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## AFRICAN DEVELOPMENT BANK GROUP

**PROJECT : LOME CONTAINER TERMINAL PROJECT**

**COUNTRY : TOGO**

### EXECUTIVE SUMMARY OF THE RESETTLEMENT ACTION PLANS

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## Executive Summary of the Resettlement Action Plans

Project Title : **Lomé Container Terminal Project**  
Country : **TOGO**  
Project Reference : **P-TG-DD0-002**

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### 1. INTRODUCTION

The Lomé Container Terminal (LCT) company has signed an agreement with the Government of Togo to carry out a project that includes the design, financing, construction, management and operation of a private container terminal in the port of Lomé. With this concession agreement, Togo's authorities want to turn the port of Lomé into an international-class commercial port able to welcome large container ships and promote trans-shipment activities to neighboring platform and Hinterland regions. LCT seeks financing from the African Development Bank to realize this project.

The completion of the project to build a container terminal to the West of the port of Lomé entails the involuntary displacement of people who occupy the land located within the project's area and the closing of the quarry that extracts sea sand from the Port of Lomé. The main negative socio-economic impacts of the project are the loss of access to land and economic resources, the loss of the improvements made to the area for agricultural activities, and the loss of livelihood or income sources. In accordance with the Bank's Policies on the involuntary displacement of populations, a Resettlement Action Plan (RAP) was prepared for the market gardeners living within the project's area, and another resettlement plan was prepared for the sea sand miners of Lomé Port. This document is an executive summary of these two resettlement action plans

### 2. PROJECT DESCRIPTION

#### Purpose, objectives and project area

The project is to build and operate a container terminal in the port of Lomé within the framework of a concession granted to the Lomé Container Terminal (LCT) company.

The project's objectives are to allow the entrance of large container carriers into the port of Lomé and perform the trans-shipment of these containers to the sub-region areas, Central and Southwest, by smaller vessels (feeders), with the aim of handling in a period of 2 to 3 years a volume of 400,000 to 500,000 TEUs (twenty-foot equivalent units) per year, and a maximum handled volume of 1,500,000 TEUs.

The project area is located within the port's area, between the port of Lomé's current location and the property of the Mercure Sara-Kawa hotel. This is a land reserve that is declared for the extension of the port, which is supposedly unoccupied and especially undeveloped beyond a space of 100 m along the coastal road; this space is reserved for the construction of corporate headquarters and other administrative buildings connected with port activities.

### Description of the project activities

The project consists of the construction of a sand barrier and a harbor basin with several berths and a large container storage area. The building of this infrastructure will be carried out in two (2) phases. Phase I will consist of the construction of a 1,050 m-long dock wall looking inland with 3 docking places, and a 1,315 m-long dock wall facing the sea without equipment, as well as the preparation of a container storage area that looks inland (220,000 m<sup>2</sup>). The water depth in the inner harbor, the harbor basin and the access fairway will be at 16.60 m zero port.

These building stages include the following works:

- Construction of a sand barrier (300 m long)
- Cleaning the natural ground
- Banking the existing area with sand with a thickness of about 2,00 m
- Compacting the terminal surface after hydraulic backfill
- Surface compacting and preparation of the formation level
- Building of dock walls with equipment
- Foundations for the gantries and RTG cranes
- Opening of the main jetty at depth and along the new harbor basin and dredging of the harbor basin along the requested side
- Construction of miscellaneous road, rail and waterways network
- Power feed for the terminal
- Arrangement of a storage area for dangerous products
- Construction of buildings and enclosures

### **3. POTENTIAL IMPACTS**

The project's potential environmental impacts have been identified and evaluated in the environmental and social impact assessment (ESIA) carried out in August 2009. This RAP only described the negative socio-economic impacts of the project that [directly] affect the project affected persons' (PAPs) resettlement process.

