



# **Organization for the Development of the Gambia River**

## **OMVG Energy Project**

### **Resettlement Action Plan (RAP)**

**For**

### **Electrical substations in Gambia**

**February 2019**

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## List of acronyms

AfDB	African Development Bank
ADWAC	Agency for Development of Women and Children
CEC	Certificate of Environmental Compliance
CE & CE-PM	Consulting Engineer – Project Manager
DUP	Declaration of Public Utility
ECWAS	Economic Community of West Africa States
ESIS	Environmental and Social Impact Study
EPC	Engineering, Procurement and Construction
ESP	Environmental and Social Program
ESMP	Environmental and Social Management Plan
EEESWA	Electrical Energy Exchange System of West Africa
FAC	Follow-up Advisory Committee
IDA	International Development Association
IAC	Information, Awareness, Consultation
IGAP	Income-generating Activities Project
KV	Kilovolt
LCMC	Local Coordination and Monitoring Committee
LIDAR	Light Detection and Ranging
NCFA	National Committee for the Fight against AIDS
NECS	National Electricity Company of Senegal
NMC	National Monitoring Committee
OMVG	Gambia River Valley Development Organization
PAP	People Affected by the Project
PREC	Polyvalent Rural Expansion Center
PMU	Project Management Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
TFP	Technical and Financial Partner
WAPP	West African Power Pool
WB	World Bank

# 1 INTRODUCTION

## 1.1 Background and objectives

### 1.1.1 Background and previous studies

The West African subregion has natural resources to meet much of the energy needs of its population. The hydroelectric sector is part of this potential. The development of an efficient electrical transmission power system is a prerequisite for this development.

The governments of Guinea, Senegal, Gambia and Guinea-Bissau have set up The Gambia River Development Organization (OMVG) whose main mission is to develop and exploit rationally the common resources basins of Gambia, Kayanga-Geba and Koliba-Corubal rivers. One of these enhancements is the development of an electrical transmission power system in the subregion.

The enhancement of these river basins offers an opportunity for the development of the largely untapped energy potential. Up to now, several studies have been funded by the member countries of OMVG and the international community.

A study on the integration of generation and transmission of electrical energy investments in the four OMVG member countries was conducted from 1994 to 1996. The results of this study led to the identification in the member countries of:

- A hydro electrical site development program;
- An interconnection grid of the electricity transmission power systems.

A priority program has been selected and the African Development Bank (AfDB) has financed the technical, economic, environmental, social and institutional feasibility study of the Sambangalou hydro electrical development and the interconnection power transportation grid for the OMVG country member's power system. This study was conducted from February 2002 to May 2004. The positive results of this feasibility study and the importance of the overall project motivated OMVG's to request from AfDB the financing of:

- The detailed pre-project studies
- The preparation and the development of bidding documents, including the update of Environmental and Social Impact Assessments (ESIAs).

Given the large energy gap to be filled in the sub-region and the high dependence on imported petroleum products for electricity production, this study confirmed the need to increase hydropower supply by adding extra source of production to the Sambangalou hydro electrical facility. The choice then fell on the Kaleta site, located on the Konkoure River in Guinea.

The three components of the OMVG Energy Project are:

- Sambangalou hydropower site,
- Kaleta hydropower schemes (AHEs)
- The interconnection lines.

The first component of the project is the interconnection line that will be used to transport the hydroelectric power generated from the Sambangalou and Kaleta dams to the main users of the member countries. These potential users are the states, their populations and economic actors.

This project was the subject of an Environmental and Social Impact Assessment (ESIA) in 2006 (COTECO, 2006), including an Environmental and Social Management Plan (ESMP) (COTECO, 2007a) and a Resettlement Action Plan (RAP) (COTECO, 2007b).

More recently, in 2014 and 2015, the OMVG carried out the review and update of the environmental and social studies of the Energy Project by Oréade-Brèche ISL. The ESIA and ESMP were updated in 2014 (OMVG, 2014a and OMVG, 2015b) and the Resettlement Action Plan for the entire project was reviewed in 2015 (OMVG, 2015). In addition, an Interconnection Resettlement Policy Framework (RPF) was also produced in September 2014 in accordance with the World Bank OP 4.12 (OMVG, 2014c).



### 1.1.2 Justification and objectives of the RAP

The construction of power substation stations in Gambia is associated with the OMVG transmission line project. It will cause physical or economic displacement of populations.

The purpose of this RAP (Resettlement Action Plan) is to mitigate the impacts and to compensate losses and inconvenience suffered by those affected by the construction of the 2 sub-station in Gambia.

## 1.2 RAP Development Strategy and Structure

### 1.2.1 RAP objectives of the Gambia substations

#### Primary objective

The main objective of this Resettlement Action Plan (RAP) of the Gambia substations are to:

- Reduce the risks of impoverishment,
- Mitigate the impacts;
- Minimize, as much as possible, involuntary resettlement
- Ensure that the affected populations that must leave their living environment and / or lose part of their property or assets following the completion of the project, are:
  - Compensated for these losses
  - that affected livelihoods are restored,
  - Become beneficiaries of the positive spin-offs of the project.

The displaced people should be supported in their efforts to improve, or at least restore their livelihoods and standard of living to the levels prevailing prior to the displacement related to the implementation of the project, whatever is the most advantageous formula. The RAP is part of the Interconnection Project along with engineering plans, purchases of equipment and other activities. It must be implemented before undertaking any infrastructure construction work likely to affect the population.

These measures will have to meet the requirements of the concerned communities. They must also comply with:

- Gambian Legislation
- Standards of the Technical and Financial Partners (TFP) particularly with the World Bank's Operational Policy 4.12.

In the event of discrepancies between normative frameworks, the highest standard for the Project Affected Persons (PAPs) will be applied.

#### Specific objectives

To achieve this, the RAP for the substations have the following specific objectives:

- To minimize land expropriation and involuntary resettlement, exploring viable alternatives in the project design;
- To ensure that the people affected by the project (PAP) are consulted and have the opportunity to participate in all the key stages of the process of developing and implementing compensation activities;
- To identify the compensation based on impacts to ensure no one affected by the project is penalized or impoverished;
- To compensate PAPs for disturbance and inconvenience;
- To favor the replacement of affected assets rather than cash payments;
- To establish a fair, transparent, effective and reassuring compensation process;
- To assist those affected in their efforts to improve their livelihoods and standard of living, or at least restore them, to their pre-project level;

- To design and execute compensation activities as sustainable development programs, providing sufficient investment resources to ensure that the project-affected people have the opportunity to share the benefits of the project;
- To give special attention to gender issues and the needs of the most vulnerable people among the affected populations. Gender-based discrimination results from unequal treatment of persons because of their gender; this vulnerability supports the need for positive measures against discrimination in the accompanying measures. This special attention will be detailed in the RAP. It involves:
  - Creation of specific PAP files for women farmers,
  - Financial compensation
  - access to resources dedicated to women,
  - Dedicated program of income-generating activities (IGAP).

### 1.2.2 RAP Development Strategy

The RAP development strategy includes: updating information gathered during parcel surveys and during the earlier phases of the project; to apply tools to ensure fair compensation and resettlement of the PAPs, so that following the project, they will be in a higher socio-economic situation or at least equal to their current situation. The strategy is structured around the following elements:

- The Identification of affected lands;
- The identification of an eligibility matrix;
- The identification of occupant / farmer PAPs using affected land;
- The identification and establishment of a formal complaints procedure to manage any grievances and concerns of the affected population during and after the implementation of the RAPs;
- The description of the socio-economic situation of the PAPs prior to the completion of the project;
- The production of inventories of PAP's affected assets;
- The identification of compensation values for affected assets;
- The identification of resettlement measures and compensation matrix;
- The identification of appropriate measures that would help PAPs to participate in the entire RAP process to improve or at less restore their former standards of living;
- The identification of controlling tools to assure effectiveness of resettlement and replacement of the lost assets & income;
- The identification of vulnerable PAPs or groups of PAPs (who may not benefit from RAP actions due to their vulnerability) and actions taken specifically in regards to their conditions;
- The identification of potential resettlement sites (where the affected PAPs will reset their affected economic activities, home or assets);
- The identification of the responsible organisation and mandates for the RAP implementation;
- The identification of monitoring and evaluating process including monitoring the restoration of the standard of living of affected persons and evaluation of RAP implementation activities;
- The definition of the timetable for the RAP implementation;
- The evaluation of RAP implementation costs.

### 1.2.3 General organization of RAPs

#### Resettlement Action Plan

The interconnection substations and lines of the OMVG Energy Project are spread over four countries, whose national laws, currencies, languages, scales and administrative structures differ. For these reasons, it was agreed to prepare eight (8) RAPs as follows:

#### **RAPs substations**

1. RAP substations in Senegal: Tambacounda, Kedougou, Tanaff and Kaolack
2. RAP substations in Gambia: Brikama and Soma
3. RAP substations in Guinea Bissau: Bissau, Mansoa, Bambadinca and Saltinho
4. RAP substations in Guinea: Boke, Kaleta, Linsan, Labe and Mali

#### **RAPs lines**

5. RAP substations in Gambia: Lot 7; parts of Lot 6a and Lot 6b in Gambia
6. RAP substations in Guinea Bissau: Lot 5 in Guinea Bissau
7. RAP substations in Senegal: Lots 1a and 1b; Lot 2; Lot 3 in Senegal ; Lot 6a and 6b in Senegal;
8. RAP substations in Guinea: Lot 3 in Guinea; Lot 4 ; Lot 5 in Guinea

#### Forecast Timeline

The overall schedule leading to the phasing out of substation and line rights of way will most likely extend to the end of January 2019. The projected production timeline for the RAP s and the RAP / revision / validation and implementation steps is presented in Figure 1.1. This timeline is presented for information only and does not constitute a commitment.

#### Exempted areas from relocation

The results of the parcel surveys carried out in the four countries revealed that several substation sites and sections of the right-of-way corridor do not include any PAP's assets. These sections correspond to natural environments far from settlements or having a protection status without human occupation. In addition, the examination of high-definition orthophotos (aerial pictures) taken of all the length of the corridor, also shows that there is no apparent sign of occupation or farm operation along the length of these sections of the corridor. These unoccupied and undeveloped sections do not involve physical or economic resettlement. They are therefore exempt from physical or economic resettlement. The technical note on areas exempt from resettlement for the entire project can be found in Annex 4. In the case of substations in Gambia, as described in Section 2.2.2, the Soma substation site is located on unoccupied and undeveloped lands owned by NAWEC (National Water & Electricity Company). There is no PAPs physically or economically affected, so no resettlement is required. The development of the Soma Transformer Substation is therefore exempt from RAP. However, if, exceptionally, a person declares himself to be affected by the project on this exempt site, his case would be treated according to the rules of the RAP as indicated in Chapter 11 of this RAP.

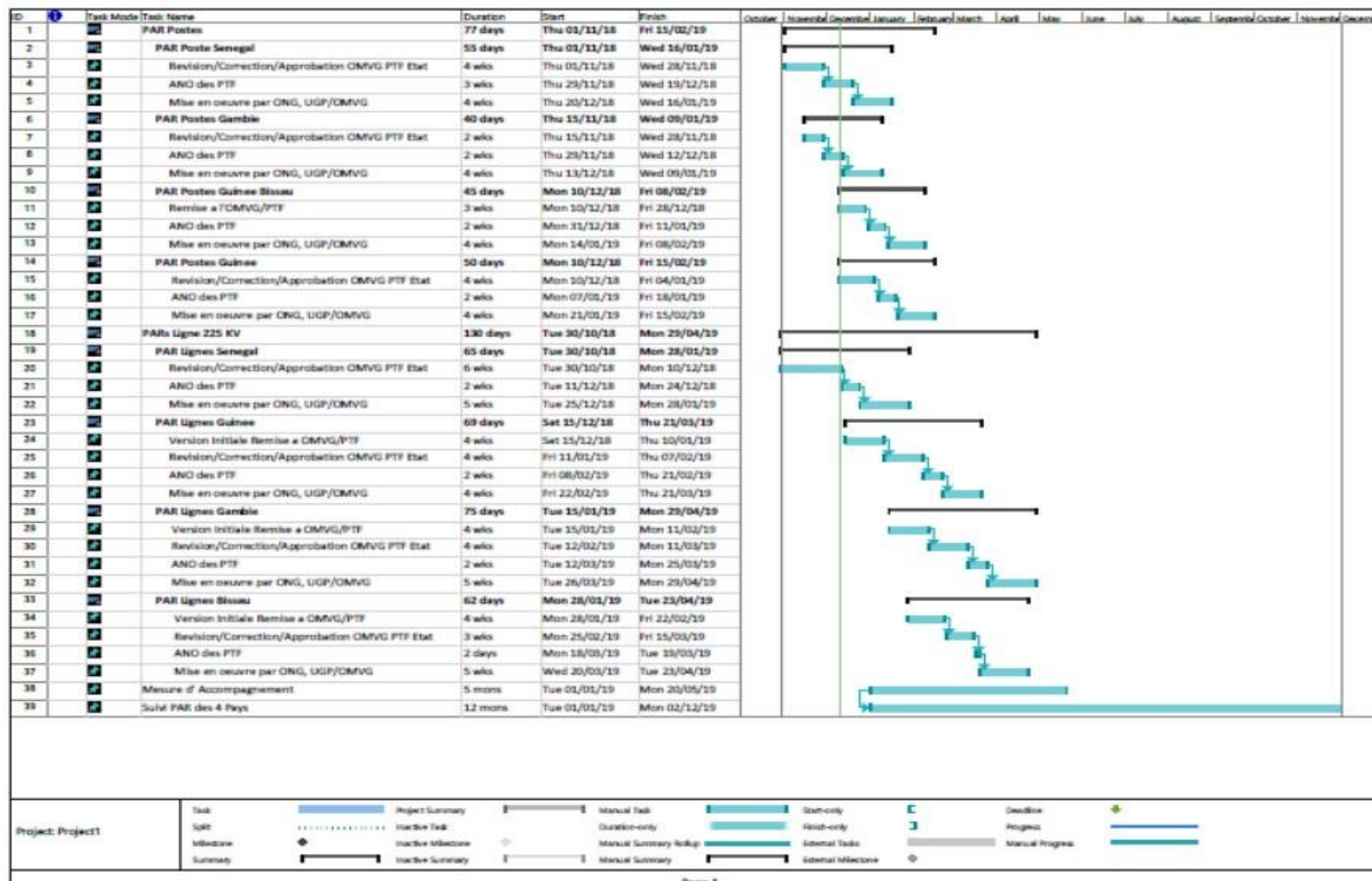


Figure 1.1: Indicative timeline for the implementation of the RAPs of the OMVG Energy Project

## 2 Energy Projects and related substations in Gambia

### 2.1 Overview of the OMVG Energy Project

The electrical sub-stations in Gambia are part of OMVG's 225 kV interconnection project. The interconnection line covers a total length of 1645.56 km across Senegal, Guinea, Guinea-Bissau and Gambia. The interconnection project also involves the construction of 15 power transformer sub-stations located near the main production or consumption centers in each country. These substations are connected by transmission lines that carry electricity at a voltage of 225 kV to each substation. The electrical equipment installed in the substations reduces the power voltage to 30 kV to be feed it into the regional distribution power system that supplies the populations and industries.

Gambia has two sub-stations among the 15 of the OMVG Energy Project. These are located in: Soma and Brikama. Figure 2.1 below shows the position of these two stations in Gambia in relation to the entire interconnection project.

The following section provides a brief description of these location, including context, land use and land status.

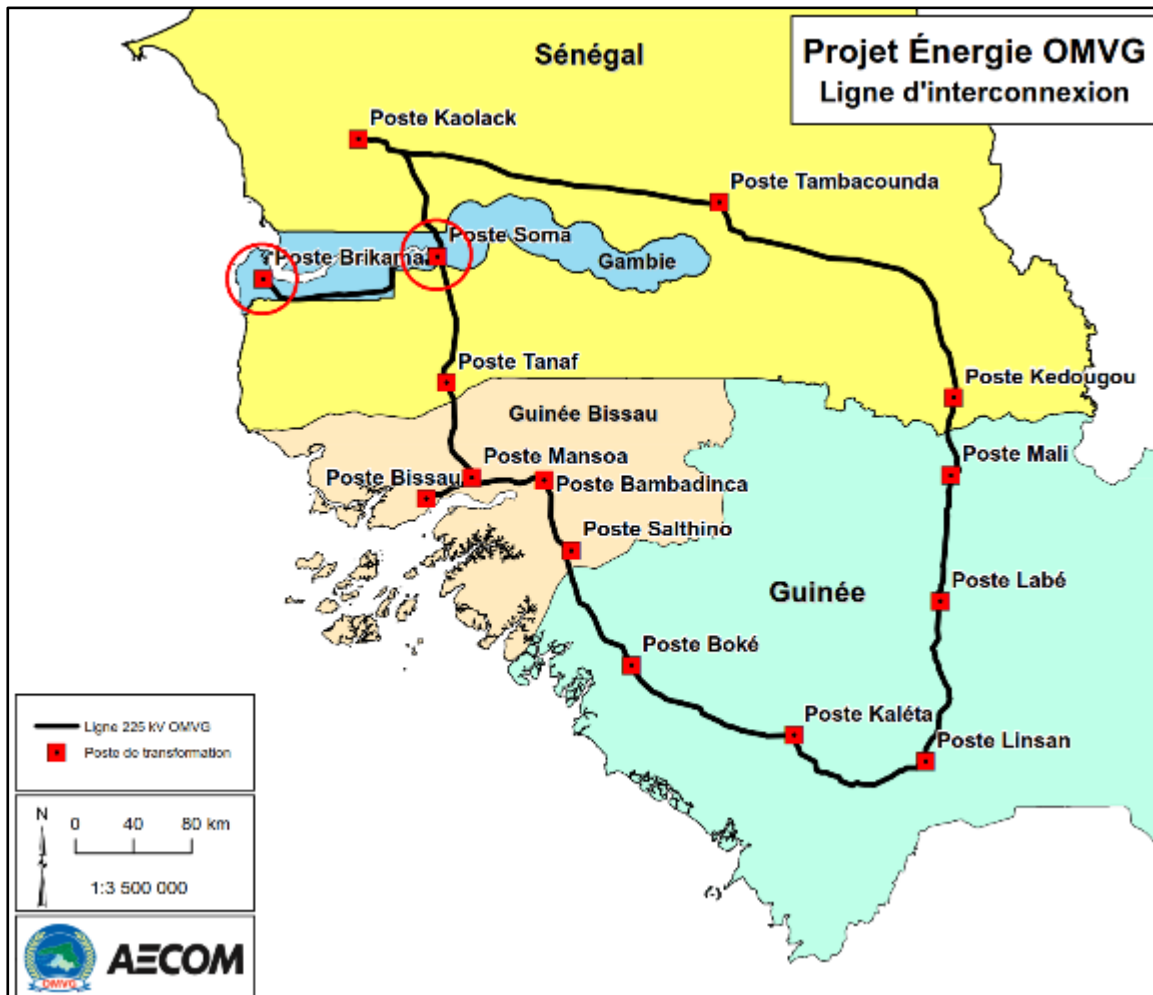


Figure 2.1: Position of the Gambia substations in relation to the entire interconnection project.

Builders and TFP concerned with the substations in Gambia

The construction project for the electrical sub-stations in Gambia consists of a single batch of substations: Lot P2 (Table 1.1). For this lot of substations in Gambia, the company Eiffage / Elecnor is responsible for the execution of the work; funding is provided by FKDEA. However, the WB, AfDB and EIB have indicated their intention to revise and comment this RAP.

Table 2.1: Lots of substations, constructor and associated TFP

Country	Lot	Substation	Builder	PTF
Gambia	P2	Soma	Eiffage/Elecnor	FKDEA
		Brikama	Eiffage/Elecnor	

**2.2 Potential impact of the project on the populations**

**2.2.1 Sources of impact**

2.2.1.1 Reserved right of way and restriction of use

Reserved right of way for the OMVG

For the development of the Brikama and Soma transformer stations in Gambia, the OMVG provided with a surface of land measuring 300 m x 300 m, or 9 ha for each sites. This land constitutes a right-of-way reserved exclusively for the needs of the OMVG within which will be built and operated the substations. This land within the substation right-of-way is permanently assigned to the exclusive use the OMVG. The perimeter of the reserved land will be marked out and a sign will indicate the prohibition of access to the surrounding population.

Present current occupants or farmers will be allocated new lands nearby, outside the reserved right-of-way and will be compensated for any loss of asset or income as described in this RAP.

Area physically occupied by the substation

The actual area occupied by the physical components of the substation (buildings, electrical equipment, transformers, etc.) is of a surface of 200 m x 200 m<sup>1</sup>, this will leave for the stations in Gambia a free area of about 5 ha around the station, inside the reserved right-of-way. This non-occupied area in the right-of-way will be used during construction as a storage area and to accommodate the builder's offices, washrooms, parking etc. After construction, these lands areas will remain for the exclusive use of the OMVG. It will serve as a buffer zone between the substation's facilities and other types of surrounding land use.

Use and activities outside the reserved right-of-way<sup>1</sup>.

Outside the OMVG reserved right-of-way, there is no risk to the safety of the population and no restriction of use. Any type of agricultural, industrial or residential occupation is possible.

2.2.1.2 Access road to the substations

When required, the development of access road will provide access to the substations, for construction and during operation. It could be a potential source of impact on local populations. To minimize this risk, substation sites are normally located near existing roads. The use of existing road or tracks is recommended. In some cases, it may be necessary to build new access to transport the materials and machinery to the construction site of the substation. These new accesses will be built as much as possible, on unoccupied or undeveloped land to avoid creating additional impacts for land users or those living nearby. If the development of a new access affects people, these PAPs will be identified and treated in the same way as other PAPs, according to the guidelines of this RAP. In this scenario, the RAP will be updated and considered by the TFPs.

<sup>1</sup> At the time of writing this PAR, the exact surface required for the stations is final

<sup>2</sup> NAWEC does not impose any restrictions on use outside the substations.

## **2.2.2 Impact on the population in terms of resettlement**

### **2.2.2.1 Loss of land**

The location of electrical substations requires the permanent acquisition of land owned, occupied or operated by individuals. In Gambia, 9 ha of land will be permanently acquired for the construction of each substation at Brikama and Soma.

- At the Brikama substation, people using land, will be allocated replacement land in accordance with the compensation principles described in this RAP.
- The Soma substation is not occupied by anyone and does not require any physical or economic resettlement; therefore, no compensation of land is expected.

### **2.2.2.2 Loss of income**

Individuals are currently exploiting farmland at the Brikama substation site. With the construction of the substation, these people will lose income by not being able to farm and harvest their usual production. These individuals will be compensated as described in this RAP.

### **2.2.2.3 Impact on pastoralism**

The construction and presence of substations will have a negligible impact on pastoralism. At most, we can consider the inconvenience caused to livestock owners who may have to deviate from their transhumance route to avoid substation sites. Forage losses are also negligible since the amount of pasture lost is minimal compared to the total. In any case, a compensation measure for the inconvenience to pastoralists is provided in this RAP in Sections 7.3.6 and 8.9...

## **2.3 Description of the substations**

### **2.3.1 Brikama substation**

#### **Situation**

Brikama substation is located about 20 km southwest of Banjul, 6 km northwest of Brikama City, on Bafuloto Road. The site is located in the Kombo Central District of the West Coast Region. The closest villages are Jamburr, 2 km to the west and Faroto 2 km to the east. The distance from Brikama Road to the substation is 2.2 km.

#### **Land use**

The perimeter for the Brikama substation is currently uninhabited and has no buildings or agricultural structures. The land surface is 70% covered of a degraded shrub savanna and 30% by cultivated land plots. Scattered forest trees and a small area of fruit trees occupy the northeastern part of the substation site. The following pictures show some views of the crop plots on the Brikama substation site.

#### **Access to the Brikama substation**

The substation of Brikama is 200 m east of the national road linking Brikama and Galowya. There is currently a foot path on the NAWEC ground that provides access to the substation site from the National Highway as shown in Figures 2.2 and 2.3. There are no PAPs associated with the path for the Brikama substation.





Picture: Cashew trees, millet fields at the Brikama substation



Picture: Peanut field, Brikama power substation in the background



Picture: Palm trees at Brikama substation

Figure 2.4 provides a detailed view of land use and cultivated crop plots within the perimeter of the Brikama substation.



