corrective action that the auditors may recommend before the project completion.

Capacity Building

Capacity building is an important aspect in the management of the social and environmental risks of the projects especially in the case of resettlement. The outcome of the stakeholder consultations showed the need for it, particularly since the World Bank’s ESF is new. The training will be organized for the PIU and the project implementing agencies and partner institutions.

Budget for the RPF implementation

The actual cost of resettlement will be determined after the socioeconomic studies to be conducted during the preparation of the RP. The Resettlement Plan will include a detailed budget for compensation and other rehabilitation entitlements and cost; an indicative cost of some of the proposed activities under the RPF is provided in the table below:

Budget for the implementation of the RPF

| S/No. | Activity | Cost in USD | Financing | |
|-------|----------|-------------|--------------|-----|
| | | | Gambia Govt. | IDA |
| | | | | |

| | | | | |
|----------|--|-------------------|-------------------|------------------|
| 1 | Preparation of RAP | 35,000 | | X |
| 2 | Implementation of the RAP- compensation of loss of assets and revenue, relocation of PAP, assistance to vulnerable groups and contingencies.** | 100,000 | x | |
| 3 | Training of PIU and implementing partners on ESF, screening, GM and SEA/SH prevention and response measures. | | | - |
| 4 | External Supervision and monitoring by NEA | 5,000 | | x |
| 5 | Community sensitization and information sharing | 10,000 | | X |
| 6 | Monitoring and evaluation | 15,000 | | X |
| 7 | Total | 165,000.00 | 100,000.00 | 65,000.00 |

**Actual costs to be determined after the assessment.

The total estimated cost for the implementation of the RPF is USD 165,000. (One Hundred and Sixty-Five Thirty Thousand US Dollars). The Gambia Government will finance the compensation of PAPs. The funds for resettlement compensation will be disbursed in the same manner as the funds for the other components of the project and will comply with the regulations of The Gambia Government on the disbursement of funds by government and quasi-government agencies (i.e., direct transfer to bank accounts of the respective beneficiaries). Where the PAP does not have an account, cash payments shall be made against presentation of a national identification card or some other form of identification acceptable to The Gambian authorities.

The IDA funds will finance the preparation of the RAP, communication and sensitization, monitoring and evaluation, which cost Sixty-Five Thousand US Dollars (65,000. USD).

When completed, approved copies of the RPF and subsequently the RP will be disclosed at national level and distributed widely to various institutions and communities including individuals and community leaders, Members of the National Assembly (NAMs), Regional Governors; Area Councilors among others. The Government will authorize the World Bank to disclose it on its web site.

1. Introduction

The Government of The Gambia has obtained financing from the World Bank for the implementation of the Western Africa Regional Digital Integration Project, The Gambia (WARDIP). The project is regional covering The Gambia, Guinea and Mauritania and the overall Project Development Objective (PDO) is to increase access to broadband and digital services through the development and integration of digital markets in the Western Africa region. In addition to strengthening the connectivity agenda in the Region, the project will address the “soft issues” to foster a regional Single Digital Market (SDM). This would include enhancing policy and regulatory harmonization and strengthening the role of regional technical bodies to help coordinate and advise the participatory countries to achieve this agenda.

At the regional level, financing will be provided to the Economic Community of West African States (ECOWAS), to support the following activities: (i) development of regional regulatory framework when needed; (ii) monitoring of the implementation at the national level of regional frameworks; and (iii) capacity building/ support to national countries in trans positioning of the regional framework.

At the national level, WARDIP would enhance ongoing and planned national-level projects that support digital transformation in the region and fit into the above SDM framework but, it could also include more beneficiary/end-user focused activities to promote uptake and use of the digital services such as digital skills development, awareness campaigns around safe and productive use of the internet. Furthermore, national-level activities could include regulatory support (e.g. infrastructure-sharing, universal access, license and authorization procedures) that would prepare each country to better participate in and benefit from the emerging regional digital market.

Based on a Series of Projects (SOP) approach, countries and regional bodies could join in the future subject to the availability of IDA funds and meeting eligibility criteria. This approach helps to ensure coherence of interventions at country level to advance the objective of achieving a Single Digital Market in West Africa by 2030.

1.1 Project Objectives for The Gambia

As mentioned above, the overall Project Development Objective is to increase access to broadband and digital services through the development and integration of digital markets in the Western Africa region. More specifically, the project will seek to:

- Develop a single connectivity market, which will remove barriers to regional telecoms infrastructure and services deployment to encourage investment, improve performance, eliminate pricing and quality differentials between coastal and landlocked countries, as well as expand access to connectivity to all.
- Develop a single data market, which will enable secure exchange, storage and processing of data across borders to support regional deployment and access to data-driven services and innovation.
- Develop a single online market, which will allow government, firms and individuals to access and deliver both public and private services online, as well as to make online sales and purchases seamlessly from anywhere in the region. Core enablers for the online layer are digital financial services (DFS), electronic commerce, and priority public digital services for regional integration.

For The Gambia, the objective is to support the country to ensure an enabling environment for digital skills and innovation and competitiveness in the regional Single Digital Market. The Ministry of Information and Communication Infrastructure (MOICI) will implement the project.

The proposed project will consist of five components:

Component 1: Connectivity Market Development and Integration

This component would support reforms to reduce barriers to the provision of cross-border telecommunications services through open markets as well as broadband connectivity infrastructure deployment.

Component 2: Data Market Development and Integration

This component aims to enable secure exchange, storage and processing of data across borders to support regional deployment and access to data-driven services, innovation and infrastructure, including reducing regional restrictions on the free flow of data and increasing investments into data infrastructure. In line with regional goals, this component could potentially include support to national objectives, which would be critical to set the path for integration.¹ It is also worthy to note that energy efficiency considerations will be integrated in the procurement of hardware and software under this component.

Component 3: Online Market Development and Integration

This component aims to support the development and integration of the online market, which would enhance the enabling environment for the cross-border delivery and access of digital goods or services. This component would support governments, firms and citizens in participating countries to access and deliver private and public services online, as well as to make online purchases seamlessly from anywhere in the region.

Component 4: Project Management

This component will provide technical assistance and capacity support for program preparation and implementation. It would finance the operating costs of the Project Implementation Unit (PIU). Support would be provided to ensure the establishment of adequate social and environmental safeguards capacity, as well as fiduciary and monitoring and evaluation (M&E), for the implementation of activities.

Component 5. Contingent Emergency Response Component (CERC)

The objective of the zero-cost component is to allow a rapid reallocation of credit proceeds from other components to provide emergency recovery and reconstruction support following an eligible crisis or emergency. The component would finance public and private sector expenditures on a positive list of goods or specific works, goods, services, and emergency operation costs required for The Gambia's emergency recovery. A Contingent Emergency Response Implementation Plan (CERIP) will apply to this component that details financial management, procurement, safeguards, and any other necessary implementation arrangements.

¹ National projects that are relevant to, and aligned with, the regional outcomes of this project may be added to this component.

1.2 Objectives of a resettlement policy framework (RPF)

The objective of the resettlement policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. The RPF is in conformity with national regulations and the Environmental and Social Standard (ESS) 5- Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement, of the World Bank's Environmental and Social Framework (ESF). Once the subproject or individual project components is defined and the necessary information becomes available, the present framework will be expanded into a specific plan proportionate to the potential risks and impacts. The RPF also includes an analysis of the potential economic and social consequences of involuntary land acquisition.

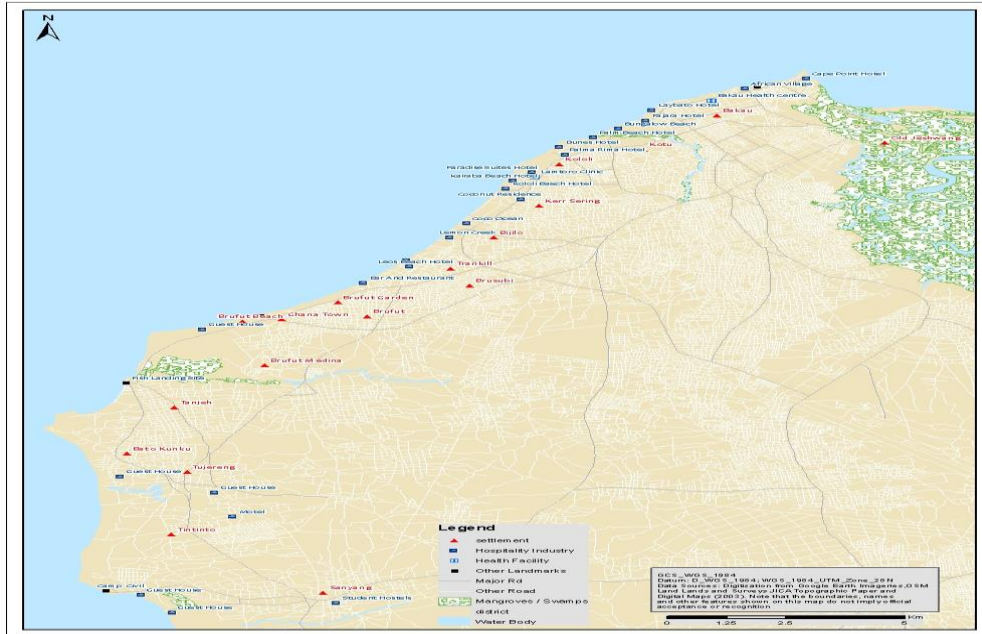
More specifically and in conformity with ESS 5, the objectives of the RPF are:

- 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.

1.3 Project Intervention zone

The project intervention zone will be mainly in the Greater Banjul Area (GBA) where the landing station will be constructed and where most of the training and capacity building will be taking place and where the headquarters of the major users will be located. Other parts of the country will also be targeted as part of the rollout of the Digital Addressing System. The location of the landing station is in the GBA.

Figure 1: Map of the coastal zone where the landing station can be located.



1.4 Methodology

The following methodology was adopted for the study:

a) Desktop Review

This consisted of reviewing relevant documentation (both print and electronic) made available and they include:

- The Project Appraisal Document;
- National legal and policy documents on land administration including compulsory land acquisition; and
- World Bank’s Environmental and Social Framework (ESF) including the Environmental and Social Standards (ESS), particularly ESS 5, Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement, ESS10, Stakeholder Engagement and Information Disclosure and ESS1, Assessment and Management of Environmental and Social Risks and Impacts.²
- Guidance Notes for Borrowers –Environmental and Social Framework for IPF Operations: ESS1, ESS5. ESS10³

b) Consultations with Key stakeholders

These consultations took the form of key informant interviews with representatives of relevant government agencies and community leaders and focused group discussions with potential project beneficiaries at the community level. The consultations took place in conformity with the national and

²https://thedocs.worldbank.org/en/doc/837721522762050108_0290022018/original/ESFFramework.pdf

³<https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-framework-resources#guidancenotes>

WHO Guidelines for the reduction of the spread of COVID-19 and the World Bank technical guidance note on consultations in times of COVID-19.

i. Field visits and consultations with communities in the potential project areas

These visits and consultations are necessary to:

- Meet and discuss with the local communities about the project and its potential social risks and impacts (both positive and negative);
- Provide an opportunity for the potential beneficiaries to express their views and concerns with respect to the potential risks that may arise during project implementation and suggest how these can be addressed by the project;
- Based on the discussions, identify specific interests and discuss potential roles and responsibilities of stakeholders that would facilitate their participation, ownership and sustainability of the project.

The visits included the Greater Banjul Area (GBA) and they took into account the needs of vulnerable groups such as women. To enable women to express their views freely especially on issues such as inclusiveness, gender-based violence (GBV), sexual exploitation and abuse (SEA) a female member of the consulting team had separate consultations with them.

ii. Key informant interviews

This activity comprises interviews with the representatives of Government and private sector operators in the IT industry as well potential local beneficiaries. The list of the institutions and communities consulted is in **Annex5a** and a summary of the stakeholder consultations is attached as **Annex5b**. Select copies of the attendance register are attached as **Annex5c**.

1.5 Potential Impact of Resettlement on People, Property and Livelihood

Negative impacts related to resettlement

In the context of the RPF, the project will have negative impacts on people, properties and livelihoods as a result land acquisition, restrictions on land use and involuntary resettlement. However, the land required for this project is relatively small as the only construction works are the landing station with its facilities and laying of the cables to the landing station. These negative risks and impacts include:

- 1) Permanent loss of land for the building required to house the landing station. The persons affected will have to fully compensated for their loss and if found necessary relocated physically. However, it is expected that the land-take for the building will not result a major displacement warranting physical relocation.
- 2) Temporary loss of land- this relates to the temporary occupation of land by the contractor building the station as a base camp to store equipment, plant and machinery when not in use on construction site. This loss is temporary as the land will be returned to the owner once the construction is completed. However, this temporary use will deprive the owner access to the land thus requiring compensation for the use and rehabilitation of the land to its original state after use.

- 3) Temporary loss of earnings- this relates to small business operators along the path for laying the extension of the submarine cable from the beach to the landing station. They will be required to temporary stop their business to allow the laying of the cables.

Although land acquisition will be unavoidable, the related potential risks and impacts can be mitigated by adopting the following measures:

- i. Preference in the selection of state lands for locating the landing station in order to avoid/ minimize physical displacements;
- ii. Fair and prior payment of compensation to affected people in the event of land acquisition, destruction of property or loss of livelihood. This compensation must be made before the start of the work;
- iii. Information and sensitization of the population on the actions and measures envisaged by the Project;
- iv. Close consultation and involvement of the local communities and their representative in project activities
- v. Regular and timely provision of information at every stage of the resettlement activity
- vi. Establishment of an effective and transparent GM to address grievances arising out of the resettlement exercise

Land Requirement for the project

The main infrastructure to be put by WARDIP is the landing station. The distribution inland will be done through the existing national backbone, ECOWAS wide area net (ECOWAN). Following consultations with project preparatory team members and the administrator of the current ACE landing station, the estimated land requirement will be about 900M²to house the equipment, offices and stores. Other land requirements will be for the cable laying which can be done along the right of way for public roads and highways.

Number of people to be affected by the resettlement

The exact site of the landing station as well as the trajectory of the underground cable is not known as yet so it will be difficult to give a precise figure of the people to be affected at this stage of project preparation. The census to be carried during the baseline studies within the framework of the preparation of the RP will specify the number of people affected as well as the nature and the importance of the losses.

CHAPTER 2: ELIGIBILITY CRITERIA FOR AFFECTED GROUPS/INDIVIDUALS

2.1 The activities likely to induce physical and/or economic displacement

The activities likely to induce physical and/or economic displacement either temporal or permanent are:

- a) Construction of the landing station for international connectivity
- b) The laying of the terrestrial fiber optic cable from the shore to the landing station
- c) Establishing a base camp for storage of construction materials and equipment during the construction

2.2 Eligibility Criteria for Compensation

Once the screening of a particular project activity establishes that ESS 5 is applicable, the necessary steps shall be taken to prepare a Resettlement Action Plan (RAP) to identify the persons who will be adversely affected by the project and receive compensation.

