MINISTRY OF ECONOMY AND FINANCE
GOVERNMENT OF GUINEA BISSAU

COASTAL AND BIODIVERSITY MANAGEMENT PROJECT

SECTION 1:
PROCESS FRAMEWORK
FOR THE RESTRICTION OF ACCESS
TO NATURAL RESOURCES

SECTION 2:
RESETTLEMENT POLICY FRAMEWORK

BISSAU
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EXECUTIVE SUMMARY

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COASTAL AND BIODIVERSITY MANAGEMENT PROJECT
GUINEA BISSAU

SECTION 1: PROCESS FRAMEWORK

The Coastal and Biodiversity Management project (CBM) will put in place natural resource management schemes in and around protected conservation areas and reserved fishing zones, and will help address potential threats from petroleum exploration and industrial fishing. Implementation of this project will necessarily involve restriction of access to natural resources in and around the national parks and legally protected areas. The Government of Guinea Bissau has therefore developed this Process Framework (PF) in order to define the process through with populations living in and around these parks and protected areas will participate integrally in the definition of restrictions, the assessment of the impact of any possible restrictions, the determination of remedial measures to redress those impacts on segments of the local population, and the resolution of any grievances or conflicts, as well as the definition and implementation of a monitoring program to assess the adequacy of the project.

PROJECT COMPONENTS. The sustainable management of protected areas, as well as the conservation of threatened species, requires both institutional strengthening (e.g., IBAP, INA) and more effective implementation of existing activities for biodiversity conservation at the national, regional and local levels. CBM therefore has four components: 1) creation of an Institute for Biodiversity and Protected Areas (IBAP), and catalytic support for a Conservation Foundation to fund IBAP in the future; 2) implementation of a Fundo de Iniciativas Ambientais Locais (FIAL) to fund both community development investments and income-restoration measures due to increased restrictions on natural resource use; 3) support for national standards for environmental and social impact assessment; and 4) a Project Management Unit, with responsibility also for monitoring and evaluation.

PROJECT COMPONENTS ENGENDERING RESTRICTIONS ON ACCESS AND USE OF NATURAL RESOURCES. The major local impact on resource use, at least in the short term, will likely come from community-based decisions about restrictions on resource use in both the conservation areas and the neighboring buffer zones (Component 2). More effective enforcement of existing regulations may be considered part of this local decision-making process. By contrast, enactment of new or complementary regulations (Component 3) is a longer-term goal that requires a different consultation process.

Legal Framework. Decree Law No. 3/97 on Protected Areas is the controlling legislation for protected areas in Guinea Bissau. The law establishes the categories of conservation reserve area (National Parks, Natural Parks, Environmentally Sensitive Areas, Ecological Sanctuaries, and Sacred Forests). Further, the law mandates both a
socio-economic impact study of the park on local populations and a zonation of the park area into core and buffer zones within the park. Decree Law No. 3/97 has precedence over other laws that concern management of the national territory, such as the Artisanal Fisheries Law, the Forestry Law, the Hunting Law, and the Land Law.

**ELIGIBILITY CRITERIA.** Both resident and seasonal populations are fully entitled to participate integrally and meaningfully in the determination of restrictions on natural resource use, the assessment of the impact of such restrictions, the definition of remedial measures to redress those impacts, and the monitoring of the remedial measures to ensure that all persons affected are assisted to restore their previous standard of living in as short a period of time as possible.

To facilitate local consideration of the issues involved, determination of restrictions (that is to say, of the norms regulating use of natural resources) will entail three progressive phases: first, focus groups with specific resource users in each community (e.g., fishermen, shellfish collectors, mangrove area rice cultivators, palm cultivators); second, visits by selected village leaders to villages in other parks that are engaged in the same process; and third, community meetings to harmonize the assessment of resource use by the community. The meetings will be facilitated by an intermediary organization experienced in the area, such as an NGO, under contract to IBAP, and will benefit from the technical expertise of the Park Management Council and recognized authorities.

**REMEDIAL MEASURES.** A major component of CBM is community economic development based on the sustainable utilization of natural resources. The establishment of the Fundo de Iniciativas Ambientais Locais (FIAL) will finance micro-projects and conservation activities proposed by the eligible populations. To this end, CBM will provide a fund, managed by FIAL, to facilitate local participation in the project.

FIAL will have two windows, one for community development and one for mitigative measures necessitated by the collective determination of restrictions on access to resources. Community development measures are those that benefit the entire community, e.g., wells, boats, schools, clinics and other initiatives that are available to everyone in the community. Mitigative measures, by contrast, are initiatives that benefit only those people who lost access, in whole or in part, to a specific resource. Moreover, since the purpose of the mitigative measure is to assist the affected population to restore their livelihood, the measures must have a major income restoration aim.

FIAL will always give priority to funding income-restoration measures over community development initiatives. This means, first, that half the FIAL fund will be reserved for income-restoration and half, in principle, for community initiatives. However, second, if in any year, the requests for financing income-restoration measures exceed the budget available, those requests will be financed with funds that otherwise would have been dedicated for community initiatives. FIAL may reallocate funds dedicated for income-restoration to its community development window only if, in any year, all income-restoration proposals have been funded and no additional proposals are expected. The monitoring system (below) will specifically track the allocation and sufficiency of funds for remedial measures every year.

**GRIEVANCE PROCEDURES.** The grievance resolution process provides a general framework for conflict resolution premised, first, on finding mutually satisfactory solutions within the project framework and, then, failing that, within the local traditions and
authority of the community or communities involved. The coastal groups throughout Guinea Bissau retain strong local, traditional leaders. Nevertheless, the specific details of grievance resolution must be tailored to the traditions and customs of each group and each area. Further, reliance on local systems of grievance resolution in no way precludes the intervention of administrative, police, or juridical authorities in the exercise of their stated powers. Where intense grievances between two ethnic groups arise, the only solution may be the intervention of public authorities to decide upon the matter.

In the first instance, the aggrieved party can bring his or her complaint to the attention of a project official, the facilitating NGO, or village leader. Every effort will be made at this level to resolve the matter. If the village facilitator cannot bring the matter to resolution, he or she will refer it to the FIAL program manager. If after due consultation and deliberation, the program manager finds it impossible to resolve the matter, the issue will be taken up by the CBM project manager.

If the matter cannot be resolved informally at the project level, the issue can be raised with traditional local authorities. The project authority (i.e., IBAP or its contracted NGO) can raise the matter with the deputy of the traditional chief, who will convene the parties concerned and explore the grounds for mutually satisfactory resolution. If the deputy cannot resolve the matter, he may refer the matter to the chief, first informally, then, subsequently, if necessary, formally. In the latter case, the local chief will pronounce the final resolution at the local level.

Should the matter remain unresolved, the aggrieved party may take the matter to court. In fact, at any point in this process, the complainant has the prerogative of filing a court case, if he or she so wishes.

MONITORING ARRANGEMENTS: The IBAP PMU has primary authority for implementing a mechanism to monitor and evaluate all project activities. The monitoring system will have three basic objectives: 1) to ensure that no populations are dislocated from their present residences by the economic impact of restrictions on natural resources; 2) to ensure that project-affected people participate integrally in and benefit fully from the FIAL income-restoration program; and, 3) to involve the local populations as fully as possible in the implementation of the monitoring system.

In the first six months of the project, CBM will institute a baseline population census and, with the local populations concerned, review of the existing park zonation in order to ensure that no population currently resides within or is completely encircled by integral or central zones where all use of natural resources, except fishing, is proscribed.

Monitoring of the micro-project program will track both administrative and substantive activities. As for administrative activities, the monitoring program will review, each year, the number of proposals for remedial measures, the type of measures, and their level of financing. The concern here is that remedial measures always receive priority attention in the context of the project. Monitoring of substantive activities will focus on the participatory nature of the remedial measures, and the progress, to date, of the different activities. Participatory monitoring will be used whenever possible, to create a sense of ownership and to promote community understanding of project objectives.

In addition, local monitoring of natural resource use and the ecological status of their area will provide a useful complement to the formal monitoring system proposed above.
Local populations are already aware of what the restrictions are and how well they are observed. Local populations are also able and willing to monitor the status of the natural resources in their areas — and in doing so will be able to correlate the impact of the restrictions with the improvement or degradation of their local resources. Therefore, each community will assess the state of natural resources each year, e.g., the extension or degradation of mangroves in their area, the number of shellfish of each type found in each area, the number and size of fish caught over the year in each locality, the presence or absence of economic trees. These specialized production assessments are best undertaken by focus groups organized by production role, as was done initially for the assessment of resources and the definition of restrictions and remedial measures. Each production group will report to the community, in a general meeting facilitated by the collaborating intermediary organization, on its findings and recommendations for future action. The community will redefine its action plan for the coming year on the basis of these specialized local reports.

Further, and as an adjunct to this participatory monitoring component, IBAP will ensure that every scientific investigation will include capable local people, not only in the role of data collection but also in the role of data analysis. Such integral participation of local populations in scientific studies not only provides employment, it also provides a window, and a control, on the work of the various scientists whose studies will constitute one basis for the definition of future restrictions on natural resources.

SECTION 2: RESETTLEMENT POLICY FRAMEWORK

PROJECT COMPONENTS THAT GIVE RISE TO RESETTLEMENT. CBM will focus on institutional strengthening in order to improve park management in four existing and three proposed protected areas — the National Park of Orango, and the two associated National Marine Parks of Joao Vieira-Poilao and of Orango, the Natural Park of Cufada Lagoon and the Rio Grande de Buba, the Natural Mangroves Park at Cacheu — and the one proposed park at Mata de Cantanhez, as well as the proposed marine park at Formosa. Effective park management through IBAP coordination may give rise to resettlement in two ways: populations resident in the core areas within the park may have to move in order to protect the environmental integrity of the core area: or, project investments through FIAL may attract populations resident out of core areas and into buffer zones inside or around the park, particularly when relocation is in the interests of the communities affected.

Zones of Impact. The zones of impact are specifically those core areas within national and natural parks where communities either now reside or are completely encircled by core areas. In Orango National Park, there is one community on Imbone Island, which has been declared a core area in consultation with the resident populations. In Cufada Lagoon, there are six communities resident in core areas of the park. In Cacheu, there are several communities in the westernmost part of the park that are completely surrounded by core areas, which limits their economic viability and transport. Finally, the number of communities in core areas of the proposed Catanhez park has yet to be determined, and could determine the number of people affected.

Alternatives Considered. There are three alternatives given the definition of core and buffer zone within the parks: 1) allow communities to continue to reside in the core areas; 2) rezone the core areas to exclude resident communities; and 3) assist the
communities to relocate to the extent that they are willing. The only viable alternative on both environmental and social grounds is to offer communities resident in critical core areas the opportunity to relocate to neighboring areas of their choice. To the extent that communities opt to relocate, population pressures on the natural resources in the core areas will be eased, at least in the short term. If communities prefer to remain in the core area and that zone is determined ecologically to be a vital environmental area, then involuntary resettlement may be the only feasible option.

Mechanisms to Reduce the Extent of Resettlement. CBM will undertake three measures to reduce the extent of resettlement. First, CBM will review the current zonation of the parks in order to verify that the currently defined core areas are, in fact, critical environmental habitats; this will be done through a biodiversity mapping exercise. In the instance that parts or all of a core area are not critical environmentally, the core area will be rezoned as a buffer area, where populations may reside and engage in usual productive activities. Second, where communities reside in environmentally critical core areas, CBM, through IBAP, will consult with the communities to determine whether they are willing to relocate, and where, as long as basic assistance is provided for house reconstruction, agricultural production, social infrastructure, and other needs. Since GoGB professes that neither communities nor individuals should be relocated involuntarily, forced involuntary resettlement through the use of legal instruments will be, in all cases, the final resort employed only when communities resident in environmentally critical core areas decline to relocate. Third, CBM, through IBAP, will ensure that communities that relocate, voluntarily or not, will be treated similarly and will be provided house plots and agricultural lands, with title, as near to their current communities as is environmentally possible.

PROJECT OBJECTIVES. This RPF provides the principles for involuntary resettlement and the consequent measures to mitigate social impacts so that project affected persons (PAPs) will not be impoverished by the adverse project impacts. The paramount purpose of this RPF is to restore PAPs' income-earning capacity, that is, to improve or at least sustain the living conditions of the PAPs prior to project operations. It follows that PAPs will be: compensated for loss of wages; compensated for loss of assets at replacement costs; assisted in case of relocation or resettlement; and, given opportunities to share project benefits.

SOCIO-ECONOMIC STUDIES. By law, establishment of a park requires, at a minimum, a census of the population within the proposed park area, along with an assessment of their economy, social organization, and cultural characteristics. The studies for each park were conducted in the 1990s in order to provide the legally required information for the delimitation and zonation of each park. It is estimated that some 2,000 people in approximately 20 villages might be required to relocate under the CBM project; the actual numbers could be higher. The existing social studies will, therefore, be complemented by a baseline recensus and socio-economic survey to be conducted in the first six months of CBM. The identification/survey of project-affected persons (PAPs) will be conducted by IBAP with the assistance of an international resettlement expert.

LEGAL FRAMEWORK. The Lei da Terra No. 5/98 constitutes the legal basis for expropriation and compensation procedures in Guinea Bissau. According to the Law, the State has the right to expropriate land for the public good. Expropriation follows stipulated procedures, and compensation is made de facto according to the principle of market value, without depreciation.
The Protected Areas Law Decree provides further explication of the rights of populations within such areas. Essentially, villages resident in buffer zones within the parks may exploit the natural resources as in the past, as long as their usage accords with park management rules. Villages resident in the core or protected zones within parks may collect forest products and fish, but cannot build new structures. It is this stipulation that may necessitate relocation of villages from environmentally sensitive or critical core areas of the parks.

Land law in Guinea Bissau accords with international standards in almost all regards. The major difference between national legislation and international standards pertains to the legal obligations for economic rehabilitation. Thus, while the legal framework for expropriation and rehabilitation properly relies on the legislation of Guinea Bissau, the higher of the two standards will be applied in any instance where there is discrepancy on the grounds that the higher standard ipso facto meets the obligations of the other standard.

ELIGIBILITY. All persons residing in villages within core areas of national or natural parks are eligible for compensation and other resettlement assistance. The cut-off date for eligibility is the date when recensus of the population in that park is initiated.

VALUATION OF AND COMPENSATION FOR LOSSES. The basis of the valuation is Gross Current Replacement Cost (GCRC). Gross Current Replacement Cost is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the site works and services on a similar piece of land. The valuation process will also consider the use of "compensation value" for affected properties. Compensation value is defined as an amount above the gross current replacement cost that includes compensation for inconvenience caused to the PAP by relocation and any additional assistance (e.g., disturbance allowance). Compensation value enables PAPs to build slightly better houses and other structures than what they currently have. Additional payments, such as vulnerability premium, transitional assistance, and economic rehabilitation are intended to assist PAPs to re-establish themselves in their new locality.

Compensation procedures will include five steps:

(i) Establishment of compensation committees,
(ii) Assessment of replacement values of identified assets,
(iii) Establishment of compensation rates for all assets to be expropriated,
(iv) Negotiation of each compensation offer with the PAP, and
(v) Payment in full of the compensation value.

All PAPs in a locality will be fully compensated before physical relocation is initiated.

RESETTLEMENT MEASURES. The guiding principle for resettling villages in core park areas is to relocate them in nearby areas with similar ecological conditions. By limiting the distance of the move and ensuring that PAPs relocate in similar zones, the extent of adjustment required is greatly reduced, and the success of the operation therefore enhanced.

People who lose assets and resources will be assisted to fully replace those loses in the new location. Houses and other structures will be rebuilt to at least the existing
standards. PAPs may construct their own houses and other structures, if they so wish, in which case the Project Management Unit (PMU) will ensure any and all material and assistance are provided. Alternatively, if a PAP is unable or unwilling to construct his or her own residence or open new fields, the PMU will make arrangements for those activities to be done in a timely manner. Importantly, house gardens and agricultural fields, as well as grazing and other common areas, will be replaced with equal areas with similar or better soil quality, water quality and accessibility, and transport availability. Continued access to natural resources in the core areas may be permitted, under specified conditions, and, if not, will be provided in the resettlement area.

At the same time, the resettlement sites will be provided basic social infrastructure that is now generally not available in the original communities. Village wells, communal stores, schools, clinics, electricity, and access to both water and land transport are among the possibilities for either government or CBM investment or both.

Government will also provide whatever additional resettlement measures are appropriate to facilitate the adjustment and re-establishment of PAPs in their new areas. Social workers will be contracted to work with PAPs in the period prior to the move and afterwards. Government agencies will assign technicians to provide these necessary services. For example, the Ministry of Health will provide clinicians to ensure that health status improves, rather than declines, during the stressful period of relocation. The Ministry of Education will assign teachers to any newly opened schools. The Ministry of Agriculture will dedicate extension agents and other technical support to farmers in the new area. Alternatively, an NGO may be contracted by the project for these ends.

SITE SELECTION, SITE PREPARATION AND RELOCATION. When a village decides to relocate, the community, in close collaboration with the PMU and park authorities, will suggest their preferred relocation sites. For collective relocation, once the relocation area has been identified and surveyed to ensure that it is not held by legal or customary right by other people, the PMU will, in close coordination with the local officials responsible, acquire a sufficient amount of land of similar or better size and quality that is acceptable to the PAPs. The amount of land acquired will be sufficient to allow both house plots and agricultural fields of similar size to those held by the PAPs in the core area. It will also provide sufficient grazing land for the animals owned by the PAPs. For individual relocation, the individual PAP may negotiate with the local authority for a house plot, agricultural fields, and grazing and other areas. The PMU will verify that the price for these areas accords with current market rates, and, once approved, will have the funds to purchase the houseplot and fields allocated for these ends.

The PMU will coordinate with the authorities responsible to grant formal, legal title to both collective settlements and to individual relocates, as is provided for in the Decree-Law on Protected Areas.