Figure 2.2: Regional situation plan for the Brikama substation

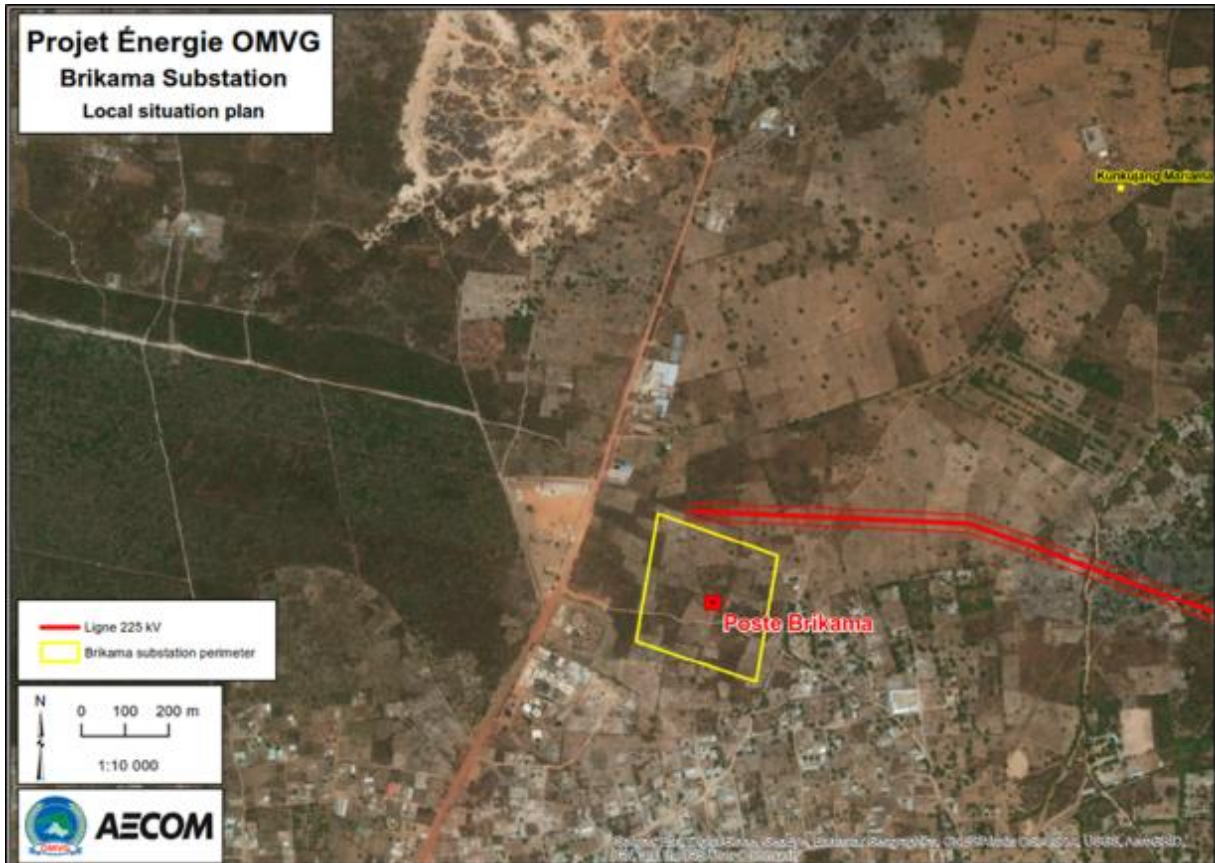


Figure 2.3: Local plan for the Brikama substation

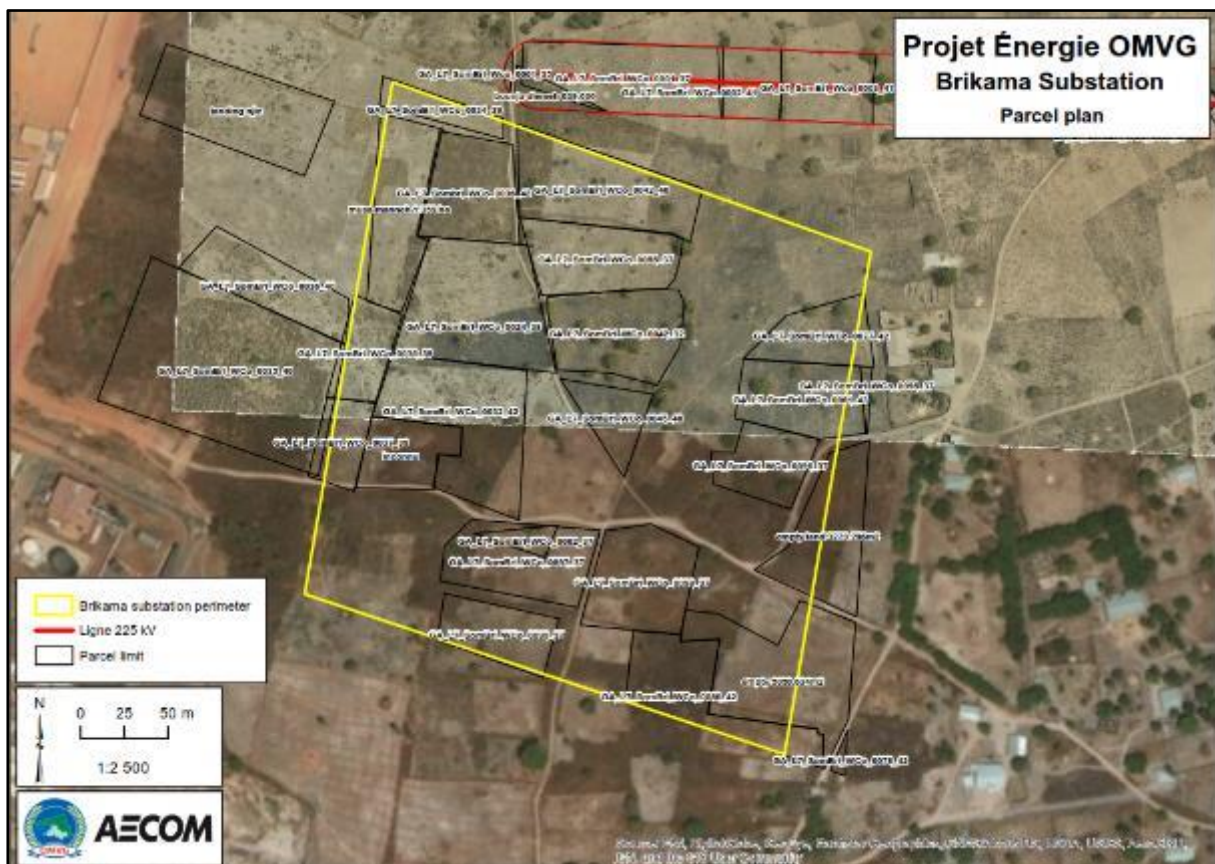


Figure 2.4: Occupation of land at the Brikama substation site

### Land Status at the Brikama Substation

The site is on land owned by the National Water and Electricity Company (NAWEC), neighboring the Brikama Thermal Power Plant. The 300m x 300m plot ownership of the Brikama substation site is governed under a 99-years lease (March 15th 2005 to March 14th, 2104) between NAWEC and the Secretariat of State for Land of Gambia responsible for Lands. NAWEC has definitively yielded the land to the OMVG. NAWEC's letter to OMVG High Commissioner constitutes the land rights transfer document. (See Annex 1). The lease documents for the Brikama site are in Appendix 2 a. The site location drawing and GPS coordinates information are Annex 2b.

### **2.3.2 The Soma sub-station (exempt from physical or economic resettlement)<sup>2</sup>**

#### Situation and access

The Soma substation is located in the "*Lower River Region (LRR)*" in the Jarra West District. The site is limited:

- East side by the village of Karantaba, (the closest homes are at 600 meters);
- West side by the new districts of Soma located at 100 meters; and the Trans-Gambian Highway located 2 km away;
- North side by "South Bank Road" at about 500 meters, and the two villages of Kani Kunda and Mango Garden;
- To the South by a shrub zone.

Figures 2.5 and 2.6 provide a view of the site location in the local and regional context.

#### Access to the substation site

The 300m x 300m site reserved for the Soma substation is located approximately 200m south of the South Bank paved road. A network of existing paths allows access to the site. As it can be observed in Figures 2.6 and 2.7, it is possible to build a new access road, without moving anyone, passing on unoccupied and undeveloped open bush and savanna land to link the substation to the main road.

#### Soma substation exempted from RAP

As previously described, the Soma substation site is located on unoccupied and undeveloped lands owned by NAWEC (National Water & Electricity Company). There is no one physically or economically affected, so no resettlement is required. The development of the Soma sub-station is therefore exempt from of RAP. However, if, exceptionally, a person declares herself and become affected by the project on this exempt site, the case would be treated according to the RAP grievance mechanism Chapter 11

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<sup>2</sup> The characteristics of the site are presented for information, but the development of the Soma substation is exempt from physical or economic relocation as it does not require any physical or economic relocation. See details in section 4.4.

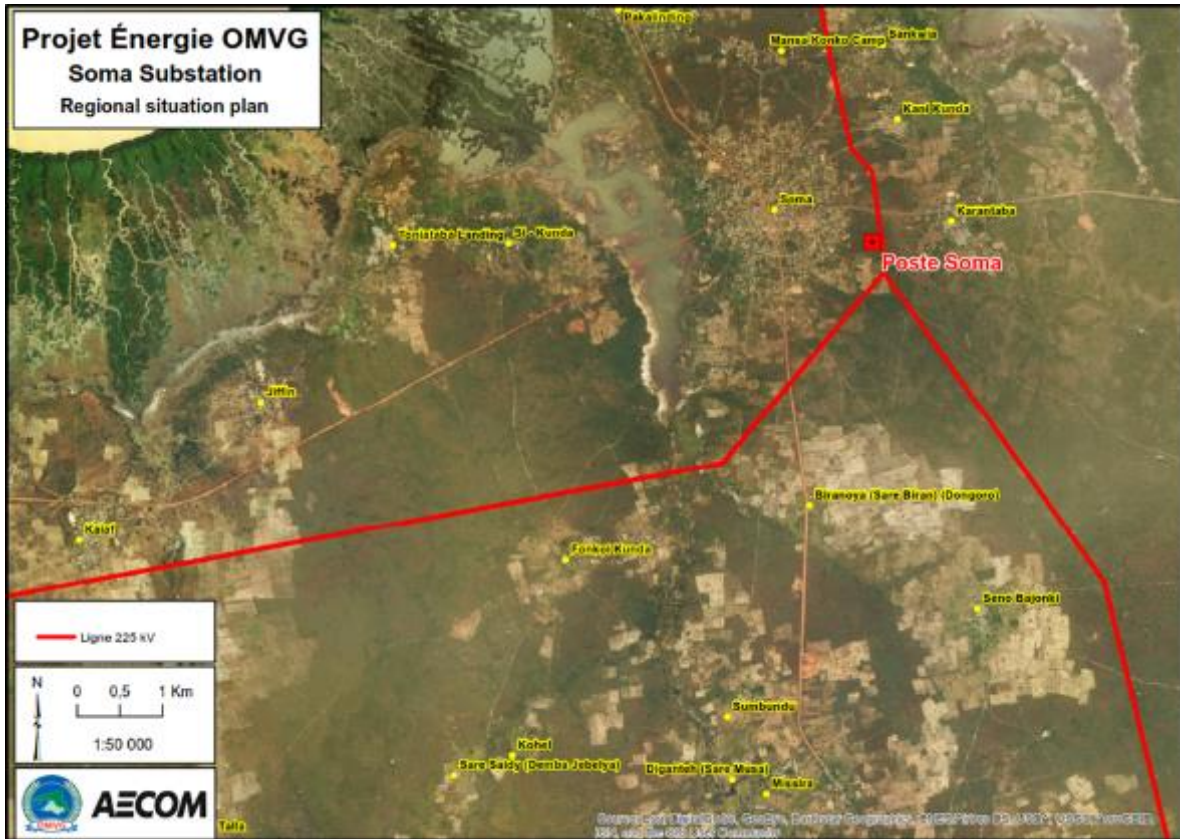


Figure 2.5: Regional Soma Position Plan

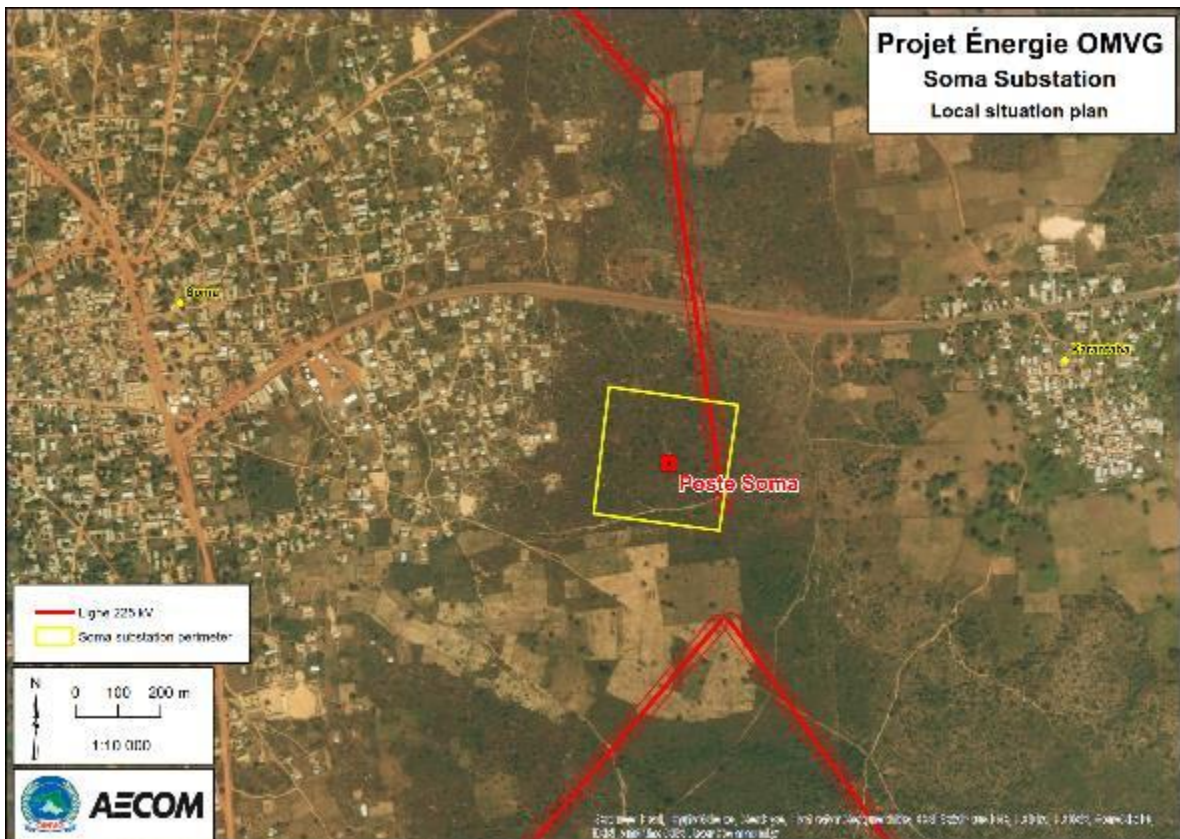


Figure 2.6: Local situation plan for the Soma substation

Land use:

The site reserved for the Soma substation is uninhabited and untapped. It does not include any building or structure. The land surface is occupied by a shrub savanna as can be seen in the following pictures. Figure 2.7 provides a detailed view of land use in the immediate vicinity of the substation.



Land status of the Soma substation

The site is located on land acquired by the National Water and Electricity Company (NAWEC) 100 m east of Soma and 500 m west of Karantaba. The 300m x 300m plot for the Soma station is governed by a lease agreement between NAWEC and The Secretary of State Responsible for Lands. NAWEC has definitively yielded the land to the OMVG. NAWEC's transfer letter to the OMVG addressed to the High Commissioner can be seen in Annex 1. The Soma lease documents are attached as Annex 3 a.

The location plan with coordinates is Annex 3b.



Figure 2.7: Unoccupied and undeveloped shrub savanna at the Soma substation site

Soma substation exempted from RAP

As previously described, the Soma substation site is located on unoccupied and undeveloped lands owned by NAWEC (National Water & Electricity Company). There is no one physically or economically affected people, therefore no physical or economic relocation required. The development of the Soma transformer station is therefore exempt from relocation. However, if, exceptionally, a person declares himself affected by the project on this exempt site, his case will be treated according to the rules of the RAP as indicated in Chapter 13 of this RAP.

## **3 Parcel and socio-economic survey**

### **3.1 Objectives of the Survey**

#### **3.1.1 Census of all potential PAPs**

The parcel and socio-economic survey were conducted in December 2017 and January 2018 along the line corridor and at the substation site. The data collection campaign was carried out by the Interconnection Builders. The firm Vinci / TTE, main builder of the line in Gambia, recruited the firm MSA to conduct the parcel and socio-economic survey to allow the construction of the line and substations in Gambia.

The purpose of this survey was to identify all persons affected by the project at the substation sites.

#### **3.1.2 Prerequisite to RAP**

The parcel survey is a prerequisite activity for the production and implementation of the RAP. It accurately identifies loss related to the interconnection project identify:

- area land
- crops affected
- number of fruit trees,
- forest trees to be replanted,
- loss of structures and houses
- other losses incurred

This investigation identified all the occupants of land with rights on the affected lands, whether they are legal owners, customary landowners, farmers, or those who have no customary rights or land rights on the lands. The results of this survey were used to establish what to compensate with this RAP.

The socio-economic survey of affected people established the socio-economic portrait of the affected households. It provided a set of data such as:

- Identification of PAPs ;
- Identification of affected assets;
- A basic socio-economic pre-project situation;
- PAP preferences for compensation methods;
- Size and composition of affected households;
- The PAP main economic activities and sources of income;
- Gender characteristics of the household;
- Vulnerable people affected and issues to be address.

### **3.2 Information/Awareness/Consultation (IAC)**

In Gambia, the PMU and the OMVG High Commission supported the National Monitoring Committees (NMCs) and the Local Coordination and Monitoring Committees (LCMC) in carrying out the information and consultation activities before the start of parcel surveys. Meetings were held with the various administrative authorities and all the towns and villages concerned by the project. Gambia State services, cantons chiefs and affected populations have actively participated.

Meetings were held in Gambia in the Birkama (Central, Sibanon Community, Bondaly District) and Soma (Soma Center, Farafinna, Kwenalla) regions. The purpose of these meetings was to inform and sensitize the population regarding the following elements:

- the nature of the project,
- the potential impacts,
- the notion of PAPs,
- the meaning of the Declaration of Public Utility (DPU),
- the arrangements made by the project to compensate for losses
  - Inventories of affected assets and property
  - Calculation principle for compensation).

A total of 177 people, including 11 women, attended these meetings.

A public media campaign using local languages (Diola and Mandingo) took place with the support of 6 radio stations.

Subject where:

- the OMVG Energy Project and its benefits,
- the parcel surveys to be conducted at project sites
- the disturbances caused affecting the populations
- the arrangements made by the OMVG to avoid/minimize and compensate for all losses

A estimated total of 45,000 people was reach by this mass awareness campaign. This estimate is made on the basis of the size of the local population, community radio being well relayed in the different villages.

The consultations meeting conducted, attracted a small proportion of women (11). This can be explained by the fact that land is traditionally owned by men in Gambia, therefore women felt they were not concerned

The use of consultation practices segmenting participants into groups of men, women, youth, etc. would have favored better participation of women.

### 3.2.1 IAC for Soma substation

The LCMC supported by the OMVG carried out consultations and sensitization of the people affected by the project for the substations and lines in Gambia. Information and sensitization meetings were held at the Soma center, Farafinna and Kwenalla and brought together the surrounding populations affected by the project.

Following these community meetings, radio broadcasts were organized at three community radio stations in Soma, Kabada and Casamance. These broadcasts reached about 25,000 people in the Soma area. The content of these broadcasts focused on the subject mentioned above as well as on the following specific issues:

- The survey program to be held in the Soma region.
- The concerned villages
- The benefits of the project (improvement for long-term power availability in Soma)
- The job creation during the construction phase and Contractor's local recruitment process.
- The measures for vulnerable people
- The IGAP

The overall participation statistics for community meetings are presented in Table 3.1 below.

Table 3.1 : Participation in community meetings in the Soma region

Regions/Districts	Number of participants		Total
	Men	Women	
Soma centre	28	1	29
Farafinna	29	0	29
Kwenella	29	0	29
Total	86	1	87



Women's participation was very low in Soma. The consultations meeting conducted, attracted only one woman. This could partially be explained by the fact that land is traditionally owned by men in Gambia, therefore women felt they were not concerned

#### The Brikama substation

For the Brikama substation, the population was consulted in: Brikama center, Sibanor and the District of Bondaly. Following the community meetings, members of the project committees were interviewed by local journalist of community radio stations. Interviews were broadcast the following stations: Bwiam FM, Kulorokaira FM and Brikama FM. These broadcasts focused on:

- Project presentation,
- Parcel surveys
- Compensation principles
- the localities crossed by the interconnection lines
- Substation position
- Project benefits
- PAP Identification
- Cash or in-kind Compensation
- Land users identification / Site ownership for the substation

Participation statistics at community meetings Table 3.2 below.

Table 3.2: Consultations in the Brikama region

Regions/Districts	Number of participants		Total
	Men	Women	
Brikama	27	5	32
Sibanor	27	2	29
Bondaly	26	3	29
Total	80	10	90

#### **3.2.2 Summary of population concerns**

The population affected by the substation was consulted during the 2017-2018 parcel surveys and spoke about:

- Compensation preferences,
- Eligibility,
- fears related to operation of substation site,
- Inventory method,
- Valuation of assets.

Village chiefs reacted positively to the information and awareness campaign. They say they are reassured following the meetings with OMVG / PMU. They will participate to the field surveys; and will remove obstacles that could affect surveys and other project activities.

Concerns express by participants during meetings were:

- What are the Compensation Methods and Payment procedures for the affected landowners?
- What is the Interstate relation on the OMVG Energy Project;
- Impact on houses and land along the road between Kembujeh and the Brikama's substation
- Will there be Recruitment of local workers for the construction of pylons;
- Will villages have access to NAWEC electricity;
- Concerns about NAWEC high rates, frequent power cuts;
- The expected duration of the project taking into account other external factors;
- The slow pace of NAWEC in the distribution of electricity in rural communities such as Kiangs;
- The high cost and irregular supply of electricity in Gambia.

A summary of the questions and answers are presented in Table 3.3 below:

The concerns and interest of PAPs and stakeholders are documented in the minutes of meetings. The RAP was adjusted accordingly. The report on Consultation and Awareness Campaign in Gambia prior to the parcel surveys can be found in Annex 5.

During the implementation of the Resettlement Action Plan, affected persons and their representatives will continue to be fully informed and consulted. During the implementation of the RAP and construction activities, the OMVG / PMU and the operator of the RAP, the NGO Enda Ecopop<sup>3</sup> & Agency for Development of Women and Children (ADWAC)<sup>4</sup> will use the OMVG communication structure (LCMC coordinator) to inform people regarding ongoing activities. The CLMC coordinator will use accessible local Medias (community radios, and newspapers)

PAPs did express some fear of losing land property and other assets without compensation. During the Communication campaign they have been informed that a compensation program will compensate losses of property and other assets at replacement cost value.

The Consultation activities as also influence the choice of new alternatives for line and substation sites to minimize impacts.

A detailed list of PAP's concerns is included in the consultation reports available in Appendix 4.

Table 3.3: Summary of questions and answers during Information & Awareness Campaign in Gambia.

N°	Questions formulated	Answers provided
1	Who will be responsible for connecting the communities to the interconnection line?	The various national electricity companies are responsible for connecting the communities to the line.
2	What is NAWEC's role in this project?	Distribution of electricity from the Brikama and Soma substations
3	Could interstate conflicts have an impact on this project?	Interstate conflicts should not occur. In any case, no country member of the Organization has the right to deprive other country of electricity. The dam and the interconnection line are a common property of all member of the OMVG. Sharing power and common property is governed by laws and agreements signed between Member States.
4	Will the people directly affected by the project have access to employment under this project?	Local workers within the affected population will be favored if competent for hiring during pre-construction and construction phases of the line and substation.
5	Management and distribution of electricity in member countries?	National power companies are responsible for electricity distribution in each country accordingly to their priorities. <ul style="list-style-type: none"> <li>• Gambia: NAWEG,</li> <li>• Senegal: SENELEC</li> <li>• Guinea Conakry: EDG</li> <li>• Guinea Bissau: EAGB.</li> </ul>
6	Will local workers be hired in villages neighboring the interconnection line?	Yes, according to competence. Otherwise, labor can be recruited anywhere in OMVG member countries.
7	A land owner having farmers cultivating his land, if is land is being affected by the line or substation, who will be compensated? The owner or the user?	The permanent loss of land will be for the substation site and surfaces under pylons. Land owners will be offer replacement land, if its not available a financial compensation.  The farmer cultivating the land will be losing the production. Therefore, this production loss will be compensated. A Special attention will be given to farmers with no ownership of land. They are considered vulnerable.

<sup>3</sup>The broad experience of the NGO Enda Ecopop can be consulted on Annex 15: Expression of interest of ENDA-ECOPOP.

<sup>4</sup> See annex 13; Agreement between the Agency for Development of Women and Children (ADWAC) and ENDA ECOPOP

### **3.2.3 Arrangements to address concerns of the PAPs**

Payment terms have been explained to the PAPs. Provisions of the RAP confirm that the PAPs will be compensated prior to the project takeover of any land.

Explanations were presented to the PAPs regarding rural population access to electricity. Rural electrification is a long-term goal of the Project. OMVG, will raise public awareness to understand that this interconnection line is for the transmission of high voltage electricity, which will be transformed and distribute from local substations. National companies are responsible for the distribution.

PAP's compensation concerns were taken into account for the design of compensation measures.

The OMVG is responsible for asking local authorities to acquire the replacement land. Local authorities did confirm that replacement lands are available. PAP ownership documents for resettlement land will be register and copies provided to each concern PAP, whatever was the ownership status of the original land formal or customary. OMVG will closely monitor the performance of this process involving local government's authorities. The NGO implementing the RAP for OMVG will support the PAPs in this process, by preparing documentation to be presented to administrative authorities to get ownership title.

Identification of PAPs and their affected assets, is one of the main outputs of the parcel surveys. A three-level quality control system was put in place for the acquired data:

- Survey Contractor
- Database managers
- LIDAR images

In contentious cases, field missions were conducted to confirm or correct the data. The database information is available to the relevant authorities on an online platform. These authorities are TFPs, OMVG, Builders, and RAP implementing NGO.

Stakeholder consultation got National authorities to finalize and approve substation sites as well as power line right-of-way. These choices were made taking account of Local Community Development Plans. Several readjustments have reduce the impacts on individual and community assets or projects.

The construction project schedule remains an issue of some uncertainty for PAPs. The communication mechanism between the project and the PAPs trough CLMC Coordinator is maintaining continuous flow of information to and from parties. However, the PAPS were reassured that the start-up of construction their land can only start once they have been compensated. They will be informed in advance of beginning of activities, in a way they can be ready to participate.

Crop compensation takes into account the value of crops at harvest time, regardless of the level of maturation of affected crops.

The OMVG teams in each country will be responsible for ongoing communications with affected populations. In addition, the deployment of the field coordinators and the social safeguard of each contractor will improve the relationships and communications between the project stakeholders and the PAPs.

The PAPs have been informed that it is desirable to continue all their agricultural activities until full payment of their compensation. However, PAPs have been informed that no construction build after the cut-off date will be compensated. (Cut-off date January 31<sup>st</sup> 2018)

### **3.2.4 Consultations on Eligibility & Compensation principles and criteria**

The consultation of PAPs on basic principles of compensation did secure PAP. We can expect that it will reduce fears and future misunderstandings. The consultation also provided a general agreement on the transparency and fairness of the RAP compensation process. The consultation trough the survey questionnaire with registration of PAPs and assets confirmed on a document given to each PAP was a strong reassuring element. During the consultation and survey PAPs where able to understand agree on the basic elements of eligibility and compensation.

### **3.3 Organisation and conduct of the survey**

#### **3.3.1 Development of the survey questionnaire**

The Consulting Engineer and the Project Management team prepared the questionnaire for the parcel and socio-economic surveys, for inventory of assets and for characterization of the PAPs. In Gambia, this questionnaire was written in English and address to all affected persons (individual or corporation). The content of the questionnaire was verbally translated in to local language of the PAPs by the interviewers. The questionnaire is in Annex 6.

#### **3.3.2 Training of the survey team**

The training of the survey team was carried out in two phases:

- A basic general training was held in Dakar, from July 31<sup>st</sup> to August 2<sup>nd</sup> 2017, with the main stakeholders and sub-contractors responsible for parcel surveys.
- A training for interviewers was also held in each country. In Gambia, the training took place from October 20<sup>th</sup> to 22<sup>nd</sup> 2017 in Banjul.