The building of a container terminal in the port of Lomé will require the suspension of all activities currently carried out in the project's area and the release of the areas granted to LCT. The following are the significant socio-economic impacts found:

- Access not allowed to the current occupants of the project's area,
- Temporary loss of access to arable land and/or economic resources,
- Permanent loss of the improvements made to the land,
- Temporary loss of livelihood or sources of income,

- Involuntary displacement of the people who are affected,
- Integration of the displaced people into a new reception area,
- Loss of commercial opportunities for market garden produce.

The expected mitigation measures are the following; (i) the resettlement of market gardeners in a new prepared reception site, or if they prefer, monetary compensation as indemnification for their loss of goods and assets; and (ii) the resettlement of sea sand collection activities to continental sand quarries that have been identified to the North of the Golf Prefecture by the General Directorate of Mines and Geology.

#### **4. LEGAL FRAMEWORK**

The national legal framework for resettlement is established in texts dealing with the state land regime, property rights, and expropriation procedures for causes of public utility and related indemnifications. The most important texts in the national legal framework are:

- The Constitution of the Republic of Togo dated 14 October 1992, modified by law No. 2002-029 of 31 December 2002,
- Ordinance No. 12 of 6 February 1974 establishing the state land regime, and
- Decree No. 45-2016 of 1 September 1945 regulating expropriations for causes of public utility.

In addition to the aforementioned texts, these additional texts also apply to the RAP of the sand miners:

- Law No. 2008-005 of 30 May 2008 in support of the framework law on the environment,
- Law No. 96-004 of 26 February 1996 in support of the mining code of the Republic of Togo, modified and completed by law No. 2003-012 of 14 October 2003, and
- Law No. 2007-011 of 13 March 2007 on decentralization and local freedoms.

According to the regulatory provisions on expropriation matters for cause of public utility, only titleholders of property deeds have the right to indemnification, whose amount shall be related to the property that is expropriated. In case of dispute or disagreement with the administration on the proposed property indemnification, the property owner can, within the expropriation procedure, enter an appeal before competent jurisdictions. On the contrary, no expropriation indemnification is forecasted for illegal occupants without legal property deeds or squatters.

The RAP is elaborated in conformity with the Bank's policies on involuntary displacement of populations, as well as the policies and performance norms on environmental and social sustainability of the International Finance Corporation (IFC). Within the framework of the implementation of both RAPs, in case there are divergences between both provisions or in case Togo's legislation is less complete, it is advised to apply the provisions of the ADB since its reach is greater, complete and sustainable in terms of eligibility, compensation, resettlement aid and economic rehabilitation.

## 5. INSTITUTIONAL FRAMEWORK

### RAP for market gardeners

The main organisms that intervene within the project's framework: i) The Ministry of Transportation; ii) the Ministry of the Environment and Forestry Resources; and iii) the Autonomous Port of Lome.

Other ministry departments may also intervene in the resettlement process, mainly: i) The Ministry of Urbanism and Habitat (General Directorate of Urbanism and Habitat, General Directorate of Cartography and Land registry); ii) the Ministry of Agriculture, Livestock and Fisheries (Rural Development Agency); iii) the Ministry of Finance (Domain Services of the National Tax Office); and iv) the Ministry of Territorial Administration, Decentralization and Local Governments (Municipality of Lome).

### RAP for sand miners

The main organisms that intervene within the framework of the resettlement plan are: i) The Ministry of Mines and Energy (MME); ii) the Ministry of the Environment and Forestry Resources (MERF); and iii) the Autonomous Port of Lome.

Other ministry departments may also intervene in the resettlement process, mainly: i) The Ministry of Urbanism and Habitat (General Directorate of Urbanism and Habitat, General Directorate of Cartography and Land registry); ii) the Ministry of Agriculture, Livestock and Fisheries (Rural Development Agency); iii) the Ministry of Finance (Domain Services of the National Tax Office); and iv) the Ministry of Territorial Administration, Decentralization and Local Governments (Municipality of Lome).

## 6. ORGANIZATIONAL RESPONSIBILITY

### RAP for market gardeners

The implementation and follow-up of the RAP for market gardeners is the responsibility of the PAL General Directorate. It will assume the roles of contracting authority and project manager through the Technical Directorate, which will be in charge of scheduling, coordination, follow-up and supervision of the PAP resettlement process. The PAL General Directorate will ensure the financing and execution of all activities related to an effective and efficient implementation of the resettlement process for those affected.