Affected persons may be classified as persons:

- i) Who have formal legal rights to land or assets (including customary and traditional rights recognized under The Gambian Laws) that will be negatively impacted (land, economic trees and/or infrastructure);
- ii) 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; such claims could be derived from adverse possession or from customary or traditional tenure arrangements; or
- iii) Who have no recognizable legal right or claim to the land or assets they occupy or use.

Persons covered under categories i) and ii) are provided compensation for the land and other assets they lose, as well as assistance in accordance with ESS5. Persons covered under iii) are provided resettlement assistance as well as any assets they may lose but not compensation for the land they occupy if they occupy the project area prior to the established cut-off date. Other assistance, as necessary, may be provided to achieve the objectives set out in ESS 5. Project Affected Persons under categories ii) and iii) above include residential and business tenants, tenant farmers, squatters, petty traders, and businesses operated out of make-shift structures (such as shipping containers and other informal structures).

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

Eligibility may be claimed collectively e.g., as a community or religious group and does not necessarily have to be individuals or families. Communities (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be marketplaces, taxi parks, schools and health posts. The

rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored.

2.3 Cut-off Date

The cut-off date for eligibility will be set as the date for the start of the census/survey of people occupying the land to be acquired and the inventory of their assets (land, farm harvests, built structures, and other infrastructure such as wells and fences). Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.

Persons who encroach on the area after the cut-off date or who make any improvements to the structures after the cut-off date shall not be entitled to compensation or any other form of resettlement assistance. Information meetings will be carried out in the localities where the construction activities are to take place to inform the local communities. This whole process makes it possible to avoid any opportunistic behavior that may arise from any resettlement operation linked to the implementation of a project.

2.4 Categorization of persons likely to be affected

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

- a) Project affected persons (PAPs) are individuals whose assets may be lost and/or affected, including land, property, other assets, livelihoods, and/or access to natural and/or economic resources as a result of activities of this Project.
- b) Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the Project. These include members of the household, dependent relatives and tenants.
- c) Vulnerable groups who could be members of affected households who may receive additional compensation as they may be disproportionately affected as a result of resettlement due to their vulnerability. They include:
 - Poor women and children (ex. female-headed households, etc.);
 - The elderly (whose involuntary resettlement must not lead to their separation from the persons or household on which they depend);
 - The persons with disabilities: those who find it difficult, because of physical or visual disability, to carry out their economic activities normally;
 - Children in difficult situations, especially those who are homeless, orphans, among others

The socio-economic studies to be undertaken in the preparation of the RAP will clearly define, for each project component, the specific category of people likely to be affected during these studies and special attention will be paid to these groups by identifying their needs so that:

- (i) They are individually consulted and given the opportunity to actively participate in the project activities;
- (ii) Their resettlement and compensation are designed to improve their pre-project livelihood;

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

CHAPTER 3: POLICY AND REGULATORY FRAMEWORK FOR LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT IN THE GAMBIA

3.1 Land Administration in The Gambia

The Ministry for Lands, Regional Governments and Religious Affairs is the main government agency responsible for the land administration in The Gambia with its two key technical departments: the Department of Lands and Surveys and the Department of Physical Planning and Housing. The former is responsible for the survey, mapping and demarcation of national and international boundaries and government layouts, whereas the latter is responsible for ensuring the rational and equitable utilization of the available land resources.

The main acts relating to land administration and resettlement are:

- The Constitution of the Republic of The Gambia , 1997
- Lands (Regions) Act 1991, which covers land in the provinces
- The State Lands Act 1991, which covers Banjul, the entire Kombo St. Mary as well the Districts of Kombo North, South and Central in the West Coast Region
- The Physical Planning and Control Act 1991
- The Surveys Act 1991;
- The Local Government Act, 2002;
- The Land Use Regulations, 1995;
- The Lands Commission Act, 2007;
- The State Lands Regulations, 1995;
- The Development Control Regulations, 1995
- The Women’s Act 2010
- The Constitution of the Republic of The Gambia, 1997
- The Gambia National Gender & Women Empowerment Policy (2010–2020)

3.2 Land Tenure in The Gambia

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

- i. **Customary or traditional tenure** is an interest or title, which a member of the larger community acquires in the communal land. It is an interest, which is held as of right by virtue of being a member of the community. The member who holds such interest has the right of beneficial occupation, unfettered use (subject to the laws of the country). Upon death, the interest devolves on his/her successors in title ad infinitum. This form of tenure is mostly prevalent in the provinces.
- ii. **State owned lands are public lands**, specifically acquired by the government under an appropriate enactment using the state powers of eminent domain. Currently the relevant legal instrument is the State Lands Act of 1991, which provides for the compulsory acquisition for public purposes or in the public interest. Under such ownership, the rights become vested in the government, which can then proceed to dispose of the lands by way of leases, certificate of allocations etc. to the relevant beneficiary state institutions as well as private individuals and organizations.
- iii. **Leasehold tenure** involves the execution of a lease between individual(s) and the Government/ District Authority for a period of 21 years for Provincial lands and 99 years in the state lands area.

The grantor may impose various terms and conditions including the payment of rent as consideration for the grant.

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

3.3 Women and Land ownership

Generally, cultural norms and custom limit women's access to land ownership. Although this does not pose any problems in State Lands (where land is owned by and administered directly by the State), it is a major obstacle with respect to customary land. The Constitution recognizes customary practices as an important basis for customary tenure thereby posing an obstacle to the legal equality of women and thus reinforcing customary practices that deny women ownership and control over land. This is reinforced by the sharia law, which is applicable to inheritance among Muslim families (which are overwhelmingly predominant in The Gambia), and where the female heirs receive only half (50%) of the inherited assets compared to their male siblings. The Women Act of 2010 provides pre-eminence over personal religion, so female heirs are legally entitled to the same amount as their male counterparts; however, as explained above, because of the strong influence of religion and customary norms, this is not always practiced.

3. 4 The Laws on Compulsory Acquisition

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

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

3.4.1 The Constitution of the Republic of The Gambia 1997

The Constitution of the Republic of Gambia (1997) recognizes and upholds the principle of private ownership of lands. Although the State has the inherent right of compulsory acquisition, the Constitution clearly states that this can only be done in public interest whilst laying down specific conditions as to how this could be done. The acquisition must be considered a public necessity (in the interest of defense, public safety, town, and country planning, etc.) to justify the loss of land (Article 22). Section 1(c) provides for the prompt payment of fair and adequate compensation and aggrieved persons have a right of access to a court or other impartial and independent authority for redress. Where the compulsorily acquisition involves the displacement of any inhabitant who occupy the land under customary law, the Government shall resettle them on suitable alternative land with due regard to their economic wellbeing and social and cultural values. An important provision in the Constitution (Section 6) provides for returning the lands to the original owners when such lands are not used for the purpose for which they were compulsorily acquired.

3.4.2 The Land Acquisition and Compensation Act (LACA) 1991

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

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

In its practical implementation, whenever land is required for public purpose, the Land Administration Board may enter upon and survey such land to ascertain whether the land is suitable for the purpose for which it is required as well as to determine and mark out its boundaries. When the Minister of Lands directs on the acquisition of any such land under this Act, notices are given to all persons having interest or claims to be entitled to the land following a reasonable period of enquiry for the purpose. By such notice, which must be published in the gazette at least once, such persons shall be asked to yield up possession of the land specified in the notice after the expiration of a specified period, which shall not be less than six weeks from the date of the notice. It is only after the expiration of the period specified in the notice that Government can be entitled to enter and take possession of the land.

3.4.3 Dispute Resolution

The Land Acquisition and Compensation Act, 1991 provide that all disputes and disagreements on compensation or title can be settled by arbitration or by the Supreme Court. These claims must be lodged within 21 days from the date of the notice, and they may relate to unsatisfactory evidence to support claims or any disagreement between a landowner/occupier and the Board.

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

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

As per the Stakeholder Engagement Plan (SEP) the project will set up a Grievance Mechanism which will be an avenue to settle dispute before arbitration. The project GM will allow the project to find solutions to complaints including those related to resettlement.

3.5 World Bank Environmental and Social Standard (ESS)

3.5.1 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement-ESS5

The Environmental and Social Standard (ESS)⁵ recognizes that project-related land acquisition, restrictions on land use and involuntary resettlement may cause physical displacement (relocation, loss of residential land or loss of shelter, etc.), economic displacement (loss of land, assets, or access to assets, leading to loss of income sources or other means of livelihood) or both. The displacements can be either permanent or temporary and ESS5 seeks to mitigate the unavoidable adverse social and economic impacts from land involuntary resettlement.

The specific objectives of ESS5 are:

- 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.

3.6 Gap Analysis between Gambian Laws and World Bank Policies

This section gives a comparison of the requirements of the Land Acquisition and Compensation Act, 1991 of The Gambia and those of ESS5 of the World Bank. The principal findings of the gap analysis between ESS 5 and The Gambia’s laws and regulations on compulsory land acquisition are presented in the table below. In cases where there are significant differences, whichever policy is of a comparatively higher standard will apply.

Table 1: Gap analysis of relevant Gambian laws on resettlement and World Bank ESS 5.

| Provision | Land Acquisition & Compensation Act | ESS 5 | Recommended Action |
|-----------------------------|---|--|---------------------------|
| Compensation | -Compensation required -Compensation to be assessed as replacement value | Compensation required Compensation to be assessed as replacement cost | None |
| Notification | Required | Required | None |
| Addressing Grievance | Addressed through the legal system | Addressed first through the project grievance mechanism and where this does not succeed through the legal system | Provisions of ESS 5 apply |

| Provision | Land Acquisition & Compensation Act | ESS 5 | Recommended Action |
|---------------------------------|---|--|---|
| Consultation | Provides for limited consultation procedures | Meaningful consultation with appropriate disclosure of information, and the informed participation of those affected | The provisions of ESS 5 apply |
| Approach to Resettlement | Merely provides for compulsory acquisition of land for public purpose and subsequent payment of compensation | Conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project | The provisions of ESS 5 apply |
| Entitlement Coverage | Only provides for compensation of assets impacted. | In addition to compensation, PAPs are provided additional support for livelihood recovery and vulnerable groups are provided special assistance. | The provisions of ESS 5 apply |
| Minimizing Resettlement | No explicit requirement to minimize involuntary resettlement | Involuntary resettlement should be avoided or, when unavoidable, minimized by exploring project design alternatives | The provisions of ESS 5 apply |
| Eligibility | Recognizes only those who have legal title | In addition to those with legal title, ESS 5 also recognizes squatters | The provisions of ESS 5 apply |
| Cut-off date | Date on which the minister responsible for land notifies potential PAPs of its approval for the acquisition of properties for public purposes | The cut-off date is normally the date on which the census begins. | In Gambian laws, there are no provisions regarding the best time to establish the cut-off date. National legislation will be completed by ESS 5 when the cut-off date will be established and the conditions it must fulfil including communicating it to the PAPs. |
| Vulnerable groups | No specific provisions. | Attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women | As this particular aspect is not covered in the national laws , the provisions of WB ESS 5 will apply |

| Provision | Land Acquisition & Compensation Act | ESS 5 | Recommended Action |
|---|---|---|---|
| | | and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national laws. | |
| Loss of income & Livelihood (business entities) | No PAPs receive allowances for livelihood restoration | Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. | Gambian legislation does not include provisions for restoration of livelihoods; therefore ESS 5 will be applied. |
| Loss of incomes due to crops | Calculation based on net farm income for crops | <p>Compensation in kind or cash compensation at full replacement value, including labor and transaction costs.</p> <p>Perennial crops: Full replacement cost requires to consider the product of the crop over a year, the cost of installing the plantation (plants, ploughing, fertilizers and others), and the income lost during the years required for planting, which varies according to the species.</p> <p>The evaluation of perennial crops will be done by counting during the census or socio-economic surveys.</p> <p>Annual crops: The evaluation of annual crops will be done by measuring the planted affected area before destruction. Calculation of compensation is based on the crops' price (for example, per kilo, sack or other)</p> | <p>Comparable principles which have recourse to market value as a reference, but differences in scales apply as the WB applies the full replacement cost standard. National legislation will be complemented by the provisions of ESS5 including:</p> <ul style="list-style-type: none"> - Establishing scales for all affected assets at full replacement cost, including crops (materials and labor) - Regular update of compensation scale |

| Provision | Land Acquisition & Compensation Act | ESS 5 | Recommended Action |
|-------------------|---|---|-------------------------------|
| | | and the average yield per hectare of the cropping areas. | |
| Resettlement Plan | No provision for the preparation of a comprehensive resettlement plan covering all aspects of resettlement. | Requires the preparation and implementation of a resettlement plan which is seen an instrument of development | The provisions of ESS5 apply. |

3.6 Institutional Framework for Resettlement

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

i) National Level

At the national level, the following agencies will be involved:

a) Ministry of Lands, Regional Governments and Religious Affairs

As explained above, the Ministry of Lands, Regional Governments and Religious Affairs is the apex institution responsible for land administration in the country and it is the custodian of all land-related legislation (including the Land Acquisition and Compensation Act, 1991).

b) Technical Departments of the Ministry

The technical departments of the Ministry namely: Department of Lands and Surveys and the Department of Physical Planning and Housing will be consulted by project for technical advice and guidance on land related issues.

c) National Environment Agency (NEA)

The NEA is responsible for environmental management in The Gambia, and it prescribes standards and guidelines relating to environmental protection and/or pollution. It may, by notice in writing, direct any developer carrying on any project to submit an Environmental Impact Assessment covering the project.

In this project, the NEA will be responsible for monitoring the potential environmental risks and impacts of resettlement and shall convene the Agriculture and Natural Resources (ANR) Working Group to review and validate the various resettlement instruments.

d) Attorney General’s Department

The Attorney General’s Department has redress mechanisms in place for aggrieved persons. Affected persons who are not satisfied with their compensation are empowered by the constitution to seek redress in the Supreme Court. When this happens, the Attorney General’s Department represents the government in the court proceedings. The Attorney General’s Department is also responsible for drafting the Executive Instrument for compulsory land acquisition for projects.

e) Ministry of Information and Communication Infrastructure

This ministry, which oversees the project, will host the Project Implementation Unit (PIU). It will ensure the coordination of relevant stakeholders including the Ministry of Finance and Economic Affairs (MoFEA), Central Bank of The Gambia, National Roads Authority, the Public Utilities Regulatory Agency, GSM Operators and Internet Service providers, National Environment Agency (NEA) etc. The Ministry will make the request for the provision of the land when this is required by the project.

ii) Regional Level

a) Local Government Authorities

The Local Government Authorities are responsible for maintaining the register of all properties in their jurisdiction for rating purposes and thus, they have register of ownership albeit not always very accurate.

b) Governor's Office

The Governor's office processes and prepares all applications for leases within their jurisdiction. The Governor is the chairperson of the Regional Physical Planning Authority. Disputes among communities over land are referred to the office of the Governor if they cannot be solved at the district level.

iii) Community level

i) District Authorities/Tribunals

According to the Lands (Regions) Act 1991, customary land is vested in the District Authority, which is chaired by the District Chief. The District Authority approves all applications for conversion of customary tenure to leasehold and considers and approves all applications for transfer of ownership of land within its jurisdiction. The District Authority is also the second tier of the dispute resolution mechanism for land ownership disputes when the Alkalo and village elders cannot solve it. The District Tribunal is the traditional court also chaired by the District Chief, which presides over cases relating to land disputes and ownership. In this project the District Authority will be involved in the processing of leases.

ii) Alkalolu

The Alkalo (Village Head) supported by the village elders oversees the management of all customary land tenure in the village on behalf of the village and the District Authority. As a result, the mandate to allocate village land is vested in the Alkalo and their respective Kabilo heads. As such the Alkalo approves all allocation and transfers of land made by Kabilo heads as well as individuals. The Alkalo collects land rates on behalf of the local government authorities (Area councils). Under this project The Alkalo in conjunction with the Kabilo heads will be required to endorse all voluntary land donations, as well as support resolution of disputes relating to land at the level of the community/village.