The minutes of these trainings are available by clicking on the following link:

The reports of the trainings of survey team can be consulted by clicking on the following link:

<https://www.dropbox.com/sh/oezgho6fl2z3q1n/AAA9waR-GSCOzadBbmwrpNINa?dl=0>

#### **3.3.3 Inventory and evaluation of individual and collective losses**

The data on the PAPs and losses were collected during the survey by the teams of interviewers. The asset inventory was taken in the presence of the affected person and his village chief. Inventory document was provided to each PAP. Pictures were also taken of each PAP with his duly signed inventory document. The NGO Enda Ecopop & ADWAC, are implementing the RAP under the responsibility of PMU of the OMVG project. They will present to the PAP the compensation agreement for approval before proceeding with the payment of the compensation.

The evaluation of the losses was carried out in accordance with the established compensation value grid or scales. The compensation scales were the subject of a presentation and validation by the national authorities. The methods of calculating and establishing the scales were presented to the PAPs.

The collection of data was based on the compensation principles outlined in the consultations of the affected people, almost all the PAPs formally requested to be compensated in cash.

To promote the maintenance and development of PAP activities, the consultation team emphasized in its communication on the importance of land-to-land replacement, which favors the maintenance of productive activities and food security. The Resettlement Action Plan promotes compensation in kind rather than cash. However, both options will be presented to PAPs, in order to provide them the option of their choice. NGO Enda Ecopop & ADWAC will ensure that there is maximum reinvestment in the livelihoods of the PAPs. This will be done through a good awareness on the benefits of investing on productive assets and the risks associated with wild spending or on new investment in sectors without a good mastery of the prerequisites.

#### **3.3.4 Centralized database**

Questionnaires were address to PAPs in the field by investigators using a digital tablet. The answers to the questions were saved directly in a central database installed on an outside server in France.

#### **3.3.5 Implementation plan and survey progress reports**

Parcel and socio-economic surveys were conducted in the field in Gambia during November - December 2017. Plans and reports on the conduct of survey by subcontractors are available by clicking on the following link:

[https://www.dropbox.com/sh/mbbw849pmz5rbx2/AACWE1YeRlcvzAD2qw\\_I2q6Oa/Rapport%20avancement%20PMC%20MSA%20BEGIE/MSA/Poste%20Brikama?dl=0](https://www.dropbox.com/sh/mbbw849pmz5rbx2/AACWE1YeRlcvzAD2qw_I2q6Oa/Rapport%20avancement%20PMC%20MSA%20BEGIE/MSA/Poste%20Brikama?dl=0)

### 3.3.6 Quality control of the results

Since the end of the field survey, the next step has been to do a quality control of the results. That is, to identify errors, gaps or inconsistencies in the database and make the necessary corrections and additions to obtain a complete and reliable database, which can be used to prepare and implement the RAP.

#### Steps of quality control

The quality control of the parcel surveys is carried out in three stages:

- Step 1: Verification and correction by the contractors and their subcontractors;
- Step 2: Validation of the results and transmission to the CE-CE-PM by the contractors;
- Step 3: Final review and approval by CE-CE-PM.

#### On line SIG Tool for monitoring and quality control

CE-CE-PM (AECOM) has prepared a web-based application to track the results of the OMVG interconnect project parcel surveys. This tool makes it possible to visualize the results of the parcel surveys carried out in the four countries on the high resolution orthophotos obtained from the May 2017 LIDAR surveys. It also allows consulting the main statistics used in the preparation of the RAP of Gambia.

## 3.4 Survey Results for Gambia Substations

### 3.4.1 Soma substation (exempted<sup>5</sup> of RAP)

Survey have been completed since January 2018 at the two substations (Brikama and Soma) in Gambia.

No PAP owner or user were confirmed on Soma site during survey. In addition the local electricity company and OMVG have clearly stated that the only owner and user of the site of Soma substation is NAWEC. Soma substation site is part of the resettlement exempted zone.

As indicated previously, this land is the property of NAWEC. No signs of economic activity including presence of livestock have ever been reported in this plot.

The results by substation are shown in Table 3.3.

Table 3.4: Statistics for Gambia substations

Variable	Soma	Brikama	Total
Number of parcels surveyed	0	23	<b>23</b>
Number of PAP heads of households	0	19	<b>19</b>
Number of individuals surveyed	0	161	<b>161</b>
Number of people listed as juridical	0	0	<b>0</b>
Total number of potential PAPs	0	161	<b>161</b>
Number of utility trees	0	5	<b>5</b>
Number of fruit trees	0	23	<b>23</b>
Number of forest trees	309	10	<b>319</b>
Total number of trees	309	38	<b>347</b>

<sup>5</sup> The WB as requested to use the terminology "resettlement exempted zone" for area where no resettlement is expected.

### 3.4.2 The Brikama Substation

The parcel survey carried out at the Brikama substation site led to the identification of twenty-three (23) partially or completely cropped plots occupied within the perimeter of the substation, belonging to nineteen (19) PAPs. The affected assets are composed of fruit trees, forest trees and crops (millet, beans, maize and groundnuts),

All PAPs currently using a parcel of farmland within the station right-of-way are on NAWEC property. The NAWEC has entered into a 99-year lease since March 15, 2005 with the State Secretariat of Lands (see lease title in Appendix 2a). In the case of parcel surveys, landowners have reported patterns of occupation that vary from one PAP to another. Some PAPs indicated a traditional occupation, others indicated having permission from the owner to cultivate without providing a formal supporting document. In some cases, the occupation type is not specified. Table 3.4 has been updated. PAPs and their assets are shown in Table 3.5.

Table 3.4: PAPs identified and active assigned to the Brikama substation site

Parcel Number	PAP identifier	Impacted property	Type of occupation <sup>6</sup>
GA_L7_SomBri_WCo_0096_37	GA_L7_SomBri_WCo_0037_0001	1925 m <sup>2</sup> of peanut crop	unspecified <sup>7</sup>
GA_L7_SomBri_WCo_0055_37	GA_L7_SomBri_WCo_0037_0001	1 medium cashew + 1 mature cashew + 2566.49 m <sup>2</sup> of peanut	Unspecified
GA_L7_SomBri_WCo_0077_42	GA_L7_SomBri_WCo_0042_0033	1932.99 m <sup>2</sup> of mature millet + 2 mature cashew trees	Owner's permission
GA_L7_SomBri_WCo_0036_40	GA_L7_SomBri_WCo_0040_0028	9 Forest trees (2 young + 7 medium) + 1 mature cashew tree	unspecified
GA_L7_SomBri_WCo_0035_40	GA_L7_SomBri_WCo_0040_0028	2815.52 m <sup>2</sup> of millet +3 utility trees (nere)	Customary occupant
GA_L7_SomBri_WCo_0034_39	GA_L7_SomBri_WCo_0039_0028	1005.5 m <sup>2</sup> of peanut and millet	Customary occupant
GA_L7_SomBri_WCo_0099_37	GA_L7_SomBri_WCo_0037_0002_R1	2007.47 m <sup>2</sup> of groundnut and millet	Unspecified
GA_L7_SomBri_WCo_0098_37	GA_L7_SomBri_WCo_0037_0002_R1	3195 m <sup>2</sup> of peanut and millet	Unspecified
GA_L7_SomBri_WCo_0097_37	GA_L7_SomBri_WCo_0037_0002_R1	3307.38 m <sup>2</sup> of peanut and millet	Unspecified
GA_L7_SomBri_WCo_0024_38	GA_L7_SomBri_WCo_0038_0024	1 medium forest tree + 1 utility tree (Neem) + 2 mature palms	Customary occupant
GA_L7_SomBri_WCo_0078_42	GA_L7_SomBri_WCo_0042_0034	104,409 m <sup>2</sup> of peanut crop	Owner's permission
GA_L7_SomBri_WCo_0045_40	GA_L7_SomBri_WCo_0040_0037	1338.1 m <sup>2</sup> of peanut crop	Owner's permission
GA_L7_SomBri_WCo_0080_42	GA_L7_SomBri_WCo_0042_0036	1 mature cashew	Owner's permission
GA_L7_SomBri_WCo_0054_43	GA_L7_SomBri_WCo_0043_0061	2788.81 m <sup>2</sup> of peanut crop	Owner's permission
GA_L7_SomBri_WCo_0095_37	GA_L7_SomBri_WCo_0037_0027	152.31 m <sup>2</sup> of millet	Owner's permission
GA_L7_SomBri_WCo_0034_42	GA_L7_SomBri_WCo_0042_0032	3 medium grafted mango trees + 2 mature grafted mango trees + 1 mature cashew	Customary occupant

<sup>6</sup> This is the type of occupation that was reported to the surveyor by the PAP

<sup>7</sup> In all cases where the table indicates " unspecified ", the PAP has not indicated or demonstrated that he has a right-of-way being recognized by national law.

Parcel Number	PAP identifier	Impacted property	Type of occupation <sup>6</sup>
GA_L7_SomBri_WCo_0042_40	GA_L7_SomBri_WCo_0040_0034	5 mature palms + 4694.4 m <sup>2</sup> of peanut crop	Customary occupant
GA_L7_SomBri_WCo_0033_42	GA_L7_SomBri_WCo_0042_0031	2 mature cashew trees + 2 mature natural palms + 1 utility tree (Kinkiliba) + 10.72 m <sup>2</sup> of peanut culture	Customary occupant
GA_L7_SomBri_WCo_0036_42	GA_L7_SomBri_WCo_0035_0001	fallow	Customary occupant
GA_L7_SomBri_WCo_0042_36	GA_L7_SomBri_WCo_0036_0034	1359 m <sup>2</sup> of crops (corn + peanuts + beans)	Customary occupant
GA_L7_SomBri_WCo_0036_39	GA_L7_SomBri_WCo_0039_0030	fallow	Owner's permission
GA_L7_SomBri_WCo_0037_39	GA_L7_SomBri_WCo_0039_0031	1,353.6 m <sup>2</sup> of peanut crop	Owner's permission
GA_L7_SomBri_WCo_0041_40	GA_L7_SomBri_WCo_0040_0033	4488.25 m <sup>2</sup> of peanut crop	Customary occupant

*N. B. The substation site is owned by NAWEC. All lands lost to this substation are owned by NAWEC (National Water & Electricity Company). The lease-land (lease 99 years) of NAWEC is in Appendix 2a. The NAWEC ceded the substation site to OMVG (NAWEC's site transfer letter to OMVG is attached as Annex 1).*

#### Synthesis of the affected assets

The affected assets to the Brikama substation are summarized as follows:

- Land Losses: The type of PAP land occupation within the station right-of-way is not uniform. During the parcel survey, some PAPs indicated a customary occupation, others indicated having permission from the owner to cultivate without having submitted a formal document on this subject. For some PAPs, the occupation type is not specified. Table 3.4 indicates the type of land occupation for each PAP identified in the parcel survey.
- Loss of crops (peanuts, millet, maize and beans): area of 36 550.26 m<sup>2</sup>;
- Loss of fruit trees: 23 (9 cashew trees, 5 mango trees and 9 palm trees);
- Loss of utilitarian forest trees: 5 (1 Neem, 1 Kinkeliba and 3 Nere);
- Loss of forest trees: 15. (the number of forest trees includes utilitarian forest trees)

## 4 Socio-economic characterization of PAPs

The results of parcel and socio-economic surveys carried out in Gambia along the sections of lines and substation sites constitute the base line information:

- The occupants present in the affected area;
- The characteristics of the affected households;
- The sources of income and livelihoods;
- The household organization;
- The expected losses, permanent or temporary;
- The number of economically affected persons;
- The vulnerable groups or persons ;
- Provisions for vulnerable groups or persons;
- Information for updating RAP before implementation;
- Land tenure and transfer systems;
- Common natural resources used by PAPs;
- Public and private affected infrastructure;
- The social and cultural characteristics of PAPs.

These results of the parcel surveys also provides:

- The number of people and the percentage of women who are affected by the project.
- The distribution of the population by households, their income-generating activities
- The size of enlarged household including the nuclear family as well as more or less distant relatives, friends and neighbors living near by.

The analysis of the results shows:

- The gender breakdown of PAPs in the project is about equal.
- The main activity of the PAPs for the whole project is farming.

The size of households is relatively limitless and that for purposes of compensation for this RAP: **OMVG considers the nuclear family consisting of the head of the household, the spouse or wives, the children and the grandparents.**

The socio-economic characterization<sup>8</sup> of PAPs is obtained from data collected during the parcel and socioeconomic survey. This section identifies the type and number of people affected by their income and other activities, the gender partition, household composition, age groups and their level of vulnerability. The detailed socio-economic information related to resettlement for the concerned substation sites in Gambia is presented in the following sections.

### 4.1 Socio-economic profile of PAPs for the Brikama Substation

The parcel surveys conducted at the Brikama substation site identified 23 impacted plots belonging to 19 PAPs, heads of households. The affected population is 161, including 72 women (45%). The main occupation of all heads of households is farming.

#### 4.1.1 Composition of affected households

Table 4.1: Household composition of Brikama substation

Household Composition	Number of people
Heads of households	19
Wives	26
Children	116
Grandparents	00
Total	161

<sup>8</sup> The socio-economic survey did not identify any marginalized ethnic group.



#### 4.1.2 Marital status of heads of households

At the Brikama substation, 58% of household heads affected are monogamous and 37% are polygamous. There is a female head of household who is widowed (Table 4.2).

Table 4.2: Marital status of heads of households

Marital status	Number of people	Percentage
Single	1 Widow	5%
Monogamous	11	58%
Polygamous	7	37%
Total of people	19	100%

#### 4.1.3 Age class of heads of household

An analysis of the ages of heads of households shows that thirteen (13) are adults and are between 39 and 56 years old and two (2) heads of household are older than 60 (Table 4.3).

Table 4.3: Age class of heads of household

Age class	Number of people	Pourcentage
Less than 35	4	21%
Between 36-59	13	68%
60 and older	2	11%

#### 4.1.4 Age class of affected populations

The analysis of the distribution of the population affected by the Brikama station by gender: 45% are women, age group: 82% are between 0 and 35 years old. The adults between 35 and 59 years old represent 14%. The 60 years old and older is only 4 % (see Table 4.4 below).

Table 4.4: Population by age group of the Brikama household

Age class	Men		Women		Total Population	Total Percentage
	Population	%	Population	%		
1 to 16	30	19%	16	11%	46	29%
17 to 35	43	27%	42	25%	85	53%
35 to 59	11	7%	12	7%	23	14%
60 and older	5	3%	2	1%	7	4%
Total :	89	55%	72	45%	161	100%

In view of this analysis, it appears that land losses will affect a young farming population. Land for land Compensation will help to limit the risks of rural exodus.

#### 4.1.5 Size of affected households

Censuses at the level of the households assigned to the Brikama substation revealed that more than half of the households have more than 10 individual (Table 4.5)

Table 4.5: Size of the households

Number of people	Households	Percentage
Less than 10 people	9	47%
10 to 20 people	10	53%
More than 20 people	0	0%

#### 4.1.6 Level of education of the heads of households

The analysis of the level of education of heads of households presented in Table 4.6 below reveals that 53% of them did not attend general education. Of these, only one woman out of the 3 female heads of households did not attend general education. In order to fully understand the compensation process and to assert their rights, all PAPs, including women, will benefit from support provided by the NGO (Enda Ecopop and the NGO partner of Gambia) in charge of the implementation of the RAP at the time of the compensation.

Table 4.6: Level of education of the heads of households

Level of study	People	Percentage
General Education	9	47%
Koranic school	6	32%
No education	4	21%

#### 4.1.7 People with disabilities

No physical disabilities are recorded among the affected population at the Brikama substation.

#### 4.1.8 Household vulnerability at the Brikama substation

The survey carried out at the Brikama station made it possible to classify the PAPs according to their type of vulnerability: gender, educational, economic, social and physical.

- **Gender vulnerability.** The analysis reveals that 72 PAPs at the Brikama substation are women, including 65 women 16 of age and over. These women are gender vulnerable person. They will receive support as specified in the compensation scale to help improve their living conditions. Income-generating activities will also be developed for the exclusive benefit of these women. NGO animation will help them to organize into groups, for the development of their collective vegetable garden. An amount of 45 000 dalasi (500 000 FCFA) will be dedicated for these activities. The Senegal-based NGO Enda Ecopop & the Gambia-based NGO ADWAC will implement these activities. The Local Committee for Coordination and Monitoring (LCMC), will designate a gender monitoring committee for these activities dedicated to women.
- **Educational vulnerability.** The analysis of education of heads of households affected by project. Ten (10) heads of household (53% of PAP heads of households) are educationally vulnerable, they did not attend general education and cannot understand the documents related to the compensation process. Among these heads of households, one-woman head of household did not attend general education. Support will be provided to all PAPs by the Senegal-based NGO Enda Ecopop & the Gambia-based NGO ADWAC to ensure a good understanding of the compensation process and documents.
- **Economical vulnerability,** this analysis was based on all member of affected household (161 Individual). The vulnerability assessment of the affected household members was based on the socio-economic survey. It reveals an average household income of 44 194 dalasi (491,041 FCFA) per year. The per day per family member income is below the poverty line per individual of 90 dalasi

per individual per day or for an average family of 7 individual for an income 230 000 dalasi. Therefore, the lump sum allowance defined in section 8.11 of the RAP will be allocated to all PAPs via a household allocation<sup>9</sup>.

- **Social vulnerability.** It concerns 7 elderly (60 years old and over) and 26 women farming the land on the site of the Brikama substation. The social vulnerability allowance established in the compensation scale will be allocated. Head of household will be sensitized when compensation is paid to these individuals so the amounts remains for their use.
- **Physical vulnerability** At the Brikama substation, no one is living with a physical disability  
Globally the different vulnerabilities of PAPs are as follows:

Table 4.7: Vulnerability of household and household members

Vulnerability	Number of households affected	Number of vulnerable population	Total population	Percentage vulnerable population
Gender	19	72	161	45%
Economic	19	161	161	100%
Social	19	33	161	20%
Physical	0	0	161	0

<sup>9</sup> The Compensation scale per type of vulnerability were inspired by the Senegalese government family security grants (100000Fcf per year) which is a social initiative to alleviate poverty. The results of the parcel surveys conducted revealed that 80% of affected households (average 7 individual) are economically vulnerable. Which totalize 105,000 FCFA close to the grant initiative. The results of this initiative are very conclusive according to testimonies of beneficiaries.

## 5 Legal framework

The resettlement planned as part of the OMVG interconnection project, requires consideration of the legal and regulatory frameworks of Gambia, Guinea, Guinea-Bissau and Senegal since the interconnection project lines connect the four countries. The legal framework for resettlement consists of land tenure and expropriation procedures. The following paragraphs outline the land tenure and expropriation procedures applicable in Gambia and offer a comparative analysis of the World Bank's resettlement policies; the African Development Bank (AfDB) policies; the Gambia's national procedures to identify gaps and apply those more favorable to PAP.

### 5.1 Land tenure regime for Gambia

Land legislation in Gambia recognizes customary land tenure in both rural and urban areas.

The national legal framework in land matters is based on four laws dating from the 1990s:

- *The State Lands Act* ;
- *The Physical Planning and Development Control Act* ;
- *The Land Acquisition and Compensation Act* ;
- *The Limitation Act*
- *The Surveys Act*.

The « *State Lands Act* » - Its main objective is to regulate the uncontrolled expansion of housing, especially in urban areas. The law applies in designated areas, currently mainly located in and around Banjul. In designated areas, the law provides mechanisms to replace customary land administration with a system of state-administered emphyteutic leases administered by the state. The « Ministry of Local Government and Lands » is the authority responsible for the application of this law.

The « *Land Physical Planning and Development Control Act* » aims to provide a uniform legal framework for the preparation of, approval and control of the development plans. The law was developed specifically to address the problem of spontaneous housing in Banjul and other urban centers.

The « *Land Acquisition and Compensation Act* » The objective is to enable the State to acquire land for public purposes. The law applies to the entire national territory. Land acquisition by the state is subject to the payment of compensation to those affected by involuntary displacement. The cases in which land may be declared of public utility are specified by law. They include roads and major works to be undertaken by the state. The administration of declared public utility lands falls under the « *State Act Land* ». The « *Land Acquisition and Compensation Act* » includes a set of procedures and mechanisms to govern state acquisition of land: public notification procedures, compensation procedures and litigation procedures.

The *Land Acquisition and Compensation Act* makes provision for the Minister of Local Government and Lands to acquire any land for public purposes, for the payment of compensation for such land and to make provision for connected matters thereof. Under the said Act, land to be acquired for public purpose include the following:

- exclusive government use or for community use;
- in connection with sanitary improvements of any kind, including reclamations;
- in connection with laying out of any new government station or the extension or improvement of any existing station;
- obtaining control over land contiguous to any port or airport;
- obtaining control over land acquired for defense purposes;
- control over land the value of which will be enhanced by the construction of any railway, road or public works or convenience to be undertaken or provided by the government; and
- Planning purposes.

Whenever land is to be acquired for public purposes, the Minister shall authorize the Department of Lands and Surveys to conduct preliminary studies to ascertain that the land is suitable for the purpose it is intended for, the following procedure shall be adhered to:

The department shall clear, set out and mark the boundaries for the land proposed to be acquired.

- A notice of intention to acquire shall be served personally to affected persons or by way of substituted service.
- This shall be followed by the issuance of a six-week public notice describing the purpose of the acquisition. The said notice shall be gazetted, published in major national newspapers and also read over national radio in the main local languages.
- Any queries from the public about the notice shall be formally lodged at the ministry within 21 days of the notice. The ministry shall be required to respond to such queries.

Where affected persons do lodge claim within 21 days as envisaged, or where there is disagreement as to the amount of the compensation, and where there are conflicting claims, the matter can be resolved through Arbitration with the consent of the parties. In the alternative, where the dispute relates to the amount of compensation, disputed titles, affected parties can approach the High Court. Where also the disputes pertain to land held under customary tenure, it shall be dealt with by the relevant District or Group Tribunals.

It is worthy of mention that approaching a High Court can be costly as the services of a lawyer is often needed and most land owners are lay people. In addition, it is time consuming as there is always a series of adjournments. There is also no specialized division in the High Court to deal with these issues. Where parties are not satisfied at the High Court they have to approach the Court of Appeal and then the Supreme Court.

With respect to the District Court, the cases are heard by chiefs who are not properly trained. The decisions of these chiefs have to go to the Provincial Governor who has revisionary powers. He/she can rehear the entire case, order the case for retrial by different set of chiefs or refer the case to the High Court. All these processes are cumbersome and expensive.

The Land Acquisition and Compensation Act have provisions for the Department of Lands and Surveys to appoint a government valuation officer or any other competent valuator to determine the level of compensation. In addition, The Rating Valuation Act further empowers the Minister to appoint a valuation officer with powers to ascertain the capital value of a premises (property) whether the property can be exempted for rates and for any purposes connected with the assessment. From the findings of the rate valuator, the fair market price and value of any property shall be known. The Valuation Officer can also conduct Supplementary valuation. The Valuation Officer prepares a certification list which shall be declared in the valuation roll. This valuation roll shall be published in the gazette. The findings of the Rate Valuation Officer will aid in the allocation of compensation at a fair market price.

To conclude this segment, where the tribunal or High Court to whom disputes are referred, is not in accordance with the compensation by the department, it shall make its own estimate taking into cognizance the value of the lost land and other pecuniary interest. The compensation is provided both for the value of the lost land as well as any rents or loss of profits until the day when final judgement is granted by a competent court or a dispute resolution mechanism.

The Limitation Act has given squatters additional legal rights for negotiations and compensation. This is possible if the land has been occupied by them for more than 12 years.<sup>10</sup> In The Gambia where a claim to land is not commenced within twelve years of occupancy, the owner is foreclosed to initiate legal proceedings to directly evict the occupier. The exception here is where the land is leased or licensed or it is a state land with notice to that effect.

This Act is intended to prevent the legal land owners, particularly absentee private land owners, to suddenly evict land users of land which has been abandoned for more than 12 years. For government owned land, the Department of Lands and Surveys is legally obliged to place warning signs on government land and regularly evict squatters. Out of equitable grounds and based on longevity of the occupancy, who have pecuniary interest in the land, there is need for compensation.

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<sup>10</sup> Section 17 of the Limitation Act Cap 8:01 Vol 3 Revised Laws of The Gambia 2009

The « *Surveys Act* » aims to register in the cadastre land occupied throughout the national territory. The law creates a « survey Board » issuing licenses to land surveyors. The aim is to increase the number of professionals with the right to identify land in urban and rural areas. In fact, the census of the parcel state is a prerequisite for land registration and a conversion from customary tenure to emphyteutic lease.

The highest national standards and those of the World Bank will apply in all cases where there will be divergence since the highest standard automatically meets the obligations of the other standard.

## **5.2 Acquisition of title to land**

Resettlement as a mean of compensation for eviction shall be done in coordination with the Minister of Lands. Legal title owners can be resettled in the designated land if available. The Minister of Lands is empowered to publish in the gazette any regional land so designated<sup>11</sup>. A person who obtains any land in a designated area shall be deemed to hold the land from the state<sup>12</sup>. Such individuals shall apply to the Department of Lands and Surveys for a title deed to be issued to them in the designated land<sup>13</sup>. The lease shall be for a period of 99 years<sup>14</sup>. Resettlement may therefore grant an opportunity for illegal occupants and squatters to have authentic lease documents which ordinarily they would not have. These title deeds will certainly add value to their life as it can be used as collateral for loans. Customary law in land management in Gambia

The Gambia Land Act provides for all the lands in the regions with the necessary powers to administer the districts in which the lands are located for the use and the common benefit, direct or indirect, of all the communities concerned. The law indicates that the occupation and use of provincial lands are also governed by customary practices in the localities where these lands are located.

Customary tenure is based on traditional practices. Customary laws stipulate that when an original land is cleared by a « *Kabilo* » (a group of families that exploits a land); ownership of the land belongs to the head of the « *Kabilo* ». This is the basis of the customary land tenure system as it has evolved over time. Customary tenure exists mainly in rural areas. According to this system, the village chief or "Alkalo" has the right to allocate land in his locality.

On the other hand, customary tenure includes leaseholds and free tenures. Under leasehold tenure, property rights are granted by the state for a period of generally 99 years. This right is legalized only by the registration of the property leading to the production of an official title deed or a lease document, which is then registered with the General Prosecutor's Chamber. The land tenure of "Freehold" does not limit the time of possession of the land. The owner of a land can do everything he feels on his property as long as in doing so he does not interfere with the rights of third parties.

The major challenge faced by land owners is that the land rights are not documented. Also, most of the customary land is managed by families (*Kabilos*) who also have divided interests. So, when it comes to litigation or even compensation, who to relate with is a major challenge. In the same vein, in customary law, women do not own land. Women's interest is often usurped by men in some communities as it is a taboo for a woman to access the tribunal. Even where they are victimized, their voices are often not heard. With the coming into force of the Women's Act of 2010<sup>15</sup>, the legal situation has changed. Women can now buy and own properties across the nation. Any deprivation against women is unconstitutional. Also, according to sharia law which is applicable to inheritance among Muslim families, the female heirs receive only half (50%) of the inherited assets compared to their male siblings. In the same light, the Women Act of 2010 takes pre-eminence over personal religion.