In the instance of collective relocation, the PMU will oversee preparation of the resettlement site, e.g., leveling the area, staking out house plots and agricultural areas. No PAP will be required to move until his or her house and fields are ready for occupation or use, and accepted by the PAP. All basic necessary community infrastructure must also be satisfactorily installed (e.g., wells and pumps, docking facilities) before PAP families relocate to the new area. Further, the PMU will provide all necessary assistance for relocation, whether communal or individual.
HOUSING, INFRASTRUCTURE AND SOCIAL SERVICES. PAPs will have a decisive role in determining the relocation area, in allocating house and productive plots, in the design of new houses and other structures, and in the construction of replacement buildings and other infrastructure. PAPs, in consultation with the PMU, will identify and acquire replacement lands. PAPs will decide upon the allocation of house plots and agricultural fields collectively or by lottery. In either case, PAPs will approve all construction plans for their new home, such as the lay-out of the new village, the floorplan for the houses, the location of kitchens, latrines, animal pens and other associated structures. The PAPs will also oversee construction activities, and channel any complaints through the grievance resolution system (Section XV).

The PMU will have overall responsibility for the installation of all required infrastructure. Also as mentioned above, the PMU will take all necessary measures to ensure that basic social services are available to the relocates. This means, first of all, that social workers will be engaged to assist the PAPs in settling into their new residences. The social workers will be responsible for facilitating the re-establishment process, and for contacting the PMU should any unanticipated difficulties arise. The project will allocate sufficient funds to accommodate requests for additional or alternative services or infrastructure, as needed.

ENVIRONMENTAL PROTECTION AND MANAGEMENT. Wherever populations decide to move, the PMU will carry out baseline environmental studies to determine the carrying capacity of the resettlement area to receive additional residents. The studies will cover all of the pertinent concerns, e.g., creation of new residential areas, increased demand for fresh water, increased requirement for grazing areas, increased demand for and opening of agricultural fields, increased pressure on traditional fishing territories. These studies will be conducted when the communities are selecting their preferred relocation sites. The studies will be provided to the communities and discussed in open meetings, so that all people concerned are as fully informed about the potentials for each site.

COMMUNITY PARTICIPATION. Communities resident within core park areas will participate integrally and meaningfully in the decision-making about whether, where and how to relocate, as well as about economic rehabilitation measures. Moreover, host communities will be fully consulted about individual and collective relocation within their traditional territories.

Once the decision to relocate is taken, the representatives of the PMU, together with representatives of the government agencies responsible and the community, will identify ownership of each structure and agricultural plot affected and, together, inventory the structures, crops and other assets for valuation and replacement. When compensation amounts are agreed upon in a locality, the PMU will proceed to organize the compensation payment in public meetings.

In parallel with the compensation process, the PMU will organize meetings with the community in order to identify acceptable relocation areas. The PMU, in collaboration with community representatives, will visit the prospective relocation areas in order to determine the availability and suitability of each area. Once suitable areas are identified, the PMU will assist the community to acquire those lands, prepare land use plans, design residential areas, and undertake all other necessary preparatory measures for the actual relocation. Planning and coordination of these tasks are key to the successful
implementation of the resettlement operation. To achieve that goal, workshops will be organized in the communities and with relevant government agencies, in order to facilitate the decision-making process and provide technical inputs to define a coherent workplan.

Similarly, prior to physical relocation, the PMU will initiate with the community the planning for economic rehabilitation measures. These will be presented in detail in the RAP for the operation.

The overall process is identical when PAPs decide to move individually to specific other locations.

HOST COMMUNITY PARTICIPATION. In each instance where a community must move from an environmentally critical core park area to a new locality, the population resident in the host area will be surveyed to determine their views and concerns about the influx of a new population. As will be done in the affected communities, the PMU will first consult with the local notables and government authorities, and then, with their assistance and collaboration, organize open village meetings to discuss the advantages and disadvantages of the proposal.

INTEGRATION WITH HOST POPULATIONS. Whether entire communities or individuals relocate, the host community must agree to cede sufficient area for the number of people to move to the host area. In recognition of this assistance, CBM will provide host communities with the same infrastructure as that contemplated for the resettlement villages.

GRIEVANCE PROCEUDRES. Grievances may arise at any stage of the resettlement process -- over whether or where to relocate, over the inventory of assets or their valuation, over the location of house plot and agricultural fields, over the relocation process itself, or over economic rehabilitation measures. Given the range, and the sensitivity, of the issues that may arise, the grievance resolution system must allow for the full hearing of all complaints in a transparent, impartial, and systematic manner. The aim of the grievance resolution process is to resolve issues in as harmonious manner as possible so that all parties understand and accept the decisions. Further, in practical terms, it is advisable to resolve issues as quickly as possible and at the lowest level possible in order to avoid protracted disputes that can, over the longer term, become all but intractable.

CBM will institute a number of measures to help ensure agreement and avoid disputes. The project will provide each PAP the compensation rate list before the asset inventory is undertaken, so that the community can review the list of assets and their general valuation procedures. Subsequently, the project will provide each PAP an itemized list of assets to be taken, with valuation for each asset, as soon after the asset inventory as possible. Compensation will be paid, in cash, to individual PAPs only after written consent of the PAPs, including both husband and wife. Payment will be effected at a public meeting convened for that purpose, and will be verified by the PMU, the PAP, and a concerned third party, such as a collaborating NGO. Similarly, the project will provide PAPs full information on the assistance to be provided for house reconstruction, field opening or leveling, titling, relocation, and economic rehabilitation.
Should a PAP at any time have a grievance, whether it is over asset inventory or valuation, relocation assistance or rehabilitation measures, he or she can bring the matter to the attention of local authorities or the PMU for informal resolution. If project-level intervention fails to resolve the matter, the complainant can lodge the grievance with the Village Grievance Committee (VGC). The committee will hold a meeting in the village to determine the facts of the matter and recommend an appropriate resolution.

For these reasons, Village Grievance Committees will be established to hear and resolve disputes. The VGC will include: one male and one female PAP elected by the community, the village chief or his (or her) representative, one representative from local government, one representative from the collaborating NGO, one member of the Park Management Council (the park director or his representative), and one representative from the project (IBAP). Decisions of the VGC will be by majority vote, and the minutes of VGC discussions will be provided to the complainant.

Should the grievance continue without resolution, a civil court will settle the litigation. Each PAP has the right to take his or her case to the court when the project grievance redress measures have failed.

**ADMINISTRATIVE ARRANGEMENTS AND ORGANIZATION RESPONSIBILITIES.**
Resettlement operations involve the collaboration of a number of ministries. The Ministerio de Administração Interna coordinates with the regional and local government agencies on all resettlement issues overall. Meanwhile, the Ministerio do Plano, in close collaboration with the Department of Statistics and Census (Departamento de estatísticas e sesso da população), is the agency responsible for enumerating the resident population. At the same time, the Ministerio das Obras Publicas works closely with the Department of Geography and Surveys (Direção de geografia e cadastro), and is legally responsible for the identification of the geographic area for relocation and for confirming that the area is delivered to the resettler population without any effective occupation or use. Other ministries may be called upon to assist in economic rehabilitation (e.g., Agriculture) or in the provision of qualified personnel (e.g., Education, Health). CBM has also established a steering committee to help coordinate and monitor project activities.

**IMPLEMENTATION SCHEDULE.** In the instance that a community must relocate from a core area for ecological reasons or for its own benefit, CBM will, in close collaboration with the agencies responsible, work with the affected community to identify and select relocation sites, carry out environmental studies of potential sites, and develop a Resettlement Action Plan. The RAP will follow the outline of this RPF, and will detail the specifics of the particular resettlement operation, with particular emphasis on relocation, economic rehabilitation, implementation schedule, budget, and monitoring.

**MONITORING AND EVALUATION.** CBM will undertake both quarterly administrative monitoring of project inputs and annual assessment of the success of its resettlement operations and economic rehabilitation programs. To ensure that monitoring results are incorporated into subsequent project undertakings, the CBM IBAP PMU will organize project completion workshops to assess progress, suggest corrective measures, and resolve pending issues.

In addition, World Bank supervision missions will carry out annual supervision of resettlement activities, with assistance from an international resettlement expert.
COSTS AND BUDGET. As mentioned above, the RAP for each operation will detail the estimated costs for each activity, and specify the agency responsible for each budgetary allocation and its timely delivery.
SECTION 1:
PROCESS FRAMEWORK

COASTAL AND BIODIVERSITY MANAGEMENT PROJECT
GUINEA BISSAU
1. INTRODUCTION

The Coastal and Biodiversity Management project (CBM) will put in place natural resource management schemes in and around protected conservation areas and reserved fishing zones, and will help address potential threats from petroleum exploration and industrial fishing. To these ends, CBM will:

- develop an institutional framework (Instituto de Biodiversidad et das Areas Protegidas [IBAP]) to implement national policies and strategies for the management of biodiversity and protected areas;
- provide catalytic support for a sustainable financing mechanism (the Foundation) to provide in-country funding for biodiversity conservation and management;
- promote conservation and sustainable use of natural resources at the local level through the implementation of a sustainable development fund (Fundo de Iniciativas Ambientais Locais; FIAL);
- support the environmental impact assessment process and ensure that environmental and social concerns are integrated into development activities; and,
- support the coordination and management structures for project implementation by financing a small Project Management Unit (PMU) within IBAP that will be responsible for multi-institutional coordination and for monitoring and evaluating project activities.

2. Implementation of the CBM project will necessarily involve restriction of access to natural resources in and around the national parks and legally protected areas. The Government of Guinea Bissau has therefore developed this Process Framework (PF) in order to define the process through with populations living in and around these parks and protected areas will participate integrally in the definition of restrictions, the assessment of the impact of any possible restrictions, the determination of remedial measures to redress those impacts on segments of the local population, and the resolution of any grievances or conflicts, as well as the definition and implementation of a monitoring program to assess the adequacy of project activities.

3. This Process Framework takes up each of these considerations in turn. Section II, Project Description, describes the project activities that may result in new or more stringent restrictions on access to natural resources, and describes the process through which potentially displaced persons participate in project design. Section III, Legal and Administrative Framework, outlines the legal and administrative context in which the project will be implemented. Section IV, Eligibility Criteria, defines the eligibility criteria for people's participation in the identification of potential impacts, the assessment of the significance of the impacts, and determination of necessary mitigating or compensating measures. Section V, Remedial Measures, lays out the methods and procedures by which communities will identify and choose potential mitigating or compensating measures provided to those adversely affected, and procedures by which adversely affected community members will decide on the options available to them. Section VI,
Grievance Resolution Measures, defines the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and with grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community measures, or their implementation. Section VII, Monitoring Arrangements, reviews the arrangements for participatory monitoring of project activities as they relate to impacts on persons within the project area, and for monitoring the effectiveness of the measures taken to improve, or at a minimum restore, incomes and living standards.

4. This Process Framework is premised on the design of the Coastal and Biodiversity Management Project at this time (February 2004). Any change in project design that significantly affects the organization or operation of CBM, particularly with regard to the nature and manner of restrictions on access to use natural resources, may require revision of parts of this PF.

II. PROJECT DESCRIPTION

5. This section describes the project activities that may result in new or more stringent restrictions on access to natural resources, and describes the process through which potentially displaced persons participate in project design. CBM holds that conservation and capacity building can succeed only with the integral participation and collaboration of local populations. Thus local participation is the sine qua non of project implementation (Sections IV, V, VI, and VII, below), and no restrictions can be implemented without the full accord and cooperation of the communities involved.

A. PROJECT COMPONENTS

6. The sustainable management of protected areas, as well as the conservation of threatened species, requires both institutional strengthening (e.g., IBAP, INA) and more effective implementation of existing activities for biodiversity conservation at the national, regional and local levels.

   i. IBAP and the Conservation Foundation

7. The administratively and financially autonomous Institute for Biodiversity and Protected Areas (IBAP) will be mandated by the Government to implement national policies and strategies for biodiversity conservation and protected areas management. (The long-term financial sustainability of IBAP will be assured through the creation of a Conservation Foundation, a mechanism to provide in-country funding for biodiversity conservation and management of protected areas in Guinea-Bissau's coastal areas. CBM will provide catalytic support for the Foundation.)

8. CBM supports the gradual integration of existing park management projects into a coordinated program of activities to be overseen by IBAP. Reinforcing the decentralized participatory approach to protected areas management specified in the Protected Areas Framework Law, project activities will be overseen by IBAP and implemented in partnership with local government officials, the communities, the private sector and international, national and local NGOs.
ii. Community-managed Development Projects

9. Community managed sustainable biodiversity initiatives will be financed through a micro-grant fund, Fundo de Iniciativas Ambientais Locais (FIAL). FIAL will provide grants of up to an estimated $10,000 in support of specific community-based micro-projects that can be linked to project objectives. Based on prior national experience and conservation and poverty reduction criteria, four priority themes for intervention have been tentatively identified: food security, artisanal fishing, palm exploitation, and renewable energy. Community members, particularly women and other vulnerable groups, could access small-scale micro-grants through the fund. Proposals for FIAL financing will be expected to meet eligibility criteria such as compatibility with management objectives of the protected area, technical feasibility, cost effectiveness, ecological, economic and social and environmental safeguards and sustainability, and demonstrated community commitment and management capacity. Specific interventions will be identified through participatory processes involving the communities and resource users themselves, facilitated by local non-governmental organizations and community associations. CBM provides for the costs of outreach activities by facilitators (local government representatives, NGOs and park staff, and community association leaders), including awareness raising and extension services (meetings, pilot activity demonstrations, agro-ecological assessments, dissemination of lessons learned, study tours, etc). It will fund technical support to interested communities and resource-user associations, for example, participatory diagnosis, assistance in preparation and implementation of micro-project proposals, management of community-development funds.

10. In addition, CBM will develop and test new management approach to Reserved Fishing Zones, where fishing zones are governed by special regulations approved by local communities. Enforcement of management regulations and surveillance will be designed and implemented with local stakeholders, in partnership with the extension service of the government's agency for fishers. This pilot approach is expected to facilitate ownership of local stakeholders over national coastal resource and to provide incentives for protection of fish nursing and breeding grounds, including mangroves. Specifically, the project will fund biological and socioeconomic studies required to establish regulations for the Reserved Fishing Zones, including support for the public consultation processes. Preparation and implementation of participatory surveillance plans to enforce regulations will likewise be developed in partnerships between public and private agencies, and local communities. Public awareness campaigns to promote responsible fishing practices, following FAO responsible fishing guidelines, will also be carried out.

iii. Environmental and Social Impact Assessment

11. CBM will support the development, adoption, dissemination and implementation of environmental impact assessment (EIA) regulations and procedures, and capacity building for EIA review and monitoring of compliance. The project will support evaluation of environmental and social impacts of industrial fisheries and proposed offshore petroleum development, including organization of public hearings and other consultative mechanisms. In addition, CBM will support revision of national procedures to facilitate mainstreaming environmental law to meet international commitments to biodiversity related international conventions (e.g., Biodiversity, Ramsar, CITES).
iv. Project Management, Monitoring and Evaluation

12. Finally, CBM will finance the establishment and operation of a small Project Management Unit within IBAP. It will also fund the operation of a steering committee and a consultative committee and implement the monitoring and evaluation, including periodic independent evaluations of the project.

B. PROJECT COMPONENTS RESTRICTING ACCESS TO NATURAL RESOURCES

13. CBM may engender restriction of access to natural resources in three ways. First, enactment of additional legislation could restrict the access of local populations to natural resources in conservation areas. Second, enforcement of existing regulations may effectively limit resource use by local populations. And, third, the communities themselves may decide to limit resource use in specific ways.

14. The major local impact on resource use, at least in the short term, will likely come from community-based decisions about restrictions on resource use in both the conservation areas and the neighboring buffer zones (Component 2). More effective enforcement of existing regulations may be considered part of this local decision-making process.

15. CBM will focus on institutional strengthening and greater implementation effectiveness in four existing and three proposed protected areas -- the National Park of Orango, and the two associated National Marine Parks of Joao Vieira-Poilao and of Orango, the Natural Park of Cufada Lagoon and the Rio Grande de Buba, the Natural Mangroves Park at Cacheu-- and the one proposed park at Mata de Cantanhez, as well as the proposed marine park at Formosa. In addition, CBM will pioneer community managed fishing reserves. IBAP will coordinate these, and other activities, in order to preserve and conserve the national environmental heritage. In this, IBAP will work in partnership with local communities and other organizations to implement the project, and will have stewardship over the monitoring of the activities.

16. The impacts of restricting resource use will depend upon the extent to which particular groups already use the resources, the types of other economic activities these groups currently engage in, as well as other social factors such as gender and national origin. Table 1 (below) presents the conservation areas where CBM will work, the estimated population in and around each park, and the uses of natural resources that groups in each area make of the reserve.

17. Overall, most parks are used for a range of economic activities. There are various crops raised in the park areas, including rice, beans, millet, and vegetables.

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1 The National Park of Orango, the National Marine Parks of Joao Veiera-Poilao and of Orango, as well as the proposed marine reserve at Formosa, are all located in the Bijagos archipelago, in the heart of the Bolama-Bijagos biosphere reserve. Cufada Lagoon et the Rio Grande de Buba Natural Park is in central Guinea Bissau; Cufada Lagoon is classified as a Ramsar site. Cacheu Natural Mangrove Park is in northwestern Guinea-Bissau. And, the proposed Cantanhez Park (status undetermined as yet) is in southwestern Guinea-Bissau on the border with Guinee-Conakry.
Several forms of agricultural production technology are practiced, from slash-and-burn (or shifting) agriculture to diked fields in mangrove areas. In addition, several groups engage in tree cultivation (e.g., oil palms, cashew), herding (e.g., pigs, goats), and poultry raising. Fishing is an important activity in many areas, and women in some groups practice particular forms of fish collection. People also gather shellfish, such as oysters and crabs for sale in the cities, as well as shells for lime. There is some turtle hunting and turtle-egg collection. Men also hunt many animals for meat, or capture birds live for sale to urban customers.