CHAPTER 4: PREPARATION AND APPROVAL OF RESETTLEMENT PLANS AND EVALUATION OF ASSETS AND COMPENSATION

4.1 Description of the process for preparing and approving resettlement plans

The following steps will be followed in preparing and approving resettlement plans:

The screening process

Initially, there is the screening form of the Environmental and Social Management Framework, which identifies the potential social risks including the risks of involuntary resettlement and outlines the measures to address these risks. Consequently, once an infrastructure subproject is known, the Social Risk Management Specialist within the PIU shall screen the subproject investment using the Involuntary Resettlement Screening and Categorization Form (**Annex 1**). The form will determine whether a particular sub-project requires land or not and if it does the size, location and availability as in the following questions below:

- Will the infrastructure result in land acquisition, displacement, loss of assets, or access to assets (Yes or No)?
- Will the infrastructure result in the permanent or temporary loss of crops, fruit trees, and household infrastructure (such as granaries, outside toilets and kitchens, etc.)? (Yes/No)
- Will access to facilities, services, or resources, or businesses be lost/restricted? (Yes/No)

If the answers to all the above questions are 'No,' then the construction poses no resettlement concern. If one or more of the answers is 'Yes,' then a Resettlement Action Plan (RAP) is required. The PIU will recruit consultant(s) to prepare the RAP which will entail amongst others a census and a baseline socioeconomic survey of PAPs and the assets lost and their value. The completed plan will be submitted to PIU and the NEA for review and approval. The screening of sub-project activities must be carried out on a case-by-case basis.

Once approved, the PIU can proceed with implementation, which commands priority over the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before the necessary measures for resettlement are in place. The PIU will ensure that compensation is paid in line with the national laws and World Bank ESS 5.

Stakeholder Consultations, participation and inclusion

During the entire process of preparing the RAP, consultations with the public is essential to make them aware of the assets to be impacted, the value of the compensation and the method used to value such compensation. The consultations also offer the PAPs an opportunity to express their views on the RAP preparations, particularly on the compensation of assets impacted. During this process, special attention should be given to the vulnerable individuals and groups such as women, elderly, and persons with disabilities and others to ensure that they are not disproportionately affected by the resettlement plan. Public participatory consultation will be done through stakeholder meetings in locations agreed to by them. Each household will be informed on entitlement eligibility criteria, cut-off date, modes of compensation, complaints, and grievances resolution procedures.

Baseline Survey

Preparation of the resettlement plan will entail undertaking a baseline survey consisting of a census of all affected persons and assets and a socio-economic survey of the conditions of the affected persons. The census would identify potentially affected individuals, households, and vulnerable groups (children, the elderly, female-headed households, literacy and education levels, widows/widowers, landless, etc.). The socio-economic study will collect baseline socio-economic data of the potentially affected populations/communities within the project -targeted areas. **Annex 3** provides a sample of the data

collection forms showing the information to be collected. The socio-economic assessment would focus on identification of stakeholders (demographic data), the participation process, identification of affected people, impact on their property, their production systems, the institutional analysis and the system for monitoring and evaluation. Detailed calculation of household economies and identification of all impacts will be necessary in the socio-economic assessment and be determinant in the potential compensation process.

Development of a Resettlement Action Plan

As per ESS 5 “the scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement.” The content of a RAP is attached as **Annex 2**. The terms of reference for the preparation of a Resettlement Action Plan are attached as **Annex 6**.

Review and Approval of the RAP

The completed RAP will be submitted by the PIU to the NEA, which will convene a national validation meeting of all stakeholders. The review will:

- i. Identify and assess potential impacts for the proposed subproject components and determine whether land is required and whether displacement or loss of access and/or property may occur;
- ii. Review the environmental and social impacts of the proposed resettlement;
- iii. Examine whether the RAP has adequately covered all the resettlement issues resulting from this subproject activity;

The comments and observations from this review meeting together with those of the World Bank will be incorporated in the final document for approval. Once approved, the PIU will disclose the document and then proceed to implement the RAP.

4.2 Evaluation of assets and compensation

Valuation is the process of determining the value of land, or an asset that PAPs possess or use. Compensation for all land use and assets in kind or cash will be required for the following:

- *Land*
- *Residential buildings, any structures, and fixtures*
- *Cultivated crops (both cash and food crops) and trees*
- *Loss of livelihood (businesses, employment, or farming)*

For valuation, replacement cost⁴ is used for land and properties affected by investments and it does not consider depreciation. Where the remaining part of a demolished asset is not economically viable, compensation is estimated based on the entire asset.

The type of compensation will be an individual choice although effort will be made to emphasize the importance and preference of accepting in kind compensation especially for land-based livelihoods.⁵

⁴ See definition of terms used in the report above

⁵ The term “land-based” includes livelihood activities such as rotational cropping and grazing of livestock as well as the harvesting of natural resources.

In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures. Table 2 below describes the different forms of compensation.

Table 2: The Different forms of compensation

| | |
|---|---|
| Cash Payments | Compensation will be calculated in Gambian Dalasi, based on the replacement cost. Rates will be adjusted for inflation |
| In-kind Compensation | Compensation may include items such as land, houses, and other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment. |
| Resettlement and Economic Rehabilitation Assistance | Assistance may include livelihood restoration measures, moving allowance, transportation and labor and land registration costs |

4.2.1 Compensation for land and other assets

i) Compensation for land

The compensation for land will be based on replacement cost, which will be the market price plus the cost of buying a new plot of land and the fees and taxes involved.

ii) Compensation for Agricultural Land

In cases where there is no alternative land available, cash compensation at full replacement value will be used. The land will be valued based on the prevailing market price for an equally productive plot of land in the same locality. Any associated costs of purchasing the land i.e., taxes, and registration fees will be included in the compensation. Compensation will also be done for any improvement made on the land calculated based on current prevailing market rates for labor, equipment and materials. In cases where land lost is only a small fraction of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided will be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land). In addition, the PAPs will be compensated for any permanent improvements made to the land (for instance water distribution and supply lines). This will be calculated based on the price of current market rates for labor, equipment and materials. Any trees or structures lost because of the relocation will be separately assessed and compensated.

iii) Compensation for Crops

The principal annual crops comprise food and cash crops. Annual food crops include early/late millet, maize, sorghum and rice. Cash crops comprise groundnuts, sesame and cotton. These crops are important sources of food, nutrition and cash income of families and individuals and their destruction will adversely affect the socioeconomic conditions of the PAPs. The valuation of annual crops would be based on the unit area cultivated (preferably in ha) multiplied by the yield potential (kg)/ha and the current market

price (price/kg) of the crop to derive the value of income from one season's production. The same computation methods would be used for the following year's harvest. The Planning Support Unit (PSU), the Department of Agriculture (DOA) and the National Agriculture Research Institute (NARI) could be consulted for the database on commodity market prices and yield potential of annual crops. If the commodity market prices from Government sources are not up to date, then the prices should be adjusted to take account of inflation. This will ensure just rates are paid to the PAPs.

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

iv) Compensation for Houses and Infrastructure

This category includes all immovable structures and physical assets including buildings, concrete floors, perimeter walls, wells, outbuildings, temporary structures including kiosks, shacks, converted shipping containers etc. In all cases, compensation for cost of any improvements made and for loss of earnings will be paid. For houses and other structures, it is the replacement cost to be derived from references to current unit construction costs for similar types of structure without considering the depreciation of the assets, the value of salvage materials, nor the value of benefits to be derived from the project. Similarly, costs for replacement of walls and fences will be calculated by unit length whilst costs for wells will take account of their depth and lining. Costs will include those related to reinstating utility connections.

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

V) Compensation for loss of revenue derived from both formal and informal activities

This category of entitlements covers PAPs who, whether or not they have ownership rights to affected land or structures, are current residential or commercial occupants of these lands or structures and will experience disruption to their living arrangements or livelihoods. The principal groups falling into this general category include farmers, business operators (whether owners or renters of their premises) and squatters, such as Right of Way (ROW) occupiers.

This category of losses covers the following:

- (i) Loss of income from rent and expenditure incurred for alternative accommodation during reinstallation period
- (ii) Loss of business income and loss of business goodwill
- (iii) Loss of wages, loss of fees from apprentice, loss of job training

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

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

vi) Compensation for Fruit Trees

In the Gambia, fruit trees comprise mangoes, oranges, lemon/citrus, coconut, guava, banana, papaya and medicinal trees. They are principally important as a source of supplementary food for families. They also provide cash income for their growers and shade in the case of mango trees for family and individual relaxation. The compensation rates for fruit trees vary, for instance banana trees have a relatively much shorter productive lifespan than mango trees. Normally, a banana tree will not bear fruit more than once a year. In this regard, compensation for banana trees would be based on the full market values of the trees harvested in that year plus one additional year. Payment for the second year would entail the replacement cost of planting a new tree, managing it and harvesting it all within a year.

For mango tree, cashew and other fruit bearing trees with longer life span, compensation will be based on a market value of the mango and other fruits harvested in one season multiplied by the years of the productive life of the tree.

The Planning Service Unit (PSU) and the National Agricultural Research Institute (NARI) of the Ministry of Agriculture's (MOA) can be contacted for database on agricultural commodities prices and potential yields for crops and fruit trees.

Compensation for timber trees in community forests or individual premises will be based on either the current market prices or tariffs from the Forestry Department, last updated in 2015 whichever is more favorable.

vii) Compensation for Community Assets

Community assets include community-owned assets such as water points, marketplaces, and community/public facilities (e.g., schools, wells, clinics police posts) community forests will be compensated in – kind and new facilities will be provided. However, if community trees are affected, the community will be compensated through provision of new seedlings equivalent to the value of lost trees and cash assistance to ensure their upkeep for two years.

viii) Compensation for loss of access to natural resources

The loss of access to natural resources and the types of assets to which access may be lost could include pasture, fruit trees, medicinal plants, fiber, firewood, and other non-timber forest resources, croplands, fallow lands, woodlots, and fish stocks which are common property, are not owned by individuals or households. Lack of access to these communal resources may result in economic displacement.

Compensation measures to be implemented for these losses will be either to 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. If it is demonstrated that replacement land or resources are unavailable, the Borrower will offer economically displaced persons options for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation

for assets. Cash assistance alone, however, frequently fails to provide affected persons with the productive means or skills to restore livelihoods.

Whenever the project must take possession of land not owned by the farmer, compensation must be provided also for the non-owner farmer for the loss of earnings (livelihood/economic loss) whilst the owner is compensated for the loss of the land. In this case, the loss of an asset may lead to two or more people being compensated.

ix) Compensation for Sacred Sites

The valuation of sacred places is difficult to ascertain because of the complexity of placing monetary value on a cultural site such as circumcision forest. Additionally, most sacred sites belong to not only an individual but also a family, village or community. Under this RPF, the sacred sites and use of land that is defined to be cultural and/or sacred property by ESS8 will be avoided. Sacred sites will include altars, initiation centers, ritual sites, ancestral tombs, trees, stones, and cemeteries, which are considered sacred by the project affected persons. It will also include other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. However, if the impact on some cultural sites is unavoidable reference should be made to the findings and recommendations of the environmental and social assessment, as set out in ESS1, which would have considered direct, indirect and cumulative project-specific risks and impacts on cultural heritage. In line with these recommendations, utmost care should be taken to ensure that all related activities affecting such sites and compensation is culturally appropriate and acceptable to the involved community and that all the processes are done in a consultative and transparent manner and with the full participation of the affected communities.

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

| Compensation Category | Types | Compensation Method |
|---|--|--|
| Land acquisition and compensation (Permanent acquisition) <i>Note: If remaining parcel is not viable, owner has right to require purchase of entire parcel.</i> | Customary lands, private lands | Prevailing market value of the land to be acquired; otherwise, replacement value Owner has the opportunity of being allocated a new plot if one is available and it is suitable to owner's needs |
| | Agricultural land Less than 20% of land holding affected Land remains economically viable. | Compensation for affected land equivalent to replacement value, considering market values for land. Farmer/ title holder Cash |
| | | Cash compensation for affected land equivalent to replacement value considering market value- Community land Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. - Tenant/ lease holder |
| Compensation for houses/infrastructure irrespective of legality of occupation rights of structure | All immovable structures and physical assets including buildings, concrete floors, | Replacement value equivalent to the cost of constructing a new structure of similar construction standard and size at prevailing prices without depreciation. Costs for |

| Compensation Category | Types | Compensation Method |
|--|---|--|
| <i>This category will include squatters occupying line corridors</i> | perimeter walls, wells, outbuildings, etc. | replacement of walls and fences will be calculated by unit length, whilst costs for wells will take account their depth and lining PAPs will be allowed to remove salvageable construction materials, and this will not affect compensation. Transportation costs will be based on truck hire costs commensurate with volume of salvageable materials and possessions |
| | Temporary structures including kiosks, shacks, converted shipping containers | Full costs of removal and transfer to a location selected by the owner |
| | For tenants only: compensation for cost of any improvements made | Replacement value |
| Temporary loss of revenues during construction | Include residential tenants, business operators (whether owners or renters of their premises) and squatters | Full reinstatement or replacement value or a combination of the two |
| Compensation for crops | Standing crops (include groundnuts, maize, millet, etc.) | Valuation based on unit area cultivated (preferably in ha) multiplied by the yield potential (kg/ha) and prevailing market price (price/kg) |
| Trees (includes timber, fruit trees) | Timber | Valuation based on prevailing market price or the tariffs from the Forestry Department |
| | Banana | Market value of the trees harvested in that year plus one additional year |
| | Other fruit trees (mangoes, oranges, coconut, guava, papaya) | Number of trees affected x by the average annual yield potential/tree x the number of productive years at time of felling x the prevailing market price |

4.2.2 Resettlement and Relocation Process

Relocation assistance: Where applicable, PAPs will be provided logistical support for the identification and purchase or rental of replacement plots and/or structures, or the construction of new structures as well as all related administrative tasks. Physically displaced persons will self-relocate at individual sites and establish structures of their own choice.