### **5.2.1 Informal mechanisms for dispute settlement**

The main feature of the dispute settlement is that the compromise and reconciliation must take place at the informal level. Land disputes are no exception to this customary norm. If a land dispute breaks out between members of the same family, the head of the family, as guardian of the family land, rule it

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<sup>11</sup> Section 5 of the State Lands Act Cap57:02 Vol 8 Revised Laws of The Gambia 2009

<sup>12</sup> Section 7 of State Lands Act Cap 57:02 Vol 8 Revised Laws of The Gambia 2009

<sup>13</sup> Section 7(4) of State Lands Act Cap 57:02 Vol 8 Revised Laws of The Gambia 2009

<sup>14</sup> Section 7(2) of State Lands Act Cap 57:02 Vol 8 Revised Laws of The Gambia 2009

<sup>15</sup> Women's Act was passed in 2010 after the final revision of Laws of The Gambia in 2009. It is not listed in any volume as yet.

without going beyond the family. If he cannot resolve the dispute, the uncles will appeal to the half-brother protesters to find a compromise and reconcile. If that also fails, the dispute may be brought before the «*kabilo*»<sup>16</sup> for arbitration on the issue. If the dispute persists, the parties may appear before the Imam and other «*kabilo*» as well as other influential leaders.

In the case where the disputed land is used for rice cultivation, women farmers may wish to keep their business out of men's business. In these circumstances, the dispute is referred to the «*Ngansimba*» (i.e. to the leader of the women's community) for advice and reconciliation. In general, no woman refuses the advice of the «*Ngansimba*», whatever its social status. Any woman of goodwill can report the dispute to the «*Ngansimba*».

### 5.2.2 Formal dispute resolution mechanisms

When informal dispute resolution mechanisms are exhausted or circumvented by one of the claimants, the case is then brought before the district court. The court examines the case and takes a binding legal decision. The case may be appealed to higher authorities or courts.

### 5.3 Decree of public utility (DPU)

On November 7, 2016, the Republic of Gambia issued a Public Utility Decree for the OMVG Energy Project. This decree in English is presented in Appendix 6. It can be summarized as follows:

#### **STATEMENT OF PUBLIC INTEREST CONCERNING THE AREAS COVERED BY THE OMVG ENERGY PROJECT IN THE ISLAMIC REPUBLIC OF GAMBIA**

In fulfilment of the executive approval for the declaration of "Right-of-Way" for OMVG Power Transmission Interconnection Lines as Public Property, the Honourable Minister of Lands and Regional Government, Under the Gambia River Basin Development Organization (OMVG), declares the areas earmarked as being of public interest for power transmission as follows :

- A. The road right of way to the surface area underneath the power transmission lines stretching from Soma to Brikama, and also from Soma to the border with Senegal at Farafenni, as State Land.
- B. National Water and Electricity Company (NAWEC) Substations at Jarra Soma, in the Lower River Region, and at Brikama in the West Coast Region respectfully.
- C. The above areas have been declared to be the property of the State and made available to OMVG.

The modalities and conditions for this provision shall be stipulated in specific international conventions on joint projects. The following are forbidden at the reserved areas:

- Any new occupation in any capacity whatsoever;
- Any transaction and transfer in any capacity whatsoever of developed or undeveloped land, in the said areas.

### 5.4 Expropriation procedures applicable in Gambia

The right to property is protected by Article 22 of Chapter 4 on the «*Protection of fundamental rights and freedoms of the Constitution of the second Republic of Gambia*», adopted on 8 August 1996, entered into force in January 1997, the last amendment of which dates from 2001. This article lists the restrictive conditions under which this right may be infringed. These conditions are:

- The attack on property must be justified by defense, public security, public order, public morality, public health, urban and territorial planning, or the development or use of the property to promote public benefit;
- Necessity must be a reasonable justification for the harm that any person with an interest or right in the property may suffer;

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<sup>16</sup> A «*Kabilo*» is a group of families of the same lineage who exploits a land. The *kabilo* is headed by a man who is the leader and who assures the ownership of the land.

- Applicable law shall provide, for the purposes of such possession or acquisition, prompt payment of adequate compensation and insurance for any person having an interest or a right to property to have a right of access to a court of law or any other impartial and independent authority to determine his interest or right, the legality of taking possession or acquisition of the property, interest or right, and the amount to which he or she is entitled, and for the purpose of obtaining prompt payment of such compensation.

This article also specifically excludes a number of situations where property rights could be threatened.

When this right is achieved under the conditions provided for by the legislation in force, the « *Land Acquisition and Compensation Act* » (1990) and the « *State Lands Act* », (1990) constitute the legal framework for the resettlement of populations.

## 5.5 Involuntary displacement policies of the TFP

The OMVG Energy project is made possible thanks to the association of 8 technical and financial partners (PTF):

1. African Development Bank (AfDB)
2. World Bank (WB)
3. European Investment Bank (EIB)
4. French Development Agency (AFD)
5. Islamic Development Bank (ISDB)
6. Kreditanstalt für Wiederaufbau (KfW)
7. West African Development Bank (WADB)
8. The Kuwaiti Fund for Arab Economic Development (FKAED)

The main TFPs of the OMVG Energy Project have their own policies applicable to all their projects that could lead to involuntary displacement, negatives on livelihoods, land acquisition or access restrictions to resources. The World Bank has Operational Policy OP 4.12 "Involuntary Resettlement" (WB, 2001). This Operational Policy was adopted by WADB and AFD as a resettlement instrument. The European Investment Bank also has its Standard 6 "Involuntary Resettlement" which is well described in the Environmental and Social Handbook (EIB, 2013). For its part, the African Development Bank has defined its own operational safeguards policies. Operational Safeguard 2 focuses more specifically on involuntary resettlement: land acquisition, population displacement and compensation. For electrical substations in Gambia, the donor is the Kuwait Fund for Arab Economic Development (KDEF).

### 5.5.1 BM - PO 4.12: Involuntary resettlement<sup>17</sup>

Operational Policy OP 4.12 "Involuntary Resettlement" (WB, 2001) applies to any project that may result in involuntary displacement, negative impacts on livelihoods, land acquisition or restriction of access to natural resources (Annex 9). The main requirements contained in OP 4.12 are:

- Avoid unintentional displacement as much as possible or minimize it by considering variations in project design;
- When displacement is unavoidable, resettlement actions must be designed and implemented as sustainable development programs, by putting in place sufficient resources so that people displaced by the project can restore their level and living environment equivalent to the pre-displacement / initial conditions. The displaced people must be involved in the planning and implementation of resettlement programs;
- Assist the displaced people in their efforts to improve their standard of living, or at least restore it to their pre-displacement level.

The OP 4.12 distinguishes three categories of Project Affected Persons (PAPs) eligible for the benefits of resettlement:

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<sup>17</sup> World Bank Operational Manual, OP 4.12 Involuntary Resettlement of People, 2001



- Those with formal land rights (including customary and traditional rights recognized by the country's legislation);
- Those who have no formal land entitlement at the start of the census but who have title deeds or otherwise - provided that such titles are recognized by the laws of the country or can be recognized as part of a process identified in the resettlement plan;
- Those who have neither formal rights nor titles likely to be recognized on the lands they occupy.

Monetary compensation is not favored in the case of people whose livelihood is based on land. That is, "land-to-land" compensation is favored in this scenario. If displaced people choose an option other than the allocation of agricultural land, if the supply of land is detrimental to the viability of a park or protected area, or if there is not enough land available at a reasonable cost, it will be necessary to propose non-land options based on employment prospects or of independent work that will be added to a cash compensation for the land and other means of production lost. The absence of suitable agricultural land must be proven and documented in a manner satisfactory to the Bank.

People in the first two categories receive compensation for the lands they lose. People in the latter category receive resettlement assistance instead and place compensation for the land they occupy, and any other help to improve living conditions.

### **5.5.2 AfDB - Operational Backup 2: Involuntary Resettlement <sup>18</sup>**

For AfDB, the term "resettlement" refers to both physical and economic displacement. Resettlement is considered involuntary when the people affected by the project are not able to refuse the activities that lead to their physical or economic displacement. This occurs in cases of legal expropriation or temporary or permanent restrictions of land use, and negotiated settlements in which the buyer may resort to expropriation or impose legal restrictions on land use in the event that negotiations with the seller fail.

Operational Safeguard 2 - Involuntary Resettlement applies to all AfDB funded projects that result in the involuntary resettlement of people. It results in: i) relocation or loss of housing by people residing in the project's sphere of influence; ii) asset loss (including loss of cultural structures and assets), spiritual and social) or the restriction of access to assets including national parks and protected areas or natural resources; (iii) the loss of income sources or livelihoods as a result of the project, that the affected people are called to move or not.

The specific objectives of this operational safeguard are:

- Avoid involuntary resettlement as much as possible or minimize its impacts when involuntary resettlement is unavoidable, after all alternative conceptions of the project have been considered;
- Ensure that displaced people are genuinely consulted and have the opportunity to participate in the planning and implementation of resettlement programs;
- Ensure that displaced persons receive substantial resettlement assistance under the project, so that their standard of living, their ability to generate income, their production capacity, and all of their livelihoods are improved beyond what they were before the project;

Provide clear instructions to borrowers, on the conditions to be met regarding involuntary resettlement issues in Bank operations, to mitigate the negative impacts of displacement and resettlement, to actively facilitate social development and to build a viable economy and society;

- Establish a mechanism to monitor the performance of involuntary resettlement programs in Bank operations and find solutions to problems as they arise, to guard against resettlement plans poorly prepared and implemented.

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<sup>18</sup> Operational Safeguard 2 – Involuntary Resettlement Land Acquisition, Displacement and Compensation, 2001

### 5.5.3 Application of World Bank OP 4.12 on OMVG Project

For the sake of simplification and harmonization, this RAP is constructed to comply with World Bank requirements contained in OP 4.12, which essentially include the requirements of other TFPs.

### 5.6 Legal Framework in Gambia and WB Procedures

The main points on which the World Bank Group's policies require going beyond the national regulations of Gambia are the following:

- Priority to in-kind compensation vs cash compensation, in the case of displaced populations whose livelihoods are taken from the land, "land-to-land" replacement option should be favored everywhere where possible, especially for PAPs whose means of living depend on land;
- Compensation and assistance is granted to customary rights holders and traditional ones (recognized by the country's legislation) and are the same as those granted to holders of formal land rights;
- Compensation at full replacement value, where cash compensation is to be applied (fruit trees, dwellings, among others);
- Assistance with the restoration of income and livelihoods (agriculture, fishing, breeding, gathering, crafts);
- Compensation for commercial and craft activities;
- Participation of affected people in the entire resettlement process;
- Monitoring and evaluation with accompanying measures (training, technical support, ...);
- Specific assistance to vulnerable people.

Table 5.1 shows the comparison between national legislation and World Bank policy. In cases where there is a difference between national legislation and Bank Operational Policy 4.12 (OP4.12), it is the most advantageous legislation or policy for the PAPs that prevails. The Government of Gambia has given a clear mandate to the OMVG to fund and build the interconnection project, including compensation for affected people. For the benefit of PAP, the OMVG has accepted to apply the most favorable resettlement rules or policies, among national regulation and PTF policies.

Table 5.1: Comparison between the Gambian Legislation and World Bank Rules <sup>19</sup>

Subject	National Legislation	World Bank Policy	Proposals versus differences
<b>ELIGIBILITY</b>			
<b>Titled Land owners</b>	The Land Acquisition and Compensation Act includes provisions for compensation based on the market value of the lost land and existing structures for people with	Persons with formal legal rights to land are also eligible and are provided compensation at full replacement cost for the land and assets they lose, and other assistance necessary to fulfill OP 4.12 objectives. For the compensation of land, it	Though both regulations include titled land owners as eligible for compensation, OP 4.12 is more comprehensive as the full replacement cost standard goes beyond the market value foreseen by the Gambian Land Acquisition and Compensation Act and also includes other types of

<sup>19</sup> Source :

- Resettlement Policy Framework (CPR) for Interconnection, OMVG, Final Report, September 2014;  
- \* The Gambia electricity restoration and modernization project (GERMP), Resettlement policy framework, Prepared for NAWEC / Government of Gambia, December 2017.

Subject	National Legislation	World Bank Policy	Proposals versus differences
	<p>formal rights. Other costs such as lost rents and transaction costs are normally not compensated. Furthermore, the government is not under any obligation to relocate aggrieved parties to any new land.</p>	<p>is necessary to take into account its market value, in addition to the cost of registration fees and assignment.</p>	<p>compensation and specific assistance. National legislation will be completed by WB OP 4.12.</p>
<p><b>Customary Landowners</b></p>	<p>Susceptible to be recognized for compensation of land in case of duly ascertained development</p>	<p>Customary or traditional owners recognized by the laws of the country receive compensation and the respective aid (par. 6 and 15 of OP 4.12) in the same way as the owners of a formal land right, including resettlement assistance</p>	<p>No difference in eligibility, but differences exist in compensation scales. OP 4.12 is more comprehensive as the full replacement cost standard beyond the market value foreseen by the Gambian Land Acquisition and Compensation Act and also includes other types of compensation and specific assistance.</p> <p>National legislation will be completed by WB OP 4.12.</p>
<p><b>Informal occupants</b></p>	<p>As per the Limitations Act, for informal occupancy of private land, an occupancy period of twelve years grants an entitlement to compensation. Compensation is only paid for lost assets (buildings and structures). Where a claim to land is not commenced within twelve years of occupancy, the owner is foreclosed to initiate legal proceedings to directly evict the occupier.</p>	<p>People with no formal or customary rights to land recognized by national legislation are not entitled to land compensation, but they are entitled to compensation of structures and crops allocated at full replacement cost.</p> <p>In addition, informal occupants receive resettlement assistance instead and place compensation for the lands they occupy, and any other help, as necessary, to achieve the objectives set out in OP 4.12</p>	<p>The twelve years occupancy period is not required to compensate informal occupants. Nevertheless, the Project should pay special attention to informal occupancy greater than twelve years to make sure informal settlers' rights are respected as per the Gambian Limitations Act.</p> <p>Apply the WB OP4.12</p>
<p><b>Tenants</b></p>	<p>Not taken into account by legislation.</p>	<p>Compensation of affected crops and other lost assets at full replacement cost if relevant</p> <p>Assistance with relocation and livelihoods' restoration in order</p>	<p>Gambian legislation does not include specific provisions for tenants, therefore WB OP4.12 standards will be applied.</p>

Subject	National Legislation	World Bank Policy	Proposals versus differences
		to achieve OP 4.12 objectives.	
<b>Cut-off date</b>	Date on which the minister responsible for land and Territorial Governance advises 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 or, it could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.	In the case of Gambia, the cut-off-date has to be formally communicated to the PAPs and to the people by the competent national authority, however there are no provisions regarding when the best time is to establish the cut-off date. Therefore, national legislation will be completed by OP 4.12 regulations regarding when the cut-off date will be established and the conditions it must fulfill.
<b>RAP / INDEMNISATION / COMPENSATION</b>			
<b>Preparation of the Resettlement Action Plan</b>	No legal obligation to prepare an action plan for resettlement.	Resettlement Action Plan Required	WB OP4.12 will be applied as it includes the obligation to prepare a Resettlement Action Plan.
<b>Land compensation</b>	Compensation is only for the value of the lost land and existing structures. Other costs such lost rents are normally not compensated. Furthermore, the government is not under any obligation to re-locate aggrieved parties to any new land.	<p>People with right to land compensation will be provided with compensation at full replacement cost for the land and assets they lose, and other assistance necessary to fulfill OP 4.12 objectives.</p> <p>Land resettlement strategies should be favoured for displaced populations whose livelihoods are derived from land. Whenever alternative lands are proposed, the land provided to resettled persons must have a combination of productive potential, geographical advantages and other factors at least equivalent to the benefits of the land withdrawn.</p> <p>For the compensation of land in urban areas, it is necessary to take into account its market value, in addition to the cost of registration fees and assignment.</p> <p>Land resettlement strategies should be favored for displaced populations whose livelihoods are derived from the land. The cash payment of compensation for loss of property is acceptable in cases where a)</p>	National legislation only provides for compensation of lost land and structures at market value. Therefore, Gambian legislation will be completed by OP 4.12 regarding the full replacement cost standard and resettlement strategies on land compensation in urban areas and compensation of land-dependent livelihoods particularly in rural areas.

Subject	National Legislation	World Bank Policy	Proposals versus differences
		<p>livelihoods from land resources, the land taken by the project represents only a small fraction of the assigned assets and the rest of the assets are economically viable; b) active markets exist for land, housing and work, displaced people use such markets and there is sufficient available supply of land and housing; where finally (c) livelihoods are not based on land resources.</p>	
<p><b>Buildings and other structures</b></p>	<p>Owners are compensated for damage/demolition of their assets based on market value</p>	<p>To be compensated based on the full replacement cost standard of the building, which involves valuing the building as new (with no depreciation) and considering market prices per m2.</p>	<p>National legislation, which only includes market value compensation, will be completed by the full replacement cost standard of OP 4.12.</p>
<p><b>Loss of income (Crops)</b></p>	<p>Calculation of the value of compensations on the basis of the market value for constructions</p> <p>Calculation based on net farm income for crops</p>	<p>Compensation in kind) or cash compensation at full replacement value, including labor and transaction costs</p> <p>Perennial crops:</p> <ul style="list-style-type: none"> <li>- Full replacement cost requires not to consider only the product of the crop over a year, taking into account the cost of installing the plantation (plants, ploughing, fertilizers and others), as well as the income lost during the years required for planting, which varies according to the species.</li> <li>- Subject to being inventoried</li> </ul> <p>Annual crops:</p> <ul style="list-style-type: none"> <li>- The evaluation of annual crops will be done by measuring the planted affected area before destruction.</li> <li>- Calculation of compensation is based on the crops' price (for example, per kilo, sack or other) in the local market during the lean season and the average yield per hectare of the cropping areas to be defined by a commission composed less than one representative of the competent ministry, a representative of the local authority (commune,</li> </ul>	<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 completed by OP 4.12 including for</p> <ul style="list-style-type: none"> <li>- Establishing scales for all affected assets at full replacement cost, including crops (materials and labor)</li> <li>- Regular update of compensation scale</li> </ul>

Subject	National Legislation	World Bank Policy	Proposals versus differences
		<p>territory, district, province, etc.), and the representative of the affected community.</p> <ul style="list-style-type: none"> <li>- The evaluation of perennial crops will be done by counting during the census or socio-economic surveys.</li> <li>-</li> </ul>	
<b>Loss of income &amp; Livelihood (business entities)</b>	No PAPs receive allowances for livelihood restoration	<p>Investment support in the form of development projects</p> <p>Compensation based on the number of days during which owners will be partially deprived of access to their resources</p> <p>Subject to being inventoried during the census or surveys</p> <p>Socio economic. Provision of allowances and relocation costs to all PAPs during relocation process</p>	Gambian legislation does not include provisions for restoration of livelihoods, therefore OP 4.12 standards will be applied.
Different types of payment	The payments in cash to titled land owners are only for lost land and associated structures. In the very rare case of land compensation, similar land size is provided elsewhere.	<p>The Bank payments include in kind and cash payments respecting the full replacement cost standard for lost land and associated structures, allowances for livelihood restoration, assistance to move belongings as well as basic land improvement such as levelling and provision of basic roads in the relocation site.</p> <p>In the cases of land dependent livelihoods, land for land compensation is preferred.</p>	According to the existing national legislation, the government's responsibility to these affected persons ends after the cash payments or land allocation have been concluded. No other types of payments are possible in the existing national legislation. National legislation will be completed by OP 4.12 as the Policy has more diverse types of payments for the affected persons.
<b>Alternative means of compensation and assistance</b>	Besides cash compensation for lost buildings and structures, another plot of land may be provided for land owners with valid title deeds depending on the availability of land elsewhere. For illegal occupants of private land, only cash compensation is provided and nothing other than that.	All occupants of the land irrespective of ownership status are compensated in kind or with cash for -for example- lost livelihoods and at least moveable assets. Building materials for displaced persons can be acquired and construction assistance provided. All displaced persons are also assisted to move their belongings to the new site and livelihoods' restoration support is provided. Furthermore, land improvement such as basic road network in the relocation site is possible.	OP 4.12 offers the most favourable terms for displaced persons besides only cash. Assistance to improve land in terms providing basic roads and costs to move belongings to a new location, offer huge savings for the displaced. Special allowances and assistance can also be provided for vulnerable people.

Subject	National Legislation	World Bank Policy	Proposals versus differences
<b>PROCEDURES</b>			
<b>Payment of compensation and displacement</b>	Not specified in national legislation	Payment and a series of resettlement requirements have to be fulfilled before moving PAPs and beginning of construction	WB OP4.12 standard will be applied as there are no provisions in national legislation
<b>Vulnerable groups</b>	No specific provision in national regulations	Special attention is to be given to vulnerable groups which include women, orphans, people with disabilities, elderly persons, HIV/AIDS affected, widows, widowers, and people suffering from serious illnesses.	Even though vulnerable groups are specified in the World Bank's policy, these are not specifically protected by national legislation. When implementing the RAP, it is necessary to include special provisions benefiting vulnerable groups.
<b>Management of complaints and grievances</b>	Where the affected persons do not lodge a formal complaint within 21 days from the date the government declares its intention to take possession of any land, or where there is disagreement as to the amount of the compensation, and where there are conflicting claims, these matters can be resolved by Arbitration with the full consent of the concerned parties. Alternatively, where the disputes arise related to the amount of compensation, disputed titles, the affected parties can approach the High Court for due legal process. Whereas the disputes pertain to land held under customary tenure in rural areas, these shall be dealt with by the relevant District or Group Tribunals. With respect to the District Court, the cases are heard by district chiefs who are not properly trained. The decisions of these	OP 4.12 privileges out of court settlements. It provides a grievance mechanism easily accessible to the affected people. The grievance mechanism must be simple, easy to access, transparent and documented. The affected persons must have easy access to the system. Moreover, according to the Policy, PAPs should always have access to administrative and judicial grievance mechanism existing at the national level.	The risk of seizing a property in case of dispute in Gambian courts and tribunals can lead to blocking of the project. OP 4.12 favours conflict resolution through the project grievance redress mechanism at the local level, while allowing PAPs to have access to existing grievance systems available at the country level. Therefore, national legislation will be completed by the grievance mechanism at the project level foreseen by OP 4.12.

<b>Subject</b>	<b>National Legislation</b>	<b>World Bank Policy</b>	<b>Proposals versus differences</b>
	district chiefs are reviewed by the Regional Governor who has revisionary powers. The regional governor may rehear the entire case, order the case for retrial by separate set of district chiefs or refer the case to the High Court.		
<b>Consultation</b>	All negotiations are only between the PAPs and Ministry of Local Government and Lands at the beginning of the project	The affected persons must be informed and consulted in advance on is available options, be involved for implementation and monitoring. The RAP should be presented to the population and PAPs. Their preferences and insights on compensation modalities should be taken into account in the RAP.	Limited national provisions in terms of PAPs consultation will be completed by WB OP4.12.
<b>Participation in monitoring and evaluation</b>	Not mentioned in the legislation	Required by World Bank Policy	There are no specific provisions in Gambian legislation. Therefore, WB OP4.12 standards in participatory monitoring and evaluation will be applied.

## 5.7 Legal Framework in Gambia and AfDB Procedures

The comparative analysis of the Gambian legislation and AfDB policies is presented in Table 5.2:

Table 5.2: Comparison of the Gambian Legislation and SO2 Rules

<b>Subject</b>	<b>National legislation</b>	<b>SO2 requirement</b>	<b>Proposals versus differences</b>
Avoiding or minimizing resettlement	Not taken into account by national legislation	Required by SO2	Apply the requirements of SO2
The deadline for eligibility	Not treated in national legislation	Must be fixed and communicated to PAPs	Apply the requirements of SO2
The irregular occupants	Not taken into account by national legislation	Right to resettlement assistance	Apply the requirements of SO2
Estimate of value of land	Scale not fixed by the regulations	Full cost based on current market value	Apply the requirements of SO2



Subject	National legislation	SO2 requirement	Proposals versus differences
Livelihood improvement	Not treated in national legislation	Required by SO2 including vulnerable people	Apply the requirements of SO2
Monitoring and evaluation	Not treated in national legislation	Required by SO2	Apply the requirements of SO2

## 5.8 Forest Legislation in Gambia

In the implementation of this RAP, provisions must be made to comply with the forest laws of the different countries.

In terms of forest management, the Gambian Government has adopted the "Forest Act, 1998", which aims to ensure the maintenance and development of forest resources in order to strengthen the contribution of forestry to the socio-economic development of the country. According to the "Forest Act, 1998", forest refers to an area of at least 10% of trees, grown or planted naturally, and 50% or more of regeneration cover of shrubs and trees and includes public forest parks, community forests and protected forests. Forests in Gambia are classified in the following categories:

The State forests that include:

- Forest parks;
- Forest reserves;
- Community forests.

Private forests include:

- Private natural forests;
- Private plantations.

The Government has also ratified a number of international conventions on the sound management and use of forest resources such as:

- The Convention on biological diversity;
- The United Nations Framework Convention on Climate Change;
- The United Nations Convention against Desertification;
- The Convention on International trade of Endangered Species of Wild Fauna and Flora ;
- The Convention on Wetlands of International Importance (Ramsar).

The Forestry Department is responsible for all necessary actions to ensure the sustainable use and protection of all forest resources in the country, including private plantations. According to the Forest Policy 2010-2019, the Forest Department's mission is to ensure reforestation with the active participation of the rural populations who are the immediate actors.

In addition, the products resulting from cutting in the national domain are the responsibility of the Forest Department which, together with the riparian populations and the forest management committees, will decide on the appropriate valuation method.

## 6 Institutional framework

### 6.1 Organization for the Development of the Gambia River (OMVG)

The Gambia River Development Organization (OMVG) was created on June 30th 1978, succeeding the Coordinating Committee for the Development of the Gambia River Basin. The OMVG has 4 member countries bordering the river: Gambia, Guinea, Guinea-Bissau and Senegal. The OMVG's mission is to promote and undertake the studies and development works of Gambia, Kayanga / Geba and Koliba / Corubal river basins. The specific objectives fall into the following areas:

- Agricultural development;
- Hydroelectric power generation (the estimate of power production potential in the area is between 1,300 and 1,500 MW);
- Environmental protection;
- Salinity control in areas influenced by the tide of the Gambia River estuary;
- Improvement of existing waterways and creation of new navigable sections through the regularization of river flows;
- Fixing populations and reducing rural exodus.

