

THE GAMBIA

PROGRAM-for-RESULTS

**PUBLIC ADMINISTRATION MODERNIZATION FOR CITIZEN
CENTRIC SERVICE DELIVERY PROJECT
(PAMP)**

**ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT
(ESSA)**

THE WORLD BANK

September 2024

Table of Contents

Abbreviations and Acronyms

Executive Summary

1.0 The Program

- 1.1 Program Overview
- 1.2 Government and Bank Program Boundaries
- 1.3 Program Financing, Results Areas and Indicators, and Disbursement Linked Indicators
- 1.4 Program Operational Arrangements
- 1.5 Theory of Change

2.0 Program Environmental and Social Effects of the proposed PAMP and the Government Capital Works Program

- 2.1 Summary Matrix of E and S risks
- 2.2 Program Expenditure Framework

3.0 Assessment of the Environmental and Social Management Systems

- 3.1 Summary of Legal and Institutional Framework
- 3.2 Overview of the Environmental Institutional and Regulatory Framework
- 3.3 Overview of the Social Institutional and Regulatory Framework
- 3.4 Comparative Analysis of Borrower System and World Bank Core Principles expressed in the Operational Policy for PforR OP9.00

4.0 Recommendations and Actions to enhance the National E and S system

Annexures

Annex 1 *Summary of Stakeholder Engagement and Consultations*

Annex 2 *Terms of Reference for Revenue Assessment of National Environment Agency (NEA)*

Annex 3 *Terms of Reference for Capacity Assessment of Local Environment Councils (LECs)*

Annex 4 *Terms of Reference for Capacity Assessment of National Environment Agency (NEA)*

Annex 5 *ESSA Analytical Framework*

Annex 6 *National Environment Quality Standards (NEQS)*

Abbreviations and Acronyms

AGD	Accountant General Department
CPCU	Central Projects Coordination Unit
DLIs	Disbursement-linked indicators
EMIS	Education Management Information System
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESSA	Environmental and Social Systems Assessment
E&S	Environment and Social
FBR	Facility Barometer Reports
GBoS	Gambia Bureau of Statistics
GRA	Gambia Revenue Authority
HRM	Human Resource Management
HRMIS	Human Resource Management Information System
IAD	Internal Audit Department
IDA	International Development Association
IPF	Investment Project Financing
LAC	Land Acquisition and Compensation Act
LEC	Local Environment Council
M&E	Monitoring and Evaluation
MoBSE	Ministry of Basic and Secondary Education
MoFEA	Ministry of Finance and Economic Affairs
MoH	Ministry of Health
MoPS	Ministry of Public Service, Administration Reforms, Policy Coordination and Delivery
NAO	National Audit Office
NEA	National Environment Agency
NEMA	National Environment Management Act
NEMC	National Environmental Management Council
OGP	Open Government Partnership
PAP	Program Action Plan
PAMP	Public Administration Modernization for Citizen Centered Service Delivery Program
PDO	Program Development Objective
PEF	Program Expenditure Framework
PforR	Program-for-Results
PFM	Public Financial Management
RA	Results Area
RF - NDP	Recovery Focused National Development Plan
RTPD	Revenue and Tax Policy Directorate
SPI	Statistical Performance Indicators
TA	Technical Assistance
TWG	Technical Working Group
TDA	Tourism Development Area

Executive Summary

A. Background and Overview

The proposed **Public Administration Modernization for Citizen Centered Service Delivery Program (PAMP)** for The Gambia is financed through a blended Investment Project Financing (IPF) and Program-for-Results (PforR) mix of instruments.

The Program Development Objective (PDO) of PAMP is to enhance domestic resource mobilization, expenditure and human resource management, and mechanisms for citizen engagement. In turn, these reforms support downstream service delivery in the education and health sectors.

The PDO is to be achieved through the delivery of activities measured by disbursement-linked indicators (DLIs) in these three Results Areas;

- **Results Area 1: Strengthening Management of Public Revenues and Expenditures;**
 - *DLI 1: Improved Tax Administration performance through the implementation of an Integrated Tax Administration System.*
 - *DLI 2: Strengthened audit reporting of government to improve transparency, accountability, and informed decision making.*
- **Results Area 2: Strengthening the Public Administration**
 - *DLI 3: Improved wage bill control through higher quality biometric data and information system optimization.*
 - *DLI 4: Improved HRM and Establishment Control practices adopted in education and health sectors.*
 - *DLI 5: Improved efficiency and effectiveness of Government operations through removal of functional overlaps and duplications.*
- **Results Area 3: Improved Transparency and Citizen Engagement in Service Delivery.**
 - *DLI 6: Improved coverage, quality, and availability of public data on service delivery performance information in the education sector.*
 - *DLI 7: Improved mechanisms for two-way citizen engagement in the education sector.*

The Program Expenditure Framework (PEF) for these results areas are as presented in Table 1 here below:

Table 1. PEF, 2024–2029, US\$000s

RA	IE	GFS Description	Budget line/GFS code	2025	2026	2027	2028	2029	Total	Govt	World Bank
									60,900	22,900	38,000
RA1	GRA	ICT Infrastructure, Hardware, Networks & Facilities	3112119	787.5	2,362.5	630	945	-			
		Energy Generating Equipment (EGE)	3112105	-	-	365.2	-	-			
		Application Systems, Software & Licenses	3112120	235	-	-	-	-			
		Recurring expenditures	2211104-2221162	2161.7	2541.6	1900.7	1870.6	2145.1			
		TOTAL		3184.2	4904.1	2895.9	2815.6	2145.1	15,944.9	7,944.9	8,000
	RTPD	Data Collection & Cleaning	2221131	193.6	154.7	164	171.6	181			
		Recurring expenditures	2211106-3112122	448	749.3	121.5	133.7	147			
		TOTAL		641.6	904	285.5	305.3	328	2,464.4	464.4	2,000
	AGD	Motor Vehicle	3112101		35.7						

		Recurring expenditures	2211101-3112118	880.1	841.3	947.1	907.5	925			
		TOTAL		880.1	877	947.1	907.5	925	5,453.8	2,953.8	2,500
	NAO	Application Software systems and Licenses	3112120	55.5	85.7	114.3	114.3	114.3		-	
		Laboratory Equipment and Instruments	3112106	-	285.7	114.3	71.4	71.4		-	
		Recurring expenditures	2211101-3112120	1,146.3	878.6	878.6	928.6	942.9			
		TOTAL		1,201.8	1,250	1,107.2	1,114.3	1,128.6	5,801.9	2,301.9	3,500
RA2	MoPS	Analysis and Strategy Preparations	2218110	300	-	-	-	-			
		Motor Vehicle	3112101	100	-	-	-	-			
		Consultancy	2218110	500	1,500	1,500	1,000				
		Recurring expenditures		1,003.7	566.4	114.5	111.5	107.5			
		ICT Infrastructure, hardware, network facilities	3112119	-	1,500	1,000	800	-			
		Data Storage Facilities and Fees	2221128	-	10	10	10	10			
		Application Software Systems and Licenses	3112120	-	-	800	850	900			
		Hardware: Servers and Equipment	3112122	-	100	-	-	-			
		Civil Services Reforms	2221135	100	176.6	176.6	176.6	176.6			
		TOTAL		2,003.7	3,853	3,601.1	2,948.1	1,194.1	13,600	3,600	10,000
	MoH	Recurring expenditures	2211101-3112117	1,513.8	1,508.7	1,565.9	1,594.8	1,616.8	7,800	4,300	3,500
	MoBSE	Recurring expenditures	2211101-2221131	496.2	1,044.8	974.2	819.9	767.4	4,102.5	602.5	3,500
RA3	MoBSE	ICT Infrastructure, Software and Hardware, Network & Facilities	3112119	58.1	189.4	48.6	48.6	48.6			
		Recurring expenditures		424.8	1,349.8	1,234.6	1,181	1,137.9			
		TOTAL		482.9	1,539.2	1,283.2	1,229.6	1,186.5	5,721.4	721.4	5,000

Furthermore, a set of complementary Technical Assistance (TA) activities are included in an IPF component as follows:

- Strengthening Tax Administration and Policy component
- Strengthening Reporting and Auditing of Government Financial Statements component
- Strengthening the Public Administration for Service Delivery component
- Improving Transparency and Citizen Engagement in Service Delivery component.
- M&E verification, and audit, and strengthened development planning component.

While the PEF does not include capital expenditures, however, to support downstream service delivery in the education and health sectors, the wider government program will include capital expenditures to finance the following categories of activities of the Ministry of Basic and Secondary Education (MoBSE) for public primary and secondary schools, and the Ministry of Health (MoH) for public hospitals and health centers, respectively, as follows:

- *Civil/infrastructural works* - the planning, operation, maintenance, rehabilitation and/or new construction of schools, hospitals, health centers and other supporting civil works.
- *IT systems and hardware*
- *Furniture and Equipment*

However, these capital expenditures are NOT being financed by the Bank and are also NOT part of the program and therefore not induced nor associated with the Bank supported program in any way.

Notwithstanding, the Environmental and Social Systems Assessment (ESSA) (i.e. this report) is the principal report of management documenting the environmental and social aspects of the PAMP's PforR activities only. The ESSA includes the Bank's assessment of the environmental and social effects of these activities, a description of the country's E&S system in place to manage these effects and recommended actions and measures The Gambia is required to take during implementation of the PAMP to improve the system's performance¹.

B. The Programs Potential Environmental and Social Effects

Consequently, the ESSA has screened the Bank financed activities of the proposed PAMP and has concluded that the overall E&S risk at the Program Level, cumulatively, is **LOW** for the following reasons;

- Program level activities funded by IDA - *Low risk* as direct E and S program effects are low, as the Bank program will not finance capital costs but mostly IT and HR systems cost and related technical assistance to strengthen NEA's capacity for strategic coordination, planning and operations.

C. Summary of the Assessment of The Gambia's Environmental and Social Management Systems

C1. The Environmental Management System

Historically, environmental preservation and conservation ideals have always been significant drivers in The Gambia's governance aspirations. In 1977, the government adopted what was then a pioneering policy statement, known as **The Banjul Declaration**, that set out to re-orientate the hearts and minds of its citizens, to inspire them to protect the country's fauna and flora. The Banjul Declaration became the foundational underpinnings for a system of laws and institutions that overtime would provide a comprehensive and robust system that at least on paper, would manage a sustainable socio-economic development agenda.

The Gambia's environmental management system is embedded in the **constitution (1997)** of the republic. The constitution requires every citizen to protect and preserve the environment, mandates the **National Assembly (the legislative body)** to enact laws to do the same and for the state to pursue a policy of corporation with other nations and bodies to protect the global environment in pursuit of broader economic objectives. In fulfillment of these constitutional requirements, a series of specific laws and regulations dealing with a host of relevant issues have been promulgated.

Specifically, with regards to development programs and projects, **the National Environment Management Act (NEMA 1994²)** is the governing law that sets out to ensure that all development programs and projects are subjected to vigorous environmental and social due diligence processes. Foremost, NEMA establishes a **National Environmental Management Council (NEMC)** that is chaired by the President and consists of several ministers. The function of the NEMC is to provide high level and strategic coordination of policies of the government and the

¹ The ESSA has been prepared informed by and consistent with the Bank's Guidance notes for Program-for-Results financing, Environmental and Social Systems Assessment, that explains various aspects of conducting the assessment for PforR operations.

² NEMA 1994 repealed NEMA 1987

private sector that have or are likely to have significant impact on the environment. Notably, NEMA mandates through the NEMC, the integration of environmental considerations in all aspects of social and economic planning.

The **National Environment Agency (NEA)** was established by NEMA, as the secretariat of the NEMC and to serve as the principal body responsible for the management of the environment. Headed by an Executive Director, the NEA, inter alia, co-ordinates all activities of the Government in the field of the environment, reviews and approves environmental impact assessments submitted in accordance with this Act or any other law and carries out environmental audits and undertakes environmental monitoring. The NEA is supported by several committees established by NEMA, including the Technical Working Group (TWG), whose main functions include, to review and advise the NEA on environmental impact assessments of projects, review and advise the Agency on any environmental plans and review and advise the Agency on any environmental standards, guidelines and regulations made pursuant to this Act.

Furthermore, **Local Environment Councils** are also established by NEMA within subnational/local governments, namely Banjul City Council, Kanifing Municipality and each of the six Area Councils that are established by the Local Government Act. The functions of these local environment councils inter alia, are to integrate environmental considerations into all plans, projects, and strategies of the Area Council, the City Council or the Municipal Council, as the case may be, co-ordinate the activities of NEMA relating to the management of the environment and natural resources within their jurisdiction, initiate and promote by-laws relating to the environment to be adopted by the various municipalities and integrate the views of the public, through wide consultation, into environmental policies and decisions.

Environmental Standards are also required by NEMA to establish criteria and measurement of environmental quality in general, and in particular: air quality, water quality, soil quality, noise, effluent, solid waste, radiation, among many other standards, codified and contained in the **Environmental Quality Standards Regulations 1999**.

Environmental monitoring for development projects (and other projects) is primarily the responsibility of the project proponent, the NEA, and the local environmental councils. Monitoring consists of the project proponent preparing and submitting environmental audit and other required reports to the NEA and local environment councils for review and/or through site visits by their inspectors. Monitoring is to ensure the mitigation measures are implemented and to determine their efficacy, which would determine whether these mitigation measures or how they are implemented, need to be changed, and for serious offences whether and how much fines and other punitive measures are to be applied. The **Environmental Impact Assessment Regulation 2014** and the Environmental Quality Standard Regulation 1999 codify the monitoring system.

National Audit Office (NAO) is established under section 159(1) of the Constitution of the Republic of The Gambia as the Supreme Audit Institution (SAI) to assist the Auditor General in the performance of the functions conferred on him or her by the Constitution or any act of the National Assembly. In addition to undertaking Financial Audits, the NAO also performs Special Audits also known as Performance Audits of sectors and programs, including reporting on E&S performance these audits.

Key Institutions with E responsibility for Development Programs and Projects	Relevant Laws for E Management of Development Programs and Projects.
<ul style="list-style-type: none"> • <i>National Environment Management</i> 	<ul style="list-style-type: none"> • <i>The 1997 Constitution</i>

<p><i>Council (NEMC)</i></p> <ul style="list-style-type: none"> • <i>National Environment Agency -</i> • <i>National Audit Office</i> • <i>Local Environment Councils</i> 	<ul style="list-style-type: none"> • <i>The National Environment Management Act 1994 (NEMA)</i> • <i>The Environmental Impact Assessment Regulation 2014</i> • <i>Environmental Quality Standard Regulation 1999.</i>
--	--

C2. The Social Management System

The **State Lands Act of 1991** and its 2008 amendment regulate land tenure and property rights in The Gambia, delineating formal and informal tenure systems. Formal tenure includes private property (freehold tenure) granted directly by the government without term limits, primarily existing in Banjul and surrounding areas. State reserves are public lands acquired for government purposes under the State Lands Act of 1991. Leasehold tenure involves leasing land from the government for specified periods. Informal tenure, known as customary land, prevails in communal areas, with rights acquired by community members.

The **Physical Planning and Development Control Act (1991)** establishes a framework for physical development plans and development control in Greater Banjul. It categorizes plans into national, divisional, development, and local types. The Land Administration Board manages land-related matters in Greater Banjul, ensuring compliance with land use and construction standards, with specific approval required for developments in open or preservation areas.

The **Land Acquisition and Compensation Act (LACA) of 1990** provides for state acquisition of property for public or planning purposes, requiring compensation for affected individuals. Compensation is determined based on the value of lands at the time of acquisition, excluding subsequent improvements. The Act outlines procedures for land acquisition, including boundary marking and public notification. Dispute resolution under LACA involves arbitration or court referral for settling compensation or title disputes. Customary land disputes are referred to relevant District Tribunals for resolution.

The **Limitation Act (2000)** aims to prevent sudden eviction of land users by absentee private landowners from abandoned lands. The **Survey Act (1991)** establishes survey standards and specifications for land registration, enabling cadastral surveys for title registration.

State Lands Regulations (1995) provide procedures for granting state lands for residential and non-residential purposes, including application requirements and approval processes.

Land tenure challenges in The Gambia include lengthy and costly title deed processes, outdated master plans, and limited public awareness about land rights. Informal land management by families complicates ownership documentation, particularly disadvantaging women due to customary norms.

State Lands Act of 1991 and 2008 amendment, governs land tenure and property rights, distinguishing between formal and informal tenure systems:

- **Formal Tenure:** Private Property (Freehold Tenure): This is the most legally secure form of land ownership, granted directly by the Government with no term limits. It primarily exists in Banjul and surrounding areas, including residential urban zones, designated state lands, acquired public lands, forest parks, wildlife reserves, nature reserves, and the

Tourism Development Area (TDA).

- **State Reserves:** These are public lands acquired by the Government under the State Lands Act of 1991 for public purposes or in the public interest. Ownership vests in the Government, which can allocate these lands through leases or certificates of allocation to state institutions, private individuals, or organizations.
- **Leasehold Tenure:** Involves leasing land from the Government or District Authority for either 21 years (provincial lands) or 99 years (state lands). Lessees pay rent and must comply with terms set by the grantor.
- **Informal Tenure (Customary Land):** This refers to traditional ownership in communal lands, where community members acquire rights. It allows for beneficial occupation and use within legal limits, with ownership passing down to successors. Customary tenure is prevalent in provinces and is administered by district authorities and local chiefs. Women often face land title insecurity due to patrilineal norms.

The Ministry of Local Government and Lands is responsible for implementing mechanisms to replace customary land administration with state-administered long leases in designated areas.

Gender and women's empowerment policies aim to address patriarchal gender inequality, promote women's participation in development, and provide survivor-driven services. Legislation prohibits violence against women and child labor, with specific penalties for offenders. The **Women's Act of 2010**, amended in 2015, serves to prevent violence against women and includes provisions against slavery or forced labor. The **Domestic Violence Act of 2013** prohibits various forms of violence, including physical, sexual, economic, and psychological violence against domestic partners, children, or co-residents.