Transport allowance: All affected households to be relocated due to loss of access to land for business premises or agricultural land, are entitled to receive cash allowance to cover the cost of transportation of people and their movable property (furniture, household items, personal effects, machinery, tools etc.) and of setting up at the new premises at the current market rate for labor, vehicle

hire, and fuel and incidental costs. A lump sum amount of compensation (covering all items mentioned) will be provided to the affected persons.

CHAPTER 5: ORGANIZATIONAL ARRANGEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS

Several institutions will participate in the implementation of any involuntary resettlement for the WARDIP. The overall responsibility, however, will rest with PIU within the Ministry of Information and Communication Infrastructure with the latter having oversight responsibility. Presented below are the institutions to be involved in the implementation of this RPF at national, regional and local /community levels.

5.1 Institutions at National Level

i) Ministry of Information and Communication Infrastructure

As the parent ministry of PIU, Ministry of Information has overall oversight responsibility for the implementation of the RPF and subsequent site-specific RAPs and in this regard, it will provide policy oversight and support in the mobilization of the necessary funds with the Ministry of Finance and Economic Affairs (MoFEA) to successfully implement the RPF and associated RAPs, particularly compensation of PAPs.

ii) Project Implementation Unit (PIU)

The PIU has a very important role in resettlement planning and implementation. It will be responsible for managing the implementation of the RPF and in this respect will be responsible for the day-to-day coordination responsibilities, which include approval of all subprojects screening activities and ensuring overall adherence to the RPF. The Unit will also be responsible for preparing the TOR for the resettlement plan and the development of the resettlement plan(s) as well as their implementation. As indicated earlier, the project is not expected to require much land besides what is needed for the construction of the land station and the requirements for laying the fiber cables, which will, to the extent possible, be carried out in most cases along the right of way. Summary the responsibilities of the PIU will include:

- Initial screening of subproject activities and ensuring the necessary instrument is prepared consistently with ESS 5;
- Compulsory acquisition process is initiated where it is required (preparation of plans, preparation of the necessary legal instruments for acquisition);
- The concept of minimal relocation and resettlement is considered in developing sub-projects;
- Compliance monitoring with the ESF and national environmental laws and regulations pertaining to land acquisition, changes on the biophysical environment of specific project sites, and/or to women land ownership rights, etc. to ensure they are carried out
- Implementation of the RAP (i.e., payment of economic resettlement compensation, and if deemed necessary, managing the physical relocation of PAPs and their belongings), and
- Supervision of the implementation of monitoring and evaluation program of resettlement plan(s).

iii) Ministry of Lands, Regional Governments and Religious Affairs and its Technical Departments

The Ministry of Lands and Regional Governments is the apex Institution responsible for land administration in the country. The Ministry and its technical departments may be required to offer technical advice and/or regulatory information on land and resettlement related issues. Furthermore, the

land for the construction of the land station will be in an area belong to the state lands and are therefore administered by the State

iv) National Environment Agency (NEA)

The NEA will be responsible for confirming the results of the screening process, reviewing and clearing subproject-specific safeguard instruments. With the support of the Environmental Impact Assessment (EIA) Working Group, NEA will be responsible for conducting compliance monitoring, with national laws and regulations related to implementing RAPs.

v) Attorney General’s Department

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

Ministry of Finance and Economic Affairs

The Ministry will be responsible for proving the funds to pay for compensations PAPs and other related cost to resettlement.

National Roads Authority (NRA)

As the cables will probably follow the right of way along the public roads and highways the NRA will be consulted as to the position of the cables to ensure it does not affect future road expansion.

5.2 Institutions at Regional and Community Levels

At the regional and decentralized levels the offices of the Governor, the Local Government Authorities and Chiefs and Alkalolu will help in sensitizing the population about the program and support the community level grievance resolution committees in addressing complaints at the community level.

The table below shows the institution(s) responsible for each task of the RPF.

Table 4: Institutional Responsibilities for the implementation of the RPF

| N° | Tasks | Institution responsible | Remarks/ Observations |
|----|--|-------------------------------|---|
| 1 | Screening of project activities to determine requirement of land | PIU | |
| 2 | Preparation of terms of reference for the RAP | PIU in consultation with NEA | |
| 3 | Preparation of RAP | PIU | Consultant may be hired to prepare the RAP Consult with affected communities |
| 4 | Review and Approval of RAP | PIU in collaboration with NEA | |

| N° | Tasks | Institution responsible | Remarks/ Observations |
|----|--|--|--|
| 5 | Implementation of RP | PIU/Ministry of Information and affected communities | An NGO/consultant may be hired to support the RP implementation |
| 6 | Provision of funds for compensation | MoFEA | Government to provide funds to pay for the Compensation |
| 7 | Payment | PIU | Payment of compensation/ implementation of the RP can be contracted to an NGO/consultant |
| 8 | Resettlement planning | PIU, MOICI and local communities | Resettlement sites to be identified with a needs assessment |
| 9 | Livelihood restoration | PIU, MOICI | Support for small scale agriculture/ revenue generating activities |
| 10 | Establishment of the GRM committees and training of members and Sensitization of the beneficiary communities | PIU | With support of an NGO specializing in communication |
| 11 | Internal monitoring of implementation | PIU and local communities | Monitoring to include participatory monitoring |
| 12 | External monitoring | NEA | Activities to be facilitated based on an MOU between PIU and NEA |
| 13 | Evaluation | PIU | Task to be carried out by an independent consultant |

5.3 Capacity Building and Training

As the PIU and some of the actors are not familiar with resettlement issues there will be training programs for the PIU including the E & S specialists, which will be part of the wider training to be provided under the implementation of the Environmental and Social Framework (ESMF). Such training would include:

- resettlement and compensation procedures
- Procedures for handling grievances relating to resettlement
- National regulations relating to compulsory land acquisition
- The World Bank Environmental and Social Standard 5- Land Acquisition, Change of Land Use and Involuntary Resettlement

5.4 Description of the implementation process, linking resettlement implementation to civil works

Before any project investment is implemented, PAPs will need to be fully compensated by the Government in accordance with the principles of this RPF and the RAPs. Taking of land and related assets

may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the RPF and the individual RAPs.

The schedule for the implementation of activities related to specific RAPs, will be prepared based on the principles of this RPF. These will include the target dates for start and completion of civil works, the dates of the possession of land and properties used by PAPs, dates of the full compensation, dates of transfer of titles to the PIU. This schedule will be determined by the PIU in consultation and agreement with the PAPs. The consultation process will ensure that RAPs contain acceptable measures agreed upon among all stakeholders that link resettlement activity to civil works under each specific investment in compliance with this policy.

The timing of these measures will ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected.

5.5 Implementation schedule

Each investment/sub project once identified and screened, if required, will prepare an individual implementation schedule, which will be included in the RAP for that investment. Therefore, all RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan will include a target date when the expected benefits for resettled persons and host community, if relevant, would be achieved. Arrangements for monitoring of implementation of the resettlement and evaluating its impact will be developed during the preparation of individual RAPs implementation schedules. Target dates for achievement of expected benefits to resettled persons and hosts will be set and the various forms of assistance to the resettled persons will be disseminated to them. No planned project activities will take place without the completion of resettlement activities and the preparation of a RAP implementation report to be shared with the Bank.

Planning and coordination of the tasks of the various actors involved in the RAP implementation will be key to successful RAPs implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at individual sub project launching and at the commencement of every project investment identified to have adverse social impacts. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) describing institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan in accordance with individual tasks in the RAP.

CHAPTER 6: PUBLIC CONSULTATIONS, PARTICIPATION, INCLUSION AND DISCLOSURE PROCEDURES

6.1 Public Consultation, Participation, and inclusion

Consultations with affected communities is an important aspect of ESS5 as well as ESS10- Stakeholder Consultation and Disclosure. Under ESS 5, the consultations provide an opportunity for affected communities to gain greater awareness and understanding of the project and the resettlement process as well as an opportunity to express their views and concerns about the proposed resettlement activities, which the project design should take in to account.

In preparing this RPF, the consultant had consultations with the local communities guided by the WHO Advice and guidelines⁶, the public emergency regulations and the World Bank Technical Note⁷ on the consultations.

Consultations with the stakeholders

These consultations took place from 4th March to 23rd March 2022 in the Greater Banjul Area. The consultations, covered potential project beneficiaries including disadvantaged or vulnerable individuals or groups as well as women and they provided an opportunity for stakeholders to express their views about the project, their expectations and their views about the potential risks of resettlement.

During the consultations, communities were informed about all relevant resettlement issues that could arise during implementation. These included:

- a) The proposed objectives and activities of the project;
- b) The proposed activities that may require land;
- c) Potential risks and impacts of the project that could result from land acquisition, restriction on land use involuntary resettlement;
- d) The proposed risk management measures, which include payment of fair and timely compensation to PAPs;
- e) The GM to be setup to address grievances arising out of the implementation of the RPF/RP;
- f) The special case of vulnerable and disadvantaged groups who may be disproportionately affected by the adverse social impacts of resettlement;
- g) Challenges of GBV, SEA/SH and VAC;
- h) Communication with stakeholders.

Women and other vulnerable groups received special attention by facilitating their participation in meetings. The Consultant organized meetings exclusively for women and facilitated by a female facilitator. These consultations helped highlight the special challenges faced by these groups and the proposed measures that could address them.

⁶The World Health Organization. Coronavirus disease (covid-19) advice for the public.
<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>

⁷Technical Note: Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings.

During the consultations, the communities and other stakeholders welcomed the project and expressed the hope that another cable will improve internet access and create employment opportunities especially for the youth. Some of the points of concern raised during this consultation include:

- (i) Fear of people losing their land and not be compensated
- (ii) The need for a fair and equitable compensation taking into account the high cost of land in GBA;
- (iii) The need to know the actual area identified for the landing station
- (iv) Possibility for youth employment;
- (v) Discrimination of women in accessing project benefits such as training and credit facilities.

In response, the Consultant explained that, the land take for this project is not expected to be a lot since the land required will be for the construction of the landing house. For the moment, the site has not been selected. However, any involuntary land acquisition for the project will be fully compensated at replacement cost to ensure a fair and equitable compensation. Furthermore, the affected persons can take up any complaints they may have including the compensation process and amount to the project's Grievance Resolution Committee. On youth employment, the consultant explained that the project hopes to create more employment opportunities with an improved internet access and increased regional trade and investment. As regards, employment at construction sites, the contractor will be encouraged to employ local labor if they have the required skills for the jobs. On discrimination of women, the community was reassured that the project has a special focus on women especially businesswomen who will be supported through training.

6.2 Discussions with the women

The women participated in the mixed group meetings and at women's only group. The key issues raised at these meetings were the need to support women to benefit from the project in terms of training and access to credit for their businesses. On the land issue, they insisted on the need to compensate people for their losses and warned that in some areas along the coast there are women rice and vegetable growers, which need to be considered in any site selection. These women and their families depend on these plots for feeding. The women also acknowledged the existence of sexual exploitation and abuse (SEA) and urged the project to take special measures to protect women especially the young girls who may interact with the project.

In response, the consultant reconfirmed the project focus on women and assured them that the project will fully compensate any land acquired. The consultant will recommend to the project to pay special attention to lands occupied by women farmers in the coastal areas. On SEA, the consultant explained that the project would put in place special measures to address these risks.

The Consultant documented each of these consultations and opened an attendance register to record the participants at these meetings. **Annex 5a** gives the dates for these consultations and the participants. The stakeholders consulted included government officials, private sector operators in the IT industry, training institutions, banking institutions and local communities. A total of 107 people were consulted and 36.4% or 39 people were women (8 from GSM and ISP operators, 2 from banks and 29 from local communities).

Summary of consultation with stakeholders

Stakeholder consultations in Kotu



Source: Danyanko Company Ltd.

Consultations with women's group from Tallinding



Consultant with GAMCELL Management team



Source: Danyanko Company Ltd.

Youth Community from Latrikunda



6.3 Public Disclosure

The RAP provides for an information campaign to popularize the stages of the process and make PAPs aware of their rights within this process. This campaign will include stakeholders' meetings at suitable locations such as the "bantaba", and the official residence or offices of the 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 on entitlement eligibility criteria, modes of compensation, complaints and grievances resolution procedures. The information provided may help reduce significantly future litigation.

The RPF/RAP will be widely disclosed, 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;
- iii. Distribution to individuals and officials such as Regional Governors, and Village Development Committees in the project affected areas;
- iv. The Government will also authorize dissemination of this document on the World Bank's Website.

CHAPTER 7: GRIEVANCE MECHANISM

A grievance mechanism is an accessible and inclusive system, process, or procedure that receives and acts upon complaints and suggestions for improvement in a timely manner and facilitates resolution of concerns and grievances arising in connection with a project. An effective grievance mechanism provides Project-Affected Parties with redress and helps address issues at an early stage. PAPs will be informed of the intention to set up a grievance mechanism, and the procedures will be communicated at the time of the preparation of investments' specific RAPs.

It is very important that the project's management and staff recognize and value the grievance process as a means of strengthening public administration, improving public relations, and enhancing accountability and transparency. Consequently, grievance resolution will be integrated into the project's core activities. This will be done by integrating grievance resolution functions into project staff's job descriptions and regularly review grievances data and trends at project management meetings.

The SEP provides the details of the GM, which will consist of a three-tier system: (i) local/community level; (ii) project level, and (iii) national legal level. The general process is that a PAP should first raise a complaint at the local level. If it is not resolved at this level, it is referred to the Grievance Resolution Committee (GRC) at the project level. If this proves unsuccessful in resolving the complaint, the complainant can proceed to the judicial system.

7.1 Local Level Grievance Resolution

A functional local level grievance resolution process shall be set up by the PIU and referred to as the Local Grievance Resolution Committee. This committee will handle all complaints at the local level. Dispute resolution at this level will be practical and efficient for the PAP because in many cases, the types of grievances will often relate to issues of inventories, requests for information, or activities that have yet to take place, such as disbursement of compensation. Disputes relating to traditional and customary issues such as land ownership, inheritance and land boundaries will also be referred this committee comprising the Alkalo and community leaders. The specific composition and other details will be spelt out at the RAP stage.

If the complaint cannot be resolved at this level, the PAP will be advised to proceed to the next level, the Project level-Grievance Resolution Committee.

7.2 Project-level Grievance Resolution Committee

The GRC will deal with all resettlement-related grievances that have not been resolved at the local level. The GRC will normally include a representative from each of the following agencies: (i) the Ministry of Information; (ii) The Project Manager or his representative; (iii) an NGO working in the area; (v) the Area Council; (vi) Ministry of Lands; (vii) a representative of PAPs with the social development specialist in the PIU serving as the secretary to the Committee.

The main functions of the Committee are:

- a. Developing and publicizing the grievance management procedures;
- b. Receiving, reviewing, investigating, and keeping track of grievances
- c. Adjudicating grievances;
- d. Monitoring and evaluating the fulfillment of agreements achieved through the grievance redress mechanism.

7.3 National legal level.

If the GRC does not provide a satisfactory resolution for the PAP, he or she will be advised to seek redress through the judicial system as provided for in the Constitution, 1997 and other relevant laws. The cost relating to such process will be borne by the project.