The member countries of OMVG are bound by several conventions, including:

- Convention on the status of the Gambia River; ;
- Convention establishing the OMVG;
- Convention on the Legal Status of Common Works;
- Framework Agreement on Privileges and Immunities of the OMVG;
- Tax and customs regime applicable to the contracts for studies and common asset construction works.

The OMVG works with the following governance bodies:

- Governing Heads of State and Government;
- Council of ministers;
- Executive Secretary;
- Permanent Water Commission;
- Advisory Committee (States and Lenders)

The analysis and implementation of energy issues in the sub region have been expanded within the framework of the West African Power Exchange System (WAPES) or West African Power Pool (WAPP) aimed at securing energy production and creating a regional electricity market in the ECOWAS region (The Economic Community of West African States).

### 6.2 Ministries, ministerial directorates and decentralized services

In Gambia, the public institutions involved in the RAP of the Interconnection Component are mainly:

- The Ministry of Finance and Economic Affairs;
- Ministry of Forests, Environment, Climate Change and Natural Resources;
- The Ministry of Energy and Petroleum;
- The Ministry of Health and Social Welfare;
- The Ministry of Agriculture;
- The Ministry of Fisheries, Hydraulic Resources;
- The Ministry of Lands and Regional Governance;
- The Ministry of Transport, Works and Infrastructure;
- The Ministry of Women's Affairs.

## 7 Eligibility and principles of compensation

This chapter presents the methodology for assessing the cost of full replacement of affected asset incurred by PAPs as a result of the construction of the substations in Gambia. It also describes the types and levels of compensation proposed under local law, and all additional measures required to ensure that the PAP will be living in conditions that are equal to or better than the pre-project conditions.

### 7.1 Eligibility criteria

This section defines who is entitled to compensation, the eligibility deadline which excludes from the compensation process any person who has not been identified before this deadline.

#### 7.1.1 Eligibility criteria affected persons

Any affected person who as land owner (legal or customary) is considered eligible for compensation. World Bank's (WB) Operational Policy 4.12 on Involuntary Resettlement establishes the following eligibility criteria for people affected by a project:

- 1) Persons who have a formal land title document
- 2) Persons with customary right to land. In Gambia these rights are recognized by the national legislation;
- 3) Persons who have no formal rights or titles for the lands they occupy.

These three categories of persons are entitled to resettlement assistance to enable them to improve their living conditions (compensation for the loss of income activities, livelihoods, ownership of common resources, farming, etc.) as well as the measures described in section. 6 of OP 4.12, provided that they occupied the project site by a deadline set by the borrower and acceptable to the Bank.

The Bank's policy applies to all affected persons, regardless of their status, whether or not they have formal titles, legal rights or customary rights, if they occupied the premises before deadline for eligibility set by the Governments of Gambia, for the Interconnection Project.

The Bank requests that persons in groups (1) and (2) below receive full compensation for the land, structures and property they lose. These are:

- Rights holders with formal titles, almost nonexistent in the study area;
- Rights holders with title or customary rights who represent almost all the owners in the study area.

In the case of the third group, the beneficiaries who are occupiers and / or users of the land or resources, but who do not have recognized titles or customary rights (land borrowers, tenants, pawnbrokers, women or children over 16, etc.), the Bank requests that they receive resettlement assistance to enable them to improve their living conditions.

The eligibility procedures have been made public and were clearly explained to the populations affected by the project. People who settle in the study area after the end of the survey without authorization will not be entitled to any form of compensation.

#### 7.1.2 Eligibility cut-off date

The parcel surveys were conducted from mid-November 2017 until January 31, 2018. This last date of inventories is considered as the cut-off date. At that date all affected persons were identified and their affected assets identified. The last date of the inventories considered as the cut-off date was communicated to the populations of the riparian villages during the pre-survey information and awareness campaign conducted by local NGOs and the OMVG. The general public was also informed of this deadline date through newspaper publication and community radio news release. Beyond this deadline, People were made aware that no new occupants or new assets would be consider for compensation of loss on the two substations site in Gambia.

On an individual basis, during the parcel and socio-economic survey, each PAP signed and received a copy of his inventory sheet. Each PAP has been informed that from the date of the signature of their inventory sheet, no other addition will be considered in the compensation and no other file can be submitted for compensation.

The parcel and socio-economic surveys identify all the beneficiaries of rights on the affected lands, whether they are legal owners, customary owners or operators. The results were forwarded to the authorities and concerned local community leaders. Public feedback following the inventory publication will allow people to produce comment and request for corrections to adjust the census data if necessary.

A copy of the asset inventory document of the PAPs was given to each PAP. The document shows the date of the inventory. This sheet can be consulted on the survey website in the picture file of each PAP.

In order to maintain all economic activities of the concerned households prior to the effective beginning of the construction, PAPs are encouraged to:

- Restrain new structure investments since they will not be compensated;
- Continue their usual activities (farming, pastoral or commercial activities).

In the event that the project is delayed by more than 12 months, an update of the inventory data will have to be done.

The proposed approach has the merit of avoiding economic stagnation in the study area pending the start of the project, while discouraging the speculative migration of populations that is often observed in similar circumstances.

## **7.2 General principles of compensation**

The general principles of compensation, applicable in the context of the RAP for substations and lines in Gambia are as follows:

1. Affected persons are informed of their options for compensation and rights related to resettlement;
2. The affected people are consulted and informed of the technically on technical project alternatives;
3. The affected persons are quickly provided with effective compensation at full replacement cost for loss of assets directly attributable to the project. In addition, PAPs will benefit from support such as capacity building through training, travel allowances and vulnerabilities, the development of income-generating activities dedicated to women;
4. The affected persons losing land are provided as required, with farming lands of equivalent productive potential, with support to make the new land productive. The new land will be located in a similar environment at least equivalent to the previous site;
5. The affected people are provided with development aid in addition to compensation measures such as credit mechanisms, training or job creation;
6. The land will not be taken prior to compensation and where applicable, after providing displaced persons with resettlement land and resettlement allowances;
7. Resettlement strategies on land (land-to-land compensation) should be favored with regard to displaced populations whose livelihoods are derived from the land;
8. Comprehensive and accessible grievance mechanisms are put in place for PAPs and general public;
9. On resettlement sites, or in host communities, infrastructure and public services are provided in response to needs, to improve, restore, or maintain the levels and accessibility of all (PAPs & host) to public infrastructures;
10. Payment of compensation;

11. Compensation for PAPs will be made in cash, in kind, and / or in the form of assistance as shown in table 7.1 below. The payment of compensation will be managed by the OMVG mandated by the 4-member countries, who confirmed their endorsement of the content of the affected population compensation matrix and grievance process presented below

Table 7.1: Type of compensation

Forms of compensation	
Cash payments	The compensation will be calculated and paid in the local currency. A provision will be included in the compensation budget for inflation.
Compensation in kind	Compensation may include items such as parcels of land, dwellings, other buildings, food products, building materials, seeds, agricultural inputs, means of production, etc.
Assistance	Accompanying and economic support measures may include, among other things, moving allowances, transportation, technical assistance, training, credit for income-generating activities, compensation fund transfer fees.

With regard to build or undeveloped land, buildings, productive or forest trees, compensation in kind is privileged. For agricultural losses and temporary income losses, cash compensation is used.

In addition, resettlement assistance will be provided to the PAPs. This assistance may include, for example, training, coaching, transportation, food aid, shelter, and / or various services to affected persons during the relocation.

### 7.3 Specifics of compensation

#### 7.3.1 Compensation for infrastructure, equipment and public goods

Everything has been done so that the project avoids these infrastructures, equipment and public goods such as schools, health centers, services providing drinking water (wells or well boreholes) and sanitation (public toilets or latrines), pastoral infrastructure, roads, rural roads and cemeteries. If such infrastructure is affected, compensation will be paid so that local service is maintained or improved. Compensation in kind will be favored. Cash compensation may be offered when replacement of the goods is not possible.

In the case of partially affected property whose normal use can no longer be ensured, the beneficiaries are eligible for a compensation for the totality of the property, abandoning their rights in the unallocated part of their property.

#### 7.3.2 Compensation for loss of dwellings, buildings or other structures

Compensation is based on the replacement of possessions in the concessions. This includes, for example, fixed structures such as dwellings or huts, sheds, warehouses, farm buildings, attics, kitchens, wells, latrines, fences, "tapades", etc. It is planned that any lost building will be rebuilt on the resettlement site with materials of equivalent quality without taking into account any depreciation.

If an eligible PAP decides to be compensated in cash rather than in kind, the allowance per square meter granted would correspond to the estimated reconstruction cost. The payment would be made only after the case has been studied and having satisfied itself that the PAP has another property equivalent to its household needs.

The compensation scale for structures is estimated from market prices without depreciation.

#### 7.3.3 Compensation for land loss

Only the areas located in the sites of the substations will be permanently lost. Low population density at substation sites indicates that all land may be replaced by other land. Land availability for compensation is available.

For land loss, providing new land is the responsibility of OMVG jointly with the local land management authorities. In the event that the replacement land is not available, the RAP compensation scale provides for the cash compensation of the land according to the current market value. Comparable and viable replacement lands is considered to be available around the substations.

The customary land tenure system dominates in the right-of-way. All occupants of substation site were identified during the Parcel survey. In case of disagreements among occupants on ownership, local authorities will reconcile positions in a search for friendly solutions.

OMVG is responsible for management of complaints and litigation process, The LCMC coordinator, the social safety coordinator of the construction contractor and the NGO Enda Ecopop & ADWAC will be the main actor to register grievances. OMVG and the LCMC coordinator will provide the necessary technical assistance to the Mediation Committee so that they can play their full role in finding solutions for grievances and disputes.

Replacement of lost lands is under the responsibility of the OMVG. The LCMC and the RAP implementation NGO will provide the necessary technical assistance to local land management authorities, to play their full role in the process of allocating replacement lands.

No land title was identified during parcel surveys in substation sites in Gambia. For all parcels of substations, the right of occupancy is based on authorization from a formal owner: NAWEC.

Farmland or pasture land lost, regardless of title (customary or otherwise), will be replaced by agricultural or pasture land of equivalent quality. The compensation approach for loss parcels of land is to focus on offsets in kind compensation as far as possible. Special attention (accompanying measures) will be given to non-owner occupants considered vulnerable.

In the rare cases where the lost area cannot be replaced equivalent land near other plots of the PAP or in cases that none are available the lost area will be paid in cash to the PAP and will cover the value of the lost assets at full replacement cost.

#### 7.3.3.1 Loss of land for PAPs recognized as owners

The PAPs recognized as customary landowners by traditional and customary authorities will be entitled to resettlement on a similar parcel having the same size and potential for exploitation or cash compensation. Ownership of the replacement land must be confirmed by written minutes report of the local authorities' meetings. If material constraints do not allow compensation in kind, the compensation that will be paid in cash and will reflect the full cost of replacement, taking into account market values for the land. The NGO implementing the RAP will ensure that the relevant municipal authorities at the Brikama substation site allocate replacement land to these customary landowners.

#### 7.3.3.2 Loss of land for PAPs with permission to cultivate or with "unspecified" rights

For non-owner PAPs with permission to cultivate, compensation for replacement land will go to the recognized landowner according to customary and traditional authorities or according to legally recognized title. Nevertheless, these PAPs and PAPs with unspecified entitlements will receive resettlement assistance instead and compensation for the lands they occupy and any other form of assistance to achieve the stated objectives in policy PO 4.12. The assets lost by these PAPs on these lands are offset to a level allowing them to be able to prepare and maintain the new land they will have and recover their income.

In addition, the local authorities will find land rented to these PAPs for a period of 5 years to enable them to continue their activities and rebuild their income. These 5 years also serve as a time for the PAPs to find themselves a land of culture. The NGO implementing RAP will ensure that the relevant local authorities allocate alternative leasehold land for these PAPs.

#### 7.3.3.3 Loss of land for access roads

The principle of compensation for land loss due to the opening of new accesses outside the 40 m right-of-way is the same as for losses in the right of way. However, there is no loss of additional land because of the required access to the Gambia substations. Access roads will be developed on NAWEC lands.

#### **7.3.4 Compensation of lands on the resettlement sites.**

The project has a linear character, resettlement will be on adjoining lands, there is no need to search for host sites. If host sites are needed, the lands on which the PAPs will be displaced will have to be compensated if they are already owned by the host populations.

#### **7.3.5 Compensation for clearing and development of new farmland**

The parcels offered in compensation will in many cases need to be cleared, leveled and properly landscaped to allow a culture of superior quality and quantity or at least equivalent to that of the lost land. To enable the PAP to maintain its standard of living during the development of replacement land, compensation for crop losses covers 2 years of production: a year to compensate for the loss crop of the season and a second year of production to cover the development of the new replacement land. This allocation may be paid cash or in rice equivalent value, as per PAP' wishes. The choice of rice is based on the fact that rice is the most available speculation and its value is stable.

#### **7.3.6 Compensation for lost pasture areas**

The sites of the substations also serve as a grazing area for cattle in the dry season at the end of the harvest. Given that at the Brikama substation, the lands are exploited in their entirety by crops and fruit growing, livestock only harvest crop residues from crops. This loss of pasture remains negligible. Nevertheless, in-kind compensation will be allocated for the benefit of livestock owners of the Substation Site. The value of the compensation for this loss is established on the basis of the value of the fodder supposed to be produced during one year on 20% of the land area of the substation. See section 10.9 grazing loss scales.

#### **7.3.7 Compensation for crop loss<sup>20</sup>**

##### **7.3.7.1 Areas permanently lost:**

On areas permanently lost in the right-of-way of transmission line and substations, compensation for crop replacement will be in cash or in kind. The compensation will be the equivalent of 2 years of harvest of the most expensive crop in the plot of the PAP. This allocation may be paid in rice equivalent if the PAP so wishes. Rice is the most available speculation in the area and its value is stable. One year to cover the redevelopment work and the other to provide for the family.

This measure will ensure that PAPs will maintain their standard of living during construction and that they will have the resources to develop alternative lands in order to obtain yields greater than or equal to the pre-project performance.

##### **7.3.7.2 Compensation for non-owner farmers**

For the non-owner of farming land who will lose access to some or all of the land he or she cultivated, will not receive land compensation, however this PAP will receive compensation equivalent to 1 year of rice harvest in kind or in cash to settle on a new land. The NGO implementing RAP will accompany it to ensure that it invests the amount received to improve or at least maintain its livelihood.

#### **7.3.8 Compensation for tree loss**

The compensation scales of productive trees (fruit trees) are evaluated on the basis of market prices according to the local realities in each country. It takes into account the type of species and the degree of maturity of the trees (young, mature, adult). In addition to this, the compensation for annual production multiplied by the number of years required for the tree to reach a productive stage.

Productive species are essentially: Cashew, Mango and Natural Palm. The specific compensation values for fruit trees identified in the Brikama substation site are given in section 8.6.

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<sup>20</sup> Compensation scales was confirmed and accepted by the Gambian technical services. In addition, market prices were verified by the OMVG local representative.

#### 7.3.8.1 Restoration activities for forest trees:

For forest trees affected by OMVG Interconnection Project, a restoration program is managed by a project component of the ESMP. The forest department of the Ministry of Forests of Gambia will define the most appropriate restoration activities and will ensure the implementation of this program through a protocol established with the OMVG. The PMU monitors the actual implementation of this restoration program.

Forest species identified in PAP plots will be replaced by the National Forest Service under the protocol agreed with OMVG. The work will be done with the active involvement of the PAP owners of the plots in order to guarantee the success of the restoration activity. The Forest Service will define a work plan and a budget that will be allocated to monitor the implementation of these restoration activities over three (3) years.

A list of the PAP owners of lost forest trees will be handed over to the national departments responsible for reforestation. They will be replacing lost trees. This list will be part of the Memorandum of Understanding between the National Forestry Authority and the OMVG.

#### 7.3.8.2 Reforestation and compensation of plantation trees:

The loss of fruit or productive trees represents a loss of income, food source, firewood or work for several people affected. The parcel survey identified all these trees in the right-of-way of the substations and the interconnection corridor.

Loss of fruit trees will be compensated according to species and productivity. The production lost until the maturity of the young tree will be compensated in cash, by multiplying the market value of the average production of the species multiplied by the average number of years required for the tree to become productive.

Compensation is equal to the sum of:

- The scale and market value for the tree, including the plant, the tillage, the initial fertilization, its maintenance and
- The annual yield of the tree multiplied by the maximum price of the product at the market multiplied by the number of years necessary for the tree to enter into production.

For productive forest trees of private plantation, compensation is defined according to the scale.

#### **7.3.9 Compensation for the loss of sacred sites and cultural property**

There are no such sites for the substation in Gambia. Physical cultural properties such as sacred sites (trees, rocks, graves, places of worship, etc.) have been largely avoided.

Appropriate mitigation measures will be put in place in case of random finding of physical cultural property, including "chance find" procedures documentation and proper custody of property. The builder contractor PGESC includes a clause concerning the fortuitous discovery of archaeological sites, sacred sites or cultural property. No such site was found on Gambia substations site.

#### **7.3.10 Reconstitution of PAP income**

The results of the parcel surveys reveal that the main activities of PAPs are agricultural and pastoral. The landownership status reveals two modes of land tenure: traditional tenure and tenure in the form of permission from the traditional owner.

The income restoration activities are therefore related to the maintenance, improvement and continuation of agropastoral activities, as explained in sections 7.3.10.1 and 7.3.10.2.

According to parcel surveys, no PAPs have a formal title of ownership (land title, act of deliberation, lease), lost lands are customary or traditional. Some traditional owners lend or allow the exploitation of their farmland to occupants. The RAP considers these as occupying PAPs without property rights.



Traditional PAP owners will receive in-kind (land-to-land) compensation for lost land since their livelihoods depend on it. Replacement lands is to be of superior quality or at least equal to those of the affected lands. The replacement land is identified by the municipal authorities and in collaboration with the OMVG. They will be made available to the PAPs before the start of the works so that they can renew their activities and rebuild their income.

For the assets lost on these lands, the compensation takes into account the tillage and its maintenance in order to guarantee a good production and facilitate the recovery of lost income. Permanently lost crops will be compensated by an allowance equivalent to the cost of two years of production. The amount of compensation for the second year of production covers the tillage costs of the new land and PAP's efforts to restore its income.

The PAPs with permission to exploit land and therefore no traditional legal right or likely to be recognized will receive resettlement assistance and any other form of assistance enabling them to achieve the objectives set out in Policy 4.12. Assets lost on this land are offset to their full replacement value. In addition, PAPs will receive compensation to prepare a new land. The latter will be identified by the local authorities and made available to PAP in the form of permission to occupy for a minimum of 5 years, which will ensure the recovery of his income.

#### 7.3.10.1 Income restoration IGAP (Income Generating Activities Project)

The majority of women are farm operators. They also conduct various activities generating income or providing the goods required by their household. To mitigate the impacts of the project on their activities and to strengthen or create new ones, the RAP plans the establishment of IGAP s for registered women in affected families.

Surveys have shown that, in general, women have no property rights and only have a right of use, which makes them vulnerable. Women do not control the land, the natural resources, or the benefits of their development. In the agro pastoral field, women face specific obstacles (low access to land, agricultural inputs, financing, processing of local products and access to market). To make the RAP a development project while mitigating the socio-economic impacts that the project will have on this target group, the RAP provides budget support (CFAF 500,000 or 45 000 Dalasi / per 26 women<sup>21</sup>) for the development of income-generating activities (IGAPs). These IGAPs will be supervised by ENDA ECOPOP & ADWAC, the NGOs responsible of implementing the RAP, and oriented in promising sectors that women want (sheep fattening, non-wood forest product processing, tontine, saponification, market gardening, poultry farming, etc.). During women's capacity building activities, the implementing NGO will identify the IGAP activities that women want and can achieve. These women's groups will benefit from appropriate short-term training depending on the nature of the activity.

#### 7.3.10.2 Reconstitution of income of fruit growers

The project will affect fruit tree plantations mainly cashew trees. These PAPs will be compensated for the loss and replacement of these trees. They will also be compensated for the harvests lost over the maturation period of the species. In order to restore and improve the income from their production, the RAP plans:

- An accompaniment in search of improved plants, adapted to the agro-pedological constraints of the new lands;
- Capacity building of PAPs for good control of cultural practices of alternative species.
- This support will be provided by the RAP implementation operator.

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<sup>21</sup> There are 26 women considered by IGAP for the Gambia Substation RAP. Women will have access to 500 000 CFA or 45,000 Dalasi to build an IGA project. The budget is presented in section 17. Farming is the main activity of women and therefore it is a priority sector for investing. It does not mean that it is an obligation. Women will have access to the NGO support to choose the type of IGAP prior to implementation accordingly to their competence and success expectations.

### 7.3.11 Special attention to vulnerable people

The vulnerability in this RAP can be defined as the lack or weak ability of a PAP to avail of the benefits / benefits of a project because of its vulnerability, based on gender, physical, economic, social or educational (Table 7.2). The PAP Compensation Agreement will present the list of vulnerable household members, the compensation and specific assistance that will be provided to them.

#### 7.3.11.1 Gender Vulnerability

In the project area, majority of the population concerned lives below the poverty line. The female population remains the poorest and faces particular difficulties recognized by international organizations and national organizations. In view of this situation, the RAP intends to contribute to the alleviation of these difficulties by the allocation of a lump sum defined in the scale, section 8.11, to each woman over 16 years of aged in the affected household.

Support is provided for women with the development of income-generating activities (IGAs) reserved **exclusively** for these women. This approach is part long term sustainability effort to reduce women's vulnerability.

Experience as shown that revenues generated by these women IGAs have the potential to support, among other things, better schooling and food for girls from 0 to 15 years old. Improving women's incomes is a positive step toward meeting the needs of the family in general. The OGN Enda Ecopop and the LCMC will ensure the effective implementation of IGAs. Awareness sessions for PAPs are planned in the RAP for the success of these actions.

#### 7.3.11.2 Physical vulnerability

Since the project does not involve the resettlement of populations, the physical vulnerability only affects PAP heads of households with physical disabilities (visually impaired, deaf, mobility impaired, mentally handicapped, sick, etc.) whose implementation of the project could negatively affect. The RAP provides for these PAPs an accompaniment that will be provided by the NGO Enda Ecopop & ADWAC for implementation of compensation so that the disabled person can fully enjoy all the benefits of the RAP.

#### 7.3.11.3 Economic vulnerability

In the project area, the majority of PAPs live below the poverty line, or 1000 FCFA or 90 Dalasi / day / member of the household. Initiatives to reduce poverty for vulnerable households already exist. In order to harmonize the activities of the RAP with such initiatives, a similar measure is introduced to support the economically vulnerable PAPs of the interconnection project.

To avoid or mitigate the PAP disturbances that could be induced by the implementation of the project and avoid increase of vulnerability, each household identified as economically vulnerable during parcel surveys will receive a lump sum according to the number of members of his household. The amount of this lump sum financial allowance per household member is defined in section 8.11.

#### 7.3.11.4 Social vulnerability

Some individuals or groups are marginalized for various reasons: minority ethnic groups, orphans and widows-heads of households, elderly people; and women farmers. These people have a hard time enforcing their rights. For this reason, particular attention will be paid to them when implementing RAP. Specific monitoring will be carried out by the NGO Enda Ecopop & ADWAC, the NGOs responsible for the implementation of the RAP, to ensure that PAPs can enjoy all their rights and benefit fully from the benefits of RAP. For "landless" specific measures are planned for the replenishment of their incomes. In addition, a lump sum allowance defined in the scale in section 8.11 is allocated to them.

#### 7.3.11.5 Educational vulnerability

The majority of PAPs did not attend general education. They will have difficulty reading and understanding the content of compensation agreements written in English. For this, support will be provided to all PAPs by the NGO Enda Ecopop & ADWAC to alleviate these difficulties.

Table 7.2: Summary of vulnerabilities

Vulnerability	Description	Measure
Gender	Female gender individual	1 Lump sum allowance / individual support 15000 CFA or 1350 Dalasi per women for 72 female individual. Plus, IGAP support to 26 women involved in farming activities on the required land
Physical	Physical or mental handicap	Compensation package and accompanied in the compensation process 15000 CFA or 1350 Dalasi per handicap person
Economic	PAP under the poverty line (BM) (1000 FCFA or 90 Dalasi / member of the household / day) and the landless	A package allocated by member of the household and support 15000 CFA or 1350 Dalasi per person
Social	Marginalized group, gender, female head of household, widows, orphans, aged 60 and older	A package allocated per vulnerable person and support 15000 CFA or 1350 Dalasi per household
Education	Persons who did not attend general education / Inability to read contracts or agreements in French	Support for the understanding of agreements and contracts

#### 7.4 Matrix of compensation

The compensation estimate considers national practices while respecting the requirements of the technical and financial partners. The matrix presented in Table 7.3 below describes the rights of PAPs to compensation for land loss or other goods and / or assistance in the project.