Labor protection legislation prohibits forced and child labor, mandates non-discrimination in employment and wages, defines working hours and overtime rates, and provides annual leave entitlements. Disputes can be resolved through the Industrial Tribunal for individual labor disputes between employers and workers. **The Children's Act of 2005** contains provisions related to child labor, permitting 'light' work from the age of 16 (or apprenticeships at age 12 or after completing basic education). The **Sexual Offences Act of 2013** addresses various forms of rape and incest involving minors, with penalties ranging from ten years to life imprisonment based on the specifics of the crime.

This comprehensive legal framework aims to protect land rights, promote gender equality and labor rights, and ensure equitable development and access to resources in The Gambia.

Key Institutions with S responsibility for Development Programs and Projects	Relevant Laws for S Management of Development Programs and Projects.
<ul style="list-style-type: none"> • <i>Ministry of Lands, Department of Lands and Department of Physical Planning,</i> • <i>Ministry of Gender, Children and Social Welfare</i> • <i>Ministry of Justice</i> • <i>Department of Labor</i> 	<ul style="list-style-type: none"> • <i>The 1997 Constitution</i> • <i>State Lands Act of 1991</i> • <i>Physical Planning and Development Control Act (1991)</i> • <i>Limitation Act (2000)</i> • <i>Survey Act (1991)</i> • <i>State Lands Regulations (1995)</i> • <i>Women's Act (2010)</i> • <i>Domestic Violations Act (2013)</i>

	<ul style="list-style-type: none"> • <i>Children's Act (2005)</i> • <i>Sexual Offences Act (2013)</i> • <i>The National Environment Management Act 1994 (NEMA)</i>
--	---

Notwithstanding this fairly comprehensive E and S system on paper, the country is experiencing significant challenges managing the intense and widespread adverse environmental and social effects across all sectors of the economy, everywhere in the country. The country's once pristine coastline suffers from the significant effects of uncontrolled sand and other mining operations, untreated sewage discharge and erosion. Solid waste is mostly uncollected and is deposited along the sides of roads, in open fields and in water courses. Poor air quality persists at most times due to widespread uncontrolled open burning of waste, dust from road construction activities and vehicular emissions. Between 2001 and 2021, The Gambia lost 10.6%³ of her forest cover, equivalent to 27,000 hectares of tree cover, due to widespread cutting of trees for timber production, agricultural production and household energy needs. Rapid urbanization has contributed to serious flooding events as informal settlements and unregulated manufacturing and other businesses grow and operate on flood plains and natural water courses.

The reasons for the poor state of the environment in The Gambia are many. The main contributing factors are (i) Lack of effective leadership for accountability and to address corruption at all levels; (ii) Low political will and ranking to prioritize and to address environmental degradation; (iii) Low institutional capacity to implement and enforce the system and (iv) general lack of awareness and interest of environmental issues across the board among the general public.

C3. Summary Assessment of the Environmental and Social Management System

The assessment was performed using the Bank's recommended analytical framework for assessing E&S systems applicable to PforR program activities, based on the following Core Principles relevant for the PAMP:

- *Core Principle #1: Program E&S management systems are designed to (a) promote E&S sustainability in the Program design;(b) avoid, minimize, or mitigate adverse impacts; and (c) promote informed decision-making relating to a Program's E&S effects.*
 - The legal and regulatory framework governing environmental and social (E&S) management consists of several laws and regulations, including, primarily the National Environment Management Act (NEMA) 1994, and highlights key institutions like the National Environment Agency (NEA) responsible for managing E&S risks.
 - The system mandates E&S screening and assessments, with projects categorized as "A," "B," or "C" based on risks and potential impacts. However, specific guidelines for categorization are lacking, and stakeholder involvement is limited until the preparation of the E&S Impact Assessment (ESIA) report.
 - While the system requires the preparation of environmental and social management plans, implementation monitoring is lacking due to resource constraints. Institutions responsible for oversight lack adequate human and

³ <https://www.globalforestwatch.org/dashboards/country/GMB/>

- financial resources, presenting a significant weakness in the system.
 - To address this weakness, the program plans to build in-house capacity and provide technical assistance. Stakeholder engagement and public hearings are required at the project level, with a Stakeholder Engagement Plan developed for the proposed program.
- *Core Principle #2: Program E&S management systems are designed to avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.* Program activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing.
 - The program is deemed not to pose risks to the protection, conservation, or degradation of natural habitats, it is being recommended that new regulations for screening (under NEMA 1994) be prepared and adopted, that would ensure natural habit issues are properly screened. Furthermore, this new regulation would also better ensure potential adverse effects on cultural resources are identified and managed by qualified staff. Lastly, there is a notable absence of "chance find" procedures in the system also warranting new regulations for physical cultural resources. However, standard bidding/civil works contract documents do have chance find provisions, and these documents are now widely used in The Gambia.
- *Core Principle #3: Program E&S management systems are designed to protect public and worker safety against the potential risks associated with (a) the construction and/or operation of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.*
 - The national regulatory framework lacks specific provisions for workplace safety, relying instead on existing regulations such as the Environmental Discharge (Permitting) Regulations, 2001, and the Labor Act, 2007, to ensure protection for both workers and the environment. However, enforcement of these regulations, particularly concerning child labor, is found to be weak, with instances of child labor reported in construction-related activities. The forthcoming Program Action Plan (PAP) aims to address these gaps by incorporating measures to strengthen enforcement mechanisms and provide training for workers.
- *Core Principle #4: Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards⁴.*
 - The Bank program does not involve civil works or construction activities and therefore there are no land acquisition needs of the program.

⁴ Program activities for which the borrower's land acquisition and resettlement (LAR) processes have significant gaps with this principle, or for which the borrower lacks sufficient capacity to manage LAR impacts in a manner consistent with this principle, should not be considered eligible for PforR Financing regardless of the number of people affected, unless supplemental arrangements are agreed with the Program authorities and endorsed by the CESSO, GSURR, and/or the Regional Standards advisor

Overall, notwithstanding that the program is not associated with capital works, the ESSA concludes that the national E&S system’s identified gaps and weaknesses needs to be further strengthened to effectively manage the government’s on funded capital works program.

D. Recommendations and Program Action Plan

Given the low E and S risks of the proposed PAMP, the ESSA’s approach to address identified system weaknesses is to be proportional and targeted in its response to the findings of the assessment, by limiting the proposed system strengthening measures to the requirements essential to enhancing the capacity of the national E and S system to manage the E&S risks of their own wider capital works program which are NOT associated with nor induced by the proposed Bank financed PAMP.

This approach fulfills the Bank’s objective to also promote improved environmental and social performance in ways which recognize and enhance Borrower capacity.

In this regard, the NEA being the main institution responsible for environmental management of development national programs and projects, the recommendations therefore focus on the root causes of NEA’s ineffectiveness, which are primarily due to (i) lack of strategic oversight and accountability (ii) financial and budgetary constraints to address its capacity gaps, and (iii) weak processes for ESIA management and monitoring.

The table below thematically summarizes the recommendations:

Issue Being Addressed	Institution	Recommendations
<ul style="list-style-type: none"> lack of strategic oversight and accountability 	<ul style="list-style-type: none"> National Environment Management Council (NEMC) National Environment Agency (NEA) 	TA for NEMC to meet twice a year, primarily approve the following, inter alia, <ul style="list-style-type: none"> Assessment report and recommendations to improve NEA revenue. Measures to strengthen Local environment councils (LECs) based on capacity assessments M and E Verification protocol includes measures to report on compliance with the E and S mitigation measures in the PAP.
<ul style="list-style-type: none"> financial and budgetary constraints to address its capacity gaps 	<ul style="list-style-type: none"> NEA NEMC 	<ul style="list-style-type: none"> NEA Revenue and Capacity Assessment and Recommendations for NEMC to consider and approve. See tors in Annexes. Training

<ul style="list-style-type: none"> • weak processes for ESIA management and monitoring 	<ul style="list-style-type: none"> • NEA 	<ul style="list-style-type: none"> • Strengthening/updating/preparing of ESIA guidelines, including for screening based on results of the capacity assessments.
---	---	--

The estimated cost to implement these recommendations is one hundred and seventy-five thousand dollars (USD1750,000).

1.0 The Program

1.1 Program Overview

The Program is financed through a blended Investment Project Financing (IPF) and Program-for-Results (PforR) instruments. The Environmental and Social Systems Assessment (ESSA) (i.e. this report) is the principal report to Management documenting the environmental and social aspects of the program’s **PforR activities only**, and includes the Task Team’s assessment of the environmental and social effects of these activities, a description of country’s E&S system in place to manage these effects and recommended actions and measures the country is required to take during implementation to improve the system’s performance⁵.

The Gambia Public Administration Modernization for Citizen Centric Service Delivery (PAMP) PforR supports implementation of the Government program, the Recovery Focused National Development Plan (RF-NDP) 2023-2027. In January 2024, the GoTG approved and adopted the RF-NDP 2023-2027 to consolidate gains in democratic governance, accelerate green economic and social transformation and build resilience to shocks and crises. The RF-NDP has three major strategic objectives: (1) building household and community resilience to address shocks and crises arising from climate change, economic volatility and to counter the effects of pandemics like the COVID-19; (2) consolidating gains and addressing critical development gaps in governance and in economic and social transformation; and (3) strengthening accountability, building partnerships and setting up robust and sustainable resource mobilization strategies for effective delivery of development actions and expected outcomes. The RF-NDP is organized across seven pillars: (i) Pillar I: Resilience to Shocks and Crises; (ii) Pillar II: Governance Reforms; (iii) Pillar III: Macroeconomic Stability and Inclusive Growth; (iv) Pillar IV: Human Capital Development; (v) Pillar V: Agriculture, Environment, Natural Resources and Climate Change; (vi) Pillar VI: Empowerment, Social Inclusion and Leaving No One Behind; and (vii) Pillar VII: Energy, Infrastructure, and ICT/digital Connectivity. Each pillar outlines priority actions.

The proposed PforR focuses on a subset of RF-NDP priority actions related to improving the efficiency and transparency of fiscal and human resources management, and citizen engagement in selected service delivery sectors. These include the second pillar on Governance Reforms priority actions to “enhance governance and management of civil society organizations” and “professionalize and instill meritocracy, ethical conduct, transparency and

⁵ The ESSA has been prepared, informed by and consistent with the Bank’s Guidance notes for Program-for-Results financing, Environmental and Social Systems Assessment, that explains various aspects of conducting the assessment for PforR operations.

accountability in the public service and personnel management”; and the third pillar on Macroeconomic Stability and Inclusive Growth priority action to “enhance Public Financial Management (PFM) for macro-fiscal stability and strengthening democracy”. Table 1 summarizes the areas (the pillars) of the Government program supported by the PforR.

The proposed PforR will support the implementation of the RF-NDP (2023-2027), which includes strongly interwoven results areas to consolidate gains in democratic governance, accelerate green economic and social transformation and build resilience to shocks and crises. The PforR supports Pillar 2 “Governance Reform” and Pillar 3 “Macroeconomic Stability and Inclusive Growth” of the RF-NDP. Table 2 illustrates the scope of the Program, the duration, the geographic coverage, and the results areas. Table 3 details the Program financing.

1.2 Government and Bank Program Boundaries

Table 2.0 Government program RF-NDP and PforR Boundaries

Government Program Outcomes	Government Program Priority Actions	PforR
Pillar 1: Building Community Resilience to address Shocks and Crises		Not included
Pillar 2: Governance Reform		
Outcome 2.2: Policies and regulatory frameworks for decentralization and local governance enhanced and harmonized	<ul style="list-style-type: none"> Strengthen human and institutional capacities of LGAs. Improve land governance, property valuation, physical planning, and development control. Enhance governance and management of civil society organizations. 	Not included Not included Included (RA3)
Outcome 2.3: Climate and Climate Change Governance enhanced	<ul style="list-style-type: none"> Develop and enact Climate and Climate Change Acts Develop the National Adaptation Plan (NAP) and review and revise the National Climate Change Policy (NCCP 2017-2023) and the Climate Change Strategies. 	Not included Included (RA1 & RA2)
Outcome 2.8: An efficient, motivated, accountable, and results-oriented public service	<ul style="list-style-type: none"> Develop frameworks for harmonization of policy formulation, implementation, monitoring, and evaluation. Attract, retain, and motivate an optimal number of qualified and skilled personnel in the public service and strengthen the pension welfare scheme. Professionalize and instill meritocracy, ethical conduct, transparency, and accountability in the public service and personnel management. 	Not included Not included Included (RA2 & RA3)
Pillar 3: Macroeconomic Stability and Inclusive Growth		
Outcome 3.1: Enhanced fiscal and monetary policies, public financial management, inclusive growth, and poverty reduction.	<ul style="list-style-type: none"> Enhance Public Financial Management (PFM) for macro-fiscal stability. <ol style="list-style-type: none"> Enhance fiscal policy management. Improve revenue administration and management. Enhance public expenditure management. 	Not included Included (RA 1) Not

	<p>d. Enhance procurement management. e. Enhance public investment management. f. Strengthen Internal Oversight functions.</p> <p>g. Strengthen External Audit and Oversight functions. h. Enhance financial management, accounting, and reporting. i. Greening Public Financial Management.</p> <ul style="list-style-type: none"> • Prudent Monetary Policy for exchange rate and price stability • Inclusive Growth for poverty reduction. 	<p>included Not included Not included included Included (RA 1) Not included Not included Not included Not included Not included Not included included</p>
Pillar 4: Human Capital Development		Not included
Pillar 5: Agriculture, Environment, Natural Resources and Climate Change		Not included
Pillar 6: Empowerment, Social Inclusion, and Leaving No One Behind		Not included
Pillar 7: Energy, Infrastructure and Connectivity		Not included

Table 2.0. Program Scope

	Government program	Program supported by the PforR	Reasons for non-alignment
Objective	The program aims to consolidate gains in democratic governance, accelerate green economic and social transformation and build resilience to shocks and crises.	The Program seeks to improve efficiency and transparency in the management of fiscal and human resources as well as citizen engagement in selected service delivery sectors.	The Program focuses on the second and third pillars of the Government program, which are aimed at strengthening governance and macroeconomic stability.
Duration	2023-2027	2024-2029	The Program will continue beyond the Government program. A mid-term review of the Government program is planned for 2025 and will decide on the next phase, including an expected extension, to support the completion of activities and their verification.
Geographic coverage	Countrywide	Countrywide	Priority engagement for the Bank
Results areas	Pillar 1 – Pillar 7	The three results areas are: (i) (a) Strengthening	The Program focuses on Pillars 2 and 3. Pillars 1,

		Oversight of Public Revenues and Expenditures; (ii) Strengthening the Public Administration; and (iii) Improved Transparency and Citizen Engagement in Service Delivery.	4, 5, 6 and 7 do not contribute to the objective of the Program.
Overall Financing (US\$ millions)	US\$2,800 million	US\$474 million (of which US\$35 million from IDA, plus US\$7 million in the IPF financing TA)	The Program constitutes 17 percent of the total financing cost of the Government program, a comprehensive national development plan covering all sectors. However, Program financing constitutes 90 percent of Pillars II and III.

1.3 Program Financing, Results Areas and Indicators, and Disbursement Linked Indicators

Table 3.0. Program Financing

Source	Amount (US\$, Millions)	% of Total
Counterpart Funding	22.90	32.4%
Borrower/Recipient	22.90	32.4%
International Development Association (IDA)	47.70	67.6%
IDA Grant	47.70	67.6%
Total Operation Financing	70.60	100.00%

The PforR Program includes a combination of upstream and downstream interventions. It includes Results Area 1: Strengthening Oversight of Public Revenues and Expenditures; Results Area 2: Strengthening the Public Administration; and Results Area 3: Improved Transparency and Citizen Engagement in Service Delivery. Results Areas 1 and 2 include upstream or government-wide improvements (to be implemented by the MPA, MoFEA, GRA, NAO, and IAD) and related downstream interventions (to be implemented by the ministries of education and health, and other line ministries) to address service delivery bottlenecks. Results Area 3 focuses downstream on transparency and citizen engagement in the education sector.