18. This overall picture must be broken down to its constituent pieces because a number of different ethnic groups live in or around each park, and, typically, each group specializes or engages predominantly in one or more activities.
Table 1:
Park Legal Status,
Population Resident in and around Reserve Area, and
Natural Resource Use in Each Area

<table>
<thead>
<tr>
<th>Park/Reserve</th>
<th>Resident Population (Census year)</th>
<th>Natural Resource Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orango National Park (268 km²) Est. 2002</td>
<td>2,268 (2002) (about a quarter--21 of 81—of the islands are inhabited)</td>
<td>Agriculture: vegetable plots, dryland rice (1,206 ha) and recessional rice (17 ha).;</td>
</tr>
<tr>
<td>Island complex with five principle islands: Orango (16,306 ha), Orangozinho (4,600 ha), Meneque (1,803 has), Canogo (1,913 ha), and Imbone (1,931 ha.)</td>
<td></td>
<td>Forest products: oil palm, fruit collection;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shell collection (lime); Fishing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mangrove wood collection (to process fish)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hunting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sacred forest reserves (at least two on each island, used for initiative ceremonies)</td>
</tr>
<tr>
<td>Joao Vieira-Poilao National Marine Park (500km²) Est. 2001</td>
<td>&quot;aucune population ne reside de façon permanente sur le territoire de ce parc. Ce sont les habitants des villages situés sur l'île de Canhabaque qui sont les propriétaires traditionnels de ces îles.&quot; (ESIA, p. 16)</td>
<td>Rice production and other cereals (1733 ha; slash-and-burn)</td>
</tr>
<tr>
<td>Southeast of Bijagos archipelago, defined as a 5-10 km band around several uninhabited islands; central zone of the Bolama Bijagos Biosphere Reserve ('protection intégrale)</td>
<td></td>
<td>Palm oil</td>
</tr>
<tr>
<td>Orango National Marine Park</td>
<td></td>
<td>Fishing</td>
</tr>
<tr>
<td>Within Bolama-Bijagos Biosphere Reserve</td>
<td></td>
<td>Turtle fishing</td>
</tr>
<tr>
<td>Formosa Marine Reserve (Proposed)</td>
<td></td>
<td>Turtle egg collection</td>
</tr>
<tr>
<td>Within Bolama-Bijagos Biosphere Reserve</td>
<td></td>
<td>Bird collection (parrots);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sacred sites</td>
</tr>
<tr>
<td>Location</td>
<td>Population/Est. Date</td>
<td>Economic Activities</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------</td>
<td>---------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Cufada Lakes et le Rio Grande de Buba Natural Park | 7,000 (est. 2004) 3,500 (census est. 1997) | Rice cultivation (Beafada, Balanta [diked mangroves]) Rainfed Agriculture: Peul ;)
|                           |                      | Paddy; "La densité de population est de 9,6 habitants au kilomètre carré" (ESIA, p. 19) |
|                           |                      | Rainfed Agriculture: Peul ;) Cashew nuts Palm nuts (local women hire outside Manjaco laborers to collect the nuts and then process them) |
|                           |                      | Fishing (practiced by every group; Peul fish in Cufada Lagoon) |
|                           |                      | Hunting (domestic consumption and for sale in nearby cities) |
| Cacheu Natural Mangrove Park | 7,120 inhabitants (1991) in northern sector; 830 inhabitants in southern sector (Sectors defined by Cacheu River) | Rice (both slash-and-burn, and diked mangrove fields); millet, peanuts, manioc; Domestic animals (goats, pigs, poultry); Forest products (40 foodstuffs) Mangrove (fuelwood, construction, heating, fish smoking, charcoal) Other firewood (17 species) Musical instruments (35 species) Honey collection Medicinal herbs (105 from forest) Fishing (all ethnic groups; Senegalese in the northern sector) Shellfish collection (oyster collection a specialty of Baiote women; crab; other shellfish) Hunting (gun and bow-and-arrow) Sacred sites |
| Cantanhez Park (Proposed National Park) | 20,000 inhabitants (1991) in region (p. 22) | Farming Livestock Fishing (Guineans in estuary) Mangrove cutting (Other uses not specified) |

19. Table 2 presents the ethnic composition of the population around each park, and outlines in part the social organization and economic practices of each group, as relevant. The ethnic composition of each area is dynamic. Orango National Park was exclusively inhabited by Bijagos until about 1947, when some Mandingo and Serrer fishermen settled there. Similarly, the proposed Cantanhez Park is home to several
important groups, the Nalus, who are native to the area, the Fula, who came in the 19th Century, the Balante who came from elsewhere in Bissau in the 20th Century, and today a number of other groups that have moved into the area since Independence in 1974 (Djacanca, Tanda, Pepeis, Manjaco, Bijago).

20. Each group tends to have its own traditional economic specialization, though there is a great deal of diversification in the economy. Bijago are fishermen and farmers; Mandingo and Serrer tend to be mostly fishermen. Fula are traditionally herders and farmers; the Sosso, who originated in Guinea, cultivate trees; the Balante develop rice fields in mangrove areas. The Cobiana and Manjaco people in Cacheu National Park are mostly farmers, but other groups depend more on fishing. Moreover, there is gender specialization in economic production. Baiote women, for example, collect oysters, crabs and other shellfish. In other groups, women and children harvest and process cashew nuts. Such economic specialization is important because restrictions on access to particular natural resources would tend to affect particular ethnic groups, and segments within those groups, more than other groups who do not depend as much on those resources.

Table 2:
Economic and Social Organization of Ethnic Groups Residing in or around Parks and Reserve Areas in CBM

<table>
<thead>
<tr>
<th>Ethnic Composition of Resident Population</th>
<th>Economic and Social Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bijagós (95%)</td>
<td>o 3 Grands Royaumes (Orango, Bubaque, Canhabaque)</td>
</tr>
<tr>
<td>Beafada Mandingo Serrer (Senegal) and other groups</td>
<td>o Grands Rois today exercise administrative and religious power over villages</td>
</tr>
<tr>
<td></td>
<td>o Traditional Chiefs (with Kings) today allocated land</td>
</tr>
<tr>
<td>Uninhabited (however certain islands are traditional property)</td>
<td>o All villages belong to the same clan</td>
</tr>
<tr>
<td></td>
<td>o Resource use is limited by 'drastic' traditional rules</td>
</tr>
<tr>
<td></td>
<td>o Cultivation of cereals for ritual use (fanado, enthronement of traditional chiefs)</td>
</tr>
<tr>
<td>Location</td>
<td>Details</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cufada Lagoon and Rio Grande de Buba</td>
<td>Beafada Fula (Peul) Balanta Pepel Mandinga Manjaco</td>
</tr>
<tr>
<td>Natural Park</td>
<td>o Pepel: Fishermen</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Cacheu Natural Mangrove Park</td>
<td>Northern section (7,120 inhabitants in 27 villages) Baiote</td>
</tr>
<tr>
<td></td>
<td>Balanta Bahum Cobiana Felupe Manjaco</td>
</tr>
<tr>
<td></td>
<td>o Baiote women fish with circular nets; collect oysters, crabs and</td>
</tr>
<tr>
<td></td>
<td>other shellfish</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Southern Section (830 inhabitants in 14 villages) Cobiana Manjaco</td>
</tr>
<tr>
<td></td>
<td>Papeis (2 villages: one with 1 family and one with 2 families)</td>
</tr>
<tr>
<td></td>
<td>o Papeis: commercial fishing</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Cantanhez Park</td>
<td>20,000 people in region Fula (Peul; 2,000) Sosso Balanta Nalus (2,000)</td>
</tr>
<tr>
<td></td>
<td>Djacana Tandas Papeis Manjaco Bijagós</td>
</tr>
<tr>
<td></td>
<td>Fula: herders and farmers Sosso: tree cultivation (banana, kola, orange)</td>
</tr>
<tr>
<td></td>
<td>Balante: rice cultivation in saline soils (mangrove) Nalus: original</td>
</tr>
<tr>
<td></td>
<td>group; slash-and-burn farming; animist religion; use some 200 forest</td>
</tr>
<tr>
<td></td>
<td>products</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

III. LEGAL AND ADMINISTRATIVE FRAMEWORK

21. This section outlines the legal and administrative context in which the project will be implemented.

   A. International Conventions

22. Guinea-Bissau adheres to several international conventions. RAMSAR is the most important international agreement nationally because it led to the establishment of
the UNESCO biosphere reserve in the Bijagos archipelago. In addition, the Government of Guinea-Bissau subscribes to Rio 84 (Agenda 21), and has signed, but not ratified, CITES. Guinea-Bissau has also signed the international agreements on persistent organic pollutants (Bonn, Montreal, and Stockholm). Despite the existence of legislation pertaining to the conservation of biodiversity, their implementation remains limited across the country.

23. In 2000, GoGB signed the Convention d'Abidjan, which establishes regional cooperation for maritime and coastal management. (The Nairobi Convention of the same year is the parallel agreement for East African coastal states.)

B. NATIONAL LEGISLATION

i. Decree-Law No. 3/97.

24. Decree-Law No. 3/97, published in the official Bulletin (no. 21, 26 May 1997), is the controlling legislation for protected areas in Guinea-Bissau. The Decree-law establishes three overarching objectives for protected areas: 1) conservation and preservation of natural areas; 2) research and the acquisition of scientific and traditional knowledge about the environment in general, with particular emphasis on traditional practices that respect the environment; and 3) support and promotion of sustainable usage of the resources with the aim of improving the conditions of life and well-being of local populations.

25. The Decree-Law No. 3/97 recognizes the importance of balancing ecological conservation and local economic development, and emphasizes the participation of local populations in this balanced process so that populations are not removed unnecessarily from protected areas. Nevertheless, Decree-Law No. 3/97 does recognize the necessity, in some cases, of involuntary resettlement: “Considering the demographic condition of the country and the problematique of creating protected natural areas, exclusively dedicated to the conservation of nature, where populations may be forced to withdraw from the area in question” (Preamble, Para 2).

26. The Decree Law (Article 3) recognizes five categories of protected area: National Park, Natural Park, Environmentally Sensitive Perimeters, Ecological Sanctuaries, and Sacred Forests. Each type of conservation is defined as follows:

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2 Preamble, Para. 3: “Considerando que as áreas protegidas da Guiné-Bissau devem ter como objectivos a conservação dos ecossistemas e o desenvolvimento económico, cuja contribuição à economia do país não deve ser restrita às receitas provenientes do turismo, mas também à exploração durável dos recursos naturais das áreas.”

3 Preamble, Para. 5, “Considerando ainda, que a garantia dos interesses das populações residentes que por consequência estão envolvidas na conservação dos ecossistemas em questão, é salvaguardada através de um processo participativo de delimitação, criação e gestão de uma área protegida.”

4 The original text reads: “Considerando a condição demográfica do país e a problemática de se criarem espaços naturais protegidos, exclusivamente afectados à conservação da natureza, onde as populações são forçadas a se retirar da área em questão.”

5 Article 3, Classification and Definition, reads as follows: “1. As áreas protegidas podem ser classificadas e definidas como:

a) Parques nacionais são áreas destinadas à proteção da integridade ecológica dos seus ecossistemas para as gerações presente e futuras, excluindo a exploração ou ocupação
National Parks are areas destined for the protection of the ecological integrity of ecosystems for present and future generations, therefore excluding exploration or occupation inadequate to the objectives of conservation in the area, and offering the opportunity for scientific, educational and recreational visits, as long as these activities conform with the usage and customs of resident populations;

- Natural Parks, which are areas where the interaction between the biological populations creates an exceptional character, with esthetic, ecological, or cultural values of recognized interest, having a high biological diversity. Safeguarding the integrity of this traditional interaction is the basic aim of these conservation areas.

- Environmentally Sensitive Areas are designated to protect and maintain biodiversity over the long term and to promote sustainable use of the natural resources there in order to meet the needs of resident populations

- Ecological Sanctuaries are areas managed for the protect and maintenaince of essential habitats for important flora or fauna, including migratory animals

- Sacred Forests are natural areas designated exclusively for traditional religious ceremonial use as determined by local custom.

27. The Decree-Law requires a socio-economic impact study that describes the number and location of existing villages within the project area (Article 6), along with an assessment of the benefits and disadvantages creation of the park will cause locally. The local communities' agreement with the park zonation must be appended to the act declaring the park.

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6 Article 6 states: “O projecto de decreto relativo a classificação de um parque será acompanhado dos seguintes documentos:

- Uma nota justificativa de classificação,
- Um estudo de impacto sócio-económico, descrevendo o número e a localização das comunidades estabelecidas nos limites do projecto, contendo uma avaliação dos inconvenientes e das vantagens que a implementação do parque poderá acarretar, e caso for necessário, as medidas compensatórias previstas para atenuar ou compensar os inconvenientes reconhecidos’
28. The Decree Law also requires that each protected area be zoned in order to specify the types of use (more or less restrictive, more or less specialized) possible in each area of the reserve (Article 23). Preservation zones allow only visits, scientific studies, fishing by resident populations, and other necessary work.\(^7\) Thus, each protected area should have one or more zones of natural preservation and other zones that allow controlled exploitation. Vegetal cover at the park boundary, along the coastline, in the estuaries, lakes and rivers are given particular emphasis for conservation measures. Other areas are designated for 'controlled exploitation' in a sustainable manner for resident communities. In the contrary case, the Park Director, on his initiative, or on the recommendation of the management committee may: regulate specific activities, require prior consent to carry out specific activities, or remove a degraded area from exploitation. These new rules may be applied through the park area or only to parts of it.\(^8\)

29. Natural Parks and Ecological Sanctuaries benefit from the same basic articles as National Parks. Sacred forests, used for religious purposes, are also protected, and their status is recognized formally by the State (Article 38).

30. Importantly, the Loi-Cadre mandates a decentralized participatory approach in the definition (Section 7)\(^9\) and the management of protected areas (Articles 18-21). The Management Committee for each park (Article 18) is composed of: the Park Director, who presides over all meetings; representatives of communities resident in the park, representatives of the relevant government agencies, and representatives of legally constituted agencies who support the aims and objectives of the park. Park Management Committees may have up to 26 members, of which one-half must be members of resident communities (Article 18, Section 2). (Non-resident committee members are appointed for a five-year term, which may be renewed.) The major charge of the Management Committee is the definition of the internal rules governing activities in that park.

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\(^7\) Article 24 states: “Nas zonas de preservação natural não é permitida nenhuma obra ou instalação ou qualquer outra atividade, à exceção de:

a) Visitas públicas, nas condições previstas no regulamento interno do parque;
b) Possibilidade de colheitas ou de pesca reconhecidas pelo regulamento interno do parque em benefício exclusivo das comunidades residentes do parque;
c) Observações científicas, estudos ou medidas de gestão necessárias aos objectivos de conservação, devidamente autorizadas pelo Director do parque;
d) Obras necessárias para os objectivos previstos nas alíneas anteriores.”

\(^8\) Article 29 states that the Park Director of the Management Council may:

a) Regulamentar ou propor regulamentação sobre certas actividades e tecnologia que devem ser empregues;
b) Requerer autorização previa para o exercício de certas actividades, assim como estabelecer quotas.
c) Fechar provisoriamente um sector que tenha sofrido degradação devido a exploração e coloca-lo em regeneração.”

\(^9\) “A proposta de criação de um parque e da sua zonagem será formulado em concertação com as comunidades locais concernentes.” (Article 7).
ii. Other Laws

a. Artisanal Fisheries Law.
31. Under the Decree Law No. 4/94, which approved the General Fishing Law, the Minister of Fisheries, in 1997, promulgated Decree No. 3/11/97 concerning artisanal fisheries. Artisanal fishing is defined as fishing in rivers, estuaries, island areas or in the territorial sea from boats under 18 meters in length, powered by paddles, sails or motors under 60 horsepower and having ice boxes for fish preservation. Decree No 3/11/97 permits declaration of reserve areas where priority can be given through licenses to specific communities or forbidden because of the ecological characteristics of the area. The decree establishes a consultative process in order to determine critical areas (e.g., fish and turtle breeding and maturation areas) where artisanal fishing needs to be regulated in order to ensure future stocks. The decree also allows Government to negotiate with neighboring countries over the rights of their nationals to fish in the waters of Guinea-Bissau.

b. Forestry Law
32. The Forestry Law of 2004 provides the guidelines for sustainable management of the forested areas that cover over half of the national territory. The stated objective of the law is to provide for production for export and domestic consumption that maintains the hydrological regime and provides a defense against erosion. Essentially, the law vests authority for the management of forested areas with the Ministry of Agriculture, Forestry, Livestock and Wild Game, which may grant logging licenses with stipulations for reforestation. The law also enables the Ministry to institute regulations on the collection of forest products by local populations, although collection permits will be granted at no charge. Land that has been declared a park area, however, is governed by the Decree-Law on Protected Areas (above).

c. Hunting Law
33. The Hunting Law of 2004 provides the basis for regulations to manage wildlife within the national territory. In consequence, hunters, other than local people, must obtain licenses in order to hunt legally. Local populations may hunt as long as the activity is for domestic consumption rather than commercial purposes and is done with traditional hunting equipment authorized by the Department of Forestry and Hunting. As is the case with the Forestry Law, the Decree Law on Protected Areas has precedence over the Hunting Law, so that no hunting is allowed in core park areas.

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10 Article 13 states “Os diretos de uso e de colheita nas florestas e terrenos de aptidão florestal poderão ser objecto de disposições regulamentares e serão concedidos a título gratuito nos casos de auto-consumo das tabancas.”

11 Article 6 states: “Só é permitido o exercício de caça aos indivíduos detentores de carta de caçador, licença de caça e mais documentos legalmente exigidos, à exceção de caça de autosubsistência exercida, sem finalidade lucrativa, pela comunidade local e com o emprego de instrumentos tradicionais autorizados pela DGFC.”
d. Land Law No. 5/98 (April 23)
34. The Land Law No. 5/98 vests all land in the state. The law specifically notes the existence of protected areas (Article 7), and the possibility of private use of park land not zoned for "integral" protection (i.e., the central or core areas). Outside the park and other areas, land may be held by communities collectively (Article 44) or by individuals (Articles 29-37).

iii. Nucleo das Areas Protegidas (NAPs).
35. With the assistance of IUCN and the ministries and general directorates concerned, a national coordinating structure, the Nucleo das Areas Protegidas (NAPs) has been established.