Table 7.3: Matrix of compensation

Impact	Eligibility	Right to compensation or resettlement
<b>Compensation for wealth and investment (land, structures, buildings)</b>		
Loss of title land	Being the holder of a valid and registered title deed	Resettlement on a similar parcel with title of ownership having the same dimensions and production potential or cash compensation of the parcel and all expenses related to the title. Both options will compensate at full replacement cost, taking into account market values for the land if resettlement land is not available
Loss of customary land	Be recognized as customary landowner by traditional authorities  Ownership of the replacement land must be confirmed by the minutes of meeting of the local land authorities.	Resettlement on a similar parcel with title of ownership having the same dimensions and production potential or cash compensation of the parcel and all expenses related to the title. Both options will compensate at full replacement cost, taking into account market values for the land if resettlement land is not available
Loss of cultivable land not titrated	To be the occupant of a plot cultivable and cultivated.	No monetary compensation for the plot. The recognized occupants of cultivable farming land are eligible for resettlement. The resettlement package, include: The replacement of the buildings therein, if applicable (see below), the replacement of

Impact	Eligibility	Right to compensation or resettlement
		agricultural parcels with land of equivalent farming potential located at an acceptable distance from the residence of the person concerned. Development carried out on the land is eligible for compensation at full replacement cost (Examples: clearing, irrigation canals, wells, bunds, cultivation, etc.), or if possible, move to the relocation site. Any other help that is necessary to achieve the objectives of OP 4.12 (training, support for the establishment of a commercial activity, etc.)
Loss of uncultivated land used as pasture	Village Communities - Breeders	Compensation at Community level, - Support to find new pastures, new corridors for transhumance or support for animal health (vaccination of livestock)
Loss of building	Not applicable. No building are found on the substation site in Gambia	Not applicable
Loss of crops	To be recognized as having established the crops	Perennial crops: Compensation at full replacement cost (taking into account the value of the plant, the work needed to re-establish culture, and the loss of income during the period necessary for the re-establishment at the market value of the product) Annual crops: if the crop is destroyed before it can be harvested, compensation by the equivalent of 2 years of rice harvest or the corresponding current value. Trees that do not generate income, except through the sale of firewood, compensation by supplying seedlings and paying for the planting work
Loss of commercial or craft activity	Not found on the substation site. In case of such loss: Be recognized by the neighborhood and the authorities as the operator of the activity	Compensation for the loss of income incurred during the period necessary to re-establish the activity on another site, in addition a support for the adaptation to these new sites
Job disruption	Is an employee of an activity affected by the resettlement?	Temporary allowance for the transition period corresponding to the period of the move and reconstruction.
Natural resources, lost bush	Anyone recognized as directly deriving income from the lost resource	Funding for replacement projects for lost resources most used by affected populations. Loss of forage represents the main loss of natural resource in the right-of-way. The proposed project to reach livestock farmers on livestock markets along the right-of-way and offer them vaccination of their livestock. For the Gambia substations, the lost resources are forest trees that are mainly used for firewood or building materials. All felled wood will be made available to PAPs for their use. Replacement lands will be provided to the PAPs who will have the freedom to exploit the replacement land as they see fit. Trees will be supply accordingly Gambia forestry department agreement with OMVG
Travel allowances	Is eligible for	Support for the cost of the move (i.e. the provision of

Impact	Eligibility	Right to compensation or resettlement
Relocation and relocation	resettlement	a vehicle to transport personal effects). Support for relocation, PAP disturbance of the margin of error in the inventory of affected assets and PAP bank and financial charges
Impact on vulnerable people	People vulnerability: Gender Physical Social Economic Educational	Gender: Equal and non-discriminatory access to financial and technical resources is facilitated as part of the physical or economic displacement process. This includes ensuring that land titles and rights to compensation are also granted to women. Physics: Paid support from someone with the confidence of the PAP Social: Vulnerable PAP allowance Economic: Allowance by household member of PAP living below the poverty line BM Educational: Accompaniment for the understanding of the documents presented to PAP (this benefit benefits all PAPs)
Impact on squatters / occupants without occupancy rights	People who have no formal rights or titles that can be recognized on the lands they occupy.	Assistance for transfer to a place where one can live and work; help restore livelihoods and productivity in a secure location for a period of 5 years; right to recover assets and materials from the old site.
Impact on infrastructure, equipment and public goods	Collective property affected by the project (schools, health centers, water supply equipment) (wells or boreholes) and sanitation (public toilets or latrines), pastoral infrastructures, roads, rural roads and cemeteries).	Community compensation at full replacement cost of the affected property (new construction cost -- market price of building materials, plus labor cost, plus moving allowances).

## 8 Compensation scales for substations in Gambia

### 8.1 Principle and methods of establishing scales

The compensation scale identifies the unit value of the assets that will be used to calculate the compensation. Compensation budget will consider all loss of productive assets or livelihoods. The preferred method of compensation remains in kind either land-to-land or productive asset for the loss one. The NGOs Enda Ecopop and ADWAC will have the task of supporting the PAP in the process of replacing lost assets. Accompanying measures will encourage PAP to invest sustainably in new productive assets or in the replacement of existing one.

#### **The full replacement cost is defined as follows:**

For agricultural land, replacement value applied is full replacement or market value paid before the project takeover of the land, according to the most advantageous value for a land of similar productive potential in the vicinity of the loss land to which are added, the cost of developing the land at a productivity level equivalent to the loss land and the costs of land registration and transfer, if any.

For houses and other structures, no house or structures were identified on the substation site in Gambia. Nevertheless if a house or a structure should be found the applicable value is that of the material market required to build a new high-quality replacement structure in an area similar to or greater than that of the original structure or to repair a partially damaged structure. To these costs are added the cost of transporting construction materials to the construction site, the cost of contractors 'and workers' payment as well as registration and transfer fees.

The depreciation of the property and the value of the recovered material are not taken into account in the calculation of the replacement cost, nor is the value of benefits derived from the project deducted from the estimate of the property affected by involuntary displacement.

The RAP implementer must make sure the PAPs understand calculations to establish the final amount of compensation for their property, the type and option of compensation (nature or in-kind), accompanying measures, vulnerability-related supports, training activities and the value of the adjustments applied.

In general, the compensation scales are based on information from:

- a. Gambian ministries / administrations,
- b. Companies that have conducted parcel studies on the concerned local markets,
- c. Compensation scales used for recent projects in the concern regions.

To set the various compensation scales applicable to assets located in the right-of-way of substation sites in Gambia, the RAP team used several sources and selected the most advantageous values for PAPs to ensure that the replacement or the compensation will improve or at least maintain the standard of living of the PAP. The main sources for full cost of replacements are:

- The standards and statistical data of Gambia;
- Compensation scales established for similar projects in the OMVG countries;

### 8.2 Compensation Scale for permanent land loss

Compensation for the loss of land is "land for land". For the specific case of Brikama sub-station site, there is no loss of land, with the understanding that the substation site is owned by NAWEC.

### 8.3 Farmland Preparation

In rural areas, land loss will be replaced by other land of equivalent productivity. The new farmland will have to be developed by the PAP to be suitable for cultivation. Land development costs will be offset by the equivalent of 1 year of harvesting the most expensive crop on the lost plot. This compensation is payable in money or in food supply (rice equivalent). This will allow the PAP to maintain his/her standard of living during the resettlement period and preparation of the new land until it to become productive.

#### 8.4 Compensation scales of temporary farming loss of income

Construction work will result in crop loss at the various substation site. The compensation scale for loss is calculated in accordance with the analysis of the compensation decrees<sup>22</sup>, local market prices, RAPs of other similar projects in Gambia. The crops grown in these different substation sites are mainly groundnuts, millet, maize and beans. Compensation scale for loss crop

Temporary crop losses will affect one production season. Agricultural activities will be able to resume in the area of the line after the laying of conductors. Compensation equivalent to one year of crop production is planned.

At the Gambian substation sites level, crop losses will be permanent.

This Compensation scale takes into account land for land and:

- the soil preparation work
- the cost of the seed
- the maintenance of the crop
- annual production based on the best yields
- the price of market speculation

For temporary losses, one year of production is considered for PAP compensation; for permanent loss it is two years of production (the second year covers the preparatory work of the new land). In a plot with several speculations, the most expensive speculation of the parcel is used for the calculation of compensation for crop loss.

The formula for calculating the amount to compensate the PAP for permanent loss of culture is established as follows:

$$\text{CLPC} = \text{EY} \times \text{DP} \times \text{AP} \times 2 \text{ or}$$

$$\text{CLPC} = \text{CS} \times \text{DP} \times 2$$

CLPC= Compensation permanent loss of crops in Dalasi  
 CS= Each Culture value for the Scale (dalasi / m<sup>2</sup>)  
 EY= Estimated yield of the speculation expressed in kg / m<sup>2</sup>  
 DP= Declared parcel area of the PAP crop plot in m<sup>2</sup>  
 AP= Average price in Kg / m<sup>2</sup> on the local (or international) market  
 2 = 2 years of production

Table 8.1: Crop Schedule (FCFA or Dalasi / m<sup>2</sup>) (RE x PM))

Crops	Price in FCFA / square meter	Price in Dalasi/ square meter
Peanut	27	2
Bean	50	5
Corn	49	4
Millet	24	2

#### 8.5 Compensation Scale for fruit trees

The compensation scales for productive trees (fruit trees) are evaluated on the basis of market prices according to local realities. They take into account the type of species and the degree of maturity of the

<sup>22</sup> All decrees values used to calculate compensation scale were updated with WB data on economic growth for Gambia.

trees (young, mature, adult). In addition, a compensation for annual production multiplied by the number of years required between planting and the beginning of production of the fruit tree.

Productive species are essentially: cashew, natural palm, mango, etc.

This compensation scale takes into account the following parameters:

- the purchase price of the plant,
- the cost to put in in ground and its maintenance until maturation
- the cost of the production based on best production of such tree multiplied number of years to grow such tree.

The formula for calculating the amount of compensation of the PAP for fruit tree loss is established as follows:

<b>CLFT = NTA x MLFT</b>
CLFT= Compensation loss fruit trees in Dalasi
NTA= Number of trees affected
MLFT= Fruit trees according to maturity level (young or medium or mature) (dalasi / foot)

Table 8.2: Scale of fruit trees (productive)

Productive trees	Price in FCFA <sup>23</sup> / foot			Price in Dalasi / foot		
	Young	Medium	Mature	Young	Medium	Mature
Western Anacardium	1 000	31 250	50 750	90	2813	4 568
Mango tree graft	1 000	18 000	35 000	90	1620	3 150
Ungrafted mango	500	12 000	25 000	45	1080	2 250
Oil palm tree	1 000	10 000	15 000	90	900	1 350

Source: TER Project Schedule Scale (Apix, 2017) and Market Price on Local Market

## 8.6 Compensation scale for forest trees in the public domain

For affected forest trees under the OMVG Interconnection Project, a Special Compensatory Reforestation Program is financed by the World Bank, outside of the RAP. The Gambian National Forest Service is responsible for implementing the program through a protocol agreed with OMVG. The OMVG through the PMU monitors the effective implementation of reforestation. No compensation scale is required for these types of trees in this RAP. For forest trees in classified or community forests, compensation will be through reforestation implemented as described above.

## 8.7 Compensation scale for private utility forest trees

Private utility forest trees (nere, neem, kinkeliba, etc.) are recorded on the private plots of PAPs. The income and the various services provided by these trees will be permanently on substation sites. As a result, in addition to the compensatory reforestation that will be carried out under the OMVG protocol and forest services, these losses are assessed and compensated according to a compensation scale taking into count:

- Lost of income from these trees;
- The maintenance work done;
- Other PAP's benefits from such trees.

<sup>23</sup> Most of the scales available include the scale provided by Guinea Bissau, Guinea and Senegal. This is why the proposed scales are in FCFA. Nevertheless, these scales will be converted into Dalasi.



**CLFTU = NAFTAU x UFT**

CLFTU= Compensation loss of use of forest trees in Dalasi  
 NAFTAU= Number of affected usefull forest trees  
 UFT (Utility Forest Trees (dalasi / foot) = Average yield / m<sup>2</sup> x market price

Table 8.3: Scale for utilitarian forest trees in PAP private plots

Forest tree species	Market price for a medium-sized tree FCFA <sup>24</sup>	Market price for a medium-sized tree Dalasi
<i>Adansonia digitata</i> ( <b>Baobab</b> )	10 000	900
<i>Accacia albida</i> ( <b>Kadd</b> )	12 000	1 080
<i>Albizia lebbek</i>	8 000	720
<i>Azadirachta indica</i> ( <b>Nim</b> )*	7 500	675
<i>Balanites aegyptiaca</i>	8 000	720
<i>Oxytenanthera abyssinica</i> ( <b>Bambou</b> )	8 000	720
<i>Ceiba pentandra</i> ( <b>Fromager</b> )	25 000	2 250
<i>Cordyla pinnata</i> ( <b>Dimb</b> )	20 000	1800
<i>Danielia oliveri</i> ( <b>Santan</b> )	12 000	1080
<i>Detarium senegalense</i> ( <b>Detakh</b> )	12 500	1 125
<i>Eucalyptus</i>	20 000	1 800
<i>Eucalyptus camldulensis</i> *	20 000	1 800
<i>Khaya senegalensis</i> ( <b>Caïcédrat</b> )	30 000	2 700
<i>Moringa oleifera</i> ( <b>Névédaj</b> )*	10 000	900
<i>Parkia biglobosa</i> ( <b>Néré</b> )	8 000	720
<i>Pterocarpus erinaceus</i> ( <b>Vène</b> )	35 000	3 150
<i>Saba senegalensis</i> ( <b>Madd</b> )*	15 000	1 350
<i>Sclerocarya birrea</i> ( <b>Beer</b> )	10 000	900
<i>Tectona grandis</i> ( <b>Teck</b> )**	439 600	39 564
<i>Vitellaria paradoxa</i> ( <b>Karité</b> )	8 000	720
<i>Zizyphus mauritiana</i> ( <b>jujubier</b> )	10 000	900
<i>Other species</i>	8 000	720

a) Other species include unidentified or rarely sold species on the market

Source: Scale BY Project TER <sup>25</sup> (Regional Express Train), Apix 2017 and local market prices for species marked (\*) and (\*\*) for species whose scale is established on the basis of international market prices.

## 8.8 Compensation scale for loss of pasture

As mentioned above, the use of the land on the substation site in Gambia is agricultural and temporarily pastoral. There will be permanent pasture loss. This loss of pasture remains negligible, however, since the land in the area of the substation is mainly used for fruit growing (cashew & nuts). Pasture is practiced in the dry season. Livestock consume agricultural residues. This loss remains permanent, but negligible. The valuation of this compensation is as follows.

The area of the right-of-way for a substation is 90,000 m<sup>2</sup>. The substation of Brikama is occupied by agro-pastoral activities. The grazing area is estimated at 20% of the substation.

<sup>24</sup> Most of the scales available include the scale provided by Guinea Bissau, Guinea and Senegal. This is why the proposed scales are in FCFA. Nevertheless, these scales will be converted into Dalasi.

<sup>25</sup> The Regional Express Train (TER) is financed by France (135 billion CFA francs); the Islamic Development Bank (IDB), which was CFAF 197 billion (42% of the total cost); The African Development Bank for 120 billion.

That is  $90\,000 \times 20\% = 18\,000 \text{ m}^2$  or 1,8 ha.

The fodder produced in the wild produces an average tonnage of 1.75 ton forage dry matter / ha / year<sup>26</sup>. This gives a quantity of forage lost estimated at:  $1.8 \text{ ha} \times 1.75 = 3.15 \text{ tons}$ .

The average price per ton of fodder is estimated at 190,000 FCFA /17,100 Dalasi according to the rates of the New African Flour Maker (NMA Sender)<sup>27</sup> specialized in the manufacture of food for livestock, and poultry. The compensation value for 3.15 tons of lost fodder stands at 598,500 FCFA / 53,865 Dalasi.

The identification of the concerned breeders could not be done efficiently during the parcel surveys because of the nomadic nature of this activity. Compensation will therefore be paid in the form of a contribution to the financing of a vaccination campaign for livestock of breeders in the substation zone. A vaccination day will be organized by the RAP implementing NGO in collaboration with the veterinary service in the different villages of the substation zone. The scale for the loss of pasture area is 190,000 FCFA or 17,100 Dalasi / tonne of fodder.

### **8.9 Compensation scale for loss of housing**

At substation offices in Gambia, no buildings have been inventoried. As a result no scale is required.

### **8.10 Scale of vulnerability**

The analysis of the average size of nuclear households along the interconnection line (substation and lines combined) reveals households with an average of 7 members. Like the social security scholarships granted by the State of Senegal (25,000 FCFA / 2,250 Dalasi / quarter). In order to reduce the poverty of poor households, the RAP has defined a lump sum of 15,000 FCFA /1,350 Dalasi to be allocated to each type of vulnerability.

The lump sum concept for vulnerable affected people for the OMVG project was inspired by an initiative to alleviate poverty in (Programme National de Bourse de Sécurité Familiale du Sénégal) Senegal. This initiative offered a 25000 CFA quarterly food security allowance for poorest household. This allowance was 100,000 CFA per year. Our estimation is that we will affect families for one year before returning to normal life. The average size of our family is 7 individuals or 14285 FCFA per individual per year. We roundup the amount to 15000 FCFA or 1350 Dalasi. This allowance is consistent for all PAP in all countries where OMVG is present.

Those identified as socially, economically, physically and sexually vulnerable will have a lump sum cumulative allocation of 15,000 FCFA /1,350 Dalasi for each type of vulnerability.

For educational vulnerability, the NGO Enda Ecopop & ADWAC and the partner NGO Gambia are responsible for translating documents into local languages and to accompany all PAPs to fully understand the process and the compensation agreements.

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<sup>26</sup> Source: *Le Houerou 1996* published by HAL archive open.fr *Plant biomass and fodder production on land of transhumance (INRA / ADP Sciences 1996)*.

<sup>27</sup> NMA means "New African Flour Milling". It is a Senegalese industrial company that manufactures feed for livestock, poultry and pasta.

## 9 Implementation of the RAP

### 9.1 Compensation process

The compensation process sets out the main steps to be followed for the compensation of those affected by the project in a fair and equitable manner. This process involves the following key steps (Table 9.1).

Table 9.1: Compensation process

Activities	Responsible
1. Disclose and remind PAPs eligibility criteria and compensation principles	ENDA ECOPOP & ADWAC, PMU
2. Present to PAPs the estimate of individual and collective losses	ENDA ECOPOP & ADWAC, PMU
3. Agree with the PAPs on the compensations retained	ENDA ECOPOP & ADWAC, PMU
4. Conclude agreements or use mediation	LCMC, ENDA ECOPOP & ADWAC, PMU
5. Support the affected people	ENDA ECOPOP & ADWAC, PMU, LCMC
6. Settle disputes.	LCMC, PMU
7. Identification of relocation sites	LCMC, PMU
8. Pay the benefits	LCMC, Commission of payment
9. Monitoring	PMU, LCMC

#### 9.1.1 Reminders to PAPs eligibility criteria and compensation principles

This step consists in informing the PAPs of the eligibility criteria adopted and the principles of compensation which have guided the estimation of losses. It is possible to significantly reduce future litigation by involving the PAPs from the beginning regarding the fundamental principles underlying all compensation decisions.

#### 9.1.2 Present to PAPs the estimate of individual and collective losses

The assessment of individual and collective losses will be presented to PAPs. The compensation principles proposed in the RAP favor in kind compensation rather than cash, but both options will be presented to the PAPs in order to offer them the option of their choice.

#### 9.1.3 Agree with the PAPs on the compensations

This step consists in presenting to the PAPs, on an individual basis, the results of the estimate of the losses concerning them and to determine by mutual agreement if the compensation is acceptable. The disclosure of the estimate must be accompanied by a presentation of the calculation assumptions so that the affected persons can assess the merits of the compensation offered. The resettlement plan requires the PAPs to be informed regarding the options available to them. In the event that the affected persons judge that none of the options offered is satisfactory, they will have the right to appeal the proposed benefits and will have to be informed of the remedies available to them.

#### 9.1.4 Conclude agreements or use mediation

After the agreement with the PAPs, with the support of NGO Enda and AVISU, the LCMC will sign a compensation agreement with each PAP. Given the low level of literacy in the area, a representative of the NGO Enda Ecopop & ADWAC or ADWAC who speaks the local language will translate to the PAP the agreement prior to signature. A copy of the agreement will be kept by each party. Digital photos of the signed compensation documents will be taken for record.

If agreement is not reached, discussion will continue with a mediator accepted by both parties. The mediator's recommendation will not be enforceable, but will be the last option before a dispute is officially registered. The contentious issues will then have to be referred to the legal dispute resolution process.

#### **9.1.5 Support the affected people**

The compensation process is a formal process that will be new to many affected people. So that PAPs can become familiar with the process before its implementation, an information campaign will introduce PAP to the process and will inform PAPs of their rights within this process. The NGO Enda and ADWAC, the NGOs responsible of RAP implementation, will provide such support.

#### **9.1.6 Settling disputes**

The Gambian Laws on Expropriation for Public Purposes and Temporary Occupation stipulate that in the absence of an agreement, the parties are summoned before the expropriations judge who renders a decision using the services of an evaluation expert if one of the parties so requests. Decisions rendered by the expropriations judge are subject to appeal, only for incompetence, excess of power or defect of form.

Moreover, the settlement of a dispute cannot delay the displacement of a community, as this would involve excessive delays in the implementation of the Project. It is therefore expected that if a dispute goes to the Court and that it cannot make a decision before the date of displacement, the affected person who has appealed his case will be compensated according to the decision of the expropriations judge but an adjustment will be made after the move if the Court so decides.

#### **9.1.7 Identification of relocation sites**

In the present RAP substation in Gambia, the results of the parcel surveys carried out at the substation sites revealed that no structure (building, wells, dwellings, etc.) exists in the right-of-way of the substations. Therefore, the identification of a relocation site is not required. Land lost by PAPs will be compensated on a "land-to-land" basis.

#### **9.1.8 Payment of allowances**

The OMVG is responsible for all payment related to this RAP. OMVG recruited the NGOs Enda Ecopop & the NGO Enda Ecopop, on its side, recruited the NGO ADWAC to implement RAP in Gambia. These NGOs are recognized for their professionalism and their experience in compensation, in the case of Enda Ecopop, and work with rural communities and gender issues, in the case of ADWAC.

When a compensation agreement is concluded and after final validation by stakeholders, the NGO responsible for compensation will, in collaboration with the LCMC assure:

- Payment of compensation (in kind or in cash);
- Supporting PAPs
- The allocation of replacement lands;
- The application of other compensation measures, including payments in kind and, at the completion of income recovery activities.

A detailed compensation report will be produced by the operator and will be approved by the stakeholders participating in the compensation.

Any compensation must be paid before the affected person loses possession of the property covered by the agreement. Compensation will be paid primarily in kind, but PAP preferences will be taken into account as much as possible and will be duly documented.

Cash benefits will be paid by check or transfer to the personal account of each identified PAP. The variety of accounts includes bank, telephone or other accounts subscribed by the PAP. In the event that PAP does not have an account, the NGO responsible for compensation will accompany him/her if he/she

wishes to open an account. To sustain the compensation, the operator will offer training to the PAP to promote rational use and reinvestment in productive activities. The entire compensation will be paid by the operator to the account of the PAP, in a single payment. Cash payments are not recommended.

Compensation for crop losses and vulnerability allowances especially for women is assessed in cash, but may also be paid in kind by a quantity of rice equivalent to the evaluated value. It will be delivered in full to the PAP at the time of payment of compensation.

In a campaign preceding compensation, the NGO Enda Ecopop & ADWAC and the PAPs will sign a compensation agreement that will be co-sign by official stakeholders.

This campaign will be followed by the payment campaign in which the indemnified PAPs will sign a release acknowledging that they have been compensated according to the established agreement.

Regarding compensation for permanent loss of land at the substation level during the payment campaign, local land management authorities will allocate replacement land in accordance with the Compensation Agreement and the «land-to-land " replacement policy.

### **9.1.9 Monitoring tools for implementation**

During the implementation of the RAP, the OMVG and the NGOs Enda Ecopop and ADWAC will use various forms for the establishment and monitoring of the compensation. Monitoring document in preparation are shown in Appendix 7; fact sheet on PAP and impacted assets (7a); certificate of customary occupation certificate (7b); complaint registration form (7c); indemnity agreement form (7d).

## **9.2 Consultation and community participation**

### **9.2.1 Involvement of affected populations**

This chapter presents the involvement of affected populations in the planning and implementation of RAP, including:

- The consultation strategy of the affected people and the involvement of those affected in the design and implementation of the RAP;
- A summary of the views expressed and how these have been taken into account in the preparation of the RAP;
- An examination of the alternatives presented and the choices made by the PAPs affected physically or economically with regard to the options available to them:
  - Types of compensation;
  - Relocation assistance;
  - The relocation process;
  - Respect for existing collective organization systems;
  - Maintaining access to cultural heritage (place of worship, pilgrimage center, cemetery, etc.).
- The description of PAP communication channels for:
  - Communicating their concerns to the project authorities throughout the planning and implementation;
  - Ensuring that woman and vulnerable groups are represented

Community participation is an essential. It offers the opportunity to those affected directly and indirectly, to be involved both in the design and implementation of the Resettlement Action Plan. No population group qualified as Aboriginal in the sense of the TFPs has been identified. In addition, the various consultation activities fostered the transparency of the process and the consideration of the concerns of those affected.

The process leading to the preparation of this RAP has been widely presented in all project areas. Meetings were held with various stakeholders and PAPs during:

- Institutional consultations during the feasibility study in 2002;
- Consultations for EIES and RAP in 2006;
- Consultations for the production of the CPR, and during the parcel surveys carried out for lines and substations in 2014;

- Info sessions/consultations relating to RAP with the NMC and LCMC in 2017;
- Parcel surveys of December 2017 and January 2018 on 1645 km of lines and 15 substations.

In the process of carrying out these surveys in 2017, the participation and consultation of the populations was ensured at all the key stages of the elaboration of the RAP. Stakeholders and those affected by the project have been informed and consulted throughout the process so that their expectations are known and reflected in the RAP.

The communication and information of PAPs and stakeholders took different forms:

- Meetings of information and preparation with the administrative authorities;
- Information and awareness-raising meetings in cities crossed by lines and substations;
- Radio communications and newspaper articles;
- Information and awareness campaigns along the lines.

During these information and consultation activities, project stakeholders explained the various stages of construction work in order to inform and reassure the population.

### **9.2.2 PAP consultation and information during the RAP implementation**

PAPs will be consulted and informed of the clearing process by press release and by posting at the level of town halls during the first mission of the RAP implementation by the NGO. The second mission will be to sign the compensation agreements and the third mission will be the payment of compensation. During the missions, an accompaniment of the NGO will allow the PAPs to understand the procedure.

During the consultations, PAPs were informed that the compensation procedures recognize that the losses affect all members of a household and not just the head of the household. Thus, compensations are established on the basis of the identified PAPs. Information sessions and sensitization will be organized by the project that will accompany the head of the household and other members of the household on the principles and terms of compensation. In the payment mechanism, the compensation agreement will indicate the amounts of cash or in-kind benefits attributable to each member of the household. Compensation for loss of livelihoods should primarily be used for investments in new livelihoods that are within the capabilities of those affected.

The support provided by the NGOs Enda and ADWAC responsible for compensation will include:

- Help to open an appropriate account in an accessible and credible institution.
- Advisory support to sustain the judicious investment of the PAP.
- Training on the management of Income Generating Activities (IGAP) and sensitization of PAPs for proper management of compensation amounts.

Follow-up to ensure that benefits can sustainably rebuild lost livelihoods. Affected people identified as vulnerable (gender, social economic, educational) as defined in section 4.1.8 of this RAP will receive priority support as described above. They will be given special attention, not only in terms of information, but also on payment and support. The Vulnerable Persons Support Program will ensure that PAPs fully receive all the benefits due to them. The RAP operator will consult women for the identification and development of women-specific income-generating activities (IGAP). Its activities could, among others, take the form of: tontines, market gardening activities, trade, saponification, processing of non-timber forest products, etc. The operator will build the capacity of the beneficiaries to carry out these activities.

## **10 Impact of relocation**

For the substation of Brikama in Gambia, there is no displacement of populations. As a result there is no impact on host populations and no PAPs to move physically.

## 11 Grievance redress mechanism

This chapter describes the procedure for handling complaints and disputes arising from the acquisition of the land areas required by the project. This complaint management system is adapted to the structures involved in the OMVG Energy project and recommended by the OMVG. However, in all cases, a person who feels aggrieved is not limited in his right to resort to the administrative or judicial mechanisms in force in his country.