The PAL Directorate has established (July 2010) a working committee on the resettlement process for the market gardeners who are on the LCT project site. This committee is composed of representatives from PAL (04), the Environment Agency (01), the association of market gardeners (02), an independent consultant, and anyone else who can make a contribution. This committee is in charge of providing coordination, monitor and follow-up to the RAP implementation to make sure it conforms with all its technical, social and financial aspects; make onsite visits to follow up on the progress of the resettlement process for those people affected by the project; and, in the first instance, deal with all complaints and objections related to the resettlement process. The main parties in charge of the resettlement are PAL, MERF, the Lomé Market gardeners Committee and the consultants.

### RAP for sand miners

The implementation and follow-up of the RAP for the sand miners is the responsibility of the Ministry of Mines and Energy through the General Directorate of Mines and Geology, which will ensure all delegated contracting and project management aspects. It will delegate its attributions to the Directorate of Mining Development and Control, which will be in charge of the scheduling, coordination, follow-up and supervision of the resettlement process. The Ministry of Mines and Energy (MME) will ensure the financing and execution of all activities related to an effective and efficient implementation of the resettlement process for those affected.

The institutional instances for resettlement include the Ministry of Mines and Energy through the General Directorate of Mines and Geology, the Ministry of the Environment and Forestry Resources (Environmental Agency) and the Committee for the coordination and follow-up of the resettlement process.

A committee for resettlement of the working sea sand quarry of Port of Lomé was established by the Minister of Mines to find an alternative to the commercialisation of sea sand. This committee is made up of five members, three representatives of the Ministry of Mines and Energy and two representatives of the Union of Sea Sand Transporters (UTRANSAM). The resettlement committee will be expanded as part of this RAP and will include the addition of five members, a representative of the Ministry of Environment and Forest Resources, a representative of the PAL and the two consultants responsible for developing the RAP. The committee will be responsible for coordinating, monitoring and tracking the implementation of the RAP in a manner consistent in all its technical, social and financial aspects, carry out field visits to monitor the progress of the resettlement process and deal in the first instance with complaints and conflicts. The main stakeholders responsible for the resettlement of sand miners are the MME/DGMG the MERF, the UTRANSAM, the consultants and local businesses.

## **7. COMMUNITY PARTICIPATION**

The participation of the PAPs is at the centre of the resettlement activities and is a continuing concern during the implementation and monitoring of the RAP. The activities help to include the people affected and to promote their effective involvement in information and awareness campaigns, field visits, consultations with representatives of market gardeners and community involvement. During consultations with PAPs, the compensation measures were discussed, negotiated, and strengthened following their demands.

### Information and awareness campaigns

Information campaigns and awareness-raising programmes for the people affected were held during the preparation of the RAP and will continue throughout the process of relocating the PAPs. They should help to inform the persons affected in order to prevent and avoid any conflict situation resulting from the initial resistance inherent in any involuntary displacement and from not being aware of the steps taken by the PAL and resettlement measures under the RAP to help mitigate the socio-economic impacts of the project and improve the livelihoods and sources of income and living standards of the people affected by the project

Information and awareness campaigns will be supplemented by field visits and interviews with the market gardeners and their representatives, including vulnerable people, enabling them to express their concerns and make suggestions on how the process on the one hand, and on the other to see how the process of displacement and resettlement is progressing.

#### Consultations with the people affected

The purpose of consultations is to (i) present the content and potential impacts of the project and compensatory measures related to involuntary displacement of populations, (ii) involve community members in data collection (census, baseline socio-economic study on livelihoods, monitoring and evaluation) and (iii) gather the expression of their fears, expectations and complaints about the process of displacement and resettlement.

These consultations help to involve the affected populations in the resettlement process and address their concerns, which is consistent with the participatory approach adopted for the preparation, implementation and monitoring of the Resettlement Action Plans. As part of the implementation plans, they represent a constant concern and will continue throughout the process of resettling the people affected by the project.