36. The creation of the administratively and financially autonomous IBAP requires the preparation of legal statues for IBAP, amendment of the Protected Areas Framework Law and other existing legislation to reflect IBAP's roles and responsibilities, identification and establishment of IBAP's Board, and design of institutional and governance structures.

IV. ELEGIBILITY CRITERIA
37. This section defines the eligibility criteria for people's participation in the identification of potential impacts, the assessment the significance of the impacts, and determination of necessary mitigating or compensating measures.

38. Communities living in or around protected areas or in the Biosphere Reserve are eligible to participate in the identification of potential impacts, the assessment of their consequences and the determination of mitigating measures, as well as the monitoring program.

39. CBM envisions no involuntary resettlement as an unavoidable outcome of its activities, even though people presently live within the core areas (zona central) of each or the parks and other people live in areas zoned for habitation that are completely encircled by core areas where all use of natural resources, except fishing, is proscribed. For these reasons, CBM, as part of its monitoring system (below, Section VII) will undertake, in the first six months of the project, a census of all population within the park areas and will review the current zonation of each park in order to ensure that no populations reside within reserve areas or are completely encircled by reserve areas.

A. DEFINITION OF ELIGIBLE POPULATIONS

i. Resident Populations.
40. Any community or individual established permanently that exercises either customary or legal use-rights within a protected area or in the legally defined buffer zone around a protected area, constitutes a resident population eligible to participate in the CBM project. Usually, the communities in or near the buffer zone around protected areas constitute the majority of the eligible resident population. Nonetheless, individuals resident in other, more distant villages and localities who exercise use rights in or
around the protected areas before the initiation of discussion for the CBM project also constitute resident populations.

41. A protected area is any demarcated zone set aside by national or local legislation for the specific purpose of natural resource conservation. In CBM, protected area includes both terrestrial reserves, such as national and natural parks, as well as marine parks.

42. The eligible population may be represented, in whole or in part, by: local communities, resource-user groups and associations, local non-governmental organizations (NGOs), and other such bodies.12

ii. Seasonal Populations.

43. Any community or individual with established customary or legal rights to seasonal use of natural resources within or around a legally defined protected area also constitutes a resident population eligible to participate in the CBM project. Seasonal use rights may be exercised annually, during certain months of the year, or they may be exercised aperiodically, i.e., during certain periods of need, such as drought.

B. Participation of Eligible Populations

44. Both resident and seasonal populations are fully entitled to participate integrally and meaningfully in the determination of restrictions on natural resource use, the assessment of the impact of such restrictions, the definition of remedial measures to redress those impacts, and the monitoring of the remedial measures to ensure that all persons affected are assisted to restore their previous standard of living in as short a period of time as possible.

45. The Decree-Law no. 3/97 provides the formal structure for participatory park management. According to this law, a Governing Council of 26 members will be constituted for each park. The Council is composed of 13 government officers named in the legislation (e.g., Parks, Forest, Fisheries), and 13 representatives of the local populations. Since the number of local representatives would rarely coincide with the number of local villages, the villages are regrouped according to administrative and ethnic boundaries. As a result, majority groups tend to be well represented while minority groups, and women, tend to be underrepresented in the formal governing council.

46. Since people in rural communities and towns make different use of the resources available, those people most directly concerned by restriction of access to specific resources will have the greatest voice in the assessment of the impacts of proposed restrictions, the determination of remedial measures to replace their lost income or resources, and the monitoring of those mitigative measures13. No restriction or remedial

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13 For example, those who collect wood in the forest will play a larger role in the definition of restrictions of wood collection, the determination of remedial measures and their monitoring. Similarly, shell-fish collectors, herders, charcoal makers, and all other resource users will have similar priority in the
measure may be adopted or implemented without the express written consent of those who are most directly concerned.

47. For this reason, and to facilitate local consideration of the issues involved, determination of restrictions (that is to say, of the norms regulating use of natural resources) will entail three progressive phases: first, focus groups with specific resource users in each community (e.g., fishermen, shellfish collectors, mangrove area rice cultivators, palm cultivators); second, visits by selected village leaders to villages in other parks that are engaged in the same process; and third, community meetings to harmonize the assessment of resource use by the community. The meetings will be facilitated by an intermediary organization experienced in the area, such as an NGO, under contract to IBAP.

48. The first phase of the consultative process, focus groups organized by productive role, is critical to the ultimate success of harmonious determination of restrictions on natural resource use. Only the producers themselves have intimate knowledge of the potentialities and difficulties that they face. Organizing focus groups defined by productive role provides the opportunity for producers of the same commodity to come together and discuss their experience and aspirations. This step is critically important because minority views (e.g., palm oil producers, shellfish collectors) might not receive the emphasis due them in a general community meeting where the majority of participants are engaged in other activities, so that the minority occupations are of less immediate concern to them. Focus groups organized by productive role also give emphasis to women, for they are often specialized in certain activities that men do not engage in. Since the gender specialization of labor varies among the different ethnic groups, organizing focus groups according to production provides one means for strengthening the voice of women in community deliberations throughout the project area.

49. The second phase of the consultative process, regional visits by local leaders, provides an important cross-fertilization of ideas for people resident in different areas. Local leaders, such as village chiefs, association officers, and village representatives, chosen to represent the different productive activities in their area, can quickly assess the situation in other areas and greatly appreciate the opportunity to confer with and discuss potential norms and their consequences with fellow villagers in other areas. Therefore, IBAP will sponsor inter-regional visits in order to enhance local decision-making, and, not incidentally, in order to create a network of local participants throughout the park system.

50. The focus groups and inter-regional visits will culminate in community meetings where the determination of restrictions on resource use will be determined. In outline, each production group (i.e., focus group) will present its report to the community, focusing on the existing productive base, trends in production in recent years, needs for the future, and possibilities for implementing restrictions in a sustainable manner. The community as a whole will then be responsible for harmonizing the various plans into a coherent community management plan, using appropriate participatory techniques such as matrix assessment.

determination of restrictions and remedial measures, as well as the assessment of the success of such measures in restoring their livelihood.
51. The discussions will be facilitated by an intermediary organization with experience in the area, such as an NGO. The intermediary organization will provide, as necessary, technical experts, who can advise on the utility of specific measures proposed. Further, representatives of the Park Management Council (Conselho de Gestao) may attend the sessions to help ensure that local decisions accord with the management plan for the park. The decisions of the community meetings will be recorded in triplicate, and copies kept by the community, by the facilitating organization and by IBAP.

V. REMEDIAL MEASURES

52. This section lays out the methods and procedures by which communities will identify and choose potential mitigating or compensating measures provided to those adversely affected, and procedures by which adversely affected community members will decide on the options available to them.

53. A major component of CBM is community economic development based on the sustainable utilization of natural resources. The establishment of the Fundo de Iniciativas Ambientais Locais (FIAL) will finance micro-projects and conservation activities proposed by the eligible populations. To this end, CBM will provide a fund of managed by FIAL, to facilitate local participation in the project.

54. FIAL will have two windows, one for community development and one for mitigative measures necessitated by the collective determination of restrictions on access to resources. Community development measures are those that benefit the entire community, e.g., wells, boats, schools, clinics and other initiatives that are available to everyone in the community. Mitigative measures, by contrast, are initiatives that benefit only those people who lost access, in whole or in part, to a specific resource. Moreover, since the purpose of the mitigative measure is to assist the affected population to restore their livelihood, the measures must have a major income restoration aim.

55. FIAL will always give priority to funding income-restoration measures over community development initiatives. This means, first, that half the FIAL fund will be reserved for income-restoration and half, in principle, for community initiatives. However, second, if in any year, the requests for financing income-restoration measures exceed the budget available, those requests will be financed with funds that otherwise would have been dedicated for community initiatives. FIAL may reallocate funds dedicated for income-restoration to its community development window only if, in any year, all income-restoration proposals have been funded and no additional proposals are expected. The monitoring system (below) will specifically track the allocation and sufficiency of funds for remedial measures every year.

56. As has been described above in Section V-B, both the determination of restrictions on access to natural resources and the definition of remedial measures will be decided locally, with those people directly affected having a major voice, especially in the determination of measures to restore income. Once the restrictions have been decided collectively, definition of income-restoration measures may proceed in either of several ways: all or some of the affected people may, as a group, suggest measures that they reasonably believe would replace their lost income or asset; or individuals not
members of such a group may propose measures directly related to, and responding to, their loss. Affected people may propose measures as a member of a group and as an individual as long as the cumulative or total benefit does not exceed the average benefit anticipated for all other people so affected in the locality.

57. Because remedial measures will be determined locally, it is not possible or appropriate to determine a fixed list of restrictions and remedial measures. It is, nonetheless, possible and appropriate to provide a partial, illustrative list of restrictions and measures that can serve as a jumping-off point for subsequent deliberations. Table 3 (p. 19) provides such a list of restrictions and possible remedial measures.

58. Once the people directly affected, either in groups or individually, have decided upon the appropriate income-restoration measures for them, the affected people will, with the assistance of the facilitating NGO, prepare a concise proposal according to the format developed by FIAL. FIAL will review and fund proposals as quickly as possible, optimally within 30 days of receipt of the proposal, since productive enterprises are extremely time sensitive. If an enterprise or initiative cannot be started quickly, the window of opportunity may close, and an entire year may be lost before the initiative can be begun.

59. Project implementation and monitoring (below, Section VII) are the responsibility of the participating groups or individuals, with the assistance of the collaborating NGO. FIAL will provide a concise monitoring form to report progress and difficulties quarterly, and the collaborating NGO will provide training locally, not only in the correct application of the funds and technical matters, but also in the aims of the monitoring activity and the types of information to be reported.

V. GRIEVANCE RESOLUTION PROCEDURES

60. This section defines the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and with grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community measures, or their implementation.

61. This section pertains to disputes among local populations resident in and around reserve areas, regardless of nationality (e.g., Serrer, Sosso, Fula). Disputes between foreign (i.e., non-resident) and local populations, for example, in marine reserves, cannot be resolved extrajudicially, as is the predominant mechanism espoused in this Process Framework. While it may be possible to resolve such issues through local negotiation in some instances\(^\text{14}\), the majority of such cases will likely be referred to the courts for resolution.

\(^{14}\)There are instances, particularly in the Orango National Park, where traditional chiefs have asked foreign, non-resident fishermen to leave the area because they were abusing the resources in the area. In some instance, these requests have been honored; in others, the police or the courts have had to intervene in order to resolve the matter. While it is always preferable to try to resolve such matters locally, the context of the dispute is such that official, administrative intervention may be the only viable option. Such cases cannot be dealt with completely through the grievance resolution mechanism espoused in this PF.
<table>
<thead>
<tr>
<th>Restriction</th>
<th>Affected Persons</th>
<th>Possible Remedial Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture—annual crops</td>
<td>Farmers</td>
<td>o Allow harvest; provide alternative plots of same size and soil quality for agriculture elsewhere</td>
</tr>
<tr>
<td>Agriculture – rice (mangrove areas)</td>
<td>Rice farmers</td>
<td>o Allow harvest; provide alternative plots of same size and soil quality for agriculture; compensate labor for cost of opening new field</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Rehabilitate old perimeters; but reject opening new ones</td>
</tr>
<tr>
<td>Agriculture—Arboriculturists</td>
<td>Arboriculturists</td>
<td>o Allow harvest; provide alternative land of equivalent size and soil quality for new trees; reimburse value of future harvests until new trees come into full production</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Mango processing for preserves</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Improved beehives (instead of felling trees)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Improved palm oil presses (extraction now often done by hand)</td>
</tr>
<tr>
<td>Fishing</td>
<td>Fishermen</td>
<td>o Improved technologies (motors, nets) in compensation for enforced fishing rules</td>
</tr>
<tr>
<td>Shellfish collection</td>
<td>Shellfish collectors</td>
<td>o Processing techniques to assist in preservation</td>
</tr>
<tr>
<td>Secondary Forest Product Collection (e.g., dye stuffs, medicines, vines)</td>
<td>Secondary Forest Product Collectors</td>
<td>o Provide assistance to establish nurseries for production of secondary forest products</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Food processing (e.g., wild fruit such as fiol and faroba)</td>
</tr>
<tr>
<td>Animal Grazing in Protected Area</td>
<td>Herders, Animal owners</td>
<td>o Cattle: alternative grazing areas, if available; tether grazing animals</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Sheep and Goats: grazing methods</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Pigs: improved sties and food</td>
</tr>
<tr>
<td>Wood collection</td>
<td>Wood collectors (women)</td>
<td>o Provide more fuel-efficient stoves</td>
</tr>
<tr>
<td></td>
<td>Fishermen and fish processors</td>
<td>o Alternative preservative techniques (e.g., solar drying units, salt)</td>
</tr>
<tr>
<td></td>
<td>Charcoal makers</td>
<td>o Improved production techniques</td>
</tr>
</tbody>
</table>
62. The grievance resolution process that is described below provides a general framework for conflict resolution premised, first, on finding mutually satisfactory solutions within the project framework and, then, failing that, within the local traditions and authority of the community or communities involved. The coastal groups throughout Guinea Bissau retain strong local, traditional leaders. Nevertheless, the specific details of grievance resolution must be tailored to the traditions and customs of each group and each area. Further, reliance on local systems of grievance resolution in no way precludes the intervention of administrative, police, or juridical authorities in the exercise of their stated powers. Where intense grievances between two ethnic groups arise, the only solution may be the intervention of public authorities to decide upon the matter.\(^1\)

63. Optimally, grievances are resolved early on and at the local level. If local resolution of a grievance is not possible at the project level, it may be referred to village authorities for consideration. If it is still not possible to resolve the issue, the complainant, whether an individual or a group, has the right to take the matter to court, although, admittedly, this is a long and costly procedure.

64. At the local level, the aggrieved party can bring his or her complaint to the attention of a project official, the facilitating NGO, or village leader. Every effort will be made at this level to resolve the matter. If the village facilitator cannot bring the matter to resolution, he or she will refer it to the FIAL program manager. If after due consultation and deliberation, the program manager finds it impossible to resolve the matter, the issue will be taken up by the CBM project manager.

65. If the matter cannot be resolved informally at the project level, the issue can be raised with traditional local authorities. In the first instance, the PMU (i.e., IBAP or its contracted NGO) can raise the matter with the deputy of the traditional chief, who will convene the parties concerned and explore the grounds for mutually satisfactory resolution. If the deputy cannot resolve the matter, he may refer the matter to the chief, first informally, then, subsequently, if necessary, formally. In the latter case, the local chief will pronounce the final resolution at the local level.

66. Should the matter remain unresolved, the aggrieved party may take the matter to court. In fact, at any point in this process, the complainant has the prerogative of filing a court case, if he or she so wishes. However, it is incumbent on project officials to deal as efficaciously as possible with all complaints over restriction on access to natural resources since the aggrieved parties raise their complaints due to disagreement with project initiatives.

VI. MONITORING ARRANGEMENTS

67. This section reviews the arrangements for participatory monitoring of project activities as they relate to impacts on persons within the project area, and for monitoring

\(^1\) Such situations are more likely to arise between two ethnic groups in different communities. Such a case occurred recently in the Cacheu Natural Park area, when Fula tribesmen built a mosque on Fulupe land. When the Fula refused to dismantle their mosque after a request from the Fulupe traditional chief, the Fulupe took matters into their own hands. Ultimately, the administrator of the area had to decide the matter, declaring construction of the mosque on Fulupe land without permission to be unacceptable.
the effectiveness of the measures taken to improve, or at a minimum restore, incomes and living standards

68. The IBAP PMU has primary authority for implementing a mechanism to monitor and evaluate all project activities. The monitoring system will have three basic objectives: 1) to ensure that no populations are dislocated from their present residences by the economic impact of restrictions on natural resources; 2) to ensure that project-affected people participate integrally in and benefit fully from the FIAL income-restoration program; and, 3) to involve the local populations as fully as possible in the implementation of the monitoring system.

A. **MONITORING INVOLUNTARY RESETTLEMENT**

69. CBM is premised on the notion that local populations can continue to reside within areas reserved for conservation as long as the populations use natural resources in a sustainable manner for their own consumption. This position means that populations can reside within the core areas of each of the parks. Whether all or some of these communities can, in fact, remain within the core park areas remains to be determined.

71. Therefore, in the first six months of the project, CBM will institute a baseline population census and, with the local populations concerned, review of the existing park zoning in order to determine whether population currently within, or completely encircled by, core zones can remain. If any community must move, the Resettlement Policy Framework (Section 2) provides the guidelines for planning such an operation, and a Resettlement Action Plan, with detailed compensation, economic rehabilitation and monitoring program, will be presented to the PMU and the donors for approval.

72. The census will provide the opportunity to enumerate the population by ethnic group, productive economic activities (disaggregated by gender), and income or domestic consumption value for each activity. Importantly, this census and socio-economic survey will constitute a solid baseline of information about each individual in the project areas for future monitoring. If there is reason to believe that, where there is no involuntary resettlement, natural resource restrictions are a fundamental cause of 'spontaneous' relocation of people in core park areas, the census will be repeated every other year in order to determine whether and if so how many people may have emigrated from the area. In this case, the monitoring unit will implement tracer surveys to find and interview the relocates about their reasons for leaving their home areas. Should natural resource restrictions be a primary factor in the decision of any people to move, CBM project management will implement a review of its program in order to ensure that such involuntary relocation is no longer an outcome of its project activities,

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16 The term “core area” usually denotes the area within the park boundaries, and the term ‘buffer zone’ (zona tampon) the area adjacent to and abutting, but outside the boundaries, of a national park or reserve area. According to the legislation in force today in Guinea Bissau, ‘buffer zone’ also and more usually refers to areas within the boundaries of national and natural parks where resident local populations may make use of the natural resources therein. (See Section IV-B-I, above, for the legal definition of a ‘buffer zone.’) Thus there are both core and buffer areas within each park, as well as a buffer area around each park.
and shall provide all necessary assistance to those persons who were inadvertently relocated involuntarily.

B. MONITORING INCOME-RESTORATION OF MICRO-PROJECTS

73. Monitoring of the micro-project program will track both administrative and substantive activities. As for administrative activities, the monitoring program will review, each year, the number of proposals for remedial measures, the type of measures, and their level of financing. The monitoring program will also track the proposals for community-level measures, their type and level of funding. The concern here is that remedial measures always receive priority attention in the context of the project.