### 11.1 Grievance redress mechanism

Grievance redress mechanisms take into account the existence of remedies before: traditional organizations; decentralized community organizations; the structures put in place by the project and the national courts. The implementation of the PAP complaints and litigation system enables them to be objectively recorded, filed and processed. It facilitates the resolution of disputes related to resettlement. The management of complaints is of crucial importance for the implementation of the RAP.

The main objectives are:

- Establish an accessible, effective, fair, transparent and, to the extent possible, respectful of local cultures complaint mechanism;
- Standardize (similarly treat all complaints) practices to avoid inconsistencies in the handling PAP's complaints;
- Facilitate dialogue and communication with communities;
- Manage rumors or negative perceptions about the RAP (by producing explanatory notes that are widely presented by the LCMC<sup>28</sup>);
- Accelerate the resolution of RAP disputes;
- Implement appropriate corrective measures

Several grounds of complaint can be considered in the context of the OMVG Energy Project, for example:

- A poor understanding of the RAP implementation process;
- A communication deficit;
- The feeling of being unfairly treated in relation to others;
- A dispute between compensated persons or groups on a property (two or more affected persons claim to be the owner of the same property);
- Discrimination in relation to access to compensation or assistance, particularly for women;
- An environmental problem (air quality, noise, traffic, etc.);
- A gap in the public consultation procedure;
- An error in the evaluation of compensation scales;
- An error or disagreement in the identification and evaluation of a parcel or other property;
- A conflict over ownership or sharing of property between heirs or family members as a result of a succession, divorce or other family problems,
- A disagreement on resettlement measures, for example on the type of habitat proposed or the characteristics of the relocation plot;
- A gap between the actions implemented under the RAP and what PAPs understood during planning;
- Degradation of agricultural land or infrastructure during construction activities;
- An oversight or an absence during the parcel survey.

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<sup>28</sup> The registration and processing form for complaint & claim can be found in annex number 8 of the RAP document. The grievance is written and managed by the CLCS of the OMVG (Comity Local Coordination et de Suivi) which is a standard Project structure for the entire OMVG project. This Monitoring & Coordination Local Comity assemble local stakeholder and project entities to solve grievances. It uses exclusively Gambian actors to solve grievances, even for OMVG. The CLCS coordinator is responsible for the registration of grievance in the database and to mobilize stakeholders to find solution for grievances.

## 11.2 Traditional organization

In this project, complaints and disputes may arise from neighborhood conflicts sometimes not directly related to the project, but which may interfere with it. These complaints and disputes can often be resolved through arbitration using traditional mediation rules. Nevertheless, the Project must ensure that this is done in an efficient and fair manner by facilitating capacity building, particularly with regard to discriminatory practices that may negatively impact vulnerable PAPs. The LCMC will ensure that disputes resolved by traditional means are properly recorded. That is to say, for each complaint, the resolution and results must all be recorded in such a way that the file is fully documented. Nevertheless, the verdicts rendered are widely accepted as equitable and transparent by the populations concerned. The majority of rural third-party disputes are resolved by this route under the palaver tree.

## 11.3 Decentralized community structures

Complaints about village boundaries or complaints about ownership of unresolved parcels by village authorities are formally recorded by the LCMC and submitted to the OMVG and its local representative (local agent) who, if necessary, requests the administrative authority which will decide on the resolution of the dispute.

## 11.4 The structures set up by the project

The management of complaints is ensured by the OMVG through the LCMC set up by the project in each concerned commune and the ONG. The latter receive all complaints and approve all resolutions or follow-up activities. The OMVG delegates some of its powers to the NGO facilitating the implementation of the RAP.

The filing and registration of complaints or claims is centralized in a database and complaint tracking at OMVG level. The OMVG assigns the analysis to its representatives (OMVG Agent) in each country.

The complaint handling process involves local structures as described below and essentially seeks out-of-court solutions.

Anyone can lodge a complaint or complaint with the OMVG agent (figure 11.1) on recourse and dispute resolution procedures). The complaint claims or complaints forms are available from the OMVG Agent who makes them available in the town halls of each territory, with village chiefs and other civil society structures present in the project area.

## 11.5 Complaint Resolution Process

As part of the implementation of this project, OMVG has implemented a recourse and dispute resolution process (Figure 11.1). The actions to solve grievances is the responsibility of

- each OMVG country representatives,
- the concern community and traditional organizations,
- local LCMC structures and
- the implementation operator

The preceding actors are to use this extrajudicial dispute-resolution mechanism to find solution using the explanation clarification and mediation by third parties. The process includes the following steps:

- 1) Registration of the complaint

The project sets up a claim register maintained by the community relations department of the OMVG project. The existence of this register and the conditions of access (place where it is available, agents responsible for registering complaints (LCMC coordinator) and other information is widely disseminated to affected populations through consultation and information activities. The complainants can turn to anyone involved in the project (Builders, IC, OMVG staff) or with the local government authorities (Municipality) or traditional (Village) or community organizations (women's, youth group, etc.) to make a complaint. The first responder should contact the NGO or the LCMC to ensure that the complaint is officially registered by the relevant LCMC coordinator. The complaint form must contain the information indicated below. OMVG has proposed a form which is presented in Annex 8c.

- The name, surname and telephone number of the complainant;



- The name of the officer who wrote the complaint;
  - The date, time and place of filing of the complaint;
  - The description of the situation giving rise to the complaint;
  - The proposed solution
- 2) Preliminary reviews of complaints are the responsibility of the coordinators of the 16 CLCSs of the project that are in place in the four countries. The coordinators of each LCMC work in collaboration with the social safety field coordinators of each of the construction companies. This review is to ensure that the complaint is admissible to the extent that all relevant information is recorded on the complaint document, is understandable and relates to the project.
- The processing of the Level 1 complaint: Settlement by the OMVG and LCMC Officer insofar as the complaint results from a misunderstanding or minor miscalculation. The officer provides useful clarifications to the complainant or recommends minor calculation corrections and forwards them for adjustment to the inventory database of affected assets.
  - Level 2 complaint handling: Settlement by the OMVG agent of the project with the participation of the members of the LCMC for unresolved complaints at level 1 because the complexity is major (see paragraph 3, i.e. the complaint does not result from a misunderstanding or minor miscalculation) or the participation of the administrative authorities is required. The LCMC includes:
    1. The permanent agent of the OMVG;
    2. A representative of the PAPs;
    3. A local authority (mayor or his representative);
    4. A representative of the state administrative authority at the local level;
    5. A representative of the NGO implementing the RAP.
- 3) Level 3 complaint handling: Settlement by the mediation committee for unresolved major complaints at level 2.

The project is putting in place in each project area a mediation committee that will meet as needed (maximum 1 meeting / month) and will receive unresolved complaints from the LCMC. Its objective is to find amicable resolutions of the disputes. The committee sets the schedule for filing and hearing complaints. After a complaint or dispute has been registered, the NGO implementing the RAP will prepare the technical elements (example: proposed compensation, list of interviews or meetings held with the complainant, exact reason for the dispute, etc.) for the mediation committee. The complainant (s) will be summoned before the mediation committee, which will attempt to propose a solution acceptable to both parties. There will be sufficient time between the registration of the complaint and the presentation before the Committee so that the complainant has time to prepare for the hearing of his complaint. If necessary, other meetings will be organized and the committee may appoint one of its members to continue the arbitration in a less formal context than the meetings. If the complainant requests an appeal, the steps and timing of the appeal will be clearly stated.

The eventual agreement will be sanctioned by a protocol signed by the parties and which the chairman of the mediation committee will vouch for. The mediation committees are set up with the assistance of the LCMC; they are composed of 7 members:

- Two representatives of the public administration;
- Three representatives of the populations, including at least one woman, chosen amongst others from the community-based organizations, the elders, the traditional authorities, as the case may be;
- A representative of an NGO present in the field in the area concerned
- A representative of a religious organization held in high regard by the people.

The sector mediation committee meets about once a month (to be adapted as needed), in the presence of representatives the operator of the implementation of the RAP, the LCMC, the OMVG and the technical services concerned.

4) Follow-up and closing of the complaint:

The body responsible for dealing with a complaint must make its recommendations in accordance with the deadlines set out in Table 11.1. This recommendation is forwarded to the complainant through the LCMC. If the complainant agrees with the recommendation, the LCMC officer responsible for handling complaints asks OMVG to authorize the proposed corrective actions and ensure their implementation as soon as possible. In implementing corrective actions, the LCMC Officer must meet with the complainant to ensure that the situation has been re-established to the satisfaction of all parties. If necessary, the LCMC officer regularly monitors the situation and records his observations in the complaint file. Once the agreed solution has been implemented, the complainant signs the closing form.

o Legal recourse:

The complainant will always have the right to file a complaint in the competent courts of the country. The OMVG will support its approach. This assistance may be in the form of assisting the PAP with legal professionals to help him/her defend their interests.

o Processing deadlines:

For the complaints management system to work properly, complaints must be dealt in a timely manner. Table 11.1 below shows the expected timelines for each stage of complaint handling.

Table 11.1: Complaint processing times

Step	Action	Maximum processing time (days)	Cumulative days
Registry	Filing of the complaint Registration	1	0
		1	2
Preliminary examination	Preliminary examination and filing Constitution of the complaint file	2	4
		2	6
Treatment 1	Meeting with the complainant	5	11
Treatment 2	LCMC Deliberation - OMVG	7	18
Treatment 3	Deliberation of the Mediation Committee (monthly meeting)	30	48
corrective follow-up & closing	Corrective action	7	55
		30	85
Referral to national courts	Legal procedure	ND	ND

These delays imply linear processing (that is, without recourse or referral to a previous step). The deadlines should not be exceeded, but the deadlines will obviously be exceeded.

9) SEA / GBSA Complaints

The contractor, managers, contractor's employees and others working on the project must sign a code of conduct regarding appropriate behavior between themselves and members of local communities. Entrepreneurs, employees and other workers should not engage in gender-based violence or the sexual exploitation and abuse of children and adults. If they do, their employment contract will be terminated. The contractor will comply with local / national laws regarding police notification and / or local authorities.

The project's complaints mechanism will handle complaints in accordance with its mandate. Disputes between suppliers and / or contractors regarding health and workplace safety and work problems can be addressed by a separate mechanism. Complaints about gender-based violence or sexual exploitation and abuse will be treated confidentially and in accordance with special protocols guaranteeing protection and assistance to complainants. Capacity-building activities in this regard are to be implemented by the Project.

For complaints related to Sexual Exploitation and Abuse (SEA) or Gender Based Sexual Abuse (GBSA), the complaints management mechanism should take a different approach. First, where there is a risk of

**"moderate"** to **"high"** in the area of SEA / GBSA, the project must ensure that there are a variety of mechanisms and organizations, including community to receive reports on potential cases. These mechanisms should be built around trusted people in the community that potential victims of SEA / GBSA can trust..

Complaints must be treated confidentially. Reports should only indicate that a complaint has been made about SEA / GBSA and has been resolved or referred to the relevant local authorities. Claim mechanisms should not attempt to determine who the real perpetrators are. When complainants come forward, they should be able to speak to someone who is trained in the basic skills of empathic listening without judgment. Complainants should then be referred to service providers (i.e. medical, psychosocial, legal / security, livelihoods and other support) who can assist them. Grievance mechanisms can then refer cases (but only if survivors have given consent) to law to investigate and justify who might be the alleged perpetrators. When the complainant is telling his story, the survivor / survivor can be asked if they are able to identify whether the alleged perpetrator is associated with the World Bank-financed operation. This will help to keep an initial list of cases that may be related to the Bank's operation and these data can be used for tracking purposes.

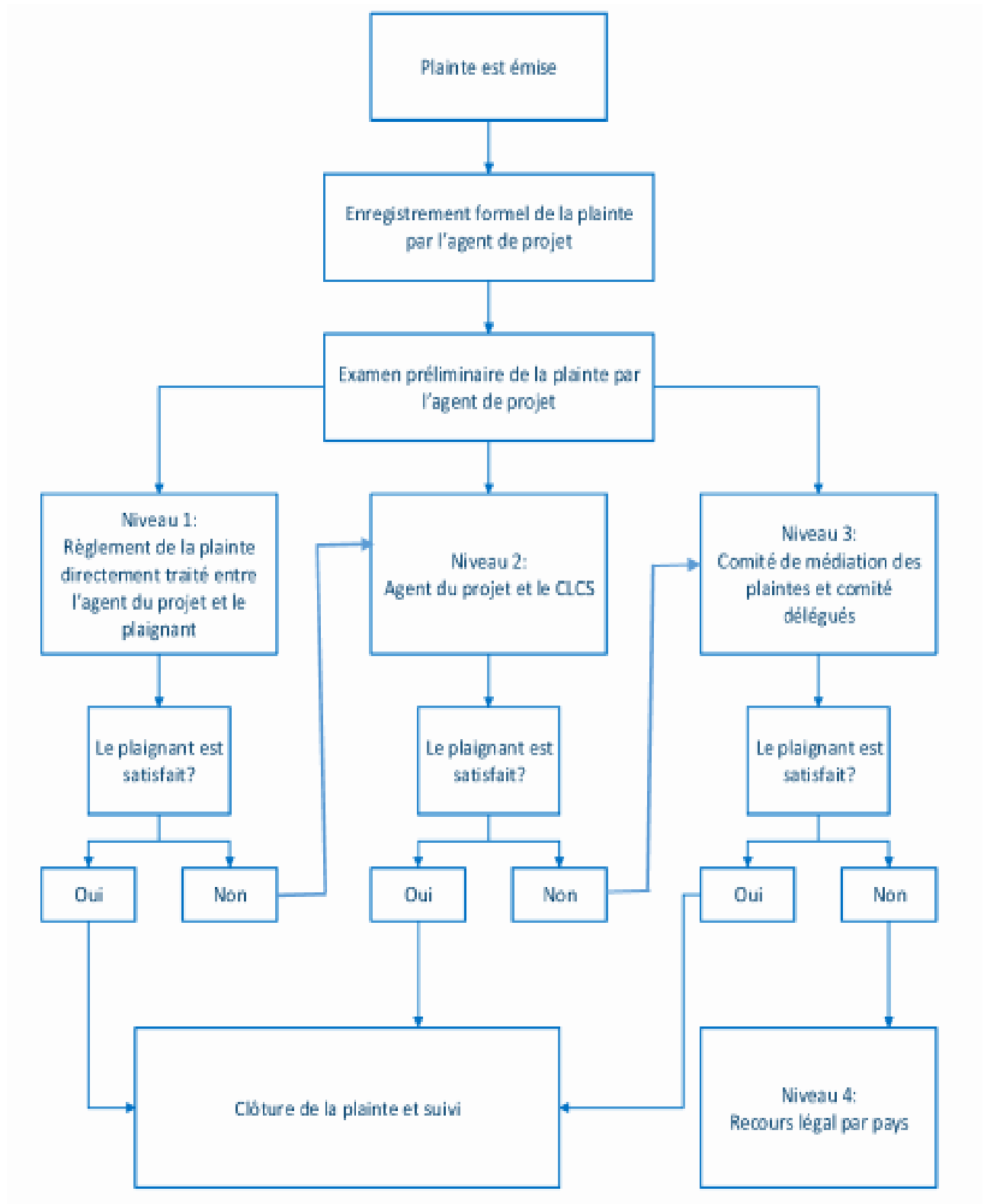


Figure 11.1 : Recourse and Dispute Resolution Process

## **11.6 Management of complaints and disputes in zones exempted from resettlement**

The results of the parcel surveys conducted in the four countries showed that several sections of the right-of-way corridor do not include any assets owned by individuals. These sections correspond to natural environments far from settlements or having a protection status without proven human occupation. Examination of high-definition images captured along the entire length of the corridor validates that there is no apparent sign of occupation or agricultural operation along the length of these sections of the corridor. These sections do not involve physical or economic resettlement.

The sections without economic or physical resettlement are hard to reach areas, mountains, “bowes” (uncultivated land, bare), dense uninhabited forests where transhumance is almost non-existent because of the harsh conditions. Nevertheless, the Project must ensure that the complaints mechanism is accessible to potential complainants in these areas without physical or economic relocation.

Given the extent of the land and the difficulties of access and communications in certain places however, it is possible that PAPs will come after the start of construction to indicate that they have been forgotten and claim compensation. Also, if the project activities lead to economic displacement of any kind, the relevant section of the transmission line will be removed from the exempt area.

In these cases, the plaintiff may contact the representative of the Builder; or the field representative of the CE or LCMC in the field. The NGO responsible for the implementation of the RAP, will inform the people and the customary authorities of all available remedies. Complaint will be handled by the LCMC and dealt with in accordance with the appeal procedure and dispute resolution developed for the OMVG project and described in this chapter 11.

## 12 Organizational Responsibilities for RAP Implementation

This chapter presents the organizational framework for implementing the resettlement plan and includes the identification of:

- Agencies responsible for RAP implementation measures and service delivery;
- Arrangements made to ensure adequate coordination between the agencies and jurisdictions involved in the implementation;
- Measures (including technical assistance) to strengthen the capacity of agencies to deploy resettlement activities;
- Modalities of transfer of prerogatives of management of the equipment and services provided by the project to the local authorities or resettled persons, as well as for the transfer of other similar responsibilities assumed by relocation agencies, as appropriate.

The organization of the OMVG supports the environmental and social management of the project. The organizational responsibility architecture is structured as follows:

- The different organizations and their internal organization;
- Relational links;
- The roles;
- Organizations involved in RAP implementation;
- The distribution of responsibilities according to the three geographical levels of the project:
  - The regional level covers the 4-member countries of the OMVG and allows an approach favoring a global vision of the project,
  - The national level corresponds to the actions carried out in each State,
  - The local level, which varies according to the administrative organization specific to each State, must promote contact with the populations affected by the project.

### 12.1 The organizational structure of the project

The organizational structure of the OMVG Energy Project is composed of the following entities and entities shown in Table 12 and shown schematically in Figure 12.1.

Table 12.1: Organizations responsible for the implementation of the OMVG Energy Project

Organization	Responsibility	Internal organization
<b>OMVG</b> Organization for the Development of the Gambia River	The OMVG is the Project Client and the ultimate leader in front of the Member States.	<ul style="list-style-type: none"> <li>• Office of the High Commissioner to oversee the Energy Project and the general socio-environmental coordination</li> <li>• Department of Environment and Sustainable Development• Directorate of Studies, Planning and Infrastructure</li> <li>• Financial direction</li> <li>• Directorate of Administration and General Resources</li> </ul>
<b>PMU</b> Project Management Unit	The PMU (Project Management Unit) is the central body for the day-to-day monitoring of RAP implementation. It assists the OMVG in launching and evaluating tenders and in recruiting operators responsible for regular on-the-spot checks.	<ul style="list-style-type: none"> <li>• An environmental unit</li> <li>• A technical management unit</li> <li>• An administrative and financial management unit</li> <li>• Based in Dakar</li> </ul>

<p><b>TATO</b> Technical Assistance to the Owner (TATO)</p>	<p>The TATO is stationed at the PMU level and contributes, among other things, to the capacity building for implementation, monitoring and evaluation of personnel responsible for environmental and social issues.</p>	<ul style="list-style-type: none"> <li>• Recruitment international</li> <li>• Based in Dakar</li> </ul>
<p><b>CFC</b> Consultation and Follow-up Committee</p>	<p>The CFC has a participatory and consultative role at the regional level and is responsible for coordinating the orientation and monitoring of project activities.</p>	<ul style="list-style-type: none"> <li>• Actors involved in the project: representatives of PAPs, NGOs, experts, ministries, public bodies, technical and financial partners, etc.</li> </ul>
<p><b>CE-CE-PM</b> Consulting Engineer Project Manager</p>	<p>The CE-CE-PM is an important relay of the OMVG and the PMU in the field, it controls the contracts of execution of the contractors of works and makes sure that all the requirements in environmental and social matters are applied. In case of need, it informs the OMVG which will be able to activate, through the PMU, the structures at the local level in order to solve the difficulties identified.</p>	<ul style="list-style-type: none"> <li>• International recruitment</li> <li>• Based in Dakar</li> </ul>
<p><b>NMC</b> National Monitoring Committees</p>	<p>National Monitoring Committees (NMC s) report to the PMU and are responsible for supervising resettlement activities in the field. They play a key role in facilitating administrative procedures.</p>	<ul style="list-style-type: none"> <li>• Chaired by the head of the OMVG national unit</li> <li>• PAP representative who is also at LCMC</li> <li>• Ministry of Energy</li> <li>• Ministry of the Interior</li> <li>• Ministry responsible for communities</li> <li>• Ministry of Finance</li> <li>• Ministry of the Environment</li> <li>• Ministry of Agriculture</li> <li>• Ministry responsible for domains</li> <li>• National Electricity Company.</li> <li>• Project Team: Team Leader, Responsible for Administration and Communications Relations, Accountant, Secretariat</li> </ul>
<p><b>LCMC</b> <i>Local Coordination and Follow-up Committees</i></p>	<p>At the local level, the LCMC are responsible for monitoring the implementation of RAP actions, but will focus on taking into account the concerns of local people.</p>	<ul style="list-style-type: none"> <li>• Under the responsibility of the OMVG National Officer the permanent staff is as follows:</li> <li>• a coordinator and facilitator;</li> <li>• a communication manager;</li> <li>• a secretariat; an accounting assistant</li> </ul> <ul style="list-style-type: none"> <li>- Other participants, depending on the issues: PAP representatives</li> <li>- Representatives of local authorities</li> <li>- Representatives of the State services</li> <li>- Development projects</li> <li>- Private institutions and ONG</li> <li>- Territorial Administration</li> </ul>

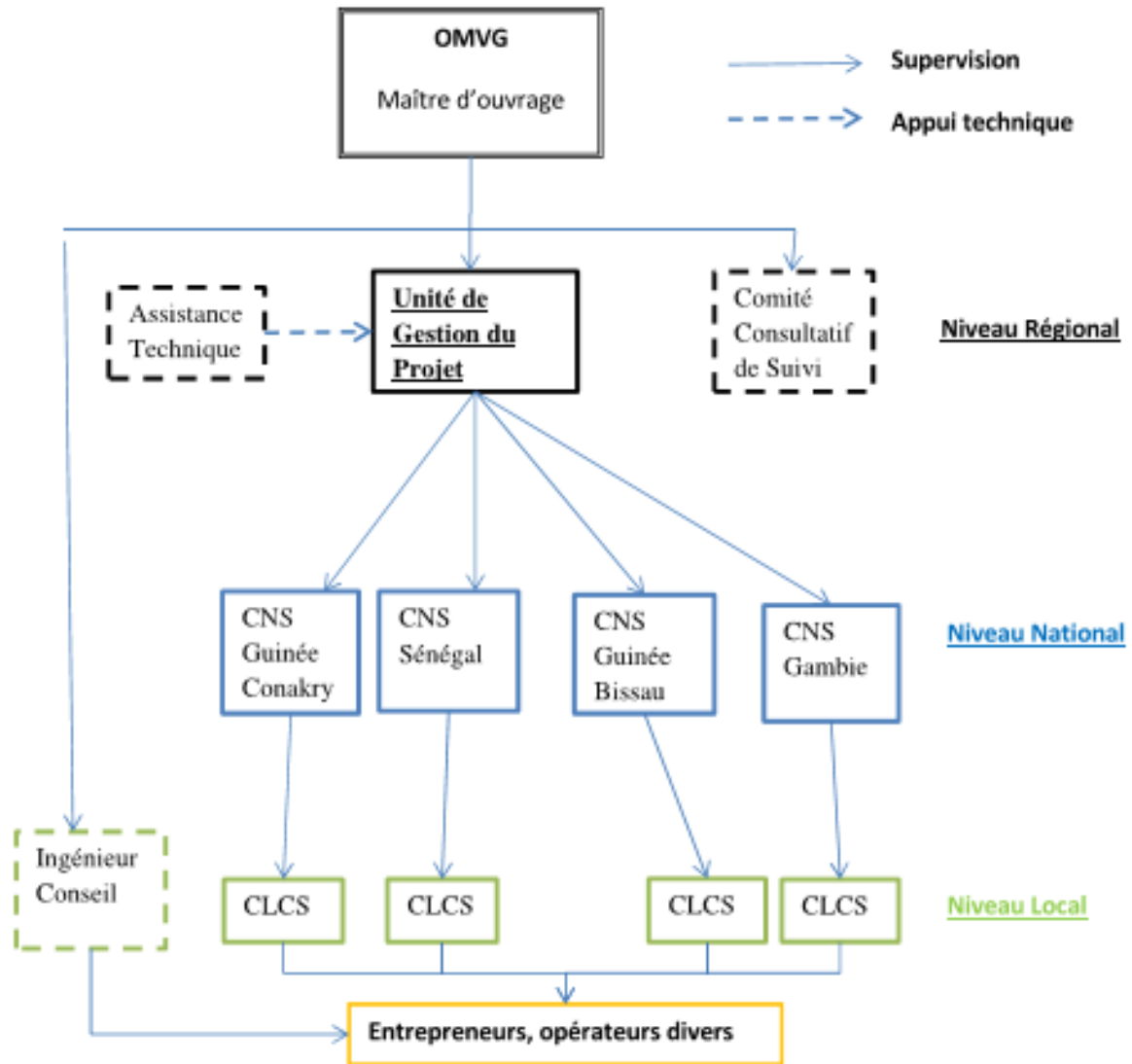


Figure 12.1 : Organizational Structure of the OMVG Energy Project



## 12.2 Role and responsibilities in the RAP implementation

The roles and responsibilities of the organizations involved in the implementation of the RAP are divided into three levels: regional, national and local, as shown in table 12.2.