Results Area 1: Strengthening Oversight of Public Revenues and Expenditures. This results area seeks to support improved oversight and transparency of public revenues and expenditures through, inter alia, Strengthened Tax Administration and Policy; and Strengthened Reporting and Auditing of Government Financial Statements.

o Results Area 1.1: Strengthened Tax Administration and Policy. This results area seeks to support the Gambia Revenue Authority (GRA) to improve tax administration practices as well as

the Revenue and Tax Policy Directorate (RTPD) within MoFEA to strengthen tax policy capacity. With respect to tax administration, this results area supports the implementation and roll-out to 12 tax offices, ensuring accessibility to Gambia taxpayers, of an Integrated Tax Administration System (ITAS) to support taxpayer registration, filing, and payment, with an overall objective of increasing the timeliness and payment of personal (PIT), corporate (CIT), and value-added (VAT) taxes. Related user training (e.g., data intelligence, business analysis, professional certifications, etc.) as well as change management and communication activities will also be supported. With respect to tax policy, this results area will seek to strengthen the capacity of the RTPD in managing and implementing tax policy in The Gambia. This includes building up mechanisms and tools to analyze and report on tax policies, including tax expenditures/ tax gap analysis and MoFEA revenue projections. RTPD will be supported to strengthen tax legislation and more transparently manage tax exemptions, with an overall objective of reducing the burden of tax expenditures. This results area will build on completed activities accomplished under the FMDFP, including the GRA business process review, development of functional and technical requirements for ITAS system, as well as the creation of the RTPD within MoFEA.

o Results Area 1.2: Strengthened Reporting and Auditing of Government Financial Statements. This results area seeks to improve the timeliness and quality of government financial statements and audits for greater transparency and accountability. It will seek to enhance the capacity of and incentivize coordination between the Internal Audit Directorate (IAD), the National Audit Office (NAO), MoFEA's Accountant General Department (AGD), and the National Assembly towards the timely production and release, and accordingly clearance of backlog, of quality annual audited financial statements and annual audit reports, with an overall objective of promoting transparency in the management of public resources by allowing citizens to understand how public funds are being managed and spent. Timely reporting will also assist the government in making informed policy choices to address fiscal challenges. To address the inefficiencies and weaknesses in the preparation of financial statements, the results area will support the preparation of a uniform set of rules and principles to: (i) ensure consistency in financial reporting across different MDAs and help accurately reflect their financial position and performance; (ii) help streamline financial reporting processes by providing a structured framework for recording, classifying and presenting financial information; and (iii) improve efficiency in preparing financial statements, reducing errors and facilitating audit. *Additionally, the NAO will be incentivized to carry out climate audits. These would encompass a performance audit of government implementation of climate change policy and progress towards nationally determined targets, helping to enhance the GoTG's monitoring and reporting of climate change-related expenditures.*

Results Area 2: Strengthening the Public Administration. This results area aims to modernize and improve the capacity and processes of public administration to facilitate increased access and quality of services through, inter alia:

o **Enhanced wage bill control through higher quality biometric database and information system optimization:** This action seeks to leverage information systems and high-quality biometric data to improve the quality of information used in Human Resource Management (HRM). It involves establishing a unified public sector database (establishment registry) derived from verified biometric census data on public employees and public employee pensioners. In the

medium-term, the modular deployment of a fully digitized and integrated HRMIS,⁶ centralizing critical HRM modules, including payroll preparation and management, and foundational registries such as those of public employees and pensioners verified data. This integrated system will be linked with the existing IFMIS and other relevant systems, facilitating automatic data exchange, better control over personnel spending, and enabling timely and effective decision-making regarding recruitment, deployment, training, and other HRM processes⁷. The development of a comprehensive HRM strategy and payroll business process re-engineering will support the integration of all relevant systems. Notably, the up-to-date and comprehensive establishment registry will include current and accurate sex-disaggregated data on public employment, enabling the identification and monitoring of gender gaps in the public sector. This work will be assisted through TA on gender statistics planned in the IPF component. Data update and collection constitutes only a first step which the GoTG is committed to utilize to address gender gaps and issues that emerge, including potentially around women's representation, recruitment, deployment, wage equity, career progression and promotion. The Bank will help to guide potential gender action through complementary policy advisory through its Strategic Governance Analytics (P500566).

o Improving HRM and establishment control practices: This action aims to ensure improved HRM business processes and improved establishment management practices, with special attention to education and health service delivery sectors, in a context in which most ministries maintain outdated establishment lists, incumbents are not mapped to budgeted positions, and enforcement of annual staff ceilings and ensuring alignment of recruitment with strategic needs is a challenge. The action would incentivize the development of a comprehensive HRM strategy and payroll business process re-engineering. Building on the HRMIS and payroll controls to be introduced, the Ministry of Basic and Secondary Education (MoBSE) and Ministry of Health (MoH) would be required to publish comprehensive establishment lists on an annual basis for civil servants in line with recruitment ceilings (including vacancies), and to develop job descriptions for each budgeted position. This will contribute to strengthening links between planning, budgeting, recruitment, and deployment of staff by maintaining up-to-date records on job vacancies, enforcing recruitment ceilings, and identifying human resource gaps in these two sectors, as well as opportunities for positive gender targeting.

Improved efficiency and effectiveness of Government operations through the removal of functional overlaps and duplications: This action aims to implement key MoPS priorities emanating from the recommendations of the horizontal functional review conducted to understand the extent of duplications and overlaps across Government institutions. It involves: (i) in-depth institutional review of the NDMA, NCCRM, and any other related agency to inform action to enhance the efficiency and capacity for disaster risk management to be presented for Cabinet adoption and subsequent implementation; and (ii) review and improve the Terms of Reference of the positions of Chief of Staff and Secretary General to ensure delineation to improve high level coordination and oversight of the public administration and its service delivery performance.

⁶ HRMIS implementation will adopt a modular approach prioritizing foundational modules, including: (i) position and organization management; (ii) personnel registry; and (iii) payroll and pension calculation.

⁷ Potential opportunities and mechanisms for data integration between existing systems including the EMIS and H-HRMIS will be explored to optimize information flow and improve inter-system communication.

Results Area 3: Improved Transparency and Citizen Engagement in Service Delivery. This results area focuses on citizen engagement in the education sector. It seeks to build on commendable improvements in statistical performance, particularly in the data use and data products pillars of the Statistical Performance Indicators (SPI) and complement on-going efforts to adopt and implement access to information legislation, and progress towards Open Government Partnership (OGP) membership. The results area targets the supply of quality, critical education sector information to citizens by government, at both national sectoral- and facility-levels. These results would be achieved through, inter alia:

o **Improved coverage, quality, and availability of public data on service delivery information in the education sector:** This action seeks to address both internal and external barriers to the transition towards a data-informed and evidence-based approach to service delivery – a critical aspect of accountable public service delivery. It will increase MoBSE’s transparency and accountability through the publication and dissemination of high-value open datasets and dashboards. High-value education outcome datasets on education quality will be made publicly available and complement the information available in the Education Management Information System (EMIS) and captured in the annual statistical yearbook. This will include efforts to: (i) support the establishment of an online platform to host and access the data; (ii) perform one-time data cleaning to enable improved coherence and interoperability of relevant data; (iii) incrementally improve the public disclosure of identified high-value datasets; (iv) produce and publish an educator sector dashboard which streamlines internal and external (i.e., citizens) access to sectoral information; and (v) disseminate publicly-available datasets.

o **Improving mechanisms for two-way citizen engagement:** This action aims to re-design and enhance the School Report Card (SRC) mechanism for public Lower Basic Schools by incorporating citizen feedback and improving the public dissemination of school financial and performance information. A climate change or “green” school certification will also be embedded into the re-designed School Report Card process, assessing schools on actions toward improved climate adaptation and mitigation (e.g., energy conservation initiatives, maintaining a school garden, harvesting rainwater, environmental education activities, tree-planting activities, etc.). This certification aims to foster environmental stewardship and awareness by recognizing low-cost sustainable practices in schools. This results area involves supporting the MoBSE in: (i) developing tools to collect feedback to gauge citizen satisfaction (see Verification Protocol under Annex 1 for details on methodology); (ii) redesigning and implementing revised Facility Barometer Reports (FBRs), which build on SRCs by providing information on budget allocation and execution data, and key provision metrics relevant to monitoring sector performance; and (iii) supporting the dissemination of FBRs through omnichannel means – both digital and analog – to decision-makers at the center of government, as well as critical constituencies, including Mothers Clubs, and PTAs, among others.

The Program Development Objective (PDO) is to enhance domestic resource mobilization, expenditure and human resource management, and mechanisms for citizen engagement. In turn, these reforms support downstream service delivery in the education and health sectors.

The following PDO-level results indicators are proposed to monitor the achievement of the PDO:

Results Area 1: Strengthening Management of Public Revenues and Expenditures

- Tax to GDP (Percentage) (new Corporate Scorecard Indicator)
- Reduced tax expenditures (percentage of GDP)
- People using digitally enabled services (ITAS e-payment service) (Number) (new Corporate Results Indicator), of which women (Number)
- Improved comprehensiveness of financial statements to reduce unreported donor funded extra budgetary expenditure (Percentage)

Results Area 2: Strengthening the Public Administration

- Current and accurate sex-disaggregated data on public employment, to monitor and promote gender equality in employment and compensation practices, contained in HRMIS (Yes/No).
- Deviation in the outturn of health and education sector employees mapped to budgeted and established positions to those receiving salaries (Percentage)

Results Area 3: Improved Transparency and Citizen Engagement in Service Delivery

- Public Lower Basic Schools utilizing revised FBRs and associated processes (Percentage)

The proposed DLIs support enhanced fiscal and human resource management as well as mechanisms for citizen engagement with a focus on the education and health service delivery sectors. Table 4.0

Table 4.0 DLRs

DLI	Disbursement Linked Results (DLR)
Results Area 1: Strengthening Management of Public Revenues and Expenditures	
DLI 1	(i) DLR 1.1: 85 percent of Large Taxpayers Using the Online Tax e-filing Service ITAS; (ii) DLR 1.2: 85 percent of Large Taxpayers Using the Online Tax e-payment Service ITAS; and (iii) DLR 1.3: Four (4) annual Tax Expenditure Reports have been published.
DLI 2	(i) DLR 2.1: Annual publication of audited consolidated government financial statements for 2022, 2023, 2024, 2025, and 2026; and (ii) DLR 2.2: Two (2) annual climate audit reports have been published.
Results Area 2: Strengthening the Public Administration	
DLI 3	(i) DLR 3.1: Comprehensive human resource management strategy, including HRMIS technical and functional specifications completed; (ii) DLR 3.2: 100 percent of civil servants and pensioners biometrically verified in establishment registry; and (iii) DLR 3.3: Two (2) budget exercises in which at least 70 percent of Ministries, Departments, and Agencies (MDAs) are using the HRMIS payroll module that is accessible to relevant users, with timely submission of data to the MoFEA payment department.
DLI 4	(i) DLR 4.1: MoBSE and MoH have published four (4) annual comprehensive establishment lists in line with recruitment ceilings (including vacancies) and developed job descriptions for each budgeted position, with a target of 100 percent; and (ii) DLR 4.2: Three (3) budget cycles in which variance between health and education sector employees mapped to budgeted and established positions to those receiving salaries reduced to ≤ 5 percent.
DLI 5	(i) DLR 5.1: Enhanced efficiency and capacity for disaster risk management; and (ii) DLR 5.2: Improved clarity and delineation of responsibility for high level coordination and oversight of the public administration and its service delivery performance.

Results Area 3: Improved Transparency and Citizen Engagement in Service Delivery	
DLI 6	(i) DLR 6.1: 20 targeted datasets ⁸ published ⁹ within six months of their internal release within the Government.
DLI 7	(i) DLR 7.1: 50 percent of Public Lower Basic Schools (receiving school improvement grants) releasing FBRs on an annual basis, which include remedial actions in school improvement plans and citizen satisfaction data.

The primary beneficiaries of the project are public institutions responsible for fiscal and human resource management, as well as service delivery institutions in selected sectors.

In this regard, TA and capacity-building support will benefit the GRA, TPD, IAG, NAO, and AGD (under component 1); the MPA (under component 2); and the MPA, GBoS, and MoBSE (under component 3). At a secondary level, it is expected that a more transparent, accountable, and capacitated public administration will benefit the general public through greater efficiency in the use of public resources as well as improved capacity to design and deliver public services, especially in the human development sectors which is a direct focus area of the project. Engagement mechanisms that support transparency and accountability will similarly support citizens and Civil Society Organizations, media, and citizens to have better access to service delivery performance information and greater opportunity to express satisfaction with government services.

Program Institutional Arrangements

MoFEA is responsible for the strategic coordination and implementation of activities under Results Area 1 of the Program and the IPF, including the procurement, financial management, and environmental and social (E&S) aspects. MoPS and MoBSE are respectively responsible for the implementation of Results Area 2 and 3. A Central Projects Coordination Unit (CPCU) has been put in place within the MoFEA and is responsible for the coordination of World Bank financed projects. The CPCU will oversee day-to-day implementation of the IPF component and provide fiduciary and coordination support to the overall Program.

The GRA, RTD, AGD, NAO, MoPS, MoBSE and MoH will be responsible for achieving DLIs according to their respective mandates. Technical assistance will be provided to the AGD, NAO and IAD to strengthen their capacities and facilitate DLI achievement. In addition, DLI focal points will be designated in each implementing entity to facilitate the preparation of the respective DLI technical notes and clarify accountability monitoring and addressing implementation issues.

Overall strategic oversight of the Program will be provided by the Cabinet of the GoTG.

This reflects the cross-cutting and Center of Government reforms supported by the Program. A Technical Secretariat constituted at the level of Permanent Secretary will provide more frequent coordination across all IEs, each of which will be members. The Technical Secretariat will be chaired by the MoPS which plays a Center of Government role and will decide on issues to be raised to the level of Cabinet. It will be responsible for overseeing the Program to ensure a coherent approach and validate the annual work plan and budget, and it will provide a quarterly progress report to the World Bank. The Technical Secretariat will be assisted by both the MoPS Delivery Unit, which is responsible for monitoring and evaluation of Government programs, and

⁸ This will include the release of disaggregated, anonymized National Assessment Test (Grade 3, 5, and 8) and Gambia Basic Certificate Examination data, along with the datasets made available in the annual statistical yearbook. Each assessment per year per grade is considered a dataset, along with the data in the annual statistical yearbook.

⁹ On MoBSE website.

which will perform the same role for PAMP, and the CPCU, which will be responsible for raising implementation level issues.

Figure 1.0 Institutional Arrangements

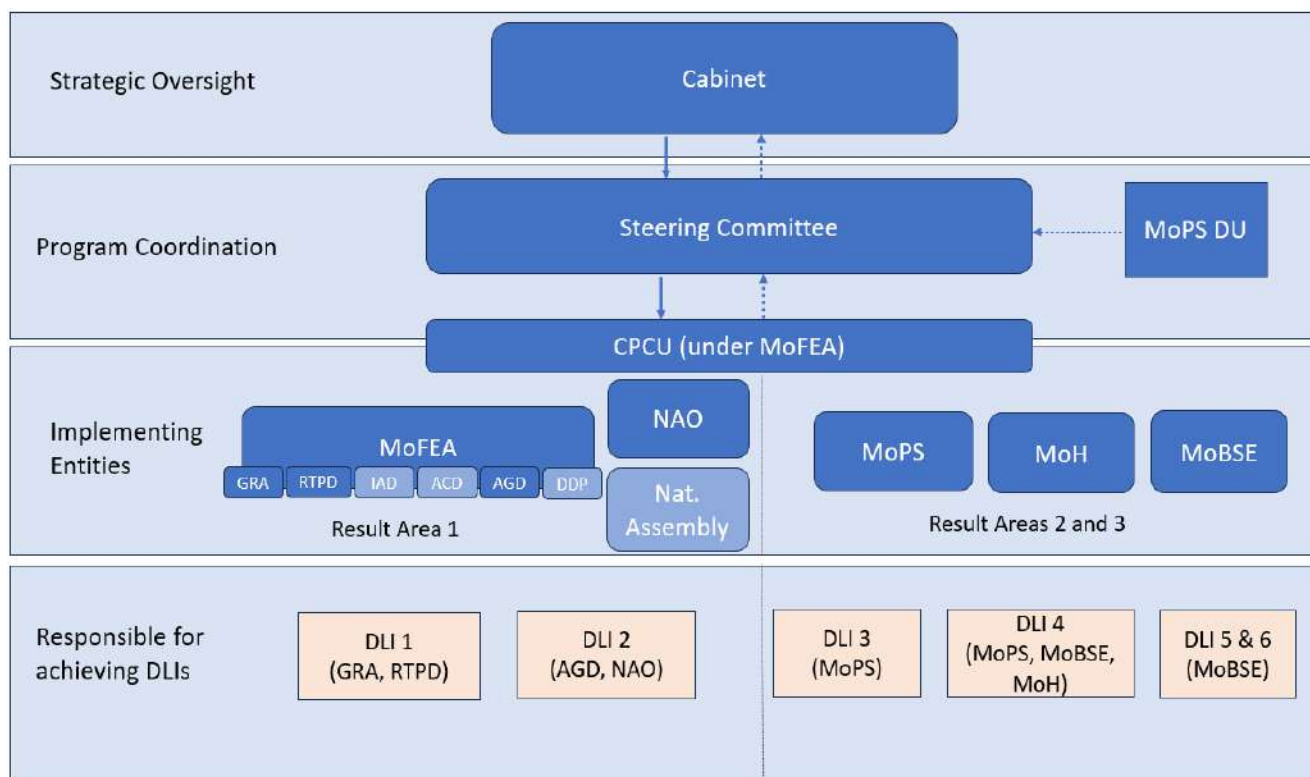


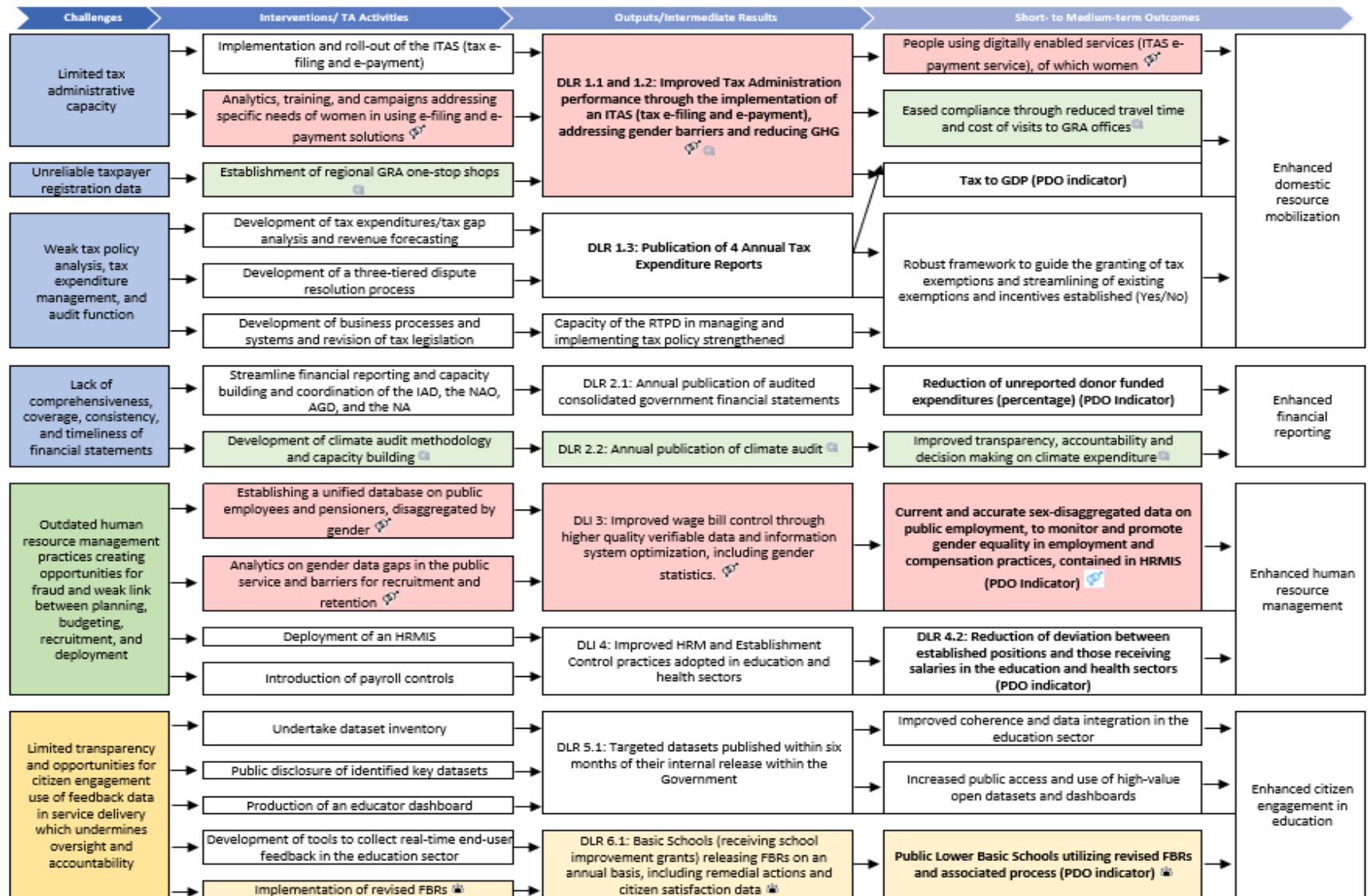
Table 5.0: Program Implementing Partners and Agencies with ESSA responsibilities only

Institution	Main role/function (* meaning ESSA role only)
Ministry of Finance and Economic Affairs (MoFEA)	Grant Recipient
Central Projects Coordination Unit (CPCU)	Coordination and implementation of the program.
National Environment Agency* (NEA)	Key custodian of the environmental management system
Local Environment Committees*	Key roles for environment and social issues in local councils.