74. Monitoring of substantive activities will focus on the participatory nature of the project of remedial measures, and the progress, to date, of the different activities. Participatory monitoring will be used whenever possible, to create a sense of ownership and to promote community understanding of project objectives. Impact indicators will be developed in accordance with guidelines for GEF-financed projects, and will include both biological/ecological and socio-economic parameters. (See Section VII-C, below.)

75. Independent consultants, in consultation with the affected communities and CBM project management, will develop a detailed monitoring and evaluation plan for measuring project implementation progress and impact. This plan will clearly specify the key indicators and data needs and sources, who will collect the data, and how frequently for each component as well as for the project as a whole.

76. Further, each annual monitoring report will append the list of community and focus group meetings to define restrictions on natural resource use, determine remedial measures, and define indicators to track income restoration. To facilitate this work, all community meetings to consider restrictions on natural resource use, as well as the impact assessment and remedial measures, will maintain a register that records all persons present and their interest in the issue. The register, which will be kept both in the community and by the project PMU, will be complemented by a detailed minutes of each meeting.

C. MONITORING ECOLOGICAL IMPACT OF NATURAL RESOURCE MEASURES

77. Local monitoring of natural resource use and the ecological status of their area will provide a useful complement to the formal monitoring system proposed above. Local populations are already aware of what the restrictions are and how well they are observed. Local populations are also able and willing to monitor the status of the natural resources in their areas – and in doing so will be able to correlate the impact of the restrictions with the improvement or degradation of their local resources.

78. To this end, each community will define a map and other recording forms to assess the present state of the ecosystem in their area at the outset of the project. The community will assess the state of natural resources each year, e.g., the extension or degradation of mangroves in their area, the number of shellfish of each type found in each area, the number and size of fish caught over the year in each locality, the presence or absence of economic trees. These specialized production assessments are
best undertaken by focus groups organized by production role, as was done initially for
the assessment of resources and the definition of restrictions and remedial measures.
Each production group will report to the community, in a general meeting facilitated by
the collaborating intermediary organization, on its findings and recommendations for
future action. The community will redefine its action plan for the coming year on the
basis of these specialized local reports.

79. Further, and as an adjunct to this participatory monitoring component, IBAP will
ensure that every scientific investigation will include capable local people, not only in the
role of data collection but also in the role of data analysis. For example, biomass studies
in mangrove areas typically hire local staff to collect samples in designated areas.
These staff are also capable, with adequate training, of processing the samples and
carrying out the initial analyses. Local populations can also carry out inventories of flora
and fauna, including counts of shellfish and crustaceans that provide a good indication of
future stocks. Such integral participation of local populations in scientific studies not only
provides employment, it also provides a window, and a control, on the work of the
various scientists whose studies will constitute one basis for the definition of future
restrictions on natural resources. (See, for example, Section II-A-ii, above.)
SECTION 2:

RESETTLEMENT POLICY FRAMEWORK
COASTAL AND BIODIVERSITY MANAGEMENT PROJECT
GUINEA BISSAU
I. INTRODUCTION

1. The Coastal and Biodiversity Management project (CBM) will put in place natural resource management schemes in and around protected conservation areas and reserved fishing zones, and will help address potential threats from petroleum exploration and industrial fishing. To these ends, CBM will:

   - develop an institutional framework (Instituto de Biodiversidad et das Areas Protegidas [IBAP]) to implement national policies and strategies for the management of biodiversity and protected areas;
   - catalyze a sustainable financing mechanism (the Foundation) to provide in-country funding for biodiversity conservation and management;
   - promote conservation and sustainable use of natural resources at the local level through the implementation of a 'sustainable development fund (Fundo de Iniciativas Ambientais Locais; FIAL);
   - in accord with the aims and objectives of the Government, support the environmental impact assessment process and ensure that environmental and social concerns are integrated into development activities; and,
   - support the coordination and management structures for project implementation by financing a small Project Management Unit (PMU) within IBAP that will be responsible for multi-institutional coordination and for monitoring and evaluating project activities.

2. Implementation of this project may involve resettlement of some populations now resident in core areas of the national and natural parks. The Government of Guinea Bissau (GoGB) strongly prefers that communities resident in core areas of the parks move voluntarily once necessary compensation, infrastructure and other assistance has been provided. Nonetheless, GoGB also recognizes that, in limited instances, communities may have to be relocated from environmentally important areas both for the integrity of the parks and for the well-being of the people affected. GoGB has, therefore, developed this Resettlement Policy Framework (RPF) in order to define the process through which populations living in core areas of parks will participate integrally in deciding whether to relocate and where, and in the implementation and monitoring of any resettlement operation.

3. This Resettlement Policy Framework accords with the legislation of Guinea Bissau and follows the outline for Involuntary Resettlement in the World Bank Operational Directive 4.12 (O.D. 4.12) Section II describes the project and identifies the project area. Section III specifies the project components that give rise to resettlement, their zone of impact, alternatives considered to avoid or minimize resettlement, and the mechanisms to minimize resettlement during project implementation. Section IV states the main objectives of the resettlement program.
4. Section V presents the socio-economic studies, including the census of residents, their economy, the extent of loss, information on vulnerable groups, and provisions to update information on the displaced people's livelihoods and standards of living at regular intervals. Other baseline studies will cover: land tenure and transfer systems, social organization in the affected communities, public infrastructure that will be lost, and the social and cultural characteristics of the displaced communities (e.g., community organizations, ritual groups, non-governmental organizations). Section VI analyzes the legal framework, including the scope of the power of eminent domain and the nature of compensation associated with it, applicable legal and administrative procedures, the agencies responsible for land acquisition and resettlement, relevant other laws (including customary and traditional law) governing land tenure and asset valuation, among other matters, and provides an analysis of differences between the national legislation and international standards.

5. Section VII defines the criteria of eligibility of displaced persons for compensation and other resettlement assistance including relevant cut-off dates. Section VIII presents the methodology used in the valuation of and compensation for losses. Section IX describes the resettlement measures to assist each category of eligible displaced person to achieve the objectives of the policy in a culturally acceptable manner. Section X covers the selection and preparation of resettlement sites, as well as the relocation process. Section XI describes the plans to provide housing, infrastructure, and social services. Section XII describes the boundaries of the relocation area, and an assessment of the environmental impacts of the proposed resettlement measures.

6. Section XIII details the nature of community participation, including consultation, decision-making roles, and institutionalized arrangements for communicating project-affected persons' (PAPs) concerns to project authorities. Section XIV contains the measures to mitigate the impact of resettlement on host communities. Section XV describes the grievance resolution process. Section XVI sketches the implementation schedule; Section XVII provides for effective monitoring and evaluation; and Section XVIII estimates the costs of resettlement operations and their budgets.

7. This RPF pertains only to those situations where resident communities may have to relocate, in whole or in part, from core areas of national or natural parks. (Marine reserves, by their nature, have no resident populations of people.) The Process Framework (Section 1, above) covers a broader set of circumstances, namely, where resident communities in the parks, whether in core or in buffer areas, impose additional restrictions on natural resource use within the park area. The RPF and PF together are intended to provide guidelines for the management of legally defined conservation areas by all parties concerned -- the local communities, the parks' management, government agencies, NGOs, and the private sector.

II. PROJECT DESCRIPTION

8. The sustainable management of protected areas, as well as the conservation of threatened species, requires both institutional strengthening (e.g., IBAP, INA) and more effective implementation of existing activities for biodiversity conservation at the national, regional and local levels.
A. IBAP AND THE CONSERVATION FOUNDATION

9. The administratively and financially autonomous Institute for Biodiversity and Protected Areas (IBAP) will be mandated by the Government to implement national policies and strategies for biodiversity conservation and protected areas management. (The long-term financial sustainability of IBAP will be assured through catalytic support for the creation of a Conservation Foundation, a mechanism to provide in-country funding for biodiversity conservation and management of protected areas in Guinea-Bissau's coastal areas.)

10. CBM supports the gradual integration of existing park management projects into a coordinated program of activities to be overseen by IBAP. Reinforcing the decentralized participatory approach to protected areas management specified in the Protected Areas Framework Law, project activities will be overseen by IBAP and implemented in partnership with local government officials, the communities, the private sector and international, national and local NGOs.

B. COMMUNITY-MANAGED DEVELOPMENT PROJECTS

11. Community managed sustainable biodiversity initiatives will be financed through a micro-fund, Fundo de Iniciatives Ambientais Locais (FIAL). FIAL will provide grants of up to $10,000 in most cases, in support of specific community-based micro-projects that can be linked to project objectives. Based on prior national experience and conservation and poverty reduction criteria, four priority themes for intervention have been tentatively identified: food security, artisanal fishing, palm exploitation, and renewable energy. Community members, particularly women and other vulnerable groups, could access small-scale micro-finance through the fund. Proposals for FIAL financing will be expected to meet eligibility criteria such as compatibility with management objectives of the protected area, technical feasibility, cost effectiveness, ecological, economic and social and environmental safeguards and sustainability, and demonstrated community commitment and management capacity.

12. Specific interventions will be identified through participatory processes involving the communities and resource users themselves, facilitated by local non-governmental organizations and community associations. CBM provides for the costs of outreach activities by facilitators (local government representatives, NGOs and park staff, and community association leaders), including awareness raising and extension services (meetings, pilot activity demonstrations, agro-ecological assessments, dissemination of lessons learned, study tours, etc). It will fund technical support to interested communities and resource user associations, for example, participatory diagnosis, assistance in preparation and implementation of micro-project proposals, management of community-development funds.

13. In addition, CBM will develop and test new management approach to Reserved Fishing Zones, where fishing zones are governed by special regulations approved by local communities. Enforcement of management regulations and surveillance will be designed and implemented with local stakeholders, in partnership with the extension service of the government’s agency for fishers. This pilot approach is expected to facilitate ownership of local stakeholders over national coastal resource and to provide incentives for protection of fish nursing and breeding grounds, including mangroves. Specifically, the project will fund biological and socioeconomic studies required to
establish regulations for the Reserved Fishing Zones, including support for the public consultation processes. Preparation and implementation of participatory surveillance plans to enforce regulations will likewise be developed in partnerships between public and private agencies, and local communities. Public awareness campaigns to promote responsible fishing practices, following FAO responsible fishing guidelines, will also be carried out.

C. ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

14. CBM will support the establishment of standards for environmental and social safeguards required for development activities in the country. Specifically, CBM will support the development, adoption, dissemination and implementation of environmental impact assessment (EIA) regulations and procedures, and capacity building for EIA review and monitoring of compliance. The project will also support evaluation of environmental and social impacts of industrial fisheries and proposed offshore petroleum development, including organization of public hearings and other consultative mechanisms. In addition, CBM will support revision of national legislation to facilitate mainstreaming environmental law to meet international commitments to biodiversity related international conventions (e.g., Biodiversity, Ramsar, CITES).

D. PROJECT MANAGEMENT, MONITORING AND EVALUATION

15. Finally, CBM will finance the establishment and operation of a small Project Management Unit within IBAP. It will also fund the operation of a steering committee and a consultative committee and implement the monitoring and evaluation, including periodic independent evaluations of the project.

III. PROJECT COMPONENTS NECESSITATING RESETTLEMENT

16. This section specifies the project components that give rise to resettlement, their zone of impact, alternatives considered to avoid or minimize resettlement, and the mechanisms to minimize resettlement during project implementation.

A. PROJECT COMPONENTS THAT GIVE RISE TO RESETTLEMENT.

17. CBM will focus on institutional strengthening in order to improve park management in four existing and three proposed protected areas -- the National Park of Orango, and the two associated National Marine Parks of Joao Vieira-Poilao and of Orango, the Natural Park of Cufada Lagoon and the Rio Grande de Buba, the Natural Mangroves Park at Cacheu-- and the one proposed park at Mata de Cantanhez, as well as the proposed marine park at Formosa. In addition, CBM will pioneer community managed

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1 The National Park of Orango, the National Marine Parks of Joao Vieira-Poilao and of Orango, as well as the proposed marine reserve at Formosa, are all located in the Bijagos archipelago, in the heart of the Bolama-Bijagos biosphere reserve. Cufada Lagoon et the Rio Grande de Buba Natural Park is in central Guinea-Bissau; Cufada Lagoon is classified as a Ramsar site. Cacheu Natural Mangrove Park is in northwestern Guinea-Bissau. And, the proposed Cantanhez Park (status undetermined as yet) is in southwestern Guinea-Bissau on the border with Guinee-Conakry.
Reserved Fishing Zones. IBAP will coordinate these and other activities in order to preserve and conserve the national environmental heritage. In this, IBAP will work in partnership with local communities and other organizations to implement the program, and will have stewardship over the monitoring of the activities.

18. Effective park management through IBAP coordination may give rise to resettlement in two ways: populations resident in the core areas within the park may have to move in order to protect the environmental integrity of the core area; or, project investments through FIAL may attract populations resident out of core areas and into buffer zones inside or around the park, particularly when relocation is in the interests of the communities affected.²

19. The parks in Guinea Bissau were legally delimited within the past five years. By law, each park is zoned into core areas for biological preservation, and buffer areas where greater resource use is permitted. Communities reside in both the core and the buffer zones of each park (i.e., Cacheu, Lagaos Cufada, Orango, and the proposed Catanhez parks). In principle, communities already resident in the core areas may remain as long as they restrict their resource use to "collection and fishing" in the core areas.

20. In reality, communities resident in core areas will, once park management becomes effective, face a series of restrictions that make their already marginal existence even more precarious. Exotic plants and animals may be excluded from the core areas, so that some, as yet undetermined, crops and animals may not be permitted. Further, new 'works, installations or other activities' that do not accord with the preservation aims of the park are not permitted legally. This could mean, for example, that resident populations cannot rebuild their houses, or sons and daughters cannot build independent residences within the core area, thus disrupting traditional, familial patterns.

21. At the same time, CBM is enjoined by the Protected Areas Law to treat communities in the core and buffer zones differently. Because the Protected Areas Law forbids 'works, installations, and other activities' not in accord with the preservation objectives of the core park areas, CBM would face greater restrictions on investment in core areas than in buffer zones inside the parks. For example, CBM could, through FIAL, finance the purchase of a canoe for communal transport, but the law would not allow construction of a dock or of an equipment shed within a core area. In other instances, the restrictions in the core area would be complete: installations such as schools, clinics, and wells are not, by law, permitted within the core areas, although they are permissible in the buffer areas. Thus, continued residence of communities in core areas would lead to unequal investment opportunities in equally poor communities, depending upon whether they are located in core or buffer zones, and could, therefore, lead to spontaneous, but involuntary, resettlement out of the core areas.

² Some communities were established in refuge areas such as mangrove swamps during the war period. Living conditions in these refuge areas are not only difficult but also insanitary. Individual families are already abandoning these villages now that peace has been re-established. This process of spontaneous relocation can be facilitated under this RPF. (See also Paragraph 21, below).
B. ZONES OF IMPACT

22. The zones of impact are specifically those core areas within national and natural parks where communities either now reside or are completely encircled by core areas. In Orango National Park, there is one community on Imbone Island, which has been declared a core area in consultation with the resident populations. In Lagaos Cufada, there are six communities resident in core areas of the park. In Cacheu, there are several communities in the westernmost part of the part that are completely surrounded by core areas, which limits their economic viability and transport. Finally, the number of communities in core areas of the proposed Catanhez park has yet to be determined.

C. ALTERNATIVES CONSIDERED

23. There are three alternatives given the definition of core and buffer zone within the parks: 1) allow communities to continue to reside in the core areas; 2) rezone the core areas to exclude resident communities; and 3) assist the communities to relocate to the extent that they are willing.

24. Allowing communities already resident in the core areas is environmentally and socially unsound, as detailed above (paragraphs 20 and 21). Namely, if a core area is truly an environmentally critical or important zone, continued habitation, even on a limited basis, will continue to degrade the area. No less importantly, communities in core areas cannot legally benefit to the same extent from poverty alleviation measures because the Protected Areas Law forbids new construction in those areas in order to preserve them.

25. Rezoning is a less than optimal solution in that the park core areas were delimited in consultation with the local populations who identified environmentally critical zones (e.g., turtle maturation grounds) that should be set aside for preservation. To the extent that the core areas actually are environmentally sensitive or critical zones, rezoning to exclude resident communities would, in principle, undercut the environmental integrity of the core areas.

26. The only viable alternative on both environmental and social grounds is to offer communities resident in critical core areas the opportunity to relocate to neighboring areas of their choice. To the extent that communities opt to relocate, population pressures on the natural resources in the core areas will be eased, at least in the short term. If communities prefer to remain in the core area and that zone is determined ecologically to be a vital environmental area, then involuntary resettlement may be the only feasible option.

D. MECHANISMS TO REDUCE THE EXTENT OF RESETTLEMENT.

27. CBM will undertake three measures to reduce the extent of resettlement.

28. First, CBM will review the current zonation of the parks in order to verify that the currently defined core areas are, in fact, critical environmental habitats. In the instance that parts or all of a core area are not critical environmentally, the core area will be rezoned as a buffer area, where populations may reside and engage in usual productive activities.
29. Second, where communities reside in environmentally critical core areas, CBM, through IBAP, will consult with the communities to determine whether they are willing to relocate, and where, as long as basic assistance is provided for house reconstruction, agricultural production, social infrastructure, and other needs. Since GoGB professes that neither communities nor individuals should be relocated involuntarily, it is critically important that the project provide all necessary inducements for the communities to decide to move in their own interest and that of the public good. Forced involuntary resettlement through the use of legal instruments will be, in all cases, the final resort employed only when communities resident in environmentally critical core areas decline to relocate.

30. Third, CBM, through IBAP, will ensure that communities that relocate, voluntarily or not, will be treated similarly and will be provided house plots and agricultural lands, with title, as near to their current communities as is environmentally possible. In most instances, this means that communities will move out of the core area to an abutting buffer zone. Where, however, no buffer zone exists for the population or the conditions in the neighboring area are insalubrious, as is the case for the westernmost villages in Cacheu park, CBM, through IBAP, will work with the villagers to identify and acquire appropriate relocation sites.