7.4 Grievance Mechanism Procedures for complaints unrelated to SEA/SH

The Project will be informed and sensitized the community about the existence and use of the GM (through radio notices, community meetings, Imam and with some awareness trainings by the PIU prior to the starting of the resettlement process and of the various uptake options where complaints can be submitted. These uptake channels can include:

- Toll-free telephone hotline;
- E-mail;
- Letter to project focal points in the regions;
- Complaint form to be lodged via any of the above channels
- Walk-ins may register a complaint on a grievance logbook at various easily accessible facilities.

The steps of the grievance mechanism shall comprise:

- Receive, register and acknowledge complaint. A sample of the complaint form is attached as **Annex 4**
- Screen and establish the foundation of the grievance
- Implement and monitor a redress action
- Advise for a judicial proceeding as last resort if necessary
- Document the experience for future reference

The table below shows the different phases of the GM.

Table 1: Implementation Plan for the Grievance Mechanism

| Phase | Process | Description | Completion timeframe | Responsible Agency/Person |
|-------|---|--|---|---|
| 1 | Receipt of complaint | Document date of receipt, name of complainant, village, nature of complaint, inform the PIU | 1day | Project Focal point in the region |
| 2 | Acknowledgement of grievance | By letter, email, phone | 1-3 days | Social Development Specialist of PIU |
| 3 | Screen and establish the merit of the grievance | Visit the site; listen to the complainant/community; assess the merit | 3-7 days | GRC including the social development specialist |
| 4 | Implement and monitor a redress action | Where complaint is justified, carry out resettlement redress in line with the entitlement matrix | 10-15 days or at a time specified in writing to the aggrieved PAP | Social Development Specialist |
| 5 | Extra intervention for a dissatisfied scenario | Review the redress steps and conclusions, provide intervention solution | 2-4 weeks of receiving status report | PIU |
| 6 | Judicial adjudication | Take complaint to court of law | No fixed time | Complainant |
| 7 | Completion or termination of the complaint | Satisfactory resolution of the complaint with written acceptance of the decision | No fixed time | GM –Focal Point |
| 8 | Reporting | Once resolved the resolution should be recorded in the grievance logbook | within ten (10) working days | GM-Focal Point |
| 9 | Archiving | Establish physical and electronic filing system for all complaints received | Within five (05) working days of the end of the reporting | GM-Focal Point |

Cases involving SEA/SH: For complaints regarding SEA/SH, the procedure of receiving and treating the complaint is defined in the SEP. It will be different from the procedure for general complaints outlined above and will follow a survivor-centered approach, and the anonymity of the survivor will remain intact, with the confidentiality of the survivor's express consent. The involved parties will not have their security breached.

A mechanism in the form of **SEA/SH Compliance Team** will be set up to manage cases of SEA/SH as well as issues related to violence against children (VAC).

CHAPTER 8: MONITORING AND EVALUATION

Monitoring and evaluation of the Resettlement Policy Framework will be performed on a continuous basis. Monitoring of the resettlement process will be the responsibility of the PIU, whereas evaluation will be carried out by an external agency. It is important in monitoring that feedback is provided to the various partner agencies so that the problems identified can be resolved and avoided for the rest of the resettlement process.

8.1 Monitoring

Monitoring will consist of both internal and external monitoring.

- **Internal Monitoring**

The Social Risk Management Specialist within the PIU will be required to provide monthly progress reports on land acquisition, progress in the compensation of PAPs and the level of consultations with the PAPs and their participation in project planning and activities. These reports will be submitted to the PIU for transmission to the Project Steering Committee. The PIU will compile the monthly resettlement reports and in preparation for the annual M&E report to the Ministry of Information and Communication Infrastructure and NEA.

- **External Monitoring**

NEA will undertake external monitoring. The frequency and scope of this monitoring will be determined in the Memorandum of Understanding to be signed between the PIU and NEA.

The monitoring system will:

- a) Alert PIU and the MOICI on the necessity for land acquisition in any project activity;
- b) Provide timely information about the valuation and negotiation process;
- c) Report any grievances that require resolution.

8.2 Evaluation

Upon completion of the implementation of the RAP, a RAP completion report will be prepared to be followed by a final evaluation of the entire RAP implementation exercise to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed. The method will include participatory monitoring to get the perception of the PAPs.

The following are the objectives of the evaluation:

- (i) General assessment of the alignment of the implementation of the Resettlement Action Plan with general objectives and methods as set in this document;
- (ii) Assessment of the compliance of the implementation of the Resettlement Action Plan with laws, regulations and safeguard policies;
- (iii) Assessment of the consultation procedures that took place at individual and community level, together with the Central Government and Local Government levels;
- (iv) Assessment of fair, adequate and prompt compensation as they have been implemented;
- (v) Evaluation of the impact of the compensation on income and standard of living;
- (vi) Assessment of the GM in responding to the resettlement/compensation complaints;

- (vii) Identification of actions, as part of the on-going monitoring, to improve the positive impact of the program and mitigate its possible negative impact if any.

There will be a RAP completion report as well as a final evaluation. The final evaluation should preferably take place after the completion of the development activity that resulted in involuntary resettlement, but before the financial commitments to the program are finished. This will allow the flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

The project may represent the findings of the evaluation at a validation workshop to be attended by representatives of the PAPs, who would be asked to give:

- i. Their assessment of the resettlement process;
- ii. The effects that this has had on their livelihoods; and
- iii. Suggestions as to first, what residual impacts they are still having to contend with, and second, what changes should be made for future projects.

8.3 Indicators for Monitoring and Evaluation

Monitoring Indicators

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

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

Evaluation Indicators

Similarly, below are the summarized evaluation indicators:

- the nature and extent of stakeholder engagement;
- the numbers of PAPs relocated compared with the initial estimates;
- the compensation disbursed by type/ category of PAP, including the ability to comply with the terms of compensation contained in the RAP;
- an assessment of the effectiveness of the grievance process, including grievance resolution, corrective actions taken, and the monitoring thereof;
- any outstanding adverse impacts identified that need to be resolved before closing out the involuntary resettlement component of the project;
- the extent to which PAPs have recovered their project activity incomes and living standards; and

- the numbers of PAPs relocated compared with the initial estimates.

CHAPTER 9: BUDGET AND FUNDING ARRANGEMENTS

The Resettlement Action Plans will include a detailed budget for compensation and other rehabilitation entitlements. It will also include information on how funds will flow as well as compensation schedule. The estimate of the overall cost of resettlement and compensation is USD 145,000.00 (One Hundred and Forty – five Thousand US Dollars). More precise figure will be available during the RP preparation. The compensation modality will be agreed upon between the PAPs and the PIU. The table below provides an indicative cost of implementing the RPF.

Table 6: Budget for the Implementation of the RPF

| S/No. | Activity | Cost in USD | Financing | |
|----------|---|-------------------|-------------------|------------------|
| | | | Gambia Govt. | IDA |
| 1 | Preparation of RAP | 35,000 | | X |
| 2 | Implementation of the RAP- compensation of loss of assets and revenue, relocation of PAP, assistance to vulnerable groups and contingencies. ** | 100,000 | x | |
| 3 | Training of PIU and implementing partners on ESF, screening, GM and SEA/SH prevention and response measures. | | | X |
| 4 | External Supervision and monitoring by NEA | 5,000 | | X |
| 5 | Community sensitization and information sharing | 10,000 | | X |
| 6 | Monitoring and evaluation | 15,000 | | X |
| 7 | Total | 165,000.00 | 100,000.00 | 65,000.00 |

**Actual cost to be determined after the assessment.

The total estimated cost for the implementation of the RPF is USD 165,000.00 (One Hundred and Sixty-Five Thousand US Dollars) equal to GMD 9,900,000.00 (Nine Million Nine Hundred Thousand Dalasi) at the exchange rate of USD1 to D60.00

9.2 Sources and Mechanism of Financing

The Gambia Government will finance the implementation of the RAP. A detailed inventory of all affected assets carried out while preparing the RAP will provide the basis for estimating the actual compensation and assistance costs. The compensation funds will be disbursed in the same manner as the funds for the other components of the project and will comply with the regulations of The Gambia Government on the disbursement of funds by government and quasi-government agencies. This will be direct transfer to bank accounts of the respective beneficiaries and where the PAP does not have an account cash payment will be made against presentation of a national identification card and a telephone number.

The IDA credit will finance the preparation of the RAP, communication & sensitization, monitoring and evaluation estimated at USD 65,000.00 (Sixty-five Thousand US Dollars)

10. CONCLUSION

The implementation of WARDIP will have many positive benefits but it may also have negative impacts, which need to be addressed for the project to attain its objectives and be sustainable. The project's negative impacts include the potential loss of land for the construction of the landing station. This Resettlement Policy Framework has been prepared to provide guidelines for preparing a RAP to address the potential resettlement issues. The implementation of these instruments will be in accordance with the national laws and the World Bank's ESF.

The efficient implementation of this RPF requires capacity building and adequate consultation and sensitization of stakeholders particularly the beneficiary communities including the PAPs. This sensitization should include the grievance mechanism that will address complaints resulting from the resettlement in a satisfactory and timely manner.

The estimated budget for the RPF implementation amounts to USD 165,000.00 (One Hundred and Sixty – Five Thousand US Dollars) equal to GMD 9,900,000.00 (Nine Million Nine Hundred Thousand Dalasi). This budget takes into account the cost of preparing the RAPs, compensation payments, information and communication activities, operations of GM and other accompanying measures.

Annexes

Annex 1: Involuntary Resettlement Screening and Categorization Form

| S/No | Impact | Not Known | Yes | No | Indication of Scope |
|------|--|-----------|-----|----|---------------------|
| 1 | Is the proposed sub-project undertaking likely to involve land acquisition? | | | | |
| 3 | Are the sites for land acquisition known? | | | | |
| 4 | What is the ownership status of the land? | | | | |
| 5 | Are non-titled persons present? | | | | |
| 6 | Will tenants, lessees, share farmers, or other third-party users be affected? | | | | |
| 7 | Will it affect vulnerable groups such as people with disabilities, children, women, elderly etc. | | | | |
| 8 | Will there be loss of housing? | | | | |
| 9 | Will there be loss of crops, trees, and other fixed assets? | | | | |
| 10 | Will there be loss of income and livelihoods? | | | | |
| 11 | Will access to facilities, services, or resources, or businesses be lost/restricted? | | | | |
| 12 | Will any social or economic activities be affected by land use related changes? | | | | |
| 13 | Does the government executing agency have sufficient skilled resources for resettlement planning and implementation? | | | | |
| 14 | Are training and capacity-building required prior to resettlement planning and implementation? | | | | |

As indicated in Section 4.1 above, if the answers to the above questions indicate that land will be required by the project, then a Resettlement Action Plan (RAP) must be prepared in line with the procedure set out under Chapter 4.

Annex 2: Main Contents of the Resettlement Action Plan

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

Evaluation Annex 3: Sample Resettlement Summary Data Sheets - Population Census, Asset Inventory and Socio-Economic Survey

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

CURRENT HOUSING

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

Observations on Housing:

PAP 1: _____

PAP 2: _____

PAP 3: _____

REPLACEMENT HOUSING COST

| FAMILY | HOUSE PLOT COMPENSATION (M ²) | | | HOUSE COMPENSATION | | | OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE) | | | TOTAL |
|-------------------------|---|-----------|--|--------------------|---|-------|---|-------------|-----|-------|
| | Replace in-Kind | Cash Comp | | m ² | Dalasi/ / m ² (Same buildin g materi als | Total | Item | Dalasi/ per | Tot | |
| Dalasi / M ² | | Tot | | | | | | | | |
| PAP 1 | | | | | | | | | | |
| PAP 2 | | | | | | | | | | |
| PAP 3 | | | | | | | | | | |
| ... | | | | | | | | | | |
| Totals | | | | | | | | | | |

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

CURRENT HOUSING

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

Observations on Businesses:

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

REPLACEMENT COSTS

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

Annex4:Grievance complaint form

Date: _____

Region _____ District _____ Village _____

File N°

COMPLAINT

Name of Complainant: _____

Address: _____

Village: _____

Type of assets affected: _____

DESCRIPTION OF COMPLAINT:

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

At, Date.....

Signature Complainant

Follow-up actions undertaken:

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

At, Date.....

(Signature of Complainant)

Signature of Chairman of Committee

Resolution

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

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

Signature of Complainant
Committee

Signature of Chairman of the

Annex 5a: List of Institutions and communities consulted

| Institution | Date | Persons Contacted | Position | Tel No | Remarks |
|----------------------------|-------------|--------------------------|-------------------------|---------------|---|
| MoCCI&NaNA | 04-03-22 | AblieDanso | Procurement | | First meeting with Client. Met as Team |
| | " | Momodou A. Jallow | PICTO | | |
| | " | Yankuba Camara | Sr Accountant | | |
| | " | Bakary L.O. Sonko | Consultant | | |
| | " | Bolong L. Sonko | L. Consultant | | |
| LANDING STATION (ACE) | 23-02-22 | LaminJabbi | Director General | | National connection point for GSM operators |
| GAMTEL | 07-03-22 | BaboucarSaho | DMS | | Owners of the ICT infrastructure being used by GSM Operators. Met as a group |
| | " | EbrimaJammeh | DCN | | |
| | " | Lamin A. Tunkara | MD Gamtel/Gamcel | | |
| | " | Bakary L.O. Sonko | Consultant | | |
| | " | Bolong L. Sonko | L. Consultant | | |
| PURA | 07-03-22 | Amadou Sowe | Sr Manager ICT | | Policy and Regulatory Institution for Public Utilities including digital Communication Services |
| Central Bank of The Gambia | 23-03-22 | KaramoJawara | Banking Operations | | |
| COMIUM | 09-03-22 | Ali Aidibi | TechnicalDirector | | GSM Operators and Internet Service Providers |
| | " | AbubacarrDrammeh | IT/ISP Manager | | |
| | " | Saikou Camara | Data Collector | | |
| | " | Lamin Barrow | Freelance | | |
| | " | BintaCeesay | Data Collector | | |
| AFRICELL | 09-03-22 | Kassem Houasia | RAN Director | | GSM Operators and Internet Service Provider |
| | " | Hussein DrabGhanem | CEO | | |
| | " | BintaCeesay | Data Collector | | |
| | " | Saikou Camara | Danyanko Consulting | | |
| | " | Lamin Barrow | Danyanko Consulting | | |
| GAMCEL | 09-03-22 | AlhagieJaiteh | Head of IT | | GSM Operators |
| | " | Pa M. Touray | Director Access Network | | |
| | " | SeedyCeesay | DirectorCore Network | | |