This operation would be the first PforR in The Gambia. Reflecting the learning curve involved, the PforR will integrate an Investment Project Financing (IPF) component. The IPF component would enable direct procurement and financing of technical assistance, capacity building, and change management and other “soft” activities foundational to the achievement and consolidation of PforR results. The IPF

Component would also serve to finance and procure technical assistance and capacity building required to address gaps in country systems or capacities identified by the currently ongoing PforR Readiness Assessment for The Gambia.

1.5 Theory of Change



2.0 Program Environmental and Social Effects of the proposed PAMP and the Government Capital Works Program

2.1 Summary Matrix of E and S Effects

Table 6.0 Overall Environmental and Social Effects

Result Areas ^{1, 2,3} Sector/Activities ¹⁰	Potential Environmental Effects	Potential Social Effects	Institutional and Reputational Risks
HR, Tax and Finance IT Data Systems and TA services	Low Risk	Low Risk: exclusion, inaccessibility to GRM by small scale taxpayers for dispute settlement, risks of cyber-attacks leading to unauthorized access to personal data that can then be used to cause financial harm to taxpayers and staff.	Moderate Risks GRA and Sector Ministries will suffer reputational and political risks if these social effects are not avoided or successfully mitigated when they occur.
<p>Program Moderate Risk: The E and S risk of the program overall is LOW for the following reasons;</p> <ul style="list-style-type: none"> • Program - <i>Low risk</i> as direct E and S program effects are low, as Bank program will not finance capital costs but mostly IT and HR systems cost and related technical assistance to strengthen NEA's capacity for strategic coordination, planning and operations. The IDA-financed program does not fund Capital Expenditures. • The Government's own wider Capital Works program which is NOT financed under the government contribution is independent of, does not induce nor associated with the IDA financed activities. • Therefore, the proposed PAMP Environment and Social risks are LOW. 			

2.2 Program Expenditure Framework

Table 7.0 Program Expenditure Framework (PEF) 2024–2029, US\$000s

RA	IE	GFS Description	Budget line/GFS code	2025	2026	2027	2028	2029	Total	Govt	World Bank
									60,900	22,900	38,000
RA1	GRA	ICT Infrastructure, Hardware, Networks & Facilities	3112119	787.5	2,362.5	630	945	-			
		Energy Generating Equipment (EGE)	3112105	-	-	365.2	-	-			
		Application Systems, Software & Licenses	3112120	235	-	-	-	-			
		Recurring expenditures	2211104-2221162	419.4	1,000.2	413.1	335.4	461			
		TOTAL		1,441.9	3,362.7	1,408.3	1,280.4	461	15,954.3	7,954.3	8,000
	RTPD	Data Collection & Cleaning	2221131	193.6	154.7	164	171.6	181			
		Recurring expenditures	2211106-	448	749.3	121.5	133.7	147			

¹⁰ Capital Expenditure on IT Systems, Infrastructure, Furniture and Equipment

			3112122								
		TOTAL		641.6	904	285.5	305.3	328	2,464.4	464.4	2,000
	AGD	Motor Vehicle	3112101		35.7					-	
		Recurring expenditures	2211101-3112118	880.1	841.3	947.1	907.5	925			
		TOTAL		880.1	877	947.1	907.5	925	5,453.8	2,953.8	2,500
	NAO	Application Software systems and Licenses	3112120	55.5	85.7	114.3	114.3	114.3		-	
		Laboratory Equipment and Instruments	3112106	-	285.7	114.3	71.4	71.4		-	
		Recurring expenditures	2211101-3112120	1,146.3	878.6	878.6	928.6	942.9			
		TOTAL		1,201.8	1,250	1,107.2	1,114.3	1,128.6	5,801.9	2,301.9	3,500
RA2	MoPS	Analysis and Strategy Preparations	2218110	300	-	-	-	-			
		Motor Vehicle	3112101	100	-	-	-	-			
		Consultancy	2218110	500	1,500	1,500	1,000				
		Recurring expenditures		1,003.7	566.4	114.5	111.5	107.5			
		ICT Infrastructure, hardware, network facilities	3112119	-	1,500	1,000	800	-			
		Data Storage Facilities and Fees	2221128	-	10	10	10	10			
		Application Software Systems and Licenses	3112120	-	-	800	850	900			
		Hardware: Servers and Equipment	3112122	-	100	-	-	-			
		Civil Services Reforms	2221135	100	176.6	176.6	176.6	176.6			
		TOTAL		2,003.7	3,853	3,601.1	2,948.1	1,194.1	13,600	3,600	10,000
	MoH	Recurring expenditures	2211101-3112117	1,513.8	1,508.7	1,565.9	1,594.8	1,616.8	7,800	4,300	3,500
	MoBSE	Recurring expenditures	2211101-2221131	496.2	1,044.8	974.2	819.9	767.4	4,102.5	602.5	3,500
RA3	MoBSE	ICT Infrastructure, Software and Hardware, Network & Facilities	3112119	58.1	189.4	48.6	48.6	48.6			
		Recurring expenditures		424.8	1,349.8	1,234.6	1,181	1,137.9			
		TOTAL		482.9	1,539.2	1,283.2	1,229.6	1,186.5	5,721.4	721.4	5,000

3.0 Assessment of the Environmental and Social Management Systems for PAMP

3.1 Summary of Legal and Institutional Framework

Table 8.0: Summary Matrix of Legal and Institutional Framework

Legal Framework	Institutional Framework	Core Functions and Responsibility
<p>Constitution of The Gambia (1997) – Ensures the Republic shall pursue policies and enact laws to protect the environment and persons from discrimination and deprivation of property.</p>		
<p>National Environment Management Act (NEMA) 1994</p> <ul style="list-style-type: none"> • principal law governing environmental management 	<p>establishes:</p> <ul style="list-style-type: none"> • National Environment Management Council (NEMC) • National Environment Agency (NEA) • Technical Working Group (TWG) • Local Environment Committees (LECs) 	<ul style="list-style-type: none"> • NEMC -Chaired by the President, comprising several cabinet ministers, highest decision-making body for environmental matters. • NEA – secretariat and executing body of the NEMC, responsible for ESIA matters, inter alia. • TWG – technical support to NEA Executive Director • LECs – coordinate and integrate environmental issues at the local government level.
<p>Environment Impact Assessment (EIA) Regulations 2014</p> <ul style="list-style-type: none"> • principal law governing ESIA's for all projects and programs. 	<ul style="list-style-type: none"> • NEA • PAMP Program Proponents (MoBSE and MoH) 	<ul style="list-style-type: none"> • NEA – Coordination and Oversight of all ESIA matters. • E and S Screening • Prepare and implement ESIA and ESMPs.
<p>Environmental Quality Standards Regulation 1999</p> <ul style="list-style-type: none"> • principal for National Environmental Quality Standards. (NEQS) 	<ul style="list-style-type: none"> • NEA 	<ul style="list-style-type: none"> • Establishes the National Environmental Quality Standards (NEQS).

<p>National Audit Office Act (NAO) 2015</p>	<ul style="list-style-type: none"> • National Audit Office (NAO) 	<ul style="list-style-type: none"> • In addition to financial audits, NAO's mandate includes undertaking Performance Audits of public sector ministries, institutions, and areas of public interest, including on environmental matters.
<p>State Lands Act of 1991 (amended 2008)</p> <ul style="list-style-type: none"> • regulate land tenure and property rights. 	<ul style="list-style-type: none"> • Ministry of Lands • Department of Physical Planning 	<ul style="list-style-type: none"> • Land policy and administration with respect to Land Acquisition.
<p>Physical Planning and Development Control Act (1991)</p> <ul style="list-style-type: none"> • physical development plans and development control • establishes Land Administration Board (LAB) 	<ul style="list-style-type: none"> • Department of Physical planning • NEA 	<ul style="list-style-type: none"> • Land surveys, demarcation and planning. • Environmental compliance.
<p>Land Acquisition and Compensation Act (LACA) of 1990</p> <ul style="list-style-type: none"> • provides for state acquisition of property for public or planning purposes, • requiring compensation for affected individuals 	<ul style="list-style-type: none"> • Ministry of Lands Department of Physical Planning 	<ul style="list-style-type: none"> • Land acquisition and administration
<p>State Lands Regulations (1995)</p> <ul style="list-style-type: none"> • procedures for granting of state land 	<ul style="list-style-type: none"> • Department of Land/Physical Planning • LAB • Minister of Lands 	<ul style="list-style-type: none"> • Departments Survey • LAB recommends. • The Minister of Lands gives consent.
<p>Women's Act (2010, 2015)</p> <ul style="list-style-type: none"> • provisions to protect the rights of women. 	<ul style="list-style-type: none"> • Ministry of Gender, Children and Social Welfare 	<ul style="list-style-type: none"> • Policy coordination for the rights and protection of women, children and the vulnerable

<p>Childrens Act (2005)</p> <ul style="list-style-type: none"> • Safety and protection of children from exploitation. 	<ul style="list-style-type: none"> • Department of Labor, the courts. 	<ul style="list-style-type: none"> • Minimum Age restrictions: • Age 16 for work and age 12 for apprenticeships
<p>Labor Act (2007)</p> <ul style="list-style-type: none"> • provisions for the rights of workers. 	<ul style="list-style-type: none"> • Department of Labor 	<ul style="list-style-type: none"> • Prohibitions include forced labor, child labor and discrimination. • Regulates working hours and standards.

3.2 Overview of the Environmental Institutional and Regulatory Framework

National Environment Management Council (NEMC). Established under the National Environment Management Act of 1994 (NEMA 1994), the **NEMC** is the apex decision making body of the country, chaired by the President of the Republic of The Gambia, consisting of several ministers listed in the act, including the Minister of Finance, mandated to coordinate and harmonize all policies and plans that deal with the environment, including integration of environmental considerations in all aspects of social and economic planning.

The NEMC is also mandated to supervise the **National Environment Agency (NEA)** to meet quarterly. Even though the NEA serves as the secretariat of the NEMC, with the Executive Director of the NEA serving as Secretary to council.

The NEMC is the main policy-making body for environmental management in the Gambia. This Council is chaired by the President of the Republic of the Gambia, with the Ministers responsible for the following Ministries as members: Natural Resources; Agriculture; Health and Social Welfare; Finance and Economic Affairs; Trade Industry and Employment; Local Government and Lands. In addition to the composition of this council, the President may co-opt any person into the Council as member.

The functions of the NEMC are; (a) be the policy making organ of the NEA; (b) co-ordinate all policies, whether by government or the private sector, which have or are likely to have a significant impact on the environment; (c) integration of environmental considerations in all aspects of social and economic planning; (d) harmonize the plans and policies of the various sectors dealing with the environment and approve all environmental plans and policies; (e) promote the use of renewable sources of energy and the conservation of traditional sources; (f) supervise the work of the NEA; (h) establish the terms and conditions of service of the staff of the NEA; (i) commission and publish studies on the environment promote public awareness of the environment; (j) adopt standards, guidelines and regulations proposed by the NEA; and (k) perform such other matters as Government may assign to the NEMC.

However, since 2017 the council has only met two or three times. The implications for this are far reaching, including:

- Challenging and critical environmental issues not addressed at the highest decision-making level.
- Absence of strategic policy response to the environmental challenges the country faces.
- Capacity of NEA not addressed, e.g., challenges NEA faces to collect their revenue.
- Challenges affecting inter agency coordination not addressed.
- Ultimately, the result is the missed opportunity/platform at the highest decision-making level to discuss and formulate the required policy responses to address the poor state of the environment.

The Ministry of Environment, Climate Change and Natural Resources (MECCNAR).

MECCNAR is the ministry with overall responsibility for overseeing and coordinating the development and implementation of policies and programs relevant to the environment, climate change, and natural resources management in the Gambia. MECCNAR's hosts the Climate Change Secretariat, the Forestry Department, and Parks and Wildlife Department. However, the NEA is neither an agency nor the line ministry of the MECCNAR, and therefore has no reporting line to this or any other ministry. NEA reports only to the NEMC. MECCNAR established a Central Projects Coordinating Unit (CPCU) in 2016 to coordinate the implementation of the ministry's development projects. MECCNAR is custodian of the Climate Change Policy (2006) and the Forestry Policy (2010 – 2019).

The NEA and the ministry responsible for the environment, i.e., MECCNAR, have no reporting lines, not even dotted. The NEA reports only to the NEMC. The MECCNAR can administratively influence the NEA only through the NEMC. The ministry responsible for the environment is not even listed in the NEMA as a statutory member of the NEMC. However, the ministry responsible for the Natural Resources is listed as a statutory member of the NEMC, and therefore by coincidence, since the environment portfolio is in the same ministry as natural resources (ie MECCNAR), environment is represented on the NEMC.

National Environment Agency (NEA). Established under the NEMA, under the National Environment Management Act (NEMA), 1994 as a semi-autonomous agency¹ with an independent structure to serve as the “principal body responsible for overall management of the environment” in the Gambia. The NEA is the advisory body to the National Management Council (NEMC) on the formulation, review, revision and repealing of environmental policies, plans, standards, guidelines, criteria and regulations.

The functions of the NEA include; (a) implementing the policies of the Council on the environment; (b) liaising with the various ministries, departments, and agencies of Government on all issues relating to the environment and ensure that environmental concerns are integrated into all spheres of national planning and project implementation; (c) liaising with the private sector, inter-governmental organizations, non- governmental organizations, governmental agencies of other states on all issues relating to the environment; (d) preparing proposals for environmental policies and strategies for the Council; (e) initiating legislative proposals, standards, guidelines, and regulations in accordance with the provisions of NEMA; (f) reviewing and approving environmental impact assessments submitted in accordance with NEMA or any other law; (g) undertaking studies and submit reports and recommendations to the Council on such matters as are likely to have an impact on the environment; (h) promoting public awareness of environmental issues through gathering, analyzing and disseminating

information about the environment and publishing periodic reports on the state of the environment; attend to any complaint relating to the environment addressed to it; (j) carrying out environmental audits and monitoring; and (k) carrying out such other functions as the NEMC may assign to it or as may be incidental or conducive to the exercise by NEA of any powers provided for under NEMA.

Administratively, NEA reports only the NEMC, and is led by the Executive Secretary, who is assisted by a Deputy Executive Secretary and three directorates, namely, Technical Services (TSN), Inter-sectoral Services (ISN), and Administration and Finance (AFN). Under these directorates, various programs and services are performed and carried out.

The NEA is not overseen by a board per se, however, two statutory committees under NEMA, the Technical Advisory Committee, and the Administration and Finance Committee provide day to day oversight and technical support to NEA management.

The total staff complement of NEA includes;

Administratively, NEA reports only the NEMC, and is led by the Executive Secretary, who is assisted by a Deputy Executive Secretary and three directorates, namely, Technical Services (TSN), Inter-sectoral Services (ISN), and Administration and Finance (AFN). Under these directorates, various programs and services are performed and carried out.