IV. PROJECT OBJECTIVES

31. This RPF provides the principles for involuntary resettlement and the consequent measures to mitigate social impacts so that project affected persons (PAPs) will not be impoverished by the adverse project impacts. The paramount purpose of this RPF is to restore PAPs' income-earning capacity, that is, to improve or at least sustain the living conditions of the PAPs prior to project operations. It follows that PAPs will be: compensated for loss of wages; compensated for loss of assets at replacement costs; assisted in case of relocation or resettlement; and, given opportunities to share project benefits.

32. The GoGB supports both development for poverty alleviation and the conservation of environmentally important areas. GoGB recognizes that, at times, these aims may be incompatible. Therefore, as a matter of policy and practice, GoGB subscribes to the following resettlement objectives:

- To conceive of and execute resettlement activities in a socially responsible manner as sustainable development programs, providing sufficient resources to enable persons displaced by the project to share in project benefits;
- To consider involuntary resettlement as an integral part of project design, and deal with resettlement issues from the earliest stages of project preparation;
- To avoid land acquisition and involuntary resettlement wherever feasible, and to minimize land acquisition and involuntary resettlement wherever such is unavoidable;
- To consult with project-affected persons (PAPs) in a meaningful manner, and to provide opportunity for their participation in the planning and execution of resettlement programs;
• To assist PAPs in proportion to impact, recognizing the special needs of vulnerable populations;
• To compensate PAPs fully and fairly for all assets lost permanently or temporarily, which means timely payment of full replacement value prior to construction;
• To ensure that all PAPs who lose residences or businesses are provided acceptable alternative accommodations before demolition of the structures and construction of the infrastructure;
• To ensure that PAPs who lose income-generating resources are assisted in their efforts to improve their livelihoods and standards of living or at least restore them, in real terms, to pre-project levels;

33. These policy objectives apply to all direct economic and social impacts that result from the project and that are caused by the involuntary taking of land that results in relocation or loss of shelter, loss of assets or access to assets, or the loss of income sources or means of livelihood, whether or not the affected persons must move to another location. Further, these policy objectives apply to all components of the project that result in involuntary resettlement, regardless of the source of financing.

V. SOCIO-ECONOMIC STUDIES

34. This section presents the socio-economic studies, including the census of residents, their economy, the extent of loss, information on vulnerable groups, and provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals. Other baseline studies will cover: land tenure and transfer systems, social organization in the affected communities, public infrastructure that will be lost, and the social and cultural characteristics of the displaced communities (e.g., community organizations, ritual groups, non-governmental organizations).

35. By law, establishment of any park requires, at a minimum, a census of the population within the proposed park area, along with an assessment of their economy, social organization, and cultural characteristics. The studies for each park were conducted in the 1990s in order to provide the legally required information for the delimitation and zonation of each park. Table 1 provides, for each of the parks, an overview of the resident population, its ethnic composition, its economic activities and its social organization.

INSERT TABLE 1

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<table>
<thead>
<tr>
<th>Orango National Park (268 km²) Est. 2002</th>
<th>Potential Affected Population in Core Areas</th>
<th>Resident Population (Census year)</th>
<th>Ethnic Composition of Resident Population</th>
<th>Social Organization</th>
<th>Productive Activities</th>
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<tr>
<td>Island complex with five principle islands: Orango (16,306 ha), Orangozinho (4,600 ha), Meneque (1,803 has), Canogo (1,913 ha), and Imbone (1,931 ha.)</td>
<td>9 people (1 community) Total Population in Parks 2,268 (2002) (about a quarter—21 of 81—of the islands are inhabited)</td>
<td>Bijagós (95%)</td>
<td>o 3 Grands Royaumes (Orango, Bubaque, Canhabaque) o Grands Rois today exercise administrative and religious power over villages o Traditional Chiefs(with Kings) today allocated land</td>
<td>Agriculture: vegetable plots, dryland rice (1,206 ha) and recessional rice (17 ha); Forest products: oil palm, fruit collection; Shell collection (lime); Fishing Mangrove wood collection (to process fish) Hunting Sacred forest reserves (at least two on each island, used for initiative ceremonies)</td>
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<td>Cufada Lakes et le Rio Grande de Buba Natural Park Est. 2002 (southern Guinea Bissau; park has three fresh-water lakes; Lake Cufada is classified as a Ramsar site)</td>
<td><strong>Potential Affected Population in Core Areas</strong></td>
<td>Beafada Fula (Peul) Balanta Pepel Mandinga Manjaco</td>
<td>Rice cultivation (Beafada, Balanta [diked mangroves]) Rainfed Agriculture: Peul ;); Millet, beans (Beafada) Cashew nuts Palm nuts (local women hire outside Manjaco laborers to collect the nuts and then process them) Fishing (practiced by every group; Peul fish in Cufada Lagoon) Hunting (domestic consumption and for sale in nearby cities)</td>
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<td><strong>800 people (6 communities)</strong></td>
<td>Total Population in Parks 7,000 (est. 2004) 3,500 (census est. 1997) &quot;La densite de population est de 9,6 habitants au kilometer carre&quot; (ESIA, p. 19)</td>
<td>o Pepel: Fishermen</td>
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<td>Cacheu Natural Mangrove Park Est.2002</td>
<td>Potential Affected Population in Core Areas</td>
<td>Northern section (7,120 inhabitants in 27 villages)</td>
<td>Rice (both slash-and-burn, and diked mangrove fields); millet, peanuts, manioc; Domestic animals (goats, pigs, poultry); Forest products (40 foodstuffs) Mangrove (fuelwood, construction, heating, fish smoking, charcoal) Other firewood (17 species) Musical instruments (35 species) Honey collection Medicinal herbs (105 from forest) Fishing (all ethnic groups; Senegalese in the northern sector) Shellfish collection (oyster collection a specialy of Baiote women; crab; other shellfish) Hunting (gun and bow-and-arrow) Sacred sites</td>
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<td>Est. 800+ people (3-4 communities)</td>
<td>Baiote</td>
<td>Baiote women fish with circular nets; collect oysters, crabs and other shellfish</td>
<td>o Papeis: commercial fishing</td>
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<td>Total Population in Parks</td>
<td>Balanta</td>
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<td>7,120 inhabitants (1991) in northern sector; 830 inhabitants in southern sector (Sectors defined by Cacheu River)</td>
<td>Bahum</td>
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<td>Cobiana</td>
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<td>Felupe</td>
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<td>Manjaco</td>
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<td>Southern Section (830 inhabitants in 14 villages)</td>
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<td></td>
<td>Cobiana</td>
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<td>Manjaco</td>
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<td>Papeis (2 villages: one with 1 family and one with 2 families)</td>
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TABLE 1 (cont.)
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<tr>
<td><strong>Total Population in Parks</strong></td>
<td>20,000 inhabitants (1991) in region</td>
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TABLE 1 (cont.)

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<thead>
<tr>
<th>National Marine Park</th>
<th>Potential Affected Population in Core Areas</th>
<th>Uninhabited (however certain islands are traditional property)</th>
<th>All villages belong to the same clan</th>
<th>Resource use is limited by 'drastic' traditional rules</th>
<th>Cultivation of cereals for ritual use (fanado, enthronement of traditional chiefs)</th>
<th>Rice production and other cereals (1733 ha; slash-and-burn)</th>
<th>Palm oil</th>
<th>Fishing; Turtle fishing</th>
<th>Turtle egg collection</th>
<th>Bird collection (parrots); Sacred sites</th>
</tr>
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<tbody>
<tr>
<td>Joao Vieira-Poilao National Marine Park (500km²) Est. 2001 Southeast of Bijagos archipelago, defined as a 5-10 km band around several uninhabited islands; central zone of the Bolama Bijagos Biosphere Reserve ('protection integrale')</td>
<td>Total Population in Parks 0</td>
<td>&quot;aucune population ne reside de façon permanente sur le territoire de ce parc. Ce sont les habitants des villages situés sur l'île de Canhabaque qui sont les propriétaires traditionnels de ces îles.&quot; (ESIA, p. 16)</td>
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<tr>
<td>Orango National Marine Park</td>
<td>Potential Affected Population in Core Areas 0</td>
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<tr>
<td>Formosa Marine Reserve (Proposed)</td>
<td>Potential Affected Population in Core Areas 0</td>
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36. It is estimated that some 2,000 people in approximately 20 villages might be required to relocate under the CBM project. As mentioned above (Paragraph 22), there is one community on Imbone Island in Orango National Park, six communities resident in core areas of Lagaos Cufada Natural Park, at least a like number in Cacheu Natural Park, and an as yet underdetermined number in the proposed Catanhez park.

37. The existing social studies will, therefore, be complemented by a baseline recensus and socio-economic survey to be conducted in the first six months of CBM. The identification/survey of project-affected persons (PAPs) will be conducted by IBAP with the assistance of an international resettlement expert. (IBAP, which will be created under CBM, has no experience in socio-economic surveys addressing the broader social impacts of development projects.)

38. The studies now available clearly demonstrate that parks are used for a range of economic activities. There are various crops raised in the park areas, including rice, beans, millet, and vegetables. Several forms of agricultural production technology are practiced, from slash-and-burn (or shifting) agriculture to diked fields in mangrove areas. In addition, several groups engage in tree cultivation (e.g., oil palms, cashew), herding (e.g., pigs, goats), and poultry raising. Fishing is an important activity in many areas, and women in some groups practice particular forms of fish collection. People also gather shellfish, such as oysters and crabs for sale in the cities, as well as shells for lime. There is some turtle hunting and turtle-egg collection. Men also hunt many animals for meat, or capture birds live for sale to urban customers.

39. This overall picture must be broken down because a number of different ethnic groups live in or around each park, and, typically, each group specializes or engages predominantly in one or more activities. Table 1 presents the ethnic composition of the population in and around each park, and outlines in part the social organization and economic practices of each group, as relevant.

40. Moreover, the ethnic composition of each area is dynamic. Orango National Park, for example, was exclusively inhabited by Bijagos until about 1947, when some Mandingo and Serrer fishermen settled there. Similarly, the proposed Catanhez Park is home to several important groups, the Nalus, who are native to the area, the Fula, who came in the 19th Century, the Balante who came from elsewhere in Bissau in the 20th Century, and today a number of other groups that have moved into the area since Independence in 1974 (Djacanca, Tanda, Pepeis, Manjaco, Bijago). Such heterogeneity over time is characteristic of not only the protected areas in Guinea Bissau but also of the entire country.

41. Each group tends to have its own traditional economic specialization, though there is a great deal of diversification in the economy. Bijago are fishermen and farmers; Mandingo and Serrer tend to be mostly fishermen. Fula are traditionally herders and farmers; the Sosso, who originated in Guinea, cultivate trees; the Balante develop rice fields in mangrove areas. The Cobiana and Manjaco people in Cacheu National Park are mostly farmers, but other groups depend more on fishing. Moreover, there is gender specialization in economic production. Baiote women, for example, collect oysters, crabs and other shellfish. In other groups, women and children harvest and process cashew nuts. Such economic specialization is important because restrictions on access to particular natural resources would tend to affect particular ethnic groups, and
segments within those groups, more than other groups who do not depend as much on those resources.

42. The population recensus and socio-economic survey to be done at the outset of the CBM project will refine this information, and provide a solid basis for determining whether and, if so, which communities need to relocate, what their economic base is at the present time, and what remedial measures for economic rehabilitation in the new location would be most appropriate for each productive subgroup in the community.

VI. LEGAL FRAMEWORK

43. This section analyzes the legal framework, including the scope of the power of eminent domain and the nature of compensation associated with it, applicable legal and administrative procedures, the agencies responsible for land acquisition and resettlement, relevant other laws (including customary and traditional law) governing land tenure and asset valuation, among other matters, and provides an analysis of differences between the national legislation and international standards.

A. LEI DA TERRA, No. 5/98

44. The Lei da Terra No. 5/98 constitutes the legal basis for expropriation and compensation procedures in Guinea Bissau. The law, which enables private land ownership and empowers local communities to manage their areas, has three major objectives: to guarantee sufficient land to local communities to meet their economic needs; to incorporate customary land holdings into the formal land-tenure system; and to create land markets and thereby stimulate investment in land (Preamble). All land is vested ultimately in the State.

45. The State reserves the right to expropriate land for the public good (utilidade pública) (Article 24, Section 1-e).

46. All citizens and legally recognized residents, without discrimination by sex, social origin, or province with the country, enjoy the rights of land ownership as defined by the law (Article 4, Section 1). The State may confer land rights on national or foreign entities, whether collective or individual, when it is in the national interest (Article 4, Section 2).

47. Land use is guided by several principles: environmental protection and sustainable development; common patrimony for present and future generations; recognition of the various ecological functions of limited natural resource areas; land use in accord with existing legislation; and information and participation of local populations in defining and implementing land protection policies (Article 5).

48. Land use is managed by a National Land Commission, assisted by the Regional Land Commissions and in close coordination with local authorities and local

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3 Previously, the laws particularly Decree 43893 of 1961, assigned all land to the state, without the possibility of private property, and limited local communities to the areas necessary for residences and cultivation only, thus excluding zones for forest collection, grazing and other economic activities vital to rural communities.
communities (Article 6). A duly notarized concession contract deposited with the National Land Commission constitutes private title (Article 30). (The Directorate of the National Service for Geography and Cadastral Surveys oversees, in rural areas, the titling and expropriation processes; Article 32). The local communities have management authority in accord with their uses and customs in all of their communal area, including areas for residences, agriculture, communal uses, pastures, hydrological and maritime resources, sacred areas and other activities of social, cultural or economic importance (Article 6).

49. The Law No. 5/98 incorporates and recognizes the provisions of the Protected Areas Law. Except for areas delimited as zones of integral protection (zonas de protecção integral), that is, core areas within the protected areas, land may be used privately as long as the uses accord with national environmental law. Local communities are guaranteed access to areas that hold sacred forests and other areas of social and cultural importance, regardless of whether they are in protected or buffer zones within protected areas (Article 7, Sections 1 and 2).

50. Under the Lei da Terra, a government agency may initiate and coordinate, but cannot execute, the expropriation and compensation operations. These tasks are legally the responsibility of the designated government agencies. Government, though, is responsible for the overall financial liability arising from resettlement under the CBM project. (Government may seek other available resources, including from private investors, to settle its financial liabilities. It is, however, Government's position that not only the costs but also the execution of social impact mitigation measures due to the implementation of development projects are public responsibilities of the government and should therefore not be assigned to private actors.)

51. **Compensation for Loss of Property.** The law recognizes compensation for loss of property due to the implementation of development projects. The law defines property as houses, crops and trees. The principles for establishing compensation rates are not defined, but the law recommends a fair compensation, without further specification. Experience from previous project operations involving compensation confirms that government has established a *de facto* compensation principle of compensation for loss of property at market value.

52. **Compensation for Loss of Land.** Compensation in kind, that is, land-for-land compensation, will be available to PAPs who lose house plots, agricultural fields or other land. Shortage of land is generally not an issue in Guinea Bissau. Land is rented, bought and sold, in rural areas as well as in urban areas. Land compensation takes into account: i) the legal status of the land to be compensated; ii) the quality of the land as regard to its utilization; and iii) the quantity and the number of people using the land as the main source of income.

53. The local governments will provide, through purchase or set-aside, the replacement land required. The area, quality and value of the land will be established by the Office of Studies and Planning at the Ministry of Agriculture.

54. PAPs who lose their titles will be provided new land with titles by the local governments. Likewise, PAPs without titles will also be provided land with title by the local governments. Economically marginalized PAPs with reduced access to land will be given particular attention by providing them with more land in order to enhance the
sources of their livelihood. Also, home gardens for women will be restored with equivalent facilities in terms of access to sources of water.

B. **LEI DAS AREAS PROTEGIDAS, DECREE-LAW NO. 3/97.**

55. Decree-Law No. 3/97, published in the official Bulletin (no. 21, 26 May 1997), is the controlling legislation for protected areas in Guinea-Bissau. The Decree-law establishes three overarching objectives for protected areas: 1) conservation and preservation of natural areas; 2) research and the acquisition of scientific and traditional knowledge about the environment in general, with particular emphasis on traditional practices that respect the environment; and 3) support and promotion of sustainable usage of the resources with the aim of improving the conditions of life and well-being of local populations.

56. The Decree-Law No. 3/97 recognizes the importance of balancing ecological conservation and local economic development, and emphasizes the participation of local populations in this balanced process so that populations are not removed unnecessarily from protected areas. Nevertheless, Decree-Law No. 3/97 does recognize the necessity, in some cases, of involuntary resettlement: “Considering the demographic condition of the country and the problematics of creating protected natural areas, exclusively dedicated to the conservation of nature, where populations may be forced to withdraw from the area in question” (Preamble, Para 2).

57. The Decree-Law requires a socio-economic impact study that describes the number and location of existing villages within the project area (Article 6), along with an assessment of the benefits and disadvantages creation of the park will cause locally. The local communities’ agreement with the park zonation must be appended to the act declaring the park.

58. The Decree Law also requires that each protected area be zoned in order to specify the types of use (more or less restrictive, more or less specialized) possible in each area

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4 Preamble, Para. 3: “Considerando que as áreas protegidas da Guiné-Bissau devem ter como objectivos a conservação dos ecossistemas e o desenvolvimento económico, cuja contribuição à economia do país não deve ser restrita às receitas provenientes do turismo, mas também à exploração durável dos recursos naturais das áreas.”

5 Preamble, Para. 5, “Considerando ainda, que a garantia dos interesses das populações residentes que por consequência estão envolvidas na conservação dos ecossistemas em questão, é salvaguardada através de um processo participativo de delimitação, criação e gestão de uma área protegida.”

6 The original text reads: “Considerando a condição demográfica do país e a problemática de se criarem espaços naturais protegidos, exclusivamente afectados à conservação da natureza, onde as populações são forçadas a se retirar da área em questão.”