| | | | | | |
|--|----------|-----------------------|---------------------------------------|--|--|
| | “ | FatouFatty | DGM | | |
| | “ | Lamin Barrow | Data Collector Danyanko | | |
| | “ | Saikou Camara | Danyanko Consulting | | |
| | “ | BintaCeesay | D/C | | |
| | “ | Sarjo Khan | DES- Gamcel | | |
| QCELL | 09-03-22 | Ahemat Jah | CTO | | GSM Operators |
| | “ | Augustine C. Jatta | QCELL | | |
| | “ | BintaCeesay | D/C | | |
| | “ | Lamin Barrow | Data Collector | | |
| | “ | Saikou Camara | Danyanko Consulting | | |
| DEPARTMENT OF LABOUR | 10/03/22 | Nyalla Barrow | Commissioner | | Policy / Regulation |
| TRUST BANK | 16-03-22 | TumaniDembajang | Head Corporate | | Last-mile Corporate Banking Institution |
| DEPARTMENT OF LANDS | 16-03-22 | KebbaCeesay | Director | | Policy/Regulation |
| LASTING SOLUTIONS | 16-03-22 | AbdoulieSowe | ManagingDirector | | Last mile user- Trainer |
| | “ | Hon. AlhagieMbowe | Lasting Solutions | | |
| GCCl (Gambia Chamber of Commerce and Industries) | 17-03-22 | Olimatou S. Deen-Sarr | Senior Business DevelopmentOfficer | | Last-mile user (Private sector Platform) |
| | “ | Aji Sally Sagnia | CorporateOfficer | | |
| | “ | Momodou L. Jallow | IT 2 Coms | | |
| MINISTRY OF HIGHER EDUCATION | 17-03-22 | Mod A.K. Secka | Permanent Secretary | | Policy/Regulation |
| COMMUNITY OF LATRIKUNDA | 13-03-22 | Kaddy O. Fatty | CommunityMember | | Last Mile Users |
| | “ | Ramatoulie Gaye | CommunityMember | | |
| | “ | BintaFatty | CommunityMember | | |
| | “ | Bintou Camara | CommunityMember | | |
| | “ | Aminata Jammeh | CommunityMember | | |
| | “ | MamadiKrubally | CommunityMember | | |
| | “ | LaminDrammeh | CommunityMember | | |
| | “ | Fanta Bayo | CommunityMember | | |
| | “ | AnsumanaBayo | Councilor | | |
| | “ | IsmailaJanneh | Member | | |
| | “ | MariamaSallah | Member | | |
| | “ | JongfoloKuyateh | Member | | |

| | | | | | |
|---|-------------|------------------|-----------------------|--|-----------|
| BUNDUNG BOREHOLE COMMUNITY | 13-03-22 | LaminDarboe | Councilor | | |
| | " | SannaDarboe | DeputySecretary | | |
| | " | KaddyMarong | Housewife | | |
| | " | Modou L. Darboe | Africell | | |
| | " | NjettyJanha | Student | | |
| | " | FatouSonko | Paradies | | |
| MANJAI/KOTU WARD | 14-03-22 | Fatou J. Janneh | Lady Councilor | | |
| | " | Lamin T. Jarju | CHP | | |
| | " | KissmaJawara | YouthRep. | | |
| | " | Amadou Jatta | Secretary | | |
| | " | Sarjo A. Sanyang | WomensRep. | | |
| | " | BaboucarrJarju | SecretarySub-wardKotu | | |
| ABUKO V.D.C | 14-03-22 | SaineyCeesay | Participant | | |
| | " | Jamada Bah | Participant | | |
| | " | SarjoSanneh | Participant | | |
| | " | MariamaCeesay | Participant | | |
| | " | SarjoFatty | Participant | | |
| | " | MariamaKugiteh | Participant | | |
| | " | LaminJarju | Participant | | |
| | " | Yaya Bonjag | Participant | | |
| | " | Mr. Lamin Down | V.D.C Secretary | | |
| | " | AlieuSiyam | Participant | | |
| " | BintaCeesay | D/C | | | |
| UTG FEMALE STUDENTS | 15-03-22 | FatoumattaJaiteh | Student | | Last mile |
| | " | Amie Saho | Student | | |
| | " | Fatou Bah | Student | | |
| | " | BintaCeesay | D/C | | |
| TALINDING V.D.C | 15-03-22 | BintouBojang | Secretary | | Last mile |
| | " | JujuCeesay | Member | | |
| | " | YamundowFatty | Member | | |
| | " | FansaineyNjie | Member | | |
| | " | TombullyTrawally | Member | | |
| | " | BintaCeesay | D/C | | |
| UTG LECTURER | 15-03-22 | Abdou Darboe | Director of IT | | Last mile |
| | | BintaCeesay | D/C | | |
| COMPUTER TECHNICIAN | 15-03-22 | LaminFatty | Computer Technician | | Last mile |
| FACULTY OF ICT UNIVERSITY OF THE GAMBIA | 15-03-22 | FamaKebbeh | I.C.T Student | | Last mile |
| | " | ModouLaminManneh | Student I.T.C | | |
| | " | AmaduJallow | Senior Student C.S. | | |
| | " | Awa Jeng | Student I.T.C | | |
| | " | EbrimaJaiteh | Student I.T.C | | |

| | | | | | |
|---------------------------|----------|-------------------|------------------------|----------|----------------|
| | “ | AbdourahmanJallow | Student I.T.C | ████████ | |
| INTERNET OPERATOR | 16-03-22 | Lalo Kanteh | Internet Operator | ████████ | ISP |
| INTERNET CAFE | 16-03-22 | AnsumanaJammeh | Internet Café Operator | ████████ | ISP |
| | “ | BintaCeesay | D/C | ████████ | |
| COMMUNITY OF NEW JESHWANG | 16-03-22 | Bakary Kanyi | VDC Secretary | ████████ | Last mile user |
| | “ | KebbaJammeh | VDC P.R.O | ████████ | |
| | “ | Aji M. Jah | Secretary | ████████ | |
| | “ | Omar Trawally | VDC Member | ████████ | |
| NON-IT STUDENT | 17-03-22 | BubaKanteh | Student | ████████ | Last mile |
| KMC Female Councilors | | | | | |

Annex 5b: Summary of stakeholder consultations with communities, government officials and private sector and some officials

| Date | Participants | Topics Discussed | Conclusions/Recommendations |
|-----------|--|---|--|
| 4/3/ 2022 | MOICI,NaNA Project preparation Unit & Consultant | Review of the TOR for the study to confirm common understanding, preliminary identification of stakeholders, and discussion of logistics arrangements and documentation requirements. Land requirements for the project. Institutional capacity for risk management. | It was not clear whether the current landing station would be used. Low capacity but the recruitment process for the environment and social specialists have started |
| 7/3/2022 | Senior Management | Role of GAMTEL as the as manager of ICT infrastructure. Current backup using Senegal are limited and expensive with security implications- thus the need for a second national back up for ACE. This will minimize interruptions and costly diversions through Senegal Importance of regular consultations with MOICI and other stakeholders during project preparation and implementation on monthly basis. | The consultant confirmed that the essence of the present exercise to explore the a responsive communication plan for a more effective stakeholder participation. Depending on the stage of development regular consultations through a structured framework will be carried out. |
| 7/3/22 | Director ICT- Public Utilities Regulatory Authority | Role of the agency in the ICT sector and the challenges currently faced which include coordination of key institutional actors and the absence of important regulatory frameworks to guide the development of the sector, which the project should address. The Director also emphasized the need for an active private sector participation. | It is important for the project to ensure close consultations with the stakeholders, particularly the major service providers and potential investors . |
| 9/3/22 | AFRICELL-CEO & Technical Director and the Consultant | Welcome the project particularly the PPP approach. Increased bandwidth should facilitate expansion and increased access to internet. At the same time, efforts should be made to strengthen local backbone (ECOWAN) to carry the increased traffic. There is a need for more regular communication between the policy makers and the private sector and a regular reporting system should be in place during implementation of this project at least on a quarterly | |

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| | | basis.Also ensure competent companies are hired to do the work | |
| 13/3/22 | Latrikunda | Welcome the project but expressed concern that running the cables underground may affect the water pipes during construction and small businesses along the path of the cables may have to stop during the period of construction | The community was reassured that any temporary economic displacement will be compensated because of the resulting loss of earnings |
| 13/3/22 | Manjai/Kotu Community | Welcome the proposed project and expressed the hope that it will create employment for the youth. Expressed concern about the expansion to other parts of the country since it may displace businesses and vendors on the right of way. If that happens the affected people should be fully compensated. Stakeholders should be regularly informed about project implementation | On the issue of land acquisition, the consultant explained that this is limited to the land requirements for the landing station and the fire cable from the shore to the landing station. Expansion in land will use the existing backbone. They were reassured that any land acquired and any business or livelihood affected will be fully compensated to the extent of the loss incurred |
| 14/3/22 | Bundung Borehole | Concern over people losing their land including farmland without adequate compensation. Recommend that all land loss should be fully compensated. Also appeal for the project consider the local youth for employment | The consultant reassured them that any land take will be fully compensated. On employment, he informed the meeting that the contractor will be advised to give employment opportunities for the youth if they have the required skills |
| 15-03-22 | UTG-Faculty of ICT | Welcome the project. Expect to see faster and uninterrupted internet services, which will also help improve income of internet services provider. They raised the potential impact on the environment and the people near the project site. Insist the latest technology should be used and qualified people/firms be selected to do the work | The group was informed the award of contracts will be based on highest international competitive standards. As for the impacts, they were informed that a separate study is being carried out to address this issue as well as any land acquisition issues that will arise. |
| 15/3/22 | UTG Female Students (Women only) | Welcome project Importance of having in place the right policies Appealed that women should not be forgotten in accessing project benefits On land issues the issues the students emphasized payment of compensation. | The consultant assured them that an important component of the project will address the governance environment and businesswomen will receive special consideration. On land the consultant reassured them that for any land acquired the |

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| | | On SEA/SH they said this is a reality in our society which need to addressed seriously. It will be important for the project to take on this challenge seriously | owner will be fully compensated. On SEA/SH, the consultant informed them that the project will put in place a plan to address this particular risk. |
| 15/3/22 | Tallingding VDC | Welcome the project as it will help reduce the high cost of internet. Running the cable underground may affect small businesses operation along the path | The community was reassured that any such loses will be fully compensated. |
| 16/3/22 | Community of New Jeshwang | Welcome the project and expressed concern about land compensation which they feel is never enough to buy another piece of land in Kombos Youth employment should also be considered especially for communities where the project is to be implemented. | The consultant explained that the compensation will be at replacement cost which will include not only current price of the land but also the other related costs so that the PAP does not lose at the end. |
| 16/3/22 | Women Councilor and group from Tallinding (women only group) | Welcome the project but want to know more about how it can help women as they are lagging behind in everything. Projects like this should give them special consideration and see how their business can be support through credit and other means. Consider SEA/SH exists and women are the greatest victims | Consultant explained that the project will provide special support to women such as training in IT to help their business. For SES/SH, the project will put in place a special plan to prevent or reduce its occurrence within the project. |
| 16/3/22 | Abuko community | Has many advantages including reduced internet blackout, enhance digital communication and increase internet connectivity in the provinces. Concerns include location of the station as land is a sensitive issue. Risk of displacement of people. Need to compensate people for their losses. Also raised issue of youth employment. | The consultant explained that all those whose land is affected will be fully compensated the Government. On employment, it will be recommended to the project for the contractor to consider the members of the local community for employment if they have the required skills. |
| 16/3/22 | Director of Lands | Explained that land from Banjul to Mandinari in Kombo North belong to the state so it can be allocated to projects. Where private land is concern the Government pays compensation | |

Annex 5c: Samples of Attendance register

WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT-THE GAMBIA
 PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK, THE STAKEHOLDER ENGAGEMENT PLAN AND THE LABOR MANAGEMENT PROCEDURES
 ATTENDANCE LIST-STAKEHOLDER CONSULTATIONS

Institution: Faculty of ICTS Date: 15/05/2017 Time: 12:32

| No. | Name | Position | Tel. Contact | Signature |
|-----|---------------------|-------------------|--------------|-------------|
| 1 | Fana Kebbeh | Student I.C.T | 2649610 | [Signature] |
| 2 | Moussa Lamin Manneh | Student I.I.C | 8732261 | [Signature] |
| 3 | Amasu Jallow | Senior Student CS | 8492238 | [Signature] |
| 4 | Awa Leng | Student I.I.C | 3608861 | [Signature] |
| 5 | Ebrima Jaitoh | Student I.I.C | 2966558 | [Signature] |
| 6 | Abdumalik Jallow | Student I.I.C | 3260457 | [Signature] |

WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT-THE GAMBIA
 PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK, THE STAKEHOLDER ENGAGEMENT PLAN AND THE LABOR MANAGEMENT PROCEDURES
 ATTENDANCE LIST-STAKEHOLDER CONSULTATIONS

Institution: Community of LATERUNCA Date: 13/05/2017 Time: 11:00

| No. | Name | Position | Tel. Contact | Signature |
|-----|------------------|-----------|--------------|-------------|
| 1 | Maddy o Pitty | Community | 7852430 | [Signature] |
| 2 | Bamabube Gaye | C Member | 7351048 | [Signature] |
| 3 | Binta Fatty | C Member | 3021660 | [Signature] |
| 4 | Bintou Gama | C Member | 7417823 | [Signature] |
| 5 | Amirata Jammeh | C Member | 7967141 | [Signature] |
| 6 | Mamadi Korbally | C member | 2542286 | [Signature] |
| 7 | Lamin Drammeh | C member | 7129766 | [Signature] |
| 8 | Fanta Bayo | C member | 7512044 | [Signature] |
| 9 | AmSimano Bayo | Councilor | 2212500 | [Signature] |
| 10 | Ismaila Jammeh | member | 7926485 | [Signature] |
| 11 | Mariam Sellah | member | 3527134 | [Signature] |
| 12 | Jangfoko Kuyateh | member | 2058493 | [Signature] |

WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT-THE GAMBIA
 PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK, THE STAKEHOLDER ENGAGEMENT PLAN AND THE LABOR MANAGEMENT PROCEDURES

ATTENDANCE LIST-STAKEHOLDER CONSULTATIONS

Institution: Community of New Jeshwang Date: 16/08/2022 Time: 10:00am

| No. | Name | Position | Tel. Contact | Signature |
|-----|---------------|-----------------|--------------|-----------|
| 1 | Eatony Kanyi | W.A.C Secretary | 7036429 | |
| 2 | Kebba Jammeh | W.A.C P.R.O | 7364837 | |
| 3 | M. Jatta | Secretary | 206515 | |
| | Ornar Ibrahim | W.A.C member | 7350045 | |
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WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT-THE GAMBIA
 PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK, THE STAKEHOLDER ENGAGEMENT PLAN AND THE LABOR MANAGEMENT PROCEDURES