Table 9.0 Revenue Streams for NEA

	Revenue Type	Source of Revenue	Challenges¹¹
1.	Subvention from Government	Ministry of Finance and Economic Affairs (MoFEA)	This is allocation is in the national budget that is approved by the National Assembly for each year to support NEA to meet its mandate. However, for Q1 2024, NEA received only 25% of the GMD3.034M it was allocated in the budget. Only 49% of the subvention was received in the previous year.
2.	Environmental Tax on Imports	Gambia Revenue Authority (GRA)	Previously, the agency received these funds directly from the GRA, however, over the past year, NEA up to the date of this report, has not received these funds.
3.	Environmental Tax on Used Cars	Gambia Revenue Authority (GRA)	The NEA is only receiving 75% of the environmental tax on used cars, not the whole amount.
4.	5% royalties on quarrying / mining activities/licenses	Geology Department	The NEA receives this twice a year, in January and December, each year. NEA feels this proportion is too small and does not consider the work NEA performs

¹¹ According to NEA Management

			in the licensing process and subsequent work it must do as mandated by law.
5.	Environmental tax on petroleum products	Ministry of Petroleum	NEA does not receive this revenue
6.	Environmental Levy on tobacco	Gambia Revenue Authority (GRA)	NEA receive this levy in 2022/23, but this has ceased.
7.	Environmental Levy on emission from industries	Gambia Revenue Authority (GRA)	This is another potential source of revenue for the NEA that is not received by them.
8.	Environmental levy on second-hand goods	Gambia Revenue Authority (GRA)	This is another potential source of revenue for the NEA that is not received by them.
9.	Percentage of licensing or registration of ships	Gambia Maritime Authority (GMA)	This is another potential source of revenue for the NEA that is not received by them.
10.	Percentage of licensing of forest products	Department of Forestry	This is another potential source of revenue for the NEA that is not received by them.
11.	Percentage of licensing of oil exploration	Ministry of Petroleum	This is another potential source of revenue for the NEA that is not received by them.
Internal Sources of Revenue			
12.	1% Project Developmental cost/ fees submitted for environmental Impact Assessment approval	Project Developers	Most of the big projects are either government or government-related and the 1% development cost is not paid to the NEA. In some cases developers are granted a waiver by the government.
13.	EIA screening forms	Project Developers	The NEA receives these payments from screening applications.
14.	EIA Scoping visit fees	Project Developers	The NEA receives these payments from screening applications.
15.	Pesticides registration and licensing enforcement	Dealers	Compliance related fines
16.	Plastic Ban Fines through enforcement	Vendors, dealers and importers.	From Non-Compliance and court fines.

	Compliances related fines		
--	---------------------------	--	--

Local Environment Councils (LECs). Established under NEMA, LECs exists at

- Banjul City Council
- Kanifing Municipal Council, and
- Basse Area Council,
- Brikama Area Council,
- Janjangbureh Area Council,
- Kerewan Area Council,
- Kuntaur Area Council and
- Mansakonko Area Council.

The functions of the LEC include; (a) integrate environmental considerations into all plans, projects, and strategies of the Area Council, the City Council or the Municipal Council, as the case may be;(b) co-ordinate the activities of the Agency relating to the management of the environment and natural resources within their jurisdiction; (c) initiate and promote by-laws relating to the environment to be adopted by the various municipalities. (d) co-ordinate with the Agency and other ministries dealing with the environment; and co-ordinate the village or ward environment Committees, as the case maybe; (e) receive reports from village Environment Committees or Ward Committees, as the case may be; (f) integrate the views of the public, through wide consultation, into environmental policies and decisions; (g) develop a local environment plan and (h) prepare a state of the environment report for the area under its jurisdiction at such intervals and in such form as may be prescribed.

Given that most of the Ministry of Education and Ministry of Health facilities are in the municipalities outside Banjul and Kanifing, and where NEA are least present, the LECs would be relied upon to assist the NEA. Therefore, the capacity of the LECs needs to be strengthened.

National Audit Office (NAO) is established under section 159(1) of the Constitution of the Republic of The Gambia as the Supreme Audit Institution (SAI) to assist the Auditor General in the performance of the functions conferred on him or her by the Constitution or any act of the National Assembly. The Auditor General is responsible for auditing the accounts of all Government institutions, Local Government Authorities and other public bodies. NAO was granted autonomous status by the National Assembly through the National Audit Office Act 2015¹².

NAO is headed by the Auditor General assisted by an advisory board and a senior management team . There are 117 staff at present. This includes 71 technical staff, two-thirds of whom have undergraduate degrees in accounting or a related field, a few are ACCA holders, and the rest of the technical staff are studying in various disciplines. NAO expect to increase the staff number to 250 in the next two years to effectively execute our mandate.

¹² NAO Strategic Development Plan 2020-2024

Female staff currently occupy 43% of our technical positions. As an equal opportunity employer, the office confirms that it does not discriminate based on gender, ethnicity or physical disability and are committed to recruiting more female employees to ensure gender balance in the staff compliment, including in senior management.

Over the past years, NAO has earned the public's trust for the quality and objectivity of not only its Financial Audit reports but also its Performance Audit reports, which are publicly disclosed on its website. Since 2015, NAO has published twelve Performance Audit reports¹³, focus on all sectors including, Solid Waste Management by Banjul City Council, HIV/AIDS Prevention, Treatment, Care and Support Programmes by National Aids Secretariat Report, Monitoring of the Education System by the Ministry of Basic and Secondary Education (MOBSE) Report and Performance Audit Report on the Provision of Water by NAWEC.

These audit reports are presented to the relevant committees of the National Assembly and are an essential tool in the governance system to help ensure accountability. NAO has agreed to undertake performance audits of the program of the two key ministries of Health and Education focusing on the national E and S systems performance to effectively manage these issues in the two key service sectors programs. These performance audits will report on NEA's performance in addressing these issues.

National Environment Management Act (NEMA 1994). NEMA is the overarching law that provides for the control and management of the environment. It establishes the National Environment Management Council (NEMC) and the National Environment Agency (NEA), giving them their mandate and specifying their functions, and how they are governed and what their powers are, and provides the underpinnings for the promulgation of underlying regulations. These regulations are submitted to the NEMC for approval and signed into law by the Chairman. Furthermore, NEMA establishes and makes provision for the Local Environment Councils under the municipalities and area councils which are the sub national institutions in the country. The NEA also makes provisions for (i) environmental impact assessment, impacts and monitoring, (ii) environmental standards, (iii) environmental management, (iv) pollution control, (v) inspection, analysis and records, (v) information, education and public awareness, (vi) offences, and (vii) judicial proceedings.

Environment Impact Assessment (EIA) Regulations 2014. The EIA system of the country is codified under this regulation under NEMA, providing for the EIA procedure, review, approval, public hearing, and monitoring.

Environmental Quality Standards Regulation 1999. Establishes the Environmental Quality Standards Board, chaired by the Executive Director of the NEA, whose main functions are to propose environmental quality standards to the NEMC and to review same periodically. This regulation sets out the environmental quality standards in schedule I that apply to ambient air, saline waters, surface fresh waters and groundwater, and further mandates the NEA to monitor these standards.

The Environmental and Social Impact Assessment Process

The National Environment Agency (NEA) is tasked with coordinating the environmental and social impact assessment (ESIA) process, from the submission of project briefs to approval and subsequent monitoring of implementation. Part V of the National Environment

¹³ <https://nao.gm/performance-audit-reports/>

Management Act (NEMA) 1994 sets forth the requirements for environmental impact assessment, while the Environmental Impact Assessment Regulations of 2014 provide detailed guidance on conducting ESIA. At the NEA, EIA Program Officers assess proposed projects based on EIA Screening Forms completed by the project developer, which details the planned activities. They determine whether a project requires an environmental impact assessment (EIA) or not. This determination is made according to the classification outlined in Table 8.0, and subsequent steps are then followed accordingly.

The government-finance capital works program would potentially fall under either Class A or Class B, thereby requiring that the respective MoBSE and MoH civil works programs be screened with the support of the multisector EIA Working Group to determine the scope and the terms of reference for the environmental impact study, which would in most cases simply be just an environment and social management plan for each activity/site/facility, which would then be prepared by the respective ministry. Upon completion, the ESIA/ESMP report would be submitted to the NEA for review by their working group, before it is approved and publicly disclosed.

Public Hearing

The public hearing for the Environmental and Social Impact Assessment (ESIA) process is governed by the following procedures:

The public hearing must be held within a period determined by NEA in consultation with the Lead Department/Project Proponent, typically between thirty to forty working days after receiving comments.

- A suitably qualified mediator, appointed by the Executive Director, presides over the public hearing under agreed terms and conditions with the Lead Department.
- The scope of the public hearing matches the nature and size of the project. It takes place at a convenient and accessible venue for those likely to be affected by the project.
- The date and venue of the public hearing are publicized through mass media to inform and engage affected individuals and stakeholders.

After the public hearing, the mediator compiles a report summarizing the views expressed and presents factual findings from the hearing.

However, under the government's own program, it is likely that most of their activities would be Class B, requiring only ESMPs and those classified A would require full ESIA's.

Table 8.0 EIA Classification System of The Gambia

Category	Impact Significance	Decision on EIA Requirement
Class A	Significant negative or adverse impacts	A full Environmental Impact Assessment is required based on the information provided.
Class B (<i>where most civil works activities under the Government program are likely to fall</i>)	Insufficient information for informed decision making	Where the information provided is inadequate to screen the project, a temporary classification is given pending such information. The NEA will request, in writing, the specific additional information required to determine if the project falls under Class A or C. Class B projects may be required to provide specific information such as an ESMP.
Class C	Minimal / no significant impact	Where the Project has potential negligible potential impacts, Environmental Approval may be granted without a full study (an environmental management plan or other conditions may still be required). When there are no significant adverse impacts, the project proponents may proceed without any further analysis.

Clearance Process

Upon completion of the studies, the ESIA/ESMP report is submitted to the NEA for review by the EIA Working Group to ensure the terms of reference were addressed. The report is subsequently revised by the project developer to incorporate the valid comments and once the EIA Working Group is satisfied with the ESIA/ESMP, the NEA gives its approval.

3.3 Overview of the Social Institutional and Regulatory Framework

The Physical Planning and Development Control Act (1991)

The Physical Planning and Development Control Act (1991) establishes a legal framework for creating and approving physical development plans and controlling developments, including buildings, to enhance land use and the environment in Greater Banjul. It categorizes plans into four types: national, divisional, development, and local.

A **Land Administration Board (LAB)** manages land-related matters in Greater Banjul Area (GBA), handling applications for land, leasing, acquisition, compensation for public purposes, and resolving land disputes. The Act ensures that developments adhere to land use planning

and construction standards. Development in open land or preservation areas requires Ministerial approval under the Act's regulations. Works in historically, archaeologically, or culturally significant areas protected by the National Council for Arts and Culture are restricted.

Permits can be sought from the Planning Authority for works in areas governed by the Act. The Land Use Regulations of 1995 were made under the Physical Planning and Development Control Act (1991).

Land Acquisition and Compensation Act (LACA) of 1990

The **Land Acquisition and Compensation Act (LACA) of 1990** provides the legal framework for the state to acquire property for public or planning purposes throughout the national territory. Compensation is required for those affected by involuntary displacement due to such acquisitions.

Under this Act, Land acquisition is for public purposes outlined in planning objectives defined by the Physical Planning and Development Control Act. Acquired land is designated as state land and administered under the State Lands Act of 1991. The Minister is empowered to acquire property for public or planning purposes by paying agreed-upon compensation determined under the Act.

Compensation under LACA:

- For customary tenure, compensation covers loss of usufructuary rights.
- For freehold land, compensation is based on the value of the land at the time of acquisition, excluding improvements made afterward. The compensation includes payment for loss of rents and profits between the time the state acquires the land and the compensation payment.

Procedures for land acquisition under LACA involve:

- Clearing, setting out, and marking boundaries of the proposed acquisition.
- Serving notice of intention to affected persons.
- Issuing a public notice for six weeks, describing the acquisition purpose through gazettes, major newspapers, and national radio broadcasts.
- Responding to public queries within 21 days.
- Allowing the government to take possession of the land only after the notice period expires.

Dispute resolution under the Land Acquisition and Compensation Act (LACA) allows for settling disagreements on compensation or title through arbitration or the Supreme Court. Key provisions include:

- Disputes arising after 21 days from the notice date, lack of satisfactory evidence for claims, or disagreements between landowners/occupiers and the Board can be resolved through arbitration or court.
- Cases involving disputed interest or title, excluding customary tenure, may be referred to arbitration with the landowner's consent.
- Disputes concerning land under customary tenure are referred to the relevant District Tribunal for resolution.

Limitation Act (2000)

The **Limitation Act (2000)** aims to prevent sudden eviction of land users by absentee private landowners from land abandoned for over 12 years.

For government-owned land, the Department of Lands and Surveys must place warning signs and evict squatters regularly. Compensation may be required based on the longevity of occupancy and pecuniary interest in the land for equitable grounds.

Survey Act (1991)

The **Survey Act of 1991** establishes standards and specifications for survey work, aimed at protecting survey marks and enabling private surveyors to conduct official surveys. It also facilitates cadastral surveys for land title registration. Parcel state census is required for land registration and conversion from customary tenure to emphyteutic lease.

The **State Lands Regulations (1995)** were established under the State Lands Act (1991) and outline procedures for applying for grants of state land for residential and non-residential purposes, as well as for leases.

For applications related to non-residential land use, the following information is typically required:

- Preferred location and site plan of the land plot
- Justification for the required area
- Description and estimated cost of proposed developments on the site
- Any additional information requested by the Land Administration Board
- The Land Administration Board will then submit the application to the Minister for approval.

Challenges of Land Administration.

The challenges of land tenure administration and access in The Gambia are multifaceted:

1. **Lengthy and Costly Title Deed Process:** Despite efficient land records, it takes around three years to secure a title deed, and the associated costs, especially during the transfer stage, can be high.
2. **Outdated Master Plans and Lack of Sensitization:** Outdated master plans (last updated in 2000) and insufficient public awareness about land registration and acquisition contribute to uncontrollable land encroachment, despite the existence of the State Lands Act.
3. **Informal Land Management by Families (Kabilos):** Land rights are often managed informally by families (Kabilos), leading to divided interests and challenges in documenting land ownership.
4. **Gender Inequality in Land Ownership:** Women face critical challenges as customary law typically excludes them from land ownership. Although the Women's Act of 2010 grants women property rights nationwide and protects against unconstitutional deprivation, practices under Sharia law can still result in unequal inheritance for female heirs.
5. **Eviction of Slum Dwellers Without Compensation:** Slum owners are often evicted without compensation, particularly evident in the ongoing government initiatives to

clear rights-of-way for roads in the Greater Banjul Area, leaving vulnerable communities unprotected and displaced.

Addressing these challenges requires comprehensive reforms to modernize land administration, update regulatory frameworks, enhance public awareness, and ensure equitable access to land rights and compensation for all segments of society.

Table 9.0 Review of the regulations regarding compensation

Theme	Gambian Legislation and Regulations
Customary landowners	The LACA considers the loss of usufructuary rights in the case of land under customary tenure.
Titled landowners	Eligible (Freehold land)
Informal occupants	As per the Limitations Act, for informal occupancy of private land, an occupancy period of twelve years grants an entitlement to compensation. Compensation is only paid for lost assets (buildings and structures).
Tenants	Not considered
Cut-off date	Date on which the minister responsible for land notifies potential PAPs of its approval for the acquisition of properties for public purposes (Forms to use for this purpose are in the LACA)
Modalities of cash compensations Compensation in cash or in kind	Compensation is only for the value of the lost land and existing structures. Other costs such lost rents are normally not compensated. Furthermore, the government is not under any obligation to re-locate aggrieved parties to any new land. They will give a new Land only if available (as per information given by the Alk alos)
Buildings/ houses	Owners are compensated for damage/demolition of their assets based on market value
Loss of incomes due to crops	Calculation based on net farm income for crops
Loss of income & Livelihood (business entities)	No PAPs receive allowances for livelihood restoration
Different types of payment	The payments in cash to titled landowners are only for lost land and associated structures. In the very rare case of land compensation, similar land size is provided elsewhere.
Vulnerable groups	No specific provisions.
Disputes	Where the affected persons do not lodge a formal complaint within 21 days from the date the government notifies formally its intention to take possession of any land, or where there is disagreement as to the amount of the compensation, and where there are conflicting claims, these matters can be resolved by Arbitration with the full consent of the concerned parties. Alternatively, where the disputes arise related to the amount of compensation, disputed titles, the affected parties can approach the High Court for due legal process. Whereas the disputes pertain to land held under customary tenure, these shall be dealt with by the relevant District or Group Tribunals. With respect to the District Court, the cases are heard by district chiefs who are not properly trained. The decisions of these district chiefs are reviewed by the Regional Governor who has revisionary powers. The regional governor may rehear the entire case, order the case for retrial by separate set of district chiefs or refer the case to the High Court.
Consultation	All negotiations are only between the PAPs and Ministry of Local Government and Lands at the beginning of the project

Theme	Gambian Legislation and Regulations
Participation for monitoring and evaluation	Not mentioned in the legislation
Preparation of RAP	There is no legal requirement to prepare a RAP. Merely provides for compulsory acquisition of land for public purposes and subsequent payment of compensation.
Eligibility	Forest Act, 2018 gives ownership of forest trees to DOF, and thus compensation only to DOF for loss of forest trees.

Gender and Sexual Exploitation and Abuse Legislation

The **National Gender and Women’s Empowerment Policy (2010-2020)** in The Gambia aims to address gender inequality perpetuated by patriarchal and socio-cultural factors. To promote gender equity and women’s empowerment, the government established the National Women’s Council and Women’s Bureau in 1980. The policy’s objectives include enhancing the participation of women, men, girls, and boys in development for sustainable and equitable poverty reduction. It provides guidance through an Implementation Plan with indicators and a framework to mainstream gender from a rights-based approach into planning, programming, and implementation processes of sectoral departments and stakeholders.

The **Women’s Act of 2010**, amended in 2015, serves to prevent violence against women and includes provisions against slavery or forced labor. Article 4 (b-c) specifically prohibits these acts. However, the penalties outlined in Article 74 of the law—a fine of 50,000 Dalasi, six months imprisonment, or both—are like those in the Children’s Act. Additionally, the 2015 amendment to the Women’s Act outlaws ‘female circumcision’ with a penalty of 50,000 Dalasi, three years imprisonment, or both. It’s worth noting that there are current efforts to repeal this law.

The **Domestic Violence Act of 2013** prohibits various forms of violence, including physical, sexual, economic, and psychological violence against domestic partners, children, or co-residents. Articles 25, 39-40 of the Act provide for temporary or permanent protection orders and offer criminal penalties of 50,000 Dalasi, up to two years in prison, or both, along with civil remedies to compensate for damages.

However, the Act does not explicitly address trafficking in persons. While some cases of trafficking may overlap with the definition and nature of offenses covered by the Act, the penalties outlined in the law may not be sufficient to adequately address trafficking-related crimes.

The **Sexual Offences Act of 2013** addresses various forms of rape and incest involving minors, with penalties ranging from ten years to life imprisonment based on the specifics of the crime. This law specifically addresses defilement of girls (but not boys) and does not apply rape charges to married couples. Notably, the Act does not encompass attempted rape within its provisions.

The **Children’s Act of 2005**, amended in 2016, contains provisions related to child labor, permitting 'light' work from the age of 16 (or apprenticeships at age 12 or after completing basic education). The Act also addresses child prostitution, imposing a sentence of ten years' imprisonment for offenders.

Protection of vulnerable migrants including Victims of Trafficking.

In 2021, The Gambia developed and launched the **National Referral Mechanism (NRM) for the Protection of Vulnerable Migrants, including Victims of Trafficking**. This framework outlines a sequence of steps starting from identification and proceeding through initial interview, preliminary assessment, referral, in-depth assessment, ongoing needs assessment, family tracing, and return. The NRM emphasizes survivor-informed and survivor-driven services. This policy guideline is comprehensive, covering a range of vulnerable migrants, including those who are stranded, medical cases, women, elderly individuals, unaccompanied minors, refugees, and asylum seekers. The NRM aims to provide tailored support and assistance to address the specific needs of each group within the migrant population.

Labor Protection

The labor protection legislation in The Gambia is founded on several legal instruments, including the Constitution of the Republic of The Gambia (1997), the Labor Act of 2007, and the Joint Industrial Council Agreement for Artisans and General Workers. These laws address key areas of labor rights and protections as outlined below:

1. Forced Labor and Child Labor:

- The Constitution prohibits slavery, servitude, and forced labor (Article 20).
- Children under the age of sixteen are protected from economic exploitation and hazardous work that could interfere with their education or health (Article 29).

2. Non-Discrimination in Employment and Wages:

- The Labor Act prohibits discrimination based on HIV/AIDS status and gender, particularly in maternity leave provisions.
- The Women's Act of 2010 ensures equal employment opportunities for women, including non-discrimination in selection criteria and equal remuneration (Articles 16 and 18).

3. Working Hours and Overtime:

- The Joint Industrial Council Agreement sets standard working hours for artisans, general workers, and transport workers.
- Overtime rates are defined for work beyond normal hours, with higher rates on Sundays and public holidays.

4. Leaves:

- Annual leave entitlement increases based on length of service, ranging from 14 to 30 working days.
- Maternity leave provisions ensure paid leave before and after childbirth.

These legal provisions collectively aim to protect workers from exploitative practices, ensure fair treatment and equal opportunities, regulate working hours and overtime compensation, and provide adequate leave entitlements for employees, including specific provisions for women during maternity.

Wages and Deductions: Currently, there is no official minimum wage in The Gambia, as the existing one is considered outdated. A new minimum wage has been drafted and awaits approval. Employers are obligated to compensate for work-related health or property damages, and families receive compensation in case of worker death. Deductions from wages are allowed for specific reasons, but total deductions cannot exceed one-third of the total remuneration due in a wage period (Article 77 of the Labor Act 2007).

Labor Disputes: Individual labor disputes can arise between an employer and a worker or a group of workers regarding terms or conditions of employment, performance evaluation, demotion, suspension, or termination. Employees can seek resolution of labor disputes at the Industrial Tribunal established by the Labor Act, where they have the option to choose representation for their case.

Notwithstanding this fairly comprehensive system on paper, the country is experiencing significant challenges managing the intense and widespread adverse environmental and social effects across all sectors of the economy, everywhere in the country. The country's once pristine coastline suffers from the significant effects of uncontrolled sand and other mining operations, untreated sewage discharge and erosion. Solid waste is mostly uncollected and is deposited along the sides of roads, in open fields and in water courses. Poor air quality persists at most times due to widespread uncontrolled open burning of waste, dust from road construction activities and vehicular emissions. The forest cover between 2001 and 2021 has been depleted by 10.6%¹⁴ due to widespread cutting of trees for timber production, agricultural expansion and household energy needs. Rapid urbanization has contributed to serious flooding events as informal settlements grow on flood plains and natural water courses.

The reasons for the poor state of the environment in The Gambia are many. The main contributing factors are (i) Lack of effective leadership for accountability and to address corruption at all levels; (ii) Low political will and ranking to prioritize and to address environmental degradation; (iii) Low institutional capacity to implement and enforce the system and (iv) general lack of awareness and interest of environmental issues across the board among the general public.

3.4 Comparative Analysis of Borrower System and World Bank Core Principles expressed in the Operational Policy for PforR OP9.00

Generally, on paper, the applicable national environmental and social systems are sufficiently robust and comprehensive enough to sustainably address the environmental and social effects of the proposed program. However, in practice there are considerable institutional challenges centered around the capacity (technical, human and financial) and political will of the key institutions to implement the system, and to effectively coordinate across the institutions.

Therefore, while no significant changes to the overall structure and underlying laws are needed for this PforR, the recommendations outlined below on developing missing requisite

¹⁴ <https://www.globalforestwatch.org/dashboards/country/GMB/>

regulations which need only to be signed into effect by the responsible minister and for technical assistance to address these capacity constraints in the key institutions.

The complete comparative analysis is summarized below while the full details of the analysis are presented in Annex 9.0.

Core Principal 1: Program E&S management systems are designed to (a) promote E&S sustainability in the Program design; (b) avoid, minimize, or mitigate adverse impacts; and (c) promote informed decision-making relating to a Program's E&S effects.

- The legal and regulatory framework governing environmental and social (E&S) management consists of several laws and regulations, including, primarily the National Environment Management Act (NEMA) 1994, and highlights key institutions like the National Environment Agency (NEA) responsible for managing E&S risks.
- The system mandates E&S screening and assessments, with projects categorized as "A," "B," or "C" based on risk. However, specific guidelines for categorization are lacking, and stakeholder involvement is limited until the preparation of the E&S Impact Assessment (ESIA) report.
- While the system requires the preparation of environmental and social management plans, implementation monitoring is lacking due to resource constraints. Institutions responsible for oversight lack adequate human and financial resources, presenting a significant weakness in the system.
- To address this weakness, the program plans to build in-house capacity and provide technical assistance. Stakeholder engagement and public hearings are required at the project level, with a Stakeholder Engagement Plan developed for the proposed program.

Core Principle #2: Program E&S management systems are designed to avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program. Program activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing.

The program is deemed not to pose risks to the protection, conservation, or degradation of natural habitats, it is being recommended that new regulations for screening (under NEMA 1994) be prepared and adopted to, ensure that natural habit issues are properly screened. Furthermore, this new regulation would also better ensure potential adverse effects on cultural resources are identified and managed by qualified staff. Lastly, there is a notable absence of "chance find" procedures in the system also warranting new regulations for physical cultural resources. However, chance find provisions are now included in standard civil works bidding/contract documents that are now widely used nationally.

Core Principle #3: Program E&S management systems are designed to protect public and worker safety against the potential risks associated with (a) the construction and/or operation of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.

The national regulatory framework lacks specific provisions for workplace safety, relying instead on existing regulations such as the Environmental Discharge (Permitting) Regulations, 2001, and the Labor Act, 2007, to ensure protection for both workers and the environment. However, enforcement of these regulations, particularly concerning child labor, is found to be weak, with instances of child labor reported in construction-related activities. The forthcoming Program Action Plan (PAP) aims to address these gaps by incorporating measures to strengthen enforcement mechanisms and provide training for workers.

While laws like the Hazardous Chemicals and Pesticides Control and Management Act, 1994, exist to regulate the movement and use of hazardous materials, their enforcement may be lacking. However, the risks from the use of these substances in the proposed PAMP is low.

Core Principle #4: Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards

- The program does not involve civil works or construction activities and therefore there are no land acquisition needs of the program

4.0 Recommendations and Actions to enhance the national E and S System

Given the low E and S risks of the proposed PAMP, the ESSA's approach to address identified system weaknesses is to be proportional and targeted in its response to the findings of the assessment, by limiting the proposed system strengthening measures to the requirements recommended to generally enhancing the capacity of the national E and S system.

This approach fulfills the Bank's objective to also promote improved environmental and social performance in ways which recognize and enhance Borrower capacity.

In this regard, the NEA being the main institution responsible for environmental management of development national programs and projects, the recommendations therefore focus on the root causes of NEA's ineffectiveness, which are primarily due to (i) lack of strategic oversight and accountability (ii) financial and budgetary constraints to address its capacity gaps, and (iii) weak processes for ESIA management and monitoring.

Institution	Concern	Proposed Mitigation Measures	Estimate Costs	Notes
MOFEA- CPCU Central Projects Coordination Unit (CPCU)	<i>Effective interagency program coordination</i>	<ul style="list-style-type: none"> • 1 no. qualified Senior Environmental Specialist • 1no. Senior Social Development Specialist 		<ul style="list-style-type: none"> • Already in place
National Environment Management Council	<i>Effective high level policy coordination</i>	NEMC to meet twice a year, primarily approve the following, inter alia,		

		<ul style="list-style-type: none"> • Assessment report and recommendations to improve NEA revenue. • New NEA Regulations • Measures to strengthen Local environment councils (LECs) 		
National Environment Agency (NEA)	<p><i>Revenue crisis</i></p> <p><i>Monitoring</i></p> <p><i>Shortcomings in the Environmental and Social Management System</i></p>	<ul style="list-style-type: none"> • Detailed Revenue Assessment and Recommendation report to address the revenue crises. • Report to be presented to National Environmental Management Council to implement recommendations. • Revenue increase by 50% of 2023 levels, by end of program year Y3. • Training of core E and S staff at NEA • New Regulations for E and Screening • New Regulations for Public Hearing and Consultations. • New Regulations for Physical Cultural Resources (PCR). • New Regulations for GRM • LECs institutional assessment and capacity building plan. 		<ul style="list-style-type: none"> • Terms of reference for consultant to undertake revenue assessment (Annex 2) • Terms of reference for consultant to undertake LECs

	<ul style="list-style-type: none"> • Screening • Public Hearing and Consultations • Grievance Redress Mechanisms (GRM) • Local Environment Councils (LECs) <p>Weak Capacity</p>	<ul style="list-style-type: none"> • Capacity assessment and building plan for NEA. 		<p>capacity assessment (Annex 3)</p> <ul style="list-style-type: none"> • Terms of reference for consultant to undertake NEA capacity assessment (Annex 4)
		Grand Total	<p>USD175,000</p> <p>(one hundred and seventy-five thousand)</p>	

Recommended Actions	Type of Action	Responsible Entity/Entities	Timing (recurrent ¹⁵ /deadline ¹⁶ /other ¹⁷)	Timing Value ¹⁸ /Frequency	Completion Measurement
National Environment Agency (NEA) Revenue Assessment, Local Environment Council (LEC) capacity assessment and Recommendations for NEMC to consider and approve.	Environmental and Social Systems	NEA NAO CPCU	Reports completed by end Year 1	Once (\$125k)	<ul style="list-style-type: none"> • NEMC meeting at least semi-annually. • 50% increase in NEA revenue by end Year 3, and 75% by end Year 4.
Strengthening/updating/preparing of ESIA guidelines, including for screening as per recommendations of the capacity assessments.			Guidelines completed by end Year 1	Once (\$50k)	

¹⁵ If recurrent, is it monthly, quarterly, semi-annually, continuous?

¹⁶ Specific date

¹⁷ E.g., By Negotiations, By Effectiveness etc.

¹⁸ Value meaning total cost.

Annexes

Annex 1

- *Summary of Stakeholder Engagement and Consultations*

Annex 2

- *Terms of Reference for Revenue Assessment of National Environment Agency (NEA)*

Annex 3

- *Terms of Reference for Capacity Assessment of Local Environment Councils (LECs)*

Annex 4

- *Terms of Reference for Capacity Assessment of National Environment Agency (NEA)*

Annex 5

- *ESSA Analytical Framework*

Annex 6

- *National Environment Quality Standards (NEQS)*

Annex 1 Summary of Stakeholder Engagement and Consultations

Date of Consultations	23/08/2024	
Venue of the meeting	Royal Insurance Building, CPCU Conference Hall	
Topic of consultations	Stakeholder Consultation on the Environmental and Social System Assessment PAMP	
Stakeholders Present	Name	Function
	1. National Environment Agency	Key custodian of the environmental management system
	2. National Audit Office	Financial audit roles in Results Area 1.
	3. Gambia Revenue Authority	Responsible for Result Area 1
	4. Central Project Coordinating Unit Ministry of Health	Coordination and implementation of projects under the Ministry of Health.
	5. Central Project Coordinating Unit Ministry of Basic and Secondary Education	Coordination and implementation of projects under the Ministry of Education.
	6. Central Project Coordinating Unit Ministry of Finance	Coordination and implementation of the program.
	7. Ministry of Public Service	Responsible for Result Area 1
Discussion points	<ul style="list-style-type: none"> ❖ Project background ❖ Discussion on Environmental and Social Systems Assessment (ESSA) report ❖ Stakeholder Inputs and Feedback ❖ Actions items ❖ Closing Remarks • The CPCU in partnership with the World Bank team held a stakeholder’s consultation meeting on the 23rd of August 2024 on the Environmental and Social Systems Assessment (ESSA) report. This report is the principal document of management and documenting the environmental and social aspects of the PAMP’s PforR activities only. The report includes the Bank’s assessment of the environmental and social effects of these activities, a description of the country’s E&S system in place to manage these effects and recommended actions and measures The Gambia is required to take during implementation of the PAMP to improve the system’s performance. • The meeting chaired by the CPCU Project Coordinator welcomed all participants and highlighted the importance of consultation in aligning the project with environmental and social safeguards. She reminded that the purpose of the consultation was to review and discuss the findings of the Environmental and Social Systems Assessment (ESSA) report for the PAMP project. 	

	<ul style="list-style-type: none">• The World Bank participant (i) provided a comprehensive background presentation on the PAMP project, outlining its objectives, key components, and the relevance of the ESSA in ensuring the project's compliance with environmental and social standards, and (ii) detailed the main findings of the report in terms of the existing E&S systems in The Gambia and went on to explain the recommended actions to improve the system.• Each ministry and agency representative provided feedback on the assessment, focusing on areas relevant to their jurisdiction.• The participants from NEA mostly agreed with the findings of the report, especially on the challenge of the NEMC meetings.• The challenge of NEA accessing its allocated revenue was also discussed with some discussions as to the process of accessing these funds detailed by the representative from GRA.• The national stakeholders provided their consolidated comments in writing on August 28th, 2024.
--	--

Annex 2 *Draft Outline terms of reference for the Revenue Assessment of the National Environment Agency (NEA)*

A. Background

The Government of the Gambia (GoTG), through the Ministry of Finance and Economic Affairs (MoFEA) has received a grant from the International Development Association (IDA) of the World Bank, for the financing of the Public Administration Modernization for Citizen Centric Service Delivery Project (PAMP). Coordination and implementation of the PAMP is being undertaken by the Central Projects Coordination Unit (CPCU) of the MoFEA.

The CPCU seeks the services of a qualified consultant XXXXX

The Ministry of Basic and Secondary Education (MoBSE) and the Ministry of Health (MoH) are the two key service-delivery ministries selected to participate in the PAMP, that has a key objective to support service delivery in these two sectors of education and health.

The Program Development Objective (PDO) of PAMP is to enhance domestic resource mobilization, expenditure and human resource management, and mechanisms for citizen engagement. In turn, these reforms support downstream service delivery in the education and health sectors. The PDO is to be achieved through the delivery of activities measured by disbursement-linked indicators in three Results Areas; which are; **Results Area 1:** Strengthening Management of Public Revenues and Expenditures; **Results Area 2:** Strengthening the Public Administration and **Results Area 3:** Improved Transparency and Citizen Engagement in Service Delivery.

Service delivery in education and health requires the planning, operation, maintenance, rehabilitation and construction of schools, hospitals, health centers and other supporting physical infrastructure, on land, across the country, that is to be done in compliance with the regulatory and institutional environmental and social framework of The Gambia.

The National Environment Agency (NEA) established under the NEMA, under the National Environment Management Act (NEMA), 1994 as a semi-autonomous agency with an independent structure to serve as the “principal body responsible for overall management of the environment” in the Gambia.

The NEA is the advisory body to the National Management Council (NEMC) on the formulation, review, revision and repealing of environmental policies, plans, standards, guidelines, criteria and regulations. The NEMC is the main policy-making body for the environmental management in the Gambia. This Council is chaired by the President of the Republic of the Gambia, with the Ministers responsible for the following Ministries as members: Natural Resources; Agriculture; Health and Social Welfare; Finance and Economic Affairs; Trade Industry and Employment; Local Government and Lands. The Executive Director of the NEA serves as Secretary to the Council. In addition to the composition of this council, the President may co-opt any person into the Council as member.

The functions of the NEA include; (a) implementing the policies of the Council on the environment; (b) liaising with the various ministries, departments, and agencies of Government on all issues relating to the environment and ensure that environmental concerns are integrated into all spheres of national planning and project implementation; (c) liaising with the private sector, inter-governmental organizations, non- governmental organizations, governmental agencies of other states on all issues relating to the environment; (d) preparing proposals for environmental policies and strategies for the Council; (e) initiating legislative proposals, standards, guidelines, and regulations in accordance with the provisions of NEMA; (f) reviewing and approving environmental impact assessments submitted in accordance with NEMA or any other law; (g) undertaking studies and submit reports and recommendations to the Council on such matters as are likely to have an impact on the environment; (h) promoting public awareness of environmental issues through gathering, analyzing and disseminating information about the environment and publishing periodic reports on the state of the environment; attend to any complaint relating to the environment addressed to it; (j) carrying out environmental audits and monitoring; and (k) carrying out such other functions as the NEMC may assign to it or as may be incidental or conducive to the exercise by NEA of any powers provided for under NEMA.