7 Article 6 states: “O projecto de decreto relativo a classificação de um parque será acompanhado dos seguintes documentos:

a) Uma nota justificativa de classificação, ...

b) Um estudo de impacto sócio-económico, descrevendo o número e a localização das comunidades estabelecidas nos limites do projecto, contendo uma avaliação dos inconvenientes e das vantagens que a implementação do parque poderá acarretar, e caso for necessário, as medidas compensatórias previstas para atenuar ou compensar os inconvenientes reconhecidos.

c) Um relatório sobre a concertação com as comunidades concernentes relativamente à zonagem, regulamentações e compensações, ao qual será anexada as actas das reuniões ou outras peças justificativas nas condições previstas ...”
of the reserve (Article 23). Preservation zones allow only visits, scientific studies, forest collection and fishing by resident populations, and other necessary work. Thus, each protected area can have one or more core areas, that is, zones of natural preservation, as well as a number of other areas, termed buffer zones, where controlled exploitation by resident communities is allowed as long as such production is carried out in a sustainable manner. In the contrary case, the Park Director, on his initiative, or on the recommendation of the management committee may: regulate specific activities, require prior consent to carry out specific activities, or remove a degraded area from exploitation. These new rules may be applied through the park area or only to parts of it.

59. Natural Parks and Ecological Sanctuaries benefit from the same basic articles as National Parks. Sacred forests, used for religious purposes, are also protected, and their status is recognized formally by the State (Article 7 of the Lei da Terra).

60. Importantly, the Loi-Cadre mandates a decentralized participatory approach in the definition (Section 7) and the management of protected areas (Articles 18-21). The Management Committee for each park (Article 18) is composed of: the Park Director, who presides over all meetings; representatives of communities resident in the park, representatives of the relevant government agencies, and representatives of legally constituted agencies who support the aims and objectives of the park. Park Management Committees may have up to 26 members, of which one-half must be members of resident communities (Article 18, Section 2). (Non-resident committee members are appointed for a five-year term, which may be renewed.) The major charge of the Management Committee is the definition of the internal rules governing activities in that park.

C. GENERAL LABOR LAW

61. Compensation for Loss of Wages. The Lei Geral do Trabajo (General Labor Law) of Guinea Bissau as of April 5, 1986 clauses 131 and 132 makes provision for compensation in case of loss of incomes due to economic restructuring of business. The law entitles staff who are younger than 50 years of age, one-month salary for each year of service in the company. Staff who are 50 years old or older are entitled two months salary for each year of service in the company.

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8 Article 24 states: "Nas zonas de preserva,ao natural nao 6 permitida nenhuma obra ou instala,ao ou qualquer outra actividada, a exce,cao de:

a) Visitas publicas, nas condi,oes previstas no relulamento interno do parque;

b) Possibilidade de colheitas ou de pescas reconhecidas pelo regulamento interno do parque em beneficio exclusivo das comunidades residents do parque;

c) Observa,ces cientificas, estudos ou medidas de gestão necessaries aos objectivos de conserva,ao, devidament autorizadas pelo Director do parque;

d) Obras necessaries para os objectivos previstos nas alines anteriores."

9 Article 29 states that the Park Director of the Management Council may:

a) Regulamentar ou propor regulamenta,ao sobre certas actividades e tecnologia que devem ser empregues;

b) Requerer autoriza,co previa para o exercicio de certas actividades, assim como establecer quotas.

c) Fechar provisoriamente um sector que tenha sofrido degrada,ao devido a explora,ao e coloca-lo em regenera,ao.

10 "A proposta de cria,ao de um parque e da sua zonagem sera formulado em concerta,ao com as comunidades locais concernents." (Article 7).
D. DIFFERENCES BETWEEN NATIONAL LEGISLATION AND INTERNATIONAL STANDARDS

62. Land law in Guinea Bissau accords with international standards in almost all regards. People affected by land-taking are fully informed about the need for land appropriation, and participate in the design of the operation. Replacement land is routinely provided, and all assets are valued at full market value. Thus, compensation is paid either in kind or in cash, whichever is more appropriate and the preferred option of the PAPs.

63. The major difference between national legislation and international standards pertains to the legal obligations for economic rehabilitation. National law requires only compensation at full market value for all assets (e.g., land, structures, other infrastructure), without specifying additional assistance to vulnerable populations or to the resettler population after relocation. International standards specify that resettlement obligations extend beyond compensation to economic rehabilitation.

64. The Government of Guinea Bissau is fully committed to equitable and sustainable development. GoGB prefers to move no populations, if at all possible, and will provide all assistance necessary when involuntary resettlement is unavoidable in the context of CBM. Thus, while the legal framework for expropriation and rehabilitation properly relies on the legislation of Guinea Bissau, the higher of the two standards will be applied in any instance where there is a discrepancy on the grounds that the higher standard ipso facto meets the obligations of the lesser standard.

VII. ELIGIBILITY

65. All persons residing in villages within core areas of national or natural parks are eligible for compensation and other resettlement assistance. The cut-off date for eligibility is the date when recensus of the population in that park is initiated.

66. If when the population census is conducted and the rezoning of the parks carried out, villages now within core areas are redefined as within buffer zones in the park, the village will not have to move, and, therefore, will not be eligible for assistance under this RPF. Such villages would be eligible for assistance under the Process Framework, defined above (Section 1).

VIII. VALUATION OF AND COMPENSATION FOR LOSSES

67. This section presents the methodology used in the valuation of and compensation for losses.

A. METHODS OF VALUING AFFECTED ASSETS

68. The basis of the valuation is Gross Current Replacement Cost (GCRC). Gross Current Replacement Cost is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the site works and
services on a similar piece of land. The valuation process will also consider the use of "compensation value" for affected properties. Compensation value is defined as an amount above the gross current replacement cost that includes compensation for inconvenience caused to the PAP by relocation and any additional assistance (e.g., disturbance allowance). Compensation value enables PAPs to build slightly better houses and other structures than what they currently have. Additional payments, such as, vulnerability premium, transitional assistance, and economic rehabilitation are intended to assist PAPs to re-establish themselves in their new locality.

69. All compensation rates will be provided to PAPs no later than the time when the asset inventory is initiated, and the list of compensation rates will be posted publicly within the community. The community will, therefore, have the opportunity to review the general reimbursement values, and can request revision of the standard rates if the rates are out-of-date (i.e., more than one-year old) or inappropriate given local market conditions. In such instances, the PMU will, in consultation with the Village Grievance Committee, revise the rates, and the new rate structure will be reviewed and approved by the community, and then posted in a public place.

70. Valuation of Agricultural Land. For agricultural land, replacement value is the higher of the pre-project or pre-displacement market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of land preparation to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

71. Valuation of Urban Land. For land in urban areas, replacement value is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes;

72. Valuation of Houses and Other Structures. For houses and other structures, undepreciated replacement value is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.

73. In determining replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

74. Valuation of Crops and Trees. Cash compensation will be paid for loss of crops and trees on land to be expropriated. In accordance with Guinea Bissau expropriation/compensation procedures, compensation rates will be established by the office of studies and planning at the Ministry of Agriculture. Compensation rates for loss of crops and trees will be based on market values, and cover a cash value of the loss estimated until the new crop or tree comes to maturity. The compensation rates for trees will not only be based on the age of the tree, but also, on the variety of the species. For instance, the compensation of 5-year-old mango trees will be based on the age of the tree and on the variety of the mangos. The valuation of crops and trees will be effected by the Office of Studies and Planning at the Ministry of Agriculture.
75. **Compensation for Business Relocation.** If relocation of business becomes necessary, access to customers and suppliers will be taken into account. In addition, workers losing employment in the process of relocating will be entitled to transitional income support of up to six months net profit.

76. **Compensation for Temporary Impacts.** Compensation for temporary impacts includes but not limited to the following: Compensation equivalent to lost income required for the duration of impact; Compensation equivalent to lost income required for loss of access; Physical restoration of assets (or access) required prior to return.

77. **Other Assistance.** PAPs who must relocate will be entitled to transitional assistance, which include moving expenses, temporary residence (if necessary), employment training and income support while awaiting employment and should have an option for full compensation if duration of impact is to exceed two years. In addition, the project will provide a disturbance allowance of 30 percent over the total value of all assets lost by each PAP. Further, in preparing the valuation, average costs will have to be assumed, but it will be noted that costs of construction vary from one locality to the other.

78. **Vulnerability Premium.** In those instances where a PAP is unable to reconstruct his or her own home (e.g., elderly, single-mother households, handicapped), the project will provide an acceptable house, properly furnished, and all other assistance necessary for the PAP to re-establish him or herself in the new locality.

**B. COMPENSATION PROCEDURES AND CIVIL WORK SCHEDULE**

79. A social impact assessment will be conducted parallel with the redesign of the park master plan. The assessment will be used to determine the number of PAPs and establish whether or not, a resettlement action plan (RAP) is required. The staff of IBAP, with local consultants and under the leadership of an international resettlement expert, will conduct the assessment.

80. Where relocation is unavoidable, expropriation and compensation committees will be established for each resettlement operation. The committees will be constituted by representatives of: the PAPs (one male and one female), the village chief (1 representative), the collaborating NGO (1 representative), Park Management (1 representative), local government (1 representative), and the technical expropriation staff (e.g., Departments of Agriculture [crops and trees]; 1 representative). The local Grievance Committee will supervise registration of affected PAPs and their properties, establishment of compensation rates, and compensation of PAPs in their locality. The local Grievance Committee, however, is primarily charged with hearing PAP complaints about aspects of the resettlement operation.

81. Compensation procedures will include five steps:

   i. Establishment of compensation committees,
   ii. Inventory of identified lost,
   iii. Establishment of compensation rates for all assets to be expropriated,
   iv. Negotiation of PAPs' compensation offers, and
   v. Payment in full of the compensation value

All PAPs in a locality will be fully compensated before physical relocation is initiated.
IX.  RESETTLEMENT MEASURES

82. This section describes the general resettlement measures to assist each category of eligible displaced person to achieve the objectives of the policy in a culturally acceptable manner. Since the actual resettlement measures will depend upon the conditions and requirements of the specific community, a Resettlement Action Plan (RAP) will be developed in consultation with the PAPs for each specific resettlement operation. The RAP will detail the particular measures that will be undertaken in each place.

83. The guiding principle for resettling villages in core park areas is to relocate them in nearby areas with similar ecological conditions. By limiting the distance of the move and ensuring that PAPs relocate in similar zones, the extent of adjustment required is greatly reduced, and the success of the operation therefore enhanced. (PAPs usually find adaptation to near-by host areas much easier than if they move long distances to ecological distinct areas that completely disrupt existing social ties within and between communities and that require new productive technologies.)

84. People who lose assets and resources will be assisted to fully replace those loses in the new location. Houses and other structures will be rebuilt to at least the existing standards (Sections X and XI, below). PAPs may construct their own houses and other structures, if they so wish, in which case the PMU will provide any and all material and assistance needed. Alternatively, if a PAP is unable or unwilling to construct his or her own residence or open new fields, the PMU will make arrangements for those activities to be done in a timely manner. Importantly, house gardens and agricultural fields, as well as grazing and other common areas, will be replaced with equal areas with similar or better soil quality, water accessibility and transport availability. Continued access to natural resources in the core areas may be permitted, under specified conditions, and, if not, will be provided in the resettlement area.

85. At the same time, the resettlement sites will be provided basic social infrastructure that is now generally not available in the original communities. Village wells, communal stores, schools, clinics, electricity, and access to both water and land transport are among the possibilities for either government or CBM investment or both (Section XI, below).

86. Government will also provide whatever additional resettlement measures are appropriate to facilitate the adjustment and re-establishment of PAPs in their new areas. Social workers will be contracted to work with PAPs in the period prior to the move and afterwards. Government agencies will assign technicians to provide these necessary services. For example, the Ministry of Health will provide clinicians to ensure that health status improves, rather than declines, during the stressful period of relocation. The Ministry of Education will assign teachers to any newly opened schools. The Ministry of Agriculture will dedicate extension agents and other technical support to farmers in the new area. Alternatively, an NGO may be contracted by the project for these ends.
<table>
<thead>
<tr>
<th>Restriction</th>
<th>Affected Persons</th>
<th>Possible Remedial Measures</th>
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</thead>
<tbody>
<tr>
<td>Agriculture—annual crops</td>
<td>Farmers</td>
<td>o Allow harvest; provide alternative plots of same size and soil quality for agriculture elsewhere; provide improved seed and technical assistance on processing</td>
</tr>
<tr>
<td>Agriculture – rice (mangrove areas)</td>
<td>Rice farmers</td>
<td>o Allow harvest; provide alternative plots of same size and soil quality for agriculture; compensate labor for cost of opening new fields; provide improved seed and technical assistance on and manual machines for processing</td>
</tr>
<tr>
<td>Agriculture—perennial crops</td>
<td>Arboriculturists</td>
<td>o Allow harvest; provide alternative land of equivalent size and soil quality for new trees; reimburse value of future harvests until new trees come into full production</td>
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<td></td>
<td></td>
<td>o Mango processing for preserves</td>
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<td></td>
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<td>o Improved beehives (instead of felling trees)</td>
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<td>o Improved palm oil presses (extraction now often done by hand)</td>
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<tr>
<td>Fishing</td>
<td>Fishermen</td>
<td>o Improved technologies (motors, nets) in compensation for enforced fishing rules</td>
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<td></td>
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<td>o Technical assistance and basic equipment in fish processing</td>
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<tr>
<td>Shellfish collection</td>
<td>Shellfish collectors</td>
<td>o Processing techniques to assist in preservation</td>
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<tr>
<td>Secondary Forest Product Collection (e.g., dye stuffs, medicines, vines)</td>
<td>Secondary Forest Product Collectors</td>
<td>o Provide assistance to establish nurseries for production of secondary forest products</td>
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<tr>
<td></td>
<td></td>
<td>o Food processing (e.g., wild fruit such as fiof and faroba)</td>
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<tr>
<td>Animal Grazing in Protected Area</td>
<td>Herders</td>
<td>o Cattle: alternative grazing areas, if available; tether grazing animals</td>
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<td></td>
<td>Animal owners</td>
<td>o Sheep and Goats: grazing methods</td>
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<td></td>
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<td>o Pigs: improved sties and food</td>
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<tr>
<td>Wood collection</td>
<td>Wood collectors (women) Fishermen and fish processors Charcoal makers</td>
<td>o Provide more fuel-efficient stoves</td>
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<td></td>
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<td>o Alternative preservative techniques (e.g., solar drying units, salt)</td>
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<td></td>
<td></td>
<td>o Improved production techniques</td>
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</tbody>
</table>
87. The specific measures for economic rehabilitation will be defined by the PAPs who presently engage in that type of activity (e.g., rice agriculture, tree crops, fishing, shellfish collection), in consultation with the PMU, the relevant technical experts from government agencies and NGOs working in the area, and, if the relocation area is a buffer zone within a park, with the Park Management Council. The specific measures to be implemented will be presented in the RAP, along with an action plan that details institutional technical and financial responsibility for each measure. Table 2 (above) presents an illustrative list of measures that could be implemented.

88. Further, CBM project staff, and their NGO collaborators, will oversee the entire process in order to ensure that relocation and resettlement provides as smoothly as possible.

X. SITE SELECTION, SITE PREPARATION AND RELOCATION

89. This section covers the selection and preparation of resettlement sites, as well as the relocation process.

90. When a village decides to relocate, the community, in close collaboration with the PMU, will suggest their preferred relocation sites. These may be in the buffer zones of the park or outside the park. Individuals have the options either of moving as a community to the new site or of moving to a site of their personal preference, as long as it is outside of a core area of a park.

91. For collective relocation, once the relocation area has been identified and surveyed to ensure that it is not held by legal or customary right by other people, the PMU will, in close coordination with the local officials responsible, acquire a sufficient amount of land of similar or better size and quality that is acceptable to the PAPs. The amount of land acquired will be sufficient to allow both house plots and agricultural fields of similar size to those held by the PAPs in the core area. It will also provide sufficient grazing land for the animals owned by the PAPs. For individual relocation, the individual PAP may negotiate with the local authority for a house plot, agricultural fields, and grazing and other areas. The PMU will verify that the price for these areas accords with current market rates, and, once approved, will have the funds to purchase the houseplot and fields allocated for these ends.

92. The PMU, in coordination with the officials responsible, will take the actions necessary to grant formal, legal title to both collective settlements and to individual relocates, as is provided for in the Decree-Law on Protected Areas.

93. In the instance of collective relocation, the PMU will take charge of the preparation of the resettlement site, e.g., leveling the area, staking out house plots and agricultural areas. Within the village, house plots will be allocated on a lottery basis if the villagers do not decide this matter themselves. In the case of individual relocates, the PMU will verify that the houseplot is of sufficient size and quality for the new residence, and that the agricultural fields are in proper condition for cultivation.
94. No PAP will be required to move until his or her house and fields are ready for occupation or use, and accepted by the PAP. All basic necessary community infrastructure must also be satisfactorily installed (e.g., wells and pumps, docking facilities) before PAP families relocate to the new area.

95. The PMU will provide all necessary assistance for relocation, whether communal or individual. In preparation for the move, the social workers assigned by Government or contracted by the PMU will estimate the volume of goods and number of livestock that must be transported, and will contract sufficient vehicles to effect the move in a reasonable period of time. The PMU will also ensure that social workers are present at the relocation site at the time of the move. The social workers will visit each family upon arrival to assist with any matters or concerns that may arise (e.g., cooking meals, mislaid goods or property). The social workers will remain in the new community for at least one month, or until all relocates are satisfactorily settled in their new residences.

XI. HOUSING, INFRASTRUCTURE AND SOCIAL SERVICES

96. This section describes the plans to provide housing, infrastructure, and social services.

97. PAPs will have a decisive role in determining the relocation area, in allocating house and productive plots, in the design of new houses and other structures, and in the construction of replacement buildings and other infrastructure. PAPs, in consultation with the PMU, will identify and acquire replacement lands. PAPs will decide upon the allocation of house plots and agricultural fields collectively or by lottery. In either case, PAPs will approve all construction plans for their new home, such as the lay-out of the new village, the floorplan for the houses, the location of kitchens, latrines, animal pens and other associated structures. The PAPs will also oversee construction activities, and channel any complaints through the grievance resolution system (Section XV).