ATTENDANCE LIST-STAKEHOLDER CONSULTATIONS

Institution: Taidang W.A.C Date: 15/08/22 Time: 1:01

| No. | Name | Position | Tel. Contact | Signature |
|-----|-------------------|--------------|--------------|-----------|
| 1 | Bintou Bojang | Secretary | 7828550 | |
| 2 | Jusu ceesay | member | 7895338 | |
| 3 | Yamadu Jatta | member | 2592965 | |
| 4 | Fau Saine | W.A.C member | 7489326 | |
| 5 | Transully Ibrahim | member | 7678015 | |
| | Binta ceesay | W.A.C | 7199765 | |
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WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT-THE GAMBIA
 PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK, THE STAKEHOLDER ENGAGEMENT PLAN AND THE LABOR MANAGEMENT PROCEDURES
 ATTENDANCE LIST-STAKEHOLDER CONSULTATIONS
 Institution: Maukai Urban Water Council Date: 14/3/22 Time: 12:00

| No. | Name | Position | Tel. Contact | Signature |
|-----|-----------------|--------------|--------------|-----------|
| 1 | Falou S. Jammeh | city council | 776114 | |
| 2 | Lamin T. Jammeh | City | 3186504 | |
| 3 | Kissma Jansore | water corp | 7177331 | |
| 4 | Amadou ni Jatta | Secretary | 7784203 | |
| 5 | Sadio A. Sanyal | Women Rep | 2129625 | |
| | Baboucar Jarji | Secretary | 3254838 | |

WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT-THE GAMBIA
 ATTENDANCE LIST
 Date: 07/03/2022 Institution: Gamtel

| No. | Name | Function | Tel. Contact | Signature |
|-----|------------------|-------------------|--------------|-----------|
| 1 | Baboucar Sako | DMS | 9965665 | |
| 2 | Ebrima Jammeh | DCN | 9966980 | |
| 3 | Lamin A. Tunjara | MD | 9966399 | |
| 4 | Bohary L. Sanyal | Chief | 7849728 | |
| 5 | Bohary L. Sanyal | Lead Analyst | 9978888 | |
| 7 | | PURA | | |
| 8 | Amadou Sowe | Senior manage ICT | 2999999 | |

WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT-THE GAMBIA
 PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK, THE STAKEHOLDER ENGAGEMENT PLAN AND THE LABOR MANAGEMENT PROCEDURES
 ATTENDANCE LIST-STAKEHOLDER CONSULTATIONS
 Institution: WFG Female Students Date: 12/10/2018 Time: 10:15

| No. | Name | Position | Tel. Contact | Signature |
|-----|------------------|----------|--------------|-------------|
| 1 | Fatoumata Jaitoh | Student | 5037213 | [Signature] |
| 2 | Amie Saho | Student | 3929209 | [Signature] |
| 3 | Falau bah | Student | 284033 | [Signature] |
| 4 | Binta Cassey | D/C | 917765 | [Signature] |
| 5 | | | | |
| 6 | | | | |
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WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT-THE GAMBIA
 PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK, THE STAKEHOLDER ENGAGEMENT PLAN AND THE LABOR MANAGEMENT PROCEDURES
 ATTENDANCE LIST-STAKEHOLDER CONSULTATIONS
 Institution: STAKEHOLDER CONSULTATIONS Date: 12/10/2018 Time: 17:00

| No. | Name | Position | Tel. Contact | Signature |
|-----|------------------|------------------|--------------|-------------|
| 1 | Lamin Darboe | Councillor | 2241126 | [Signature] |
| 2 | Sanna Darboe | Deputy Secretary | 3852714 | [Signature] |
| 3 | Kaddy Marong | House wife | 3306819 | [Signature] |
| 4 | Moussa L. Darboe | Adviser | 7080986 | [Signature] |
| 5 | Nycthy Jaaha | Student | 2674469 | [Signature] |
| 6 | Falau Sombu | paradies | 7127748 | [Signature] |
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Annex 6: Sample Terms of Reference for Preparing a Resettlement Action Plan

Introduction

- Briefly describe the project.
- List project components including associated facilities (if any).
- Describe project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

Scope

For achieving these objectives, the Consultant should develop a resettlement action plan (RAP) based on the following sections which correspond to the scope of work.

Task 1: Description of the project and surrounding area

The Consultant should provide a general description of affected areas in the geographical, administrative, physical, biological, human, socio-economic of the area concerned.

Task 2: Potential social impacts of the project

The Consultant should identify the potential positive and negative impacts of the infrastructural activities to be undertaken during the following aspects:

components or activities that require resettlement or restriction of access;

zone of impact of components or activities;

alternatives considered to avoid or minimize resettlement or restricted access to sources of income;

mechanisms established to minimize resettlement, displacement, and restricted access to sources of income, to the extent possible, during project implementation;

Task 3: Legal and institutional framework of the resettlement

The analysis of the legal and institutional framework in The Gambia should cover the following:

scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc.;

- applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-projects;
- relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc. related to displacement and resettlement, and environmental laws and social welfare legislation;
- laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

- agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

Task 4: Socio-economic studies

The Consultant should conduct socio-economic studies with the involvement of potentially affected people. These socio-economic studies should include the overall results of the census of the PAPs, property and livelihoods covering:

- current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;

information on vulnerable groups or persons, for whom special provisions may have to be made; and

- provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following, as needed:

-land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;

-patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-projects;

-public infrastructure and social services that will be affected; and

-social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and Non-Governmental Organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Task 5: Eligibility and entitlements

The Consultant should define and characterize displaced persons or PAPs and the criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Task 6: Valuation and compensation for losses

The Consultant should determine the methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g., market rates) and included transporting building materials to the construction site, any labor and contractors and any registration cost.

For the compensation of lands lost by PAPs and whose they depend for their livelihood (agricultural and pastoral lands for example), the Consultant should ensure that these PAP find alternative lands in the area with the similar quality or better than the lost lands, without any registration costs.

In any case, the Consultant should consult PAPs to know their preferences compared with different types of compensations.

Task 7: Resettlement measures

The Consultant should do the description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the resettlement objectives. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

If a resettlement site is an option, the Consultant should describe the alternative relocation site, indicating:

the institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- ✓ the necessary measures to prevent land speculation or influx of eligible persons at the selected sites;
- ✓ the procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- ✓ the legal arrangements for recognizing (or regularizing) tenure and transferring titles to the new settlers;
- ✓ the housing, infrastructure, and social services: plans to provide (or to finance resettler's provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described;
- ✓ the environmental protection and management: description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement). The RAPs needs to clearly present detail information on the propose mitigation measures for each affected entity or PAPs with reasoning for the site, type and level of mitigation being offered;

- ✓ the community participation: consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:
 - ✓ description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
 - ✓ summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
 - ✓ review of resettlement alternatives presented, and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g., places of worship, pilgrimage centers, cemeteries); and
 - ✓ arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including, ethnic minorities, landless, children and youth, and women) are adequately represented.
- ✓ The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:
 - ✓ consultations with host communities and local governments;
 - ✓ arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
 - ✓ conflict resolution involving PAPs and host communities; and
 - ✓ additional services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

Task 8: Grievance Management Mechanism

The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms. The grievance management mechanism should include the Regional Coordination Unit (RCU) located in ECOWAS.

Task 9: RAP implementation responsibilities

In the RAP, the Consultant should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover:

the delivery of RAP compensation and rehabilitation measures and provision of services;

an appropriate coordination between agencies and jurisdictions involved in RAP implementation;

the measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g., community-based livelihood restoration; participatory monitoring; etc.).

Task 10: Implementation Schedule

The Consultant should include in the RAP, an implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. This schedule should identify the target dates for delivery of benefits to settlers and hosts and a clearly defined closing date. This schedule should indicate how the RAP activities are linked to the implementation of the overall project.

Task 11: Costs and budget

The Consultant should provide in the RAP for the specific sub-projects, detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

Task 12: Monitoring and Evaluation

The Consultant should include in the RAP section on monitoring and evaluation the arrangements for monitoring of RAP activities by NAWEC (the implementing agency), and the independent monitoring of these activities. An independent monitor or agency will carry out the final evaluation to measure RAP outcomes and impacts on PAPs' livelihood and living conditions.

Task 13: Disclosure and publication

The Consultant should indicate the arrangements for RAP disclosure/publication in order to make them accessible to the PAPs.

Methodology and preparation of the proposal

CPCU has overall responsibility for the implementation of the Project and in this regard, it will have oversight responsibilities for the RAPs studies and implementation. It shall provide the necessary support and guidance to the Consultant or Firm and shall liaise closely with the Regional.

The Consultant will carry out the Resettlement Action Plans (RAP) in accordance with the Resettlement Policy Framework (RPF) and the Environmental and Social Impact Studies (ESIS) of GIRAV project in line with national laws and provisions of Environmental and Social Standard 5 of the World Bank.

In the preparation of the RAPs, the PAPs and other stakeholders will be consulted. Such consultations will be part of the ongoing activities of the project. The consultations seek to increase transparency, public understanding, and citizen involvement in the design and implementation of the RAP. It helps ensure that the PAPs are adequately informed about the project and have the chance to make informed decisions regarding their position on the project. The target group for these consultations will be the PAPs and other relevant stakeholders such as government agencies, at national and regional levels, Local government representatives, NGOs and CSOs, women and youth groups at the regional level. These consultations shall, in all cases, take due consideration of representativeness and inclusion of women and marginalized or vulnerable groups. However, in view of the potential difficulties these groups sometimes have in making their voices heard in large open meetings, special arrangements shall be made at group and individual levels to reach out to them to create the necessary awareness and collect their views.

In line with the Stakeholder Engagement Plan for the project, the Consultant will conduct:

Public meetings in suitable locations ('bantaba,' market-place, etc.), the official residence or offices of the local leaders will be held in the affected areas with community leaders, opinion leaders, and PAPs as individuals (as during the survey) and in their groups. At these meetings, the people will be informed about the project, the assets likely to be impacted, the principle of compensation for the various types of losses, the entitlement eligibility criteria, if already known, modes of compensation and the complaints and grievances resolution procedures. The stakeholders will also be informed about their rights and the alternatives available to them if the proposed compensation to them is considered inadequate.

Individual(s)-based meetings will be conducted with each affected household either at the affected house or local office of the project. During these meetings, the affected individual/households will be informed of their asset(s) that have been affected and informed of the resettlement options. The affected group or individual will also be informed of their right to acquire assistance from any competent valuator, lawyer or legal counsel during the assessment or meeting relating to the assessment of assets.

These meetings and consultations will be documented by signed minutes, minutes and photos.

In his offer, the Consultant will highlight his experiences and detailed references concerning the execution of RAP contracts present the signed CVs of the specialists of his team, and make documented proposals on the following axes:

- understanding of ToRs and the mission;
- the main activities and expected results at each level;
- the timetable for the execution of the study.

Timetable and outputs

The Consultant is expected to submit to CPCU the following:

Inception report describing the procedures and timetable for completion of the RAP preparation process (by second week after contract signing);

Draft RAP report (by 60 working days after contract signing);

The RAP will be accompanied by an Excel database containing all information on PAPs and loss of property and assets, including geo-referenced data. The Consultant will develop a template for a PAP form and agreement by type of PAP.

After completion of the review of the draft RAP, including consultations with PAPs and communities on the main finding of the RAP, the final RAP will be disclosed by CPCU. During the review process, the Consultant is expected to make the necessary changes to the RAP and organize the disclosure and consultation process. The RAP will be subject for review and validation by the Technical ESIA working group at the National Environmental Agency prior to disclosure and approved by the World Bank.

Consultant Profile

The Consultant must be a Consultant or firm with at least ten (10) years of experience in conducting social and environmental assessments, including the development of Resettlement Policy Frameworks (RPFs) and Resettlement Action Plans (RAP) on behalf of International Development Agencies projects.

The Consultant or the Firm must have a permanent team, multidisciplinary and qualified for the tasks, including at least the following profiles:

an **Expert in Environmental and Social Assessment**, Team Leader, with a postgraduate degree (Master level), with an experience of at least ten (10) years in the preparation of Resettlement Action Plans and having a good knowledge of the World Bank or other International Development Institutions policies on safeguards.

a **socio-economist, specialist in socio-economic surveys, gender, social inclusion and public consultation**, postgraduate degree (Master level) with at least ten (10) years of experience.

an **Expert in Geographical Information System (GIS)** with a postgraduate degree (Master level) with at least 4 years of professional experience in his area of expertise, good knowledge of GIS software, database management system (Access, Excel), modeling and knowledge in photo-interpretation and remote sensing.

Conduct of the Consultant

The Consultant will, at all times, be expected to carry out the assignment with the highest degree of professionalism and integrity, including prohibition of any SEAH misconduct. The Consultant will be expected to conduct his/her duties in an open and transparent manner;

The Consultant will not, under any circumstance, take any actions or be seen to be taking any actions, which may hinder or prevent the GIRAV Agro-Climatic Resilience project from executing this assignment;

The Consultant will study all the Agro-Climatic Resilience in GIRAV s project guidelines and policies and will be expected to ensure that the assignment is concluded with the strictest adherence to all such policies and regulations;

The Consultant will not, under any circumstances, take any material decision pertinent to this assignment without the express permission and written consent of an authorized representative of the GIRAV Agro-Climatic Resilience Landscapes project; and

The Consultant will not, under any circumstances, discuss, divulge or use any information regarding this assignment or any other transaction conducted as part of the FGN’s Program, without the express written permission of an authorized representative of the GIRAV Agro-Climatic Resilience Landscapes project.

Fees and Reimbursable

Firm / Consultant fees and reimbursable (travel costs, organization of consultation meetings with key stakeholders) shall be included in the proposal/ Work plan.

Annex7: Bibliography

- 1) Constitution of the Republic of the Gambia, 1997
- 2) State Lands Act,1991
- 3) Local Government Act, 2002
- 4) Land Acquisition and Compensation Act, 1991

- 5) Lands (Regions) Act 1991
- 6) Physical Planning and Development Control Act, 1991
- 7) Surveys Act 1991
- 8) National Environmental Management Act 1990
- 9) Environmental Impact Assessment Procedures 1999
- 10) Environmental Impact Assessment Guidelines 1999
- 11) Lands Commission Act 2007
- 12) Development Control Regulations, 1995
- 13) Physical Plans Regulations, 1995
- 14) State Lands Regulations, 1995
- 15) Women's Act 2010
- 16) Environmental and Social Framework, World Bank 2017
- 17) World Bank Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works, World Bank 2018
- 18) Guidance Note For Borrowers: Environmental & Social Framework for IPF Operations ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, World Bank 2018

Annex 8: Terms of Reference for the Preparation of a Resettlement Policy Framework (RPF)

I. Background information

1. To support Digitisation process, the World Bank (WB) is financing the preparation of The Western Africa Regional Digital Integration Project (WARDIP) for an amount of US\$ 45 million and for five years. The project is planned to be submitted for WB Board approval by 22nd July 2022.

2. The Project Development Objective (PDO) is to increase access to broadband and digital services through the development and integration of digital markets in the Western Africa region. To achieve this objective, the project will consist of three interlinked technical components, in addition to the Project Implementation and Coordination Component, organized to address the key binding constraints for the development and attainment of a digital economy.