Table 12.2: Roles and Responsibilities of Agencies in RAP Implementation

Organization	Role	Level
<b>OMVG</b>	<ul style="list-style-type: none"> <li>Client of the project</li> <li>Supervision of the PMU through the monitoring of his performance contract</li> <li>Approval of RAP programs and budget</li> <li>Request local authorities to acquire land</li> </ul>	Regional
<b>PMU</b>	<ul style="list-style-type: none"> <li>Daily monitoring of the implementation of RAP measures</li> <li>Coordination, planning and proper execution of project components</li> <li>Monitoring and evaluation and control of activities</li> <li>Administrative, financial and accounting management</li> <li>Support to the OMVG for the launching of tenders and the awarding of contracts for the launching of tenders and the awarding of contracts</li> <li>Secretariat of the Project Monitoring Advisory Committee (PMAC).</li> </ul>	Regional
<b>PMAC</b>	<ul style="list-style-type: none"> <li>Participatory and consultant role</li> <li>Coordination, guidance and monitoring of project activities</li> </ul>	Regional
<b>TATO</b>	<ul style="list-style-type: none"> <li>Contribution to the establishment and strengthening of monitoring and evaluation capacities within the PMU</li> </ul>	Regional
<b>NMC</b>	<ul style="list-style-type: none"> <li>Monitoring and supervision of field activities</li> <li>Administrative facilitation</li> <li>Monitoring and implementation of the environmental and social component</li> </ul>	National
<b>LCMC</b>	<ul style="list-style-type: none"> <li>Relationship between the project and local people</li> <li>Litigation and complaints management</li> <li>Monitoring the implementation of development measures</li> <li>Monitoring people's acceptance of the measures implemented: compensation, compensation, resettlement, consultation, information, awareness raising, litigation management</li> </ul>	Local
<b>CE-CE-PM</b>	<ul style="list-style-type: none"> <li>Control, supervision and monitoring of the construction works of the interconnection works and Sambangalou</li> <li>• Representative of the OMVG with Builders</li> </ul>	Local
<b>NGOs</b>	<ul style="list-style-type: none"> <li>NGOs recruited by OMVG will have the following responsibilities and tasks:</li> <li>Information, awareness and consultation of PAPs</li> <li>Preparation, validation of census data and scales</li> <li>Opening of bank accounts and payment of PAPs</li> <li>Support, document and monitor land acquisition</li> <li>Organization of compensation in kind</li> <li>Support to PAPs for income restoration</li> <li>Support to vulnerable PAPs</li> <li>Follow-up of PAP complaints</li> <li>Monitoring and evaluation</li> <li>Production of reports and compensation documentation</li> </ul>	Local
<b>Builders</b>	Builders (contractors) are responsible for implementing the environmental and social measures of the ESMP and RAP that affect them. These measures are described in an Environmental and Social Site Management Plan (ESSMP) that the Manufacturers must submit and have approved before the works.	Local

### **12.2.1 Project Management Unit (PMU)**

It is the Project Management Unit (PMU) within the Office of the High Commissioner for the OMVG that is responsible for the implementation of the RAP. The PMU will use the services of the NGO Enda Ecopop and their Gambia subcontractor NGO ADWAC recruited by tender, who will implement the RAP measures (Table 12.2). The PMU is responsible for the work of the NGOs and ensures the daily monitoring of the RAP implementation.

### **12.2.2 National Monitoring Committees (NMC)**

OMVG and PMU can delegate their responsibilities at the national level to the National Monitoring Committees (NMC) created in each member country and chaired by the heads of OMVG's national units. The NMC include a representative of the PAPs, a member of the LCMC, representatives of the main ministries involved in the implementation of the project in each country (energy, interior, decentralized communities, domains, finance, environment, agriculture ...) and the national electrical companies. They have a dedicated project team reporting directly to the head of the national unit.

The NMC will monitor and supervise field activities and facilitation of administrative procedures in the RAP implementation process.

### **12.2.3 Local Coordination and Follow-up Committees (LCMC)**

At the local level, Local Coordination and Monitoring Committees (LCMC) are set up or in the process of being set up. Under the authority of the OMVG National Manager, they include a coordinator-facilitator, a representative of the PAPs, a communication officer, a secretariat and an accounting assistant in addition to the various technical services.

These three structures responsible for implementation are supported by three actors acting as counsel who interact primarily with the Office of the High Commissioner for the OMVG and the PMU:

- The Monitoring Advisory Committee (MAC), is the steering committee of the project, and allows the involvement of a wide variety of actors that ensures the concerted implementation of Resettlement Plan measures and ESMP. This committee will include NGOs, experts, public bodies, representatives of the AMTs, etc.,
- ATMO supports PMU and OHCHR at the regional and local levels.
- CE-CE-PM supports OHCHR High Commission and PMU at regional and local levels.

In the implementation of the RAP, the LCMC will support the NGO in the process of compensation, management of complaints and litigation, monitoring and information, sensitization of PAPs to facilitate compensation.

### **12.2.4 Payment Commission**

A compensation payment commission will be set up at the level of each municipality concerned. It is presided over by the administrative authority of the locality.

The OMVG via the LCMC and the NGO will mobilize the payment commission which will include:

- The administrative authority of the locality;
- Local community representatives;
- A representative of the RAP implementation NGO;
- A representative of the PAPs;
- A representative of OMVG.

## **12.3 Institutional arrangements and capacity building**

The precise operation of the different agencies and the capacity building needs of both the technical staff and the PAPs are defined in detail in the context of the operational aspect's studies. The following major points can however be stated:

- Human resources,
- Material resources,

- Capacity building of OMVG partners.

As part of the implementation of the RAP of substations in Gambia, several institutions will be involved (see section 12.2). It is the NGO Enda Ecopop & ADWAC and the NGO partner of Gambia, the 3 LCMC, the NMC, the PMU and the OMVG. At the level of each LCMC, permanent staff composed of a coordinator, a communication manager; an accounting assistant, a facilitator and a secretariat will be recruited by OMVG to ensure coordination and monitoring the implementation of RAP by the ONG.

### **12.3.1 Awareness raising and initial training of NMC and LCMC**

The OMVG carried out an awareness and initial training campaign for members of local units, SNCs and LCMCs in the four OMVG countries. In Gambia, the workshops were held in Banjul on October 20 and 22, 2017.

These workshops aimed to sensitize and inform the members of these committees who will be called upon to intervene during the implementation of the RAP. The main topics discussed at these workshops included:

- basic information on the components of the OMVG Energy Project (lines and positions);
- the explanations concerning the Environmental and Social Site Management Plan that the entrepreneurs must implement to protect the environment and the neighboring populations;
- the presentation of the principles and obligations related to AMT Safeguard Policies;
- Presentation of the principles and process of compensation: eligibility criteria, compensation calculation methods, etc.
- Other aspects related to the implementation of the Resettlement Action Plan

### **12.3.2 Capacity building of NMC and LCMC**

The OMVG, in collaboration with the NGO Enda Ecopop & ADWAC, will provide initial training and capacity building for permanent LCMC staff to adequately equip them for the implementation of the RAP. On this subject, the PMU, in connection with the OMVG environment and climate change division plans to start training sessions and upgrading of NMC and LCMC in the respective territories of the four-member states of OMVG. This training should allow them to:

- Specify the roles and responsibilities of each stakeholder (PMU, NMC, LCMC, NGO facilitators)
- To equip the permanent members of the NMC and LCMC as well as the technical services to assist the PMU environment unit in the implementation of environmental and social management plans (PGES) and RAPs.
- Provide NMC and LCMC with all the documents and materials needed to perform the tasks listed in their TORs.

The content of the proposed modules and the timetable for completion are in Annex 10.

### **12.3.3 NGO ENDA ECOPOP and NGO ADWAC**

- Recruitment process

ENDA ECOPOP was originally recruited through a competitive bidding process for the implementation of RAPs in Senegal and then in other OMVG countries. The original recruitment followed a bidding notice issued by the OMVG and the PMU inviting to present an expression of interest. The selection method used was restricted and only invited the highest ranked consulting firms to submit technical and financial proposals (“Consultants’ Qualifications” method). In total, 4 NGOs responded to the tender invitation.

The search for a competent resettlement NGO in Gambia was not successful. Since RAPs implementation tasks were already entrusted to ENDA-ECOPOP in other countries of the sub-region, OMVG recruited ENDA-ECOPOP to implement resettlement activities in the Gambia. On December 2018, ENDA-ECOPOP recruited a Gambian NGO present in the OMVG project area, which ENDA-ECOPOP could train to support it in the resettlement work under its supervision<sup>29</sup>.

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<sup>29</sup> Please refer to the following annexes for further information and details:

Enda ECOPOP selected the Gambian NGO ADWAC on the basis of their presence in the project zone and the experience in local development in the Gambian territory. Both NGOs signed a cooperation agreement as available in Annex 13.

- Responsibilities of the NGO ENDA ECOPOP

- Lead the training on how to implement resettlement;
- Lead the process of resettlement implementation, capacity building, coaching, negotiation, complaint management and social communication around the Project, with the support of the OMVG;
- Recruit of social mediators and manage their deployment in the field;
- Prepare and broadcast radio programs on the resettlement intervention;
- Establish strategies, mechanisms and tools for preventing and managing social complaints;
- Ensure good social mobilization and appropriate ownership of the project by stakeholders and PAPs
- Supervise and ensure the smooth running of activities.

- Experiences of the NGO ENDA ECOPOP

Enda ECOPOP is a non-profit organization established in 1990. ENDA ECOPOP has over 20 years experiences in the fields of:

- Resettlement
- Social facilitation,
- Local development
- Environmental management,
- Strategic planning.

The experiences of ENDA ECOPOP are further explained in Annex 15.

- Responsibility: NGO ADWAC

- Support the ENDA ECOPOP and OMVG teams and assisting affected people in registering their individual files to receive the compensation paid by OMVG in coordination with local administrative authorities
- Participate in the training on how to implement the resettlement mission;
- Recruit local animators who know how to talk to rural people;
- Give Enda a detailed daily report;
- Support partners in establishing strategies, mechanism and tools for preventing possible difficulties;
- Participate in all scheduled meetings as part of the mission;
- Enable effective participation of stakeholders in all stages of the Project;
- Etc.

- Experience of the NGO ADWAC

ADWAC was created in 1996 following the closure of Save the Children. Its main objective is to increase the capacity of women and children to overcome poverty in their farming communities using a multisector approach. Its main areas of community involvement are:

- Food security,
- School education,
- Women's training,
- Health care,
- Development of women business,
- Environmental and community resource management,
- Literacy campaigns
- Adult education,

A summary of ADWAC's experiences can be found in Annex 16.

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Annex 13: Protocol of Agreement between ENDA ECOPOP and ADWAC

Annex 14: Report of the recruitment process of the NGO ENDA ECOPOP for the OMVG Project

Annex 15: Expression of interest of the ONG ENDA ECOPOP for the OMVG Project

Annex 16: Description of the expertise of the Gambian NGO ADWAC

### 13 Implementation schedule

The implementation of the RAP is subject to approval by TFPs. The date of approval of the RAP for the Gambia's substations by the technical & financial partners is expected on February, 2019. Organisation and payments to PAPs are expected to take four weeks allowing construction in March 2019. Compensation activities that will take place during this implementation period include:

- Validation of the compensation agreement;
- Mobilization of compensation commission;
- Payment of PAPs compensation;
- Implementation of accompanying measures for PAPs;
- Supply of replacement lands;
- Application of other compensation measures (Training & IGA),













This compensation phase will be followed by the implementation of the following activities by the NGO Enda Ecopop & ADWAC and the NGO partner of Gambia and the PMU:

Compensation phase will be completed by the following activities of ENDA Ecopop & ADWAC and PMU:

- carrying out activities and preparing monitoring reports;
- Detailed report of the compensation activities;
- Management of grievances and complaints.

These additional activities will be carried out over a period of 3 months after the compensation. The right of way clearance schedule is presented in table 13.1

Table 13.1: Implementation schedule substation in Gambia

Implementation Schedule substations in Gambia							
Activities	Duration	month 1	month 2	month 3	month 4	month 5	month 6
Information and consultation on the payment process	7 days						
Validation of individual compensation agreements	14 days						
Organization by LCMC of compensation payment commissions	14 days						
Payment of compensations	7 days						
<b>External monitoring</b>	-						
Implementation of other compensation measures	28 days						
Assignment of replacement lands	50 days						
<b>Audit</b>							
Produce a detailed report of the compensation activities							
Produce monitoring reports of other compensation measures							
Manage any complaints and grievances	Continu						

## 14 Participatory monitoring and evaluation

The provisions of the RAP for monitoring and evaluation are intended to ensure, that proposed actions are implemented as planned within established deadlines. Secondly, that the expected results are achieved. When deficiencies or difficulties are observed, monitoring and evaluation can initiate appropriate corrective actions.

The main objective of the Resettlement Action Plan is to provide affected people with better or at least equivalent living conditions than they knew prior to the construction of the Energy Project. The monitoring and evaluation of the actions proposed in the Resettlement Plan will focus on the achievement of this objective.

The following monitoring and evaluation (M/E) measures fit into the general framework of the (M/E) defined in the PGES.

### 14.1 Objectives

The monitoring and evaluation of the resettlement plan consists of:

- Monitoring: Consists of verifying, particularly at the start of RAP implementation, that the detailed specifications are designed and implemented, in accordance with the RAP validated at regional level by the OMVG, on the one hand, and in line with national legislation, on the other hand.
- The follow-up consists of:
  - Continually checking that the RAP work program and budget are being executed as planned;
  - Constantly checking that the quality and quantity of expected results are obtained within the prescribed time;
  - Identifying any unforeseen factors and developments that may influence the organization of the RAP, the definition of efficiency measures or the presentation of opportunities to be highlighted;
  - Recommending as soon as possible to the responsible authorities concerned the appropriate corrective measures.
- The Assessment consists of:
  - Establishing and interpreting the baseline situation of affected populations, before the start of the project in social and economic matters, including vulnerable people;
  - Defining, at regular intervals, all or part of the monitoring parameters, in order to assess whether or not the objectives have been achieved, to understand the changes;
  - At the middle and end of the project, making an evaluation to clearly identify the effectiveness and efficiency of RAP activities at the social and economic level;
  - Analyzing, in a programmed way or in response to M & E findings, certain improvement measures that may be necessary to finalize the RAP.

### 14.2 RAP Monitoring / Evaluation Guiding Principles

The S/E and the RAP will be based on the following principles:

- Objectives and quality programming;
- Participation of PAPs;
- A follow-up involvement of operators, subcontractors and any associated institutions;
- Responsiveness to follow-up observations and corrective measures;
- A valuation of opinions formulated by the PAPs;
- Consistency with similar projects.

#### 14.2.1 Monitoring of RAP implementation

It consists of constantly ensuring that:

- The actions in the EC PMU work programs, on the one hand, and the contractual operators, on the other hand, are executed, and on time;
- Measurement costs are in line with budgets;
- The quantitative, qualitative, temporal and budgetary indicators (performance indicators) used are monitored and documented in EC monitoring reports, subcontractors and lead agencies.

The key indicators for monitoring RAP implementation are presented in Table 14.1, RAP Monitoring Measures and Indicators.

#### **14.2.2 RAP results tracking**

The objectives of this monitoring are also governed by the work programs, as "expected results". These results are, first and foremost, intermediate results (for example, agricultural inputs are available and used), than final results (i.e. the value of a production or a return), these determine the impacts (increase of income, improvement of standard of living).

The results can be appreciated by use of activity reports or targeted surveys.

The opinions of PAPs and their representatives will be an integral part of the monitoring system. They should draw the owner's attention to the validity and, above all, the acceptability of the proposed measures in the context of the project area.

#### **14.2.3 Socio-environmental monitoring**

Environmental monitoring consists of ensuring that the planned measures are properly applied by the operators responsible for the works; it concerns more the measures attached to the construction phase. Monitoring is the responsibility of the PMU Environment Unit. Certain relocation parameters may, however be monitored, in particular:

- Check that the defined provisions (example case of the opening of access tracks, quarry areas, etc.) in RAP concerning the subcontractors responsible for the construction work of the electrical transformer stations, have been the subject of detailed specifications, translated into operational terms through a book of special clauses included in the bidding documents and contracts of these subcontractors.
- Monitor the performance of subcontractors' contracts through regular contract reviews and the collection of PAP opinions on the services received.
- Review in detail the regulations and possibly update them according to the evolution of the land legislation (and the rural land code, in particular).
- Make sure at all times that the DPU is respected and its validity period is not exceeded.
- Check that PAPs and their representatives have access to project documents, know the procedures and interlocutors to obtain additional information or to submit grievances.
- Check that the different grievance bodies are in place so that members know their mission and have the necessary means.
- Encourage PAPs to inform OMVG, the PMU Environment Unit or any other appropriate body as soon as a problem of any kind is found. Verify, or have their project representatives verify, that the issues raised are taken into account.

#### **14.3 Participation of affected populations in RAP monitoring**

The PAPs will participate in the SE system in different ways:

- Collection of simple data concerning their activities.
- Participation of PAP representatives in meetings related to programming, monitoring and evaluation through the Local Coordination and Monitoring Committees (LCMC). Participation in LCMC meetings during the development of work programs and evaluation of the implementation of the previous program.
- Inquiry of their representatives or the EC PMU in case of dissatisfaction with the implementation of

the PR and Operator intervention methods. This inquiry must be registered in the complaints mechanism.

- Participation of the Community or representatives of the PAPs in receiving the investments which concern them.
- Active participation in monitoring and evaluation of RAP implementation. Regular visits by an attentive external consultant to identify problems and risks related to community coherence, intercommunity and unforeseen situations of marginalization or impoverishment of households. This consultant will be recruited by the OMVG.

#### 14.4 Follow-up measures, indicators and responsibilities

The table 14.1 below presents the specific measures and the indicators and objectives of the monitoring to be carried out during and after the implementation of the RAP. The overall responsibility for the implementation of the monitoring program is provided by the PMU. The PMU will be assisted by the NGO Enda Ecopop & ADWAC to correct the data relating to the indicators. LCMC will also be used for monitoring data related to complaint management.

Table 14.1: RAP follow-up measures

Component	Follow-up action	Responsible	Indicator/periodicity	Period	Performance objective
<b>Demographics and population</b>	Identify the affected population and control opportunistic immigration	<b>PMU</b>	Number of PAPs identified during the parcel survey	Parcel Survey Campaign	Ensure that only those affected are the ones who are actually compensated.
	Respect of the rules of eligibility	<b>NGO</b>	Number of PAP added after the parcel survey		
			Number of claims relating to the addition of PAP		
<b>Quality and standard of living</b>	Ensure that farmland compensation and compensation measures and their production allow the PAP to maintain production.	<b>PMU</b>	Number of m <sup>2</sup> of land temporarily lost during the works	Implementation of PAR	Compensation for temporary and permanent losses allowing PAP to maintain or improve its productivity and availability of food. <sup>30</sup>
	Ensure that offsets help maintain or improve the food availability of PAPs	<b>PMU</b>	Number of m <sup>2</sup> of land temporarily lost and returned to farmers after construction		
	Ensure the effectiveness of the measures provided for in the RAP so that PAPs do not suffer a	<b>PMU</b>	Number of m <sup>2</sup> of permanent soil lost during construction		
	Number of m <sup>2</sup> of land replaced during the compensation for that permanently lost <sup>31</sup>				

<sup>30</sup> Each individual file defines a baseline situation that can be compared to the after-project situation.

<sup>31</sup> For Gambia substation, as well as other permanent loss for construction every soil asset is evaluated in m<sup>2</sup> and will be compared to replacement land.



	deterioration in their living conditions		Harvest volume available preliminary draft	Implementation of RAP	
			Volume of crops temporarily lost during the works		
			Volume of offsets in kind (rice) delivered upon compensation to PAPs for temporary losses		
			Volume of crops on areas permanently lost		
			Percentage of cash benefits reinvested in productive activities		
<b>Gender equity and vulnerability</b>	Ensure that women and vulnerable people receive fair and adequate compensation as proposed in the RAP	<b>NGO</b>	Amount of compensations planned and paid in compensation to women producers and vulnerable people affected by the project	Implementation of RAP	Compensation for losses of women and vulnerable people is paid fairly before displacement, including to those who are not formal owners.
	Avoid increasing women's workload during displacement and resettlement		Number of women to be compensated vs. those who received financial compensation and support during the compensation campaign		All women affected by the project were compensated. Steps are being taken to ensure that all women and vulnerable people affected by the project have access to the RAP complaint process
			The number of complaints formulated and resolved regarding women and vulnerable persons throughout the duration of the project		
<b>Use of natural resources</b>	To verify the effectiveness of the measures taken to reduce the negative impacts related to the loss and valorization of plant resources used by PAPs	<b>PMU</b>	Number of PAP compensated for compensation for loss of natural resources.	Implementation of RAP	All PAPs that lost access to natural resources were compensated and found alternative resources
			Volume of timber felled and given to the people for their use.		All complaints from people about impacts on natural resources are resolved
			Number of timber collection and natural resource processing activities implemented by PAPs		
			Wood frame (volume):		
			Coal (bag):		
			Others:		

<b>Agriculture and Livestock</b>	Check the effectiveness of the implementation of the compensation following the loss of fodder for livestock	<b>NGO</b>	Types of crops grown and number of violations under RAP restrictions during and after construction (2-4 years).	Implementation of RAP	The pursuit and maintenance of agricultural and pastoral activities under the influence of the line.
			This monitoring activity will continue with the OMVG in the exploitation phase. The national authorities that are members of NMC (agriculture and livestock) will have an active role to play in this respect.		
			Quantity of vaccine available to livestock services for vaccination of livestock in the affected area		
			The number of animals vaccinated		
<b>Employment, income and gender</b>	Recruitment of the local men and women workforce during construction	<b>PMU</b>	Number of days / men and days / women worked by local labor during construction	Implementation of RAP	Use the workforce (male and female) and local businesses.
			Number of IGAP participants		Encourage the involvement of local companies in the supply of goods and services from local worksites.
	Use of local companies or micro-enterprises to supply the yards with goods and services.		Financial volume of transactions carried out by local companies and micro-enterprises during the duration of the works.		
			Number and effectiveness of measures put in place to promote the use of local micro-enterprises managed by women to supply the yards with goods and services		

#### 14.5 Monthly follow-up report

A RAP implementation monitoring report will be produced monthly by the PMU. This report will present in particular:

- Status of the processing of compensation files,
- Statistics concerning the handling of complaints,

- Information activities / Consultation with PAPs,
- Key monitoring indicators,
- Difficulties encountered and adjustments required.

#### **14.6 Internal and external audit**

##### Internal audit:

The OMVG in its mission of supervising the implementation of the RAP will proceed every year and at the end of the implementation period a check on the state of execution of the different activities of the RAP to verify whether livelihoods have been restored. This supervision will identify planned actions and indicators of Table 14.1, those that have been carried out and those that may still need to be done to achieve RAP objectives. The OMVG will ensure that adjustments are made to finalize RAP activities.

##### External audit:

In addition, the OMVG in collaboration with the TFPs will mandate a competent and impartial external auditor to evaluate the implementation of the RAP during implementation and recommend, if necessary, additional activities to be carried out by the OMVG to fulfil livelihoods' restoration. At the end of the program, a closing audit will be conducted by the auditor who will evaluate the implementation of the RAP.

To proceed with external audit activities, a budget of 629 078 Dalasi (US\$12500) is planned for the RAPs. The work is planned for 21 days and will be carried out by two Consultants.

## **15 Unforeseen and case of force majeure**

Significant contingencies and "force majeure" are exceptional situations that contracted parties cannot cope with. To invoke force majeure makes it possible to exonerate all or part of one's contractual obligations and to avoid facing liability clauses that may be invoked.

The Parties will not be responsible for the non-fulfillment of their obligations in the event of force majeure, defined as any unforeseeable, irresistible event resulting from circumstances external to the Parties, making the performance of the RAP impossible.

In the event of a case of force majeure (coup d'état, civil war, natural disaster), the implementation of the RAP will be suspended until disappearance, extinction or cessation of the case of force majeure. However, unable to resume the execution of the RAP within thirty (30) days of the occurrence of the force majeure, the Parties will come together to discuss a change to the RAP schedule.

## 16 Publication of the RAP

The purpose of the publication provisions is to make available to affected populations and third parties relevant and understandable information about the RAP. After approval by the TFPs of the OMVG Energy Project, the following will be done:

- A summary of the RAP will be published in national dailies in order to provide affected households and third parties with relevant information in a timely manner.
- The first RAP implementation activity will be a campaign to present RAP measures to affected populations.
- Delivery of a summary document of RAP measures, as explicit and as specific as possible, to local authorities and organizations that request them during the RAP presentation campaign.
- Following its approval, copies of this Resettlement Action Plan will be made available for public consultation in the affected districts of Gambia.
- Publication of the RAP on the OMVG website.
- Publication and dissemination of the RAP summary in local languages.
- A paper copy of the final RAP must be given to the local authorities concerned by the substations and the right-of-way so that anyone interested can see them.
- Follow-up Committees will also need to obtain a copy of the final RAP.
- Technical and financial partners (TFPs) will integrate, at their convenience, the final RAP on their websites, after authorization from the OMVG.

## 17 RAP Implementation Budget

The overall RAP implementation budget for processing stations in Gambia amounts to **16 456 343 FCFA** or **1 481 071 Dalasi** or **\$ 29 428, 00 US**. The PAP compensation budget in this overall budget is **7 152 885 FCFA / 639 260 Dalasi** or **12 791 US**. The financing of this sum is entirely borne by the OMVG Member States.

The consolidated compensation budget for the Brikama substation is shown in Table 17.1 below. The detailed budget by PAP is presented in Annex 11.

Table 17.1: Consolidated Compensation Budget for the Brikama Substation <sup>32</sup>

Topics	Quantity	Value in FCFA	Value in Dalasi	Value in Dollar US Rate = 559,18
Crop losses allowance (in m2)	32229,42	1 531 674	137 851	2 739
Loss compensation for forest trees	10	Restoration Plan		
Utility Forest Tree Loss Benefits	5	42 000	3 780	75
Productive Tree Loss Benefits (Fruit)	23	696 250	62 663	1 245
Gender vulnerability allowance	72	1 080 000	92 700	1 931
Social vulnerability allowance	33	495 000	44 550	885
Economic vulnerability allowance	161	2 415 000	217 350	4 319
IGAP WOMEN Brikama station	26	500 000	45 000	894
<b>Total (1) PAP Compensation for the Gambia substations</b>		<b>7 152 885</b>	<b>639 260</b>	<b>12 791</b>
NGO Budget for RAP Implementation <sup>33</sup>	Included in budget BY lines in Gambia			
Budget for Educational Vulnerability (included in the budget of the NGO ENDA ECOPOP & ADWAC) <sup>34</sup>	-	-	-	-
Budget for cattle vaccination campaign		598 500	53 865	1 070
Operating cost of the dispute mediation committee				
Cost of capacity building for women in the management of their IGAP (vegetable production)		500 000	45 000	894
<b>Total RAP budget for the Gambia substations</b>		<b>8 251 385</b>	<b>742 625</b>	<b>14 755</b>
Cost of contingency (15%)		1 215 208	109 369	2 173
External audit		6 989 750	629 078	12 500
<b>Overall Budget Implemented for the Gambia substations</b>		<b>16 456 343</b>	<b>1 481 071</b>	<b>29 428</b>

For information, the costs associated with the following elements are included in the overall budget of the OMVG Energy Project and are not attributable to the budget of the Gambia Substation RAP.

- Cost of operation of the LCMC committee in Gambia including operating budget of the mediation committee.
- Cost of Capacity Building for the Resettlement of LCMC Staff for the Implementation of RAP Lines and RAP substations in Gambia.

<sup>32</sup> Budget updated on September 24, 2018

<sup>33</sup> Budget of the NGO responsible for the implementation of the RAPs in Gambia covers the implementation of the RAP of the substations and the RAP of the lines.

<sup>34</sup> Educational vulnerability refers to the incapacity of the majority of PAP to read and understand the resettlement agreement. The NGO budget managed by PMU includes funds to provide human resources to translate and explain the compensation agreement documents to each PAP.

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