#### RAP for the market gardeners

As the environmental and social impact study of the project was being conducted, interviews with the market gardeners in the project area have focused on project impacts and mitigation measures.

As part of the development of the RAP for the market gardeners, the consultants held discussions with them in the project area and their representatives attended meetings of the working committee set up by the Department for the PAL to monitor the resettlement process of those market gardeners affected by the project. These various occasions have helped (i) to inform all stakeholders about the process of preparing the RAP, the negative socio-economic impacts of the project and the measures planned by the RAP to help mitigate and improve livelihoods and sources of income and living standards of affected people,( ii) to discuss all issues related to planning, implementation and monitoring of the RAP and( iii) to gather the opinions and suggestions of affected people on the displacement and resettlement process.

Consultations and discussions with the market gardeners and their representatives took place on the dates below: 15 and 20 July 2010, 04 and 09 August 2010; 02, 14 and 23 September 2010 29 October 2010; 09 and 15 December 2010. A total of ten (10) consultations were held with the market gardeners or their representatives during the preparation of this RAP or during the IFC missions. It should be noted that on the 14, 15 and 29 September 2010, the sociologist and his team of investigators met with market gardeners and administered two (2) questionnaires for collecting data and information when conducting the baseline study on the livelihood of market gardeners in the area of the Port of Lomé.

It should be noted that the participation of two representatives of market gardeners, as members of the committee monitoring the resettlement process contributes to the effective involvement of the market gardeners of the project area at different stages of displacement and resettlement.

### RAP for sand miners

As the environmental and social impact assessment of the project was being conducted, interviews with the sea sand miners in Port Lomé have focused on project impacts and mitigation measures. In view of the closure of the active sea sand quarry of Port Lomé, the Minister of Mines has met with sea sand miners and set up a committee to find an alternative to the commercialisation of sea sand.

As part of the development of the RAP for the sand miners, the consultants held discussions with members of the Union of Sea Sand Transporters (UTRANSAM) and participated in meetings of the relocation committee set up by the Minister of Mines. These occasions enabled them (i) to inform all stakeholders about the process of preparing the RAP, the negative socio-economic impacts of the project and the measures planned by the RAP to help mitigate and improve livelihoods and sources of income and living standards of affected people, (ii) to discuss all issues related to planning, implementation and monitoring of the RAP and (iii) to gather the opinions and suggestions of those affected by the project on the displacement and resettlement process.

Discussions with representatives of the sea sand miners were held in August 2010 on the project site and during a meeting of the committee for relocation of the Port of Lomé quarry. After some reticence observed (concerning their desire to continue their activities on the project site) amongst representatives of the miners, the Minister of Mines met with them and held an awareness session attended by the Minister of the Environment on the need for the closure of active sea sand quarries upon the request of countries to the south, given the negative impacts on the environment and international commitments and sub-regional commitments by Togo to the protection and shoreline stabilisation. Consultations with the sand miners are a constant concern as part of the development of the RAP and will continue throughout the process of resettlement of the PAPs.

It should be noted that the participation of two representatives of UTRANSAM, as members on the committee to relocate the active sea sand quarry of the Port of Lomé, contributes to the effective involvement of the sea sand miners in the different stages of the displacement and resettlement process.

## **8. BASELINE SOCIOECONOMIC STUDY**

### RAP for the market gardeners

#### *Census of people affected*

The market gardeners occupying the project area are temporarily tolerated by the port authorities to allow them to pursue their agricultural activities. Vegetable production is the main economic activity for the market gardeners in the Port of Lomé.

A first census conducted in the ESIA (late 2009) tallied a total of 134 market gardeners who use the spaces in the project area in order to pursue their economic activities. Subsequently, a second census was conducted in February 2010 by a team of 3 PAL staff and 2 representatives of the market gardeners to enable the Directorate General of the PAL to have a precise reading on the situation of people in the port area. The results of the census conducted by the PAL were selected for two main reasons: (i) not all the market gardeners were active during the first census (flooding of plots) and (ii) the occupied spaces