PROJECT DESCRIPTION

The objective of this project is to support The Gambia to ensure an enabling environment for digital skills and innovation and competitiveness in the regional single Digital Market. This project will ensure achievement of national digital development objectives more effectively and rapidly while cognizant of regional digital transformation objectives. Development of national policies, regulations and implementation of strategic programs that would need to be further enhanced and barriers to cross-border connectivity, data flows and digital services, allowing a seamless and competitive national and regional digital ecosystem to emerge. This would drive a reinforcing cycle of economic growth, investment, innovation, job creation and improved service delivery both at national and regional levels. The WARDIP will focus on simultaneous integration of the connectivity, data, and online market layers. Advancement in each distinct market layer is expected to create a virtuous cycle as each segment builds on another, reinforcing the development, expansion and integration of both national and regional digital markets.

PROJECT COMPONENTS

There are four proposed project components:

Component 1: Connectivity Market Development and Integration

This component would support reforms to reduce barriers to the provision of cross-border telecoms services through open markets as well as broadband connectivity infrastructure deployment under an MFD approach.

Component 2: Data Market Development and Integration

This component aims to enable the secure exchange, storage and processing of data across borders to support regional deployment and access to data-driven services, innovation and infrastructure, including reducing regional restrictions on the free flow of data and increasing investments into data infrastructure.

Component 3: Online Market Development and Integration

The component aims to support the development and integration of the online market, which would enhance the enabling environment for the cross-border delivery and access of digital goods or services.

Component 4: Project Management

Component 4 would provide technical assistance and capacity support for program preparation and implementation.

RATIONALE AND OBJECTIVE OF THE ASSIGNMENT

The project consists of four components. One of these is the establishment and rollout of a redundant international fibre optic cable to avail The Gambia with a more reliable and consistent connection to the internet for the development of robust online digital services.

International fibre optic cable could be achieved in various ways. It could be through a submarine cable, overhead / underground fibre optic cable or even satellite. No matter what approach is used, civil works will

involved for burying the cable or hanging the cable. Further works may also be involved if a separate landing station is to be constructed. All these have tendencies to displace people.

In addition, other components of the project may involve land acquisition, restrictions on land use, or involuntary resettlement. The objective of the RPF is to set out the policies, principles, institutional arrangements, schedules, and indicative budgets that will take care of anticipated land acquisition, economic and physical involuntary resettlement. These arrangements are also to ensure that there is a systematic process for the various stages of the implementation of a framework that assures participation of affected persons, involvement of relevant institutions and stakeholders, adherence to both World Bank and Government procedures and requirements, and outline compensation for affected persons.

The consultant is to develop the RPF taking into consideration the outlined objective and principles. This RPF will serve as the framework within which resettlement action plans will be developed and implemented when the project specific location and exact impacts are known.

SPECIFIC REQUIREMENT OF THE RPF

Prior to project appraisal, there is need for the assessment of possible resettlement/displacement risk of the project at a broader level since specific location for implementation of sub-project activities are not known at this stage. The RPF will provide technical guidance during project preparation to address resettlement related risk.

The RPF will be prepared in line with the requirement of the ESS5: Land acquisition, Restriction of land use and Involuntary Resettlement; and ESS10: Stakeholder Engagement and Information Disclosure. The RPF shall also refer to Government of The Gambia's legal and institutional requirements. Any identified gaps between these two requirements are to be clearly captured, explained how these gaps will be filled and put strategies to be implemented during project life cycle

PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION.

Key principles in preparing the RPF must include:

- Avoiding involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- Avoiding forced eviction.⁸
- Mitigating 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 cost⁹ and (b)

⁸Where the likely nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown during project preparation, the Borrower will develop a framework establishing general principles and procedures. Once the individual project components are defined and the necessary information becomes available, such a framework will be expanded into one or more specific plans proportionate to potential risks and impacts. No physical and/or economic displacement will occur until RAPs have been finalized and approved by the Bank.

⁹“Replacement cost” is defined as a method of valuation yielding compensation sufficient 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

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.

- Improving 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.¹⁰
- Conceiving and executing 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.
- Ensuring that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

SCOPE OF ASSIGNMENT

The assignment to be undertaken by the consultant shall cover the following **key areas as described in this TOR**. Other relevant areas may be included as required.

(i) Project Description

Provide a brief description of the project to place the RPF in the right context. This would include a summary of the background to the project, the different components. Most importantly, the consultant should identify the possible resettlement issues that each component and subcomponents are likely to generate, and for which reason this RPF is being developed.

(ii) Review of Country Legal and Institutional Guidelines and Requirements

The firm or the consultant will require to undertake a comprehensive review of the national laws governing land take and other assets. She/he shall also look at the various land tenure and ownership systems in The Gambia, the different legal instruments regarding government and individual acquisitions and resettlement and compensation policies. The consultant should describe any discrepancies identified in the different legal instruments. The RPF shall also identify the legally mandated institutions associated with these legal instruments and their respective roles. This should be at all levels where implementation of project activities is likely to take place. Attention should be given to local-based institutions and structures at the implementing project states. The institutional arrangement will include implementation and monitoring mechanisms that ensures inclusiveness and participation of all affected people, groups and communities.

(iii) Gap Analysis

The Consultant shall spell out the World Bank's ESS5: Land acquisition, Restriction of land use and Involuntary Resettlement and assess how this applies in the specific case of the Project. Attention should be paid and documented on the difference(s) between the Standard and The Gambia's laws and

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 of time between calculation of compensation rates and delivery of compensation is extensive.

¹⁰“Security of tenure” means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate. In no event will resettled persons be provided tenure rights that are in effect weaker than the rights they had to the land or assets from which they have been displaced.

regulations on land acquisition if applicable; noting that where the differences are significant whichever policy is of a comparatively higher standard will apply.

(iv) Social Assessment and Socio-Economic Surveys

The consultant or the firm shall conduct an initial social and economic survey at the proposed regions for the project activities required under the different components and subcomponents that trigger ESS 5. The survey shall cover issues on the social structure, economic activities, social characterization of potential affected persons, and the numbers likely to be involved, the different social institutions, social capital and mechanism for social cohesion. The RPF shall also explore and describe existing conflict resolution mechanism and potential for conflict situations that might arise in course of implementing the project. This information will serve as critical baseline data for a future RAP (to be reviewed as needed).

(v) Estimated Population, Displacement and Categories of Affected People

This requires a record of the number of estimated people likely to be affected or displaced by the project activities as noted in the project component description. The distinct categories may include those who may be losing temporary access to land, ecosystem services and other livelihood enhancement resources that might be rehabilitated by the project. These are only examples of those who are likely to be affected through displacement. The RPF shall identify the right categories as per the impacts noted or expected.

(vi) Eligibility Criteria for various Categories of Affected People

The consultant shall determine the compensation type for the distinct categories, losses and affected persons. These may include persons affected by land take, rights of access to resources or properties like housing, and water sources, loss of livelihood, and loss of cultural properties/sites (where it applies). The RPF shall take note of the multidimensional impact of the project and factor that into the analysis especially about different sites and different forms of social impacts that reflect the peculiarity of each state. The RPF shall pay attention to the different forms of impacts because of the nature of the project and explore the relevant issues appropriately. The criteria for compensation should be as per national legal requirements and provisions of ESS 5, social sustainability and poverty reduction factors and fairness to avoid conflict and dissatisfaction. The section should also identify and document the unit of compensation that is whether individuals, families or groups and indicate the scenarios or cases for the application of each unit of analysis or a combination of units where appropriate.

(vii) Entitlement Matrix for proposed Resettlement and Compensation Policy

Following from the above, the RPF shall develop a matrix that detail the type of compensation that each identified PAP will be entitled to and a rationale as part of the matrix explaining the reasoning behind the entitlement as will be proposed in the Matrix.

(viii) Methods for Valuing Affected Assets

This section is the most important part of the RPF hence it shall describe in detail the methods used in valuing those assets that will be eligible for compensation. This method shall be consistent with both national policy requirements and regulations and ESS5. This process should capture the methodology for taking of inventory of assets, values assigned, and agreement reached with each identified PAP and consider inflationary realities in the final determination of values. The PAPs should have an opportunity to do their own valuation if they have doubts or misgivings through the facilitation of the project for further negotiations between the PAP(s) and the client. Valuing of assets should be a process of engagement with PAPs and not an imposition. The RPF shall demonstrate that the methods used for the exercise in its entirety were engaging and acceptable to all stakeholders.

(ix) Organizational Arrangements and Procedures for Delivery of Entitlements

The RPF shall describe the process for organizational arrangements, responsibilities and roles. The RPF shall describe the approval processes for the various stages of the compensation work and which actors will undertake and have what roles and responsibility. This section will also spell out the actual process for delivering the entitlement including the roles for the different agencies and reporting formats.

(x) *Methods for Consultation with and participation of Affected People*

The consultant shall as a matter of importance, describe in clear terms the methodology for consultation and participation by the PAPs in the process until they have received their entitlements. This process should be elaborate and clear to avoid and minimize confusion and suspicion. This could be done according to the various levels of consultations, the expected outcome from the various stages of the consultation and participation approach that would be adopted. The consultation process includes that for the development of the RPF and subsequent Resettlement Action Plans (RAPs). The RPF should categorically emphasize the importance of documentation and other evidential indication for the consultation and participation process for this RPF and for subsequent RAPs. The record of consultation and participation for this RPF should be attached as an annex to the final RPF report for the client. As part of this, the consultant will develop a program for the disclosure of the RPF to facilitate the work of the client on this matter. The responsibility for both the disclosure and dissemination however lies with the client.

(xi) *Grievance Redress Mechanisms*

Under the grievance redress mechanism, the consultant shall describe the options available to PAPs for grievance redress they may have about the process, the identification of eligible people for compensation, the valuing and compensation and any other complaints they may have with the entire process. The RPF shall indicate how these would be disseminated and accessible to the PAPs. The grievance redress mechanism should also have an in-built monitoring mechanism to check on responsiveness to complaints or grievances lodged. The different forms of receiving the complaints should be clearly described together with the various stages of going through the process. In addition, the redress mechanism shall indicate alternatives, in case the proposed mechanism, for any reason, does not respond to all grievances and complaints.

(xii) *Budget and Funding Arrangements*

The RPF should clearly state the sources of funding for subsequent RAPs, an overall cost estimates for resettlement including for monitoring of the resettlement activities. If there are multiple sites, the RPF should give an indicative budget for resettlement for each of the sites or communities. The financial responsibility of the relevant stakeholders, where applicable, should be categorically stated to avoid ambiguity of source of funds for resettlement activities. These budgets should take into consideration inflationary tendencies

(xiii) *Monitoring Arrangements*

The RPF shall provide appropriate mechanism for monitoring the implementation of the resettlement activities. The consultant shall propose current and participatory monitoring methodologies that would involve the PAPs themselves. The roles of different players like the PAPs, civil society, traditional authorities, and local government authorities among others, in the implementation and monitoring process will need to be clarified. The RPF shall develop, as part of this, a template for monitoring with indicators based on the key issues identified and spelt out in the RPF.

(xiv) *Implementation Schedule*

To avoid confusion with cut-off dates and other time lines especially because compensation will have to be paid prior to commencement of any civil works, it is important for the RPF to set out implementation schedule for the resettlement. The RPF shall in addition to the implementation schedule, identify potential

risks that could militate against the smooth implementation of the resettlement actions and suggest plausible mitigation measures to serve as a guide to the client and the team who will be working on the implementation.

(xv) *Outline of Resettlement Policy Framework*

The Resettlement Policy Framework to be developed under this project will accord with The Gambia legislation and regulations and with ESS5.

The content should be presented in the following format:

- Executive Summary;
- A brief description of the project and components for which ESS5 is required;
- Principles and objectives governing resettlement policy framework;
- Assessment of estimated population displaced and likely categories of displaced persons, to the extent feasible;
- Eligibility criteria for defining various categories of displaced persons;
- Assessment and presentation of the legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- Methods of valuing affected assets;
- Organizational procedures for delivery of entitlements;
- Description of grievance redress mechanisms;
- Arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds and contingency arrangements;
- Mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- Arrangements for monitoring by the implementing agency and, if required, by independent monitors.

(xvi) *Template for the Design of Resettlement Action Plan*

The RPF shall develop a template and sample ToR for the design of a RAP based on the details of the RPF and informed by World Bank framework for RAPs. This template will spell out the main subsections of the RAP and any other relevant annexes that should be included.

QUALIFICATIONS AND EXPERIENCE

The consultant required for the preparation of the RPF will have at least 7 years of experience in the preparation of Social impact assessments and resettlement documents such as the RPFs and/or RAP instruments for World Bank assisted projects.

The consultant shall be a social assessment expert with at least a Master's degree in a relevant field related to environmental and social impact assessment (e.g. sociology, anthropology, economics, etc.), with a proven track record of conduct of surveys, the consultation of stakeholders, including the communities, the analysis and synthesis of socio-cultural data. Have completed at least two (2) similar studies in the last three (3) years. Experience in a World Bank-funded project would be an advantage.

REPORTING

The Consultant will work closely with and report to the Ministry of Information and Communication Infrastructure (MOICI).

DURATION OF THE ASSIGNMENT AND ESTIMATED STAFF INPUT

The duration for preparing the RPF shall not exceed 4 Weeks. The Consultant shall prepare a detailed workplan for conducting the assignment after contract signing.

DELIVERABLES

The key output of the services is an RPF prepared based on the scope of work under this consultancy. The following report shall be submitted to the MOICI for the review and approval by the MOICI and the World Bank as detailed below:

Inception Report– Not later than one (1) week from contract award, an Inception Report shall be submitted that presents the Consultant’s Work Plan, defining the Implementation Schedule by task, and methodology should be submitted. This will include the table of content of the final report. Five (5) hard copies and one electronic copy shall be submitted

Draft Report –Not later than two (2) weeks from contract award, a draft report shall be submitted. This shall be circulated to all CTT members, Ministry and the World Bank for review and comments. Issues and comments raised shall be incorporated in the draft final report. Five (5) hard copies and one electronic copy shall be submitted.

Draft Final Report –Not later than three (3) weeks after contract signing, a draft final report that addresses all comments raised at the draft stage shall be submitted. Five (5) hard copies and one electronic copy of this report shall be submitted. This version shall be consulted upon with relevant stakeholders prior to submission. The final version must contain an executive summary

Final RPF– Not later than four 4 weeks from contract signing, a final report which addresses all comments raised shall be submitted in ten (10) hard copies and one electronic copy.

CONDUCT OF THE CONSULTANT

- The Consultant will, always, be expected to carry out the assignment with the highest degree of professionalism and integrity. The Consultant will be expected to conduct his/her duties in an open and transparent manner;
- The Consultant will not, under any circumstance, take any actions or be seen to be taking any actions, which may hinder or prevent the WARDIP-The Gambia from executing this assignment;
- The Consultant will study all the WARDIP’s guidelines and policies and will be expected to ensure that the assignment is concluded with the strictest adherence to all such policies and regulations;
- The Consultant will not, under any circumstances, take any material decision pertinent to this assignment without the express permission and written consent of an authorized representative of MOICI; and
- The Consultant will not, under any circumstances, discuss, divulge or use any information regarding this assignment or any other transaction conducted as part of the WARDIP, without the express written permission of an authorized representative of the MOICI.