Administratively, NEA reports only to the NEMC, and is led by the Executive Secretary, who is assisted by a Deputy Executive Secretary and three directorates, namely, Technical Services (TSN), Inter-sectoral Services (ISN), and Administration and Finance (AFN). Under these directorates, various programs and services are performed and carried out.

The NEA is not overseen by a board per se, however, two statutory committees under NEMA, the Technical Advisory Committee, and the Administration and Finance Committee provide day to day oversight and technical support to NEA management.

To carry out these functions the NEA has various sources of financing shown in the Table below:

	Revenue Type	Source of Revenue	Challenges
1.	Subvention from Government	Ministry of Finance and Economic Affairs (MoFEA)	This allocation is in the national budget that is approved by the National Assembly for each year to support NEA to meet its mandate. However, for Q1 2024, NEA received only 25% of the GMD3.034M it was allocated in the budget. Only 49% of the subvention was received in the previous year.
2.	Environmental Tax on Imports	Gambia Revenue Authority (GRA)	Previously, the agency received these funds directly from the GRA, however, over the past year, NEA up to the date of this report, has not received these funds.
3.	Environmental Tax on Used Cars	Gambia Revenue Authority (GRA)	The NEA is only receiving 75% of the environmental tax on used cars, not the whole amount.
4.	5% royalties on quarrying / mining activities/licenses	Geology Department	The NEA received this twice a year, in January and December, in each year. NEA feels this proportion too small and therefore does not take into account the

			work NEA performs in the licensing process and subsequent work it has to do as mandated by law.
5.	Environmental tax on petroleum products	Ministry of Petroleum	NEA does not receive this revenue
6.	Environmental Levy on tobacco	Gambia Revenue Authority (GRA)	NEA used to receive this levy year ago, but this has ceased some years ago.
7.	Environmental Levy on emission from industries	Gambia Revenue Authority (GRA)	This is another potential source of revenue for the NEA that is not received by them.
8.	Environmental levy on second-hand goods	Gambia Revenue Authority (GRA)	This is another potential source of revenue for the NEA that is not received by them.
9.	Percentage of licensing or registration of ships	Gambia Maritime Authority (GMA)	This is another potential source of revenue for the NEA that is not received by them.
10.	Percentage of licensing of forest products	Department of Forestry	This is another potential source of revenue for the NEA that is not received by them.
11.	Percentage of licensing of oil exploration	Ministry of Petroleum	This is another potential source of revenue for the NEA that is not received by them.
Internal Sources of Revenue			
12.	1% Project Developmental cost/ fees submitted for environmental Impact Assessment approval	Project Developers	Most of the big projects are either government or government-related and the 1% development cost is not paid to the NEA. In some cases developers are granted a waiver by the government.
13.	EIA screening forms	Project Developers	The NEA receives these payments from screening of applications.
14.	EIA Scoping visit fees	Project Developers	The NEA receives these payments from screening of applications.
15.	Pesticides registration and licensing enforcement	Dealers	Compliance related fines
16.	Plastic Ban Fines through enforcement Compliances related fines	Vendors, dealers and importers.	From Non-Compliance and court fines.

These challenges in revenue collection, inter alia, possess significant constraints on NEA's ability to effectively carry out its mandate. This issue was highlighted as a key NEA constraint during the preparation of the Environmental and Social System Assessment (ESSA) of the PAMP and the preparation of a Revenue Assessment of NEA that is the subject of these reports was a recommendation of the ESSA report.

Therefore, the World Bank and the GoTG have agreed that during implementation of the PAMP, that this Revenue Assessment would be carried out.

B. Objectives and Scope of Services

The overall strategic objective of the Revenue Assessment of NEA is to provide GoTG with a comprehensive qualitative and quantitative analytical assessment of the revenue framework and challenges (be they governance, administrative, regulatory, sources, thresholds and collection) of the NEA, to inform the preparation of detailed recommendations for how the NEA's financial sustainability for the fulfillment of its mandate can be enhanced, for the

consideration of the government in its quest to empower NEA with the tools it needs to be more effective.

The scope of services;

- Review assessment of the governance (regulatory, institutional, technical, and financial) framework underpinning NEA's revenue issues, concerns, and challenges across both the national and local government levels.
- Preparation of a detailed and comprehensive report, including recommendations and implementation plan for the GoTG through the NEMC.

C. Key Tasks to be Undertaken by the Consultant

- **Inception report** - preparation and submission of an inception report to describe the consultant's approach, detailed workplan, stakeholder engagement and all proposed logistical requirements, draft format of the report and recommendations plan, and timelines for and to ensure timely NEA /stakeholder review, comments and inputs, for satisfactory completion of the assignment.
- **Review of Documents** - The consultant is to identify, obtain and review all relevant documentation, including regulations, reports and data.
- **Stakeholder Mapping** – The consultant is to carry out a comprehensive stakeholder mapping to identify and meaningfully engage and consult with all relevant stakeholders to obtain the necessary documentation, information, feedback, views, concerns, interests, constraints, etc, to inform this assignment, at both the national and local governments, private and public entities, and the CSOs.
- **Comprehensive Analysis** - undertaking of a comprehensive and detailed qualitative and quantitative analysis of the governance, regulatory and institutional framework associated with the NEA's revenue sources, and data and findings, and using suitable financial, econometric and other methodologies to develop and prepare detailed presentations of the results of the analysis, findings and recommendations of the changes to be proposed.
- **Stakeholder engagement and consultations** – develop a stakeholder engagement plan to ensure all relevant stakeholders are identified, consulted and have their inputs, views, challenges and interests are identified to ensure these inform the findings and recommendations.
- **Final Report and Recommendations** – the consultant will prepare detailed interim, draft and final reports of documenting all the task identified above, including a detailed Plan of Action inclusive of indicative costing and timelines for implementing all recommended improvements and systems.

D. Timelines and Deliverables

- Inception Report
- First Draft
- Final Draft Report

E. Qualifications of the Consultant

- 15 years relevant experience as Public Finance Sector Specialists.

- Relevant master's degree from a recognized university.

Annex 3 Draft Terms of Reference for Capacity Assessment of Local Environment Councils (LECs)

A. Background

The Government of the Gambia (GoTG), through the Ministry of Finance and Economic Affairs (MoFEA) has received a grant from the International Development Association (IDA) of the World Bank, for the financing of the Public Administration Modernization for Citizen Centric Service Delivery Project (PAMP). Coordination and implementation of the PAMP is being undertaken by the Central Projects Coordination Unit (CPCU) of the MoFEA.

The CPCU seeks the services of a qualified consultant XXXXX

The Ministry of Basic and Secondary Education (MoBSE) and the Ministry of Health (MoH) are the two key service-delivery ministries selected to participate in the PAMP, that has a key objective to support service delivery in these two sectors of education and health.

The Program Development Objective (PDO) of PAMP is to enhance domestic resource mobilization, expenditure and human resource management, and mechanisms for citizen engagement. In turn, these reforms support downstream service delivery in the education and health sectors. The PDO is to be achieved through the delivery of activities measured by disbursement-linked indicators in three Results Areas; which are; **Results Area 1:** Strengthening Management of Public Revenues and Expenditures; **Results Area 2:** Strengthening the Public Administration and **Results Area 3:** Improved Transparency and Citizen Engagement in Service Delivery.

Service delivery in education and health requires the planning, operation, maintenance, rehabilitation and construction of schools, hospitals, health centers and other supporting physical infrastructure, on land, across the country, that is to be done in compliance with the regulatory and institutional environmental and social framework of The Gambia.

The National Environment Agency (NEA) established under the NEMA, under the National Environment Management Act (NEMA), 1994 as a semi-autonomous agency with an independent structure to serve as the “principal body responsible for overall management of the environment” in the Gambia.

The NEA is the advisory body to the National Management Council (NEMC) on the formulation, review, revision and repealing of environmental policies, plans, standards, guidelines, criteria and regulations. The NEMC is the main policy-making body for the environmental management in the Gambia. This Council is chaired by the President of the Republic of the Gambia, with the Ministers responsible for the following Ministries as members: Natural Resources; Agriculture; Health and Social Welfare; Finance and Economic Affairs; Trade Industry and Employment; Local Government and Lands. The Executive Director of the NEA serves as Secretary to the Council. In addition to the composition of this council, the President may co-opt any person into the Council as member.

Administratively, NEA reports only to the NEMC, and is led by the Executive Secretary, who is assisted by a Deputy Executive Secretary and three directorates, namely, Technical

Services (TSN), Inter-sectoral Services (ISN), and Administration and Finance (AFN). Under these directorates, various programs and services are performed and carried out.

The NEA is not overseen by a board per se, however, two statutory committees under NEMA, the Technical Advisory Committee, and the Administration and Finance Committee provide day to day oversight and technical support to NEA management.

Local Environment Councils (LECs). Established under NEMA, LECs exists at

- Banjul City Council
- Kanifing Municipal Council, and
- Basse Area Council,
- Brikama Area Council,
- Janjangbureh Area Council,
- Kerewan Area Council,
- Kuntaur Area Council and
- Mansakonko Area Council.

The functions of the LEC include; (a) integrate environmental considerations into all plans, projects, and strategies of the Area Council, the City Council or the Municipal Council, as the case may be;(b) co-ordinate the activities of the Agency relating to the management of the environment and natural resources within their jurisdiction; (c) initiate and promote by-laws relating to the environment to be adopted by the various municipalities. (d) co-ordinate with the Agency and other ministries dealing with the environment; and co-ordinate the village or ward environment Committees, as the case maybe; (e) receive reports from village Environment Committees or Ward Committees, as the case may be; (f) integrate the views of the public, through wide consultation, into environmental policies and decisions; (g) develop a local environment plan and (h) prepare a state of the environment report for the area under its jurisdiction at such intervals and in such form as may be prescribed.

Given that most of the Ministry of Education and Ministry of Health facilities are in the municipalities outside Banjul and Kanifing, and where NEA are least present, the LECs would be relied upon to assist the NEA. Therefore, the capacity of the LECs needs to be strengthened.

B. Objectives and Scope of Services

The overall strategic objective of the capacity assessment of the LECs to determine the following; (i) the human, technical and financial capacity needs to sustainably operationalize the LECs and (ii) the similar capacity needs of the accountability mechanism for the LECs.

The scope of services;

- Review capacity assessment of the governance (regulatory, institutional, technical, and financial) framework underpinning LECs absence/inability to be established or operate effectively, the concerns, and challenges across both the national and local government levels.

- Preparation of a detailed and comprehensive report, including recommendations and implementation plan for the GoTG through the NEMC to establish and operationalize all LECs.

C. Key Tasks to be Undertaken by the Consultant

- **Inception report** - preparation and submission of an inception report to describe the consultant's approach, detailed workplan, stakeholder engagement and all proposed logistical requirements, draft format of the report and recommendations plan, and timelines for and to ensure timely NEA/LECs /stakeholder review, comments and inputs, for satisfactory completion of the assignment.
- **Review of Documents** - The consultant is to identify, obtain and review all relevant documentation, including but not limited to regulations, reports and data.
- **Stakeholder Mapping** – The consultant is to carry out a comprehensive stakeholder mapping to identify and meaningfully engage and consult with all relevant stakeholders to obtain the necessary documentation, information, feedback, views, concerns, interests, constraints, etc, to inform this assignment, at both the national and local governments, private and public entities, and the CSOs.
- **Comprehensive Analysis** - undertaking of a comprehensive and detailed qualitative and quantitative analysis of the governance, regulatory and institutional framework associated with the LECs capacity and challenges to effectively operate, revenue sources, and data and findings, and using suitable financial, econometric and other methodologies to develop and prepare detailed presentations of the results of the analysis, findings and recommendations of the changes to be proposed.
- **Stakeholder engagement and consultations** – develop a stakeholder engagement plan to ensure all relevant stakeholders are identified, consulted, and have their inputs, views, challenges and interests are identified to ensure these inform the findings and recommendations.
- **Final Report and Recommendations** – the consultant will prepare detailed interim, draft and final reports of documenting all the task identified above, including a detailed Plan of Action inclusive of indicative costing and timelines for implementing all recommended improvements and systems.

D. Timelines and Deliverables

- Inception Report
- First Draft
- Final Draft Report

E. Qualifications of the Consultant

- 15 years relevant experience as Public Sector Specialists.
- Relevant master's degree from a recognized university.

Annex 4 Terms of Reference for Capacity Assessment of National Environment Agency (NEA)

A. Background

The Government of the Gambia (GoTG), through the Ministry of Finance and Economic Affairs (MoFEA) has received a grant from the International Development Association (IDA) of the World Bank, for the financing of the Public Administration Modernization for Citizen Centric Service Delivery Project (PAMP). Coordination and implementation of the PAMP is being undertaken by the Central Projects Coordination Unit (CPCU) of the MoFEA.

The CPCU seeks the services of a qualified consultant XXXXX

The Ministry of Basic and Secondary Education (MoBSE) and the Ministry of Health (MoH) are the two key service-delivery ministries selected to participate in the PAMP, that has a key objective to support service delivery in these two sectors of education and health.

The Program Development Objective (PDO) of PAMP is to enhance domestic resource mobilization, expenditure and human resource management, and mechanisms for citizen engagement. In turn, these reforms support downstream service delivery in the education and health sectors. The PDO is to be achieved through the delivery of activities measured by disbursement-linked indicators in three Results Areas; which are; **Results Area 1:** Strengthening Management of Public Revenues and Expenditures; **Results Area 2:** Strengthening the Public Administration and **Results Area 3:** Improved Transparency and Citizen Engagement in Service Delivery.

Service delivery in education and health requires the planning, operation, maintenance, rehabilitation and construction of schools, hospitals, health centers and other supporting physical infrastructure, on land, across the country, that is to be done in compliance with the regulatory and institutional environmental and social framework of The Gambia.

The National Environment Agency (NEA) established under the NEMA, under the National Environment Management Act (NEMA), 1994 as a semi-autonomous agency with an independent structure to serve as the “principal body responsible for overall management of the environment” in the Gambia.

The NEA is the advisory body to the National Management Council (NEMC) on the formulation, review, revision and repealing of environmental policies, plans, standards, guidelines, criteria and regulations. The NEMC is the main policy-making body for the environmental management in the Gambia. This Council is chaired by the President of the Republic of the Gambia, with the Ministers responsible for the following Ministries as members: Natural Resources; Agriculture; Health and Social Welfare; Finance and Economic Affairs; Trade Industry and Employment; Local Government and Lands. The Executive Director of the NEA serves as Secretary to the Council. In addition to the composition of this council, the President may co-opt any person into the Council as member.

The functions of the NEA include; (a) implementing the policies of the Council on the environment; (b) liaising with the various ministries, departments, and agencies of Government on all issues relating to the environment and ensure that environmental concerns are integrated into all spheres of national planning and project implementation; (c) liaising with the private sector, inter-governmental organizations, non- governmental organizations, governmental agencies of other states on all issues relating to the environment; (d) preparing proposals for environmental policies and strategies for the Council; (e) initiating legislative proposals, standards, guidelines, and regulations in accordance with the provisions of NEMA; (f) reviewing and approving environmental impact assessments submitted in accordance with NEMA or any other law; (g) undertaking studies and submit reports and recommendations to the Council on such matters as are likely to have an impact on the environment; (h) promoting public awareness of environmental issues through gathering, analyzing and disseminating information about the environment and publishing periodic reports on the state of the environment; attend to any complaint relating to the environment addressed to it; (j) carrying out environmental audits and monitoring; and (k) carrying out such other functions as the NEMC may assign to it or as may be incidental or conducive to the exercise by NEA of any powers provided for under NEMA.

Administratively, NEA reports only to the NEMC, and is led by the Executive Secretary, who is assisted by a Deputy Executive Secretary and three directorates, namely, Technical Services (TSN), Inter-sectoral Services (ISN), and Administration and Finance (AFN). Under these directorates, various programs and services are performed and carried out.

The NEA is not overseen by a board per se, however, two statutory committees under NEMA, the Technical Advisory Committee, and the Administration and Finance Committee provide day to day oversight and technical support to NEA management.

B. Objectives and Scope of Services

The overall strategic objective of the capacity assessment of the NEA is to determine the following; (i) the human, technical and financial¹⁹ capacity needs to enhance the operational effectiveness of the NEA and (ii) the similar capacity needs of the NEMC.

The scope of services;

- Review capacity assessment of the governance (regulatory, institutional, technical, and financial) framework underpinning NEA's ability to operate effectively, the concerns, and challenges across both the national and local government levels.
- Preparation of a detailed and comprehensive report, including recommendations and implementation plan for the GoTG through the NEMC to strengthen the capacity of the NEA.

C. Key Tasks to be Undertaken by the Consultant

- **Inception report** - preparation and submission of an inception report to describe the consultant's approach, detailed workplan, stakeholder engagement and all proposed

¹⁹ This consultancy is to work closely and align with the standalone Revenue Assessment of the NEA.

logistical requirements, draft format of the report and recommendations plan, and timelines for and to ensure timely NEA/LECs /stakeholder review, comments and inputs, for satisfactory completion of the assignment.

- **Review of Documents** - The consultant is to identify, obtain and review all relevant documentation, including but not limited to regulations, reports and data.
- **Stakeholder Mapping** – The consultant is to carry out a comprehensive stakeholder mapping to identify and meaningfully engage and consult with all relevant stakeholders to obtain the necessary documentation, information, feedback, views, concerns, interests, constraints, etc, to inform this assignment, at both the national and local governments, private and public entities, and the CSOs.
- **Comprehensive Analysis** - undertaking of a comprehensive and detailed qualitative and quantitative analysis of the governance, regulatory and institutional framework associated with the NEA’s capacity and challenges to effectively operate, revenue sources, and data and findings, and using suitable financial, econometric and other methodologies to develop and prepare detailed presentations of the results of the analysis, findings and recommendations of the changes to be proposed.
- **Stakeholder engagement and consultations** – develop a stakeholder engagement plan to ensure all relevant stakeholders are identified, consulted, and have their inputs, views, challenges and interests are identified to ensure these inform the findings and recommendations.
- **Final Report and Recommendations** – the consultant will prepare detailed interim, draft and final reports of documenting all the task identified above, including a detailed Plan of Action inclusive of indicative costing and timelines for implementing all recommended improvements and systems.

D. Timelines and Deliverables

- Inception Report
- First Draft
- Final Draft Report

E. Qualifications of the Consultant

- 15 years relevant experience as Public Sector/Environment Policy and Institutions Specialists.
- Relevant master’s degree from a recognized university.

Annex 5

THE ENVIRONMENTAL AND SOCIAL SYSTEM ANALYTICAL FRAMEWORK

Core Principle #1: Program E&S management systems are designed to (a) promote E&S sustainability in the Program design; (b) avoid, minimize, or mitigate adverse impacts; and (c) promote informed decision-making relating to a Program’s E&S effects.

<p>Key planning elements</p> <p>The assessment considers, as may be applicable or relevant under particular PforR Program circumstances, to what degree the PforR Program systems:</p>	<p>The program potential E and S impacts will be minimal and low risk, mostly associated with e-waste from replaced IT systems.</p> <p>The Bank program will not finance capital works.</p> <p>However, the government program through the national budget (ref to PEF) will finance capital works that are neither induced nor associated with the proposed Bank-financed PAMP, that may have E and S moderate risk concerns managed to be managed by the national E and S system.</p>
<p>Operate within an adequate legal and regulatory framework to guide E&S impact assessments, mitigation, management and monitoring at the PAMP Program level.</p>	<p>There are a plethora of laws, regulations and policies, that on paper are applicable and more than adequate to satisfactorily manage the program’s activities and potential Environment and Social effects and risks, and these include; The 1997 Constitution, National Environment Management Act 1994 and its regulations for EIA, Environmental Quality Standards and Anti-littering etc, the Public Health Act 1990, Labor Act 2007, The State Lands Act (1991, amended 2008), The Physical Planning and Development Control Act (1991), The Land Acquisition and Compensation Act (1990), The Limitation Act (2000), The Survey Act (1991) and the Women’s Act 2010.</p> <p>This legal framework provides the legal authority and regulatory framework for these key institutions with the mandate to manage</p>

	<p>these potential environmental and social effects and risks; The National Assembly, The National Environment Agency, Ministry of Lands, Land Administration Board, National Audit Office and the Local Councils.</p> <p>The system on paper does provide for objective, independent and assessments of E and S issues.</p>
<p>Incorporate recognized elements of good practice in E&S assessment and management, including:</p> <p>(i) Early screening of potential impacts.</p>	<p>The system particularly through the application of the NEMA 1994, requires the program activities to undergo environment and social screening and assessments if required.</p> <p>The EIA regulations 2014 outlines the screening procedure which includes risk-based categorization of projects into “A”, “B” or “C”, with “C” being the lowest risk.</p> <p>The categorization is the responsibility of the NEA and the regulation does not specifically include concrete guidelines of what e and s parameters such as land use, land acquisition, biodiversity impacts to consider in the categorization.</p> <p>Opportunities of stakeholder involvement occur much later in the ESIA process, during the actual preparation of the ESIA report itself.</p>
<p>(ii) Consideration of strategic, technical, and site alternatives (including the “no action” alternative).</p>	<p>The regulations are silent on alternatives. However, the issue of alternatives may be captured in the terms of reference (tors) for the ESIA studies. The tors are contained in the scoping report issued by the NEA.</p>
<p>(iii) Explicit assessment of potential induced, cumulative, and transboundary impacts.</p>	<p>The system generalizes all types of impacts and does not breakdown the impacts into these subset categories of impacts.</p> <p>The program impacts are likely to be direct and/or induced/indirect impacts, and these can be adequately captured</p>

	by the provisions in the existing system, particularly in the terms of reference for the ESIA reports, where they are required.
(iv) Identification of measures to mitigate adverse E&S risks and impacts that cannot be otherwise avoided or minimized.	The system does not adopt a mitigation hierarchy per se. However, the tors require the preparation of environment and social management plans, that should provide sufficient operational detail to guide effective implementation. Monitoring of the implementation of the management plans is also required by the system, but the NEA does not have the capacity to this monitoring and the project developers also do not monitor their own management plans to the extent required.
(v) Clear articulation of institutional responsibilities and resources to implementation plans.	<p>While the system on paper does clearly delineate institutional responsibilities for the sustainable management of the program's potential E and S risks and effects, with the exception of the NAO and the CPCU's at MoFEA and MoBSE, none of them beginning with the program sector ministries of MoBSE and MoH themselves, to NEA, LECs, Ministry of Lands, Departments of Labour and Physical Planning are far from being supported by adequate human and financial resources. As such, these institutions are unable to adequately carry out their system mandate functions to either implement their environmental and/or social management measures, or to perform oversight as required.</p> <p>This is most significant weakness of environment and social management system.</p> <p>To address this weakness, the program will include detailed plans to build in-house capacity in the long term, and technical assistance in the short to medium term funded by the program during to address these program related environment and social effects and risks.</p>
(vi) Responsiveness and accountability through stakeholder consultation, timely dissemination of the Program information, and responsive GRMs.	The system requires stakeholder engagement and public hearings at the individual project level, when ESIA's are required. However, the CPCU at MoFEA has developed a Stakeholder Engagement Plan for the proposed program that

	also included the GRM.
--	------------------------

Core Principle #2: Program E&S management systems are designed to avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program. Program activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing.

<p>Key planning elements</p> <p>The assessment considers, as may be applicable or relevant under particular PforR Program circumstances, to what degree the PAMP Program systems:</p>	<p>The program potential E and S impacts will be minimal and low risk, mostly associated with e-waste from replaced IT systems.</p> <p>The Bank program will not finance capital works.</p> <p>However, the government program through the national budget (ref to PEF) will finance capital works that are neither induced nor associated with the proposed Bank-financed PAMP, that may have E and S moderate risk concerns managed to be managed by the national E and S system.</p>
<p>Identify, and screen for adverse effects on potentially important biodiversity and cultural resource areas and provide adequate measures to avoid, minimize, or mitigate adverse effects.</p>	<p>The potential environmental and social impacts/effects of the program will mostly be indirect and local within the site boundaries and immediate surroundings of the facilities, due to the construction, rehabilitation and operation of primary and secondary schools, and health facilities. The initial screening does not identify potential impacts on modified, natural and or critical natural habitats.</p>
<p>Support and promote the protection, conservation, maintenance, and rehabilitation of natural habitats.</p>	<p>The proposed PAMP does <u>not</u> have or pose environmental and social risks to the protection, conservation, maintenance and rehabilitation of natural habitats.</p>
<p>Avoid significant conversion or</p>	<p>The proposed PAMP does <u>not</u> have or pose environmental and social risks to the conversion or degradation of critical natural</p>

degradation of critical natural habitats ²⁰	habitats.
If avoiding the significant conversion of natural habitats is not technically feasible, include measures to mitigate or offset the adverse impacts of the PAMP Program activities.	The proposed PAMP does <u>not</u> have or pose environmental and social risks to the significant conversion or degradation of natural habitats.
Take into account potential adverse effects on physical cultural property and provide adequate measures to avoid, minimize, or mitigate such effects.	<p>The system requires screening of the proposed PAMP program activities, that would then identify potential adverse effects on physical cultural resources, and their environmental and social management.</p> <p>This assumes that the screening and the preparation of the required management plans will be done by suitable qualified staff in the sector ministries and at NEA.</p> <p>Also, the system does not have “chance find” procedures.</p> <p>The Program Action Plan will provide measures to support these institutions to help ensure the screening and other required actions in the management are done correctly and are effective.</p>

²⁰ For the purposes of this Guidance, the terms *modified habitats*, *natural habitats*, and *critical natural habitats* are defined as in ESS 5 in the Bank’s ESF.

Core Principle #3: Program E&S management systems are designed to protect public and worker safety against the potential risks associated with (a) the construction and/or operation of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.

<p>Key planning elements</p> <p>The assessment considers, as may be applicable or relevant under particular PforR Program circumstances, to what degree the PAMP Program systems:</p>	<p>The program potential E and S impacts will be minimal and low risk, mostly associated with e-waste from replaced IT systems.</p> <p>The Bank program will not finance capital works.</p> <p>However, the government program through the national budget (ref to PEF) will finance capital works that are neither induced nor associated with the proposed Bank-financed PAMP, that may have E and S moderate risk concerns managed to be managed by the national E and S system.</p>
<p>Promote adequate community, individual, and worker health, safety, and security through the safe design, construction, operation, and maintenance of Program activities; or, in carrying out activities that may be dependent on existing infrastructure, incorporate safety measures, inspections, or remedial works as appropriate.</p> <p>Promote measures to address child and forced labor.</p>	<p>The national system does not have specific and targeted regulatory framework that addresses and promotes workplace safety.</p> <p>However, the Environmental Discharge (Permitting) Regulations, 2001, the Anti-littering Regulations, 2007 and the Environmental Quality Standards Regulations, 1999 provide a the regulatory underpinnings to help ensure adequate measures are taken to protect people and the environment from the effects of hazardous or toxic materials that are used in construction and production processes, or wastes that are generated as a byproduct of construction or facilities operations.</p> <p>The Constitution of the Republic of The Gambia on labor conditions specifically prohibits the use of forced labor and child labor. Furthermore, the Children’s Act 2005 states the rights and responsibilities of children and provides for their care,</p>

	<p>protection and maintenance. The Labor Act 2007 (Art.45) also prohibits Child Labor.</p> <p>However, the enforcement of these legal provisions is weak and child labor is used in construction related activities.</p>
<p>Promote the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated under the PAMP.</p>	<p>The Hazardous Chemicals and Pesticides Control and Management Act, 1994, Controls the movement, handling, storage and use of chemicals listed in its schedule under the various classes of hazardous materials.</p> <p>However, the use of qualified experts who are engaged for the design, construction supervision, operation, and maintenance of all infrastructure that may pose a significant risk to public safety (including periodic safety inspections) is limited and emergency preparedness plans are seldom prepared.</p>
<p>Promote the use of integrated pest management practices to manage or reduce the adverse impacts of pests or disease vectors.</p>	<p>N/A under the PAMP</p>
<p>Provide training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with the relevant international guidelines and conventions.</p>	<p>Training for workers is required and will be included in the Program Action Plan.</p>
<p>Include adequate measures to avoid, minimize, or mitigate community, individual, and worker risks when the PAMP Program activities are located in areas prone to natural hazards</p>	<p>PAMP program activities will not be located in areas that would pose significant risks of this nature. However, the National Disaster Management Act, 2008 outlines the institutional</p>

such as floods, hurricanes, earthquakes, or other severe weather or affected by climate events.

framework and arrangements for contingency planning and emergency response during disasters. Support of the National Disaster Management Agency (NDMA) will be required in case of major incidents such as floods, hurricanes, earthquakes or other severe weather or affected by climate events.

Core Principle #4: Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards²¹.

<p>The assessment considers, as may be applicable or relevant under particular PforR Program circumstances, to what degree the PAMP program systems:</p>	<p>The program potential E and S impacts will be minimal and low risk, mostly associated with e-waste from replaced IT systems.</p> <p>The Bank program will not finance capital works.</p> <p>However, the government program through the national budget (ref to PEF) will finance capital works that are neither induced nor associated with the proposed Bank-financed PAMP, that may have E and S moderate risk concerns managed to be managed by the national E and S system.</p> <p>Finally, Land Acquisition of any kind is NOT required under the proposed Bank-financed activities of the PAMP.</p>
<p>Avoid or minimize land acquisition and related adverse impacts.</p>	<p>The Bank program does not support any civil works or construction related activities.</p> <p>However, the government program which is not associated with the Bank financed activities of the proposed PAMP does include the civil works/ construction related activities by the Education and Health ministries to enhance service delivery in these sectors.</p> <p>Protection for individuals and communities against “forced evictions” are expected to follow the national laws and it is</p>

²¹ Program activities for which the borrower’s land acquisition and resettlement (LAR) processes have significant gaps with this principle, or for which the borrower lacks sufficient capacity to manage LAR impacts in a manner consistent with this principle, should not be considered eligible for PforR Financing regardless of the number of people affected, unless supplemental arrangements are agreed with the Program authorities and endorsed by the CESSO, GSURR, and/or the Regional Standards advisor

	possible that these may occur under the government's own capital works program, that is in no way associated with the proposed Bank-financed activities of the PAMP.
Identify and address economic or social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to resources they use or occupy.	
Provide compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid before taking land or restricting access.	<p>Section 11 of the Land Acquisition and Compensation Act (LACA) 1990, provides for compensation for land acquired under LACA. The compensation is calculated using the market value of the land. The open market value means the best price at interest in property might reasonably be expected to be sold at the time of valuation. The method often used to determine the open market value is the cost of replacement method. This method is based on the current cost of construction of the structures and improvements, including design, supervision, financing costs depreciated to reflect the remaining useful life and the state of repairs of the structure.</p> <p>Transitional expenses are not covered under LACA.</p>
Provide supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment).	Compensation is only for assets impacted, livelihood improvements or restoration are not eligible under LACA. However, loss of income for crop loss are compensated, and the amount is calculated based on net farm income for the crops.
Restore or replace public infrastructure and	The LACA provides the legal basis for the acquisition of property

<p>community services that may be adversely affected by the Program.</p> <p>Include measures in order for land acquisition and related activities to be planned and implemented with appropriate disclosure of information, consultation, and informed participation of those affected.</p>	<p>by the state for public/ planning purpose. However, public infrastructure and community services affected by the government program, are likely to be avoided or replaced by government.</p> <p>Land acquisition procedures that include appropriate requirements for the informed participation of affected people and for timely resolution of grievances and complaints are not readily accessible. For instance, The Land Acquisition and Compensation Act (LACA) provides that all disputes and disagreements on compensation or title can be settled by arbitration or by the Supreme Court. These claims must be lodged within 21 days from the date of the notice and they may relate to unsatisfactory evidence to support claims or any disagreement between a landowner/occupier and the Board.</p>
---	---

Core Principle #5: Program E&S systems give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and to the needs or concerns of vulnerable groups.

Core Principle #5 is not applicable to The Gambia as Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities are not present in the country.

Core Principle #6: Program E&S systems avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.

Core Principle # 6 is not applicable to The Gambia.

Annex 6

NEQS - Air Quality Standards

Parameter	Averaging Period	Air Quality Standard (Phase 1)
SO ₂	24hr	125 µgm ⁻³
	Year	50 µgm ⁻³
PM10	24hr	50 µgm ⁻³
NO ₂	Year	40 µgm ⁻³
Lead	Year	1µgm ⁻³

Parameters and Techniques for Air Quality Monitoring

Parameter	Measurement Method	Frequency	Averaging Period	Locations
Fine particulates (PM10)	HiVol daily sampler	One day in Three	Daily	Two sites in Greater Banjul Area
Lead (Pb)	HiVol daily sampler	Once per month	Daily	Two sites in Greater Banjul Area
Nitrogen dioxide (NO ₂)	Diffusion tubes	Continuous	Monthly	Ten sites in Greater Banjul Area

Water Quality Standards for Saline Waters

Parameter	Standard
<u>Physico-chemical Parameters</u>	
Dissolved Oxygen	>6 mg/l
pH	6.5 to 8.5
BOD	<5 mg Oxygen/l
COD	<10 mg Oxygen/l
<u>Anions</u>	
Nitrate	6 mg/l (as nitrogen)
Nitrite	0.2 mg/l (as nitrogen)
<u>Microbiological Parameters</u>	
Total coliforms	1000 per 100 ml
Faecal coliforms	300 per 100 ml

Water Quality Standards for Surface Fresh Waters and Groundwater

Parameter	Surface Water Standard	Groundwater Standard
<u>Physico-chemical parameters</u>		
Dissolved Oxygen	>6 mg/l	n/a
pH	6.5 to 8.5	5.5 to 8.5
EC	1300 µS/cm	1300 µS/cm
Turbidity	<5 Nephelometric units	<5 Nephelometric units
Hardness	200mg/l (as calcium carbonate)	200mg/l (as calcium carbonate)
BOD	<5 mg Oxygen/l	<5 mg Oxygen/l
COD	<10 mg Oxygen/l	<10 mg Oxygen/l
<u>Microbiological Parameters</u>		
Total coliforms	1 to 10 per 100 ml	1 to 10 per 100 ml
Faecal coliforms	0 per 100 ml	0 per 100 ml
<u>Pesticides</u>		
Aldrin	10 ng/l	10 ng/l
Dieldrin	10 ng/l	10 ng/l
Endrin	5 ng/l	5 ng/l
Isodrin	5 ng/l	5 ng/l
Other individual substances	0.1 µg/l	0.1 µg/l
Total not to exceed	0.5 µg/l	0.5 µg/l

Parameters for Water Quality Monitoring

	Saline Waters			Groundwater		Surface Freshwater
	Tourist Beaches	Offshore	Fishing Villages	Boreholes	Landfills	River Gambia
Location	Tourist Beaches	Offshore	Fishing Villages	Boreholes	Landfills	River Gambia
Number of sampling points	5	5	5	55	10	10
Sampling frequency (per year)	12	4	2	2	2	4
Physico-chemical parameters	Dissolved oxygen BOD COD pH Electrical conductivity Turbidity Oil film Salinity			BOD COD pH Electrical conductivity Turbidity Hardness		Dissolved oxygen BOD COD pH Electrical conductivity Turbidity Hardness Oil film
Microbial parameters	Total coliforms Faecal coliforms			Total coliforms Faecal coliforms		Total coliforms Faecal coliforms