98. PAPs may build the houses themselves, if they wish, in which case the PMU, through the responsible government agency, will provide all necessary materials (e.g., brick-making machines or bricks, thatch, doors and doorframes, windows, nails, hinges). In those cases where the PAP cannot or does not wish to construct his or her own house, the PMU will contract for the construction of houses according to the plan selected by the PAP. Whether the PAP or the PMU with local government builds the new housing, PAPs will be allowed to salvage any materials from their old residence that they want incorporated into their new home.

99. The PMU, along with the responsible government agencies, will be responsible for the installation of all required infrastructure. This may include, but is not limited to: community wells and pumps, community meeting hall, schools, clinics, boat docking facilities, latrines, electricity. All community infrastructure must be completed before individual PAPs relocate to the new facility.

100. Also as mentioned above, the PMU will take all necessary measures to ensure that basic social services are available to the relocates. This means, first of all, that social workers will be engaged to assist the PAPs in settling into their new residences. The social workers will be responsible for facilitating the re-establishment process, and for contacting PMU should any unanticipated difficulties arise. The Project will allocate
sufficient funds to accommodate requests for additional or alternative services or infrastructure, as is needed.

XII. ENVIRONMENTAL PROTECTION AND MANAGEMENT

101. Relocating populations from one area to another increases the population density, and thus the pressure on natural resources, in the resettlement area. This section describes the boundaries of the relocation area, and an assessment of the environmental impacts of the proposed resettlement measures.

102. Communities within core zones of park areas may decide to move either to buffer zones within the parks or to areas outside the parks. If populations decide to move to buffer zones within the park, Project Authorities must carry out baseline environmental studies to determine the carrying capacity of the resettlement area to receive additional residents. The studies will cover all of the pertinent concerns, e.g., creation of new residential areas, increased demand for fresh water, increased requirement for grazing areas, increased demand for and opening of agricultural fields, increased pressure on traditional fishing territories.

103. The same set of studies will be conducted when communities move outside of the park area. In this instance, however, the increase in pressure on natural resources is likely to be less than that in habited buffer zones within park areas because the relocation site would, optimally, be an uninhabited area that is released by its traditional owners, if any, for resettlement. When resettlers choose to join existing communities outside the park boundaries, the studies will examine the extent to which population will increase and thus the extent to which existing resources can support that increased population.

104. These studies will be conducted when the communities are selecting their preferred relocation sites. The studies will be provided to the communities and discussed in open meetings, so that all people concerned are as fully informed about the potentials for each site.

XIII. COMMUNITY PARTICIPATION

105. Communities resident within core park areas will participate integrally and meaningfully in the decision-making about whether, where and how to relocate, as well as about economic rehabilitation measures. Moreover, host communities will be fully consulted about individual and collective relocation within their traditional territories.

A. PAP PARTICIPATION

106. CMB, its contractor NGO, and Park Management will consult with communities resident in environmentally vital core areas about the possibility of relocation and will assess local reaction to possible resettlement. Usually, project representatives first contact the notables in each locality to organize community meetings with the PAPs. Then, once the local notables are informed, community meetings are held to discuss the
options available. All residents in affected communities are fully entitled to participate integrally and meaningfully in all decisions on the resettlement operation.

107. If the community in its totality consents to involuntary resettlement, the PMU and its collaborating agencies will work closely with the community to identify and acquire acceptable relocation areas, design the residential, agricultural and other zones within the new area, to plan and implement the relocation process, and to design the economic rehabilitation measures.

108. If the community rejects the possibility of involuntary resettlement, Park Management will review its zonation to ensure that the community area is indeed an environmentally critical zone. If so, the PMU will request the appropriate Government agencies to initiate the exercise of its powers of eminent domain in order to relocate the population. Whether relocation is accepted or not, the PMU will work closely with the community in planning and implementing all stages of the operation.

109. Once the decision to relocate is taken, the representatives of the PMU, together with representatives of the government agencies responsible and the community, will identify ownership of each structure and agricultural plot affected and, together, inventory the structures, crops and other assets for valuation and replacement.

110. Once the inventory of physical assets affected has been compiled and checked by the PMU, CBM representatives will attend a meeting in each locality to verify and agree upon the extent of impact on each PAP. At these meetings, the CBM representative will distribute and read the itemized list of compensation values in order to facilitate public discussion. The CBM representative will also read the inventory of affected assets to each PAP who then signs to indicate his or her agreement with the inventory. In the instance of a disputed inventory, the PAP may request a re-assessment or may, in exceptional instances, lodge a complaint with the Grievance Committee.

111. When compensation amounts are agreed upon in a locality, the PMU and local officials will proceed to organize the compensation payment in public meetings. The payments will be verified by the PMU, the responsible official from local government and the PAP him or herself. Each party will receive a copy of the compensation voucher.

112. In parallel with the compensation process, the PMU will organize meetings with the community in order to identify acceptable relocation areas. The PMU, in collaboration with community representatives, will visit the prospective relocation areas in order to determine the availability and suitability of each area. Once suitable areas are identified, the PMU will assist the community to acquire those lands, prepare land use plans, design residential areas, and undertake all other necessary preparatory measures for the actual relocation. Planning and coordination of these tasks are key to the successful implementation of the resettlement operation. To achieve that goal, workshops will be organized in the communities and with relevant government agencies, in order to facilitate the decision-making process and provide technical inputs to define a coherent workplan.

113. Similarly, prior to physical relocation, the PMU will initiate with the community the planning for economic rehabilitation measures. These will be presented in detail in the RAP for the operation.
114. The overall process is identical when PAPs decide to move individually to specific other locations. The PMU will assign a social worker to collaborate with the individual PAP in the selection of a new residence and agricultural area, ensure the availability of construction materials, facilitate the release of funds in a timely manner for each required payment, and assist in planning and carrying out the physical transfer of the household to the new site, as well as in the planning and implementation of any economic rehabilitation measures.

B. HOST COMMUNITY PARTICIPATION

115. In each instance where a community must move from an environmentally critical core park area to a new locality, the population resident in the host area will be surveyed to determine their views and concerns about the influx of a new population. As will be done in the affected communities, the PMU will first consult with the local notables and government authorities, and then, with their assistance and collaboration, organize open village meetings to discuss the advantages and disadvantages of the proposal. (See also Section XIV, Integration with Host Populations, below.)

XIV. INTEGRATION WITH HOST POPULATIONS

116. Integration of host and resettler populations can be problematic. CBM will take several steps to ensure that these groups establish harmonious relations from the outset.

117. First, PAPs may relocate as individuals or as communities. In the former instance, the individuals are responsible for negotiating with the host villagers for house plots, agricultural fields, and access to other resources, with the assistance of the PMU, as needed. Since in most such cases, the individual family will likely be related to people in the host community, the extent of integration with the host population is apt to be strong.

118. Where communities in core park areas resettle as a community in areas of their choice, the agreement of the host community to the relocation of the village and the reassignment of rights to resources is a fundamental condition for determining the viability of the new location. As in the case of individual resettlement, it is likely that communities will move into areas inhabited by their or related ethnic groups, thus easing the question of integration with the host population.

119. Second, CBM will provide host communities with the same infrastructure as that contemplated for the resettlement villages. That is, host communities may apply for wells, schools, clinics, docks and other facilities, as they deem important. These requests for assistance under FIAL will be given priority in project selection. This is important because host communities often feel short-changed when they see resettler communities benefiting from many new facilities that are not also provided to the host.

XV. GRIEVANCE PROCEDURES
120. Grievances may arise at any stage of the resettlement process -- over whether or where to relocate, over the inventory of assets or their valuation, over the location of house plot and agricultural fields, over the relocation process itself, or over economic rehabilitation measures. Given the range, and the sensitivity, of the issues that may arise, the grievance resolution system must allow for the full hearing of all complaints in a transparent, impartial, and systematic manner. The aim of the grievance resolution process is to resolve issues in as harmonious manner as possible so that all parties understand and accept the decisions. Further, in practical terms, it is advisable to resolve issues as quickly as possible and at the lowest level possible in order to avoid protracted disputes that can, over the longer term, become all but intractable.

121. CBM will institute a number of measures to help ensure agreement and avoid disputes. The project will provide each PAP the compensation rate list before the asset inventory is undertaken, so that the community can review the list of assets and their general valuation procedures. Subsequently, the project will provide each PAP an itemized list of assets to be taken, with valuation for each asset, as soon after the asset inventory as possible. To this end, it is advisable that the PAP participate in the asset inventory, and verify its completeness by signing the asset inventory form. Compensation will be paid, in cash, to individual PAPs only after written consent of the PAPs, including both husband and wife. Payment will be effected at a public meeting convened for that purpose, and will be verified by the PMU, the PAP, and a concerned third party, such as a collaborating NGO.

122. Similarly, the project will provide PAPs full information on the assistance to be provided for house reconstruction, field opening or leveling, titling, relocation, and economic rehabilitation. Each of these matters will also be discussed in community meetings to help ensure that everyone has an opportunity to learn of and critique the measures proposed.

123. Should a PAP at any time have a grievance, whether it is over asset inventory or valuation, relocation assistance or rehabilitation measures, he or she can bring the matter to the attention of the PMU or local official for informal resolution. If project-level intervention fails to resolve the matter, the complainant can lodge the grievance with the VGC. The committee will hold a meeting in the village to determine the facts of the matter and recommend an appropriate resolution.

124. For these reasons, Village Grievance Committees (VGC) will be established to hear and resolve disputes. The VGC will include: one male and one female PAP elected by the community, the village chief or his (or her) representative, one representative from local government, one representative from the collaborating NGO, one member of the Park Management Council (the park director or his representative), and one representative from the PMU (IBAP). Decisions of the VGC will be by majority vote, and the minutes of VGC discussions will be provided to the complainant.

125. Should the grievance continue without resolution, a civil court will settle the litigation. Each PAP has the right to take his or her case to the court when the project grievance redress measures have failed.
XVI. ADMINISTRATIVE ARRANGEMENTS AND ORGANIZATIONAL RESPONSIBILITIES

A. ORGANIZATIONAL FRAMEWORK

126. Resettlement operations involve the collaboration of a number of ministries. The Ministerio de Administração Interna coordinates with the regional and local government agencies on all resettlement issues overall. Meanwhile, the Ministerio do Plano, in close collaboration with the Department of Statistics and Census (Departamento de estatísticas e seso da população), is the agency responsible for enumerating the resident population. At the same time, the Ministerio das Obras Publicas works closely with the Department of Geography and Surveys (Direcção de geografia e cadastro), and is legally responsible for the identification of the geographic area for relocation and for confirming that the area is delivered to the resettler population without any effective occupation or use. Other ministries may be called upon to assist in economic rehabilitation (e.g., Agriculture) or in the provision of qualified personnel (e.g., Education, Health).

127. CBM has established a Steering Committee (Comité Pilotagem) to ensure coordination among the various government agencies. The Steering Committee also takes decisions about the policy direction of the CBM and its activities. (The execution of the project is delegated to the Project Management Unit.)

B. PLANNING PRINCIPLES AND PROCESS

128. CBM through IBAP will provide general direction for the planning of the expropriation/compensation and relocation processes, ensure coordination between stakeholders, and monitor implementation. At launching of each subproject, stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts. Baseline surveys, valuation of properties and payment of compensation will be completed before any physical relocation begins. Progressively, all PAPs will be consulted in the process, be it in the context of resettlement/compensation, in the context of mitigating adverse impacts on cultural heritage or in the context of mitigating other project related social impacts.

129. In line with established procedures, the Department of Statistics and Census, or its designated contractor, will conduct the registration of PAPs and properties in core park areas. The Ministry of Internal Administration, through local government or its designated contractor, will execute the valuation of houses and other assets. Meanwhile, the Department of Studies and Surveys, Ministry of Agriculture, will effect the valuation of crops and trees. The Ministry of Internal Administration, through local government, will execute payment of compensation.

130. Project operations regarding resettlement/rehabilitation will be coordinated and monitored by the CBM PMU, under the supervision of the Steering Committee. The CBM PMU will, therefore recruit a national social scientist to plan, manage and monitor the implementation of the social mitigation measures. In addition, an international resettlement expert in resettlement will be engaged on a consultancy basis with the aim of supporting the national social scientist to ensure progress on the ground, strengthen analytical capacity and provide proper documentation of operations executed.
XVII. IMPLEMENTATION SCHEDULE

131. Whether involuntary resettlement will occur under the CBM project will be determined during the first year of the project. This section therefore outlines the steps required for an implementation schedule; the actual scheduling of activities would be provided in the Resettlement Action Plan that would be developed for any specific operation.

132. During the first six months of the project, CBM, in close coordination with the Ministry of Internal Administration and the Ministry of Planning, will carry out a recensus of populations within the parks. In the buffer areas of the parks, the census will enumerate the population, including basic demographic information (e.g., age, gender, ethnic group, education, occupation). In park core areas, the recensus will include, additionally, an inventory of all assets held by resident populations, the seasonal residence of individuals not present at the time of the census, the community infrastructure that would be lost were the communities to relocate, and other matters basic for the planning of a resettlement operation.

133. At the same time, the Park Management Council will carry out an ecological inventory of the core areas to determine whether core areas with resident villages could, on environmental grounds, be rezoned as buffer areas where populations may remain.

134. In the second half of PY 1, the CBM Steering Committee, in consultation with the Ministry of Internal Administration, the Ministry of Plan, and the Park Management Councils, will hold a series of meetings in each park to determine whether any villages will be required to relocate from the core areas. These public meetings will be held in the potentially affected villages in order to inform the local population of the prospective plans and to gather local assessments of those plans.

135. In the instance that a community must relocate from a core area for ecological reasons or for its own benefit, CBM will, in close collaboration with the agencies responsible, work with the affected community to identify and select relocation sites, carry out environmental studies of potential sites, and develop a Resettlement Action Plan. The RAP will follow the outline of this RPF, and will detail the specifics of the particular resettlement operation, with particular emphasis on relocation, economic rehabilitation, implementation schedule, budget, and monitoring. The RAP will append a complete list of PAPs, an itemized list of assets taken, with the valuation for each asset lost. The draft RAP will be provided to the PAPs for their consideration and comment, which will be incorporated into the final version of the plan. The RAP will then be submitted to the Steering Committee for its consideration and approval, and will be provided to all donors for their consideration and comment.

136. Implementation of the RAP may begin only once the plan is approved by all parties involved. The operation should follow the timeline for activities in the RAP. Whether or not operations accord with the original timetable, no relocation will take place unless and until all housing, new infrastructure, and productive assets are in place and acceptable to the PAPs.
137. As mentioned, (Section ), CBM will provide for post-relocation assistance and monitoring in order to ensure that all PAPs re-establish themselves as readily as possible in the new area.

XVIII. MONITORING AND EVALUATION

A. ADMINISTRATIVE MONITORING

138. A monitoring and an evaluation plan, with mitigation measures, will be established for each resettlement operation. The scope of the plan will take into account the size of the operation and the extent of social impacts to be mitigated. The monitoring program in each case will cover internal administrative monitoring, to be conducted by the CBM PMU. This monitoring program will detail project mechanics, such as number of community meetings held and results; new lands identification and acquisition; asset loss inventories and compensation payments; number of PAPs moved individually and communally; and number and type of economic rehabilitation measures. These reports will be made quarterly.

B. SUBSTANTIVE MONITORING

139. Monitoring of the economic rehabilitation program will track both administrative and substantive activities on an annual basis. As for administrative activities, the monitoring program will review, each year, the number of proposals for remedial measures, the type of measures, and their level of financing. The monitoring program will also track the proposals for community-level measures, their type and level of funding. The concern here is that individual and community rehabilitation measures achieve the overarching resettlement objective of improving, or at a minimum at least restoring, PAPs' pre-move living standards and income.

140. Monitoring of substantive activities will focus on PAP satisfaction with the resettlement program and the success or rehabilitation measures. Participatory monitoring techniques will be used whenever possible, to create a sense of ownership and to promote community understanding of project objectives. However, responsibility of the monitoring program lies with the CBM PMU, which may contract with qualified research groups or NGOs to consult PAPs through a household survey. The aim of that survey is to assess the impacts of the social mitigation measures implemented. The contracted agency will also assess the perspectives of other stakeholders, such as local government and Park Management, in order to determine successful approaches and difficulties in the implementation of social mitigation measures. Each annual monitoring report will also append the list of community and focus group meetings, assess progress on each type of rehabilitation measure, and refine indicators to track income restoration.

141. To ensure that monitoring results are incorporated into subsequent project undertakings, the CBM IBAP PMU will organize project completion workshops with government agencies, NGOs and representatives of PAPs after completion of each resettlement operation (but prior to the closure of the mitigation measures). The aim of this exercise is to assess progress in the operations executed, suggest corrective measures where needed, and solve pending issues.

C. EXTERNAL MONITORING AND EVALUATION.
142. External monitoring will be conducted by World Bank supervision missions. Since World Bank supervision missions may be insufficient to monitor progress in the mitigation of adverse social impacts, capacity-building inputs from the international resettlement expert will guide implementation of this project. This will ensure progress on the ground; stronger analytical capacity and full documentation of safeguard operations executed.

XIX. COSTS AND BUDGET

143. This section of each RAP will estimate the costs of resettlement operation and its budgetary allocation, by source and year.

144. A template budget would be as follows:

Table 3:
Illustrative Budget Template

<table>
<thead>
<tr>
<th>ASSET ACQUISITION</th>
<th>AMOUNT OR NUMBER</th>
<th>TOTAL ESTIMATED COST</th>
<th>AGENCY RESPONSIBLE</th>
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</thead>
<tbody>
<tr>
<td>LAND ACQUISITION AND PREPARATION</td>
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<td></td>
</tr>
<tr>
<td>Land</td>
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<tr>
<td>Structures</td>
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<tr>
<td>Crops and Economic Trees</td>
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<td>Community Infrastructure</td>
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<tr>
<td>RELOCATION</td>
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<td>Transfer of Possessions</td>
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<tr>
<td>Other</td>
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<td>ECONOMIC REHABILITATION</td>
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<tr>
<td>CONTINGENCY</td>
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<tr>
<td>TOTAL</td>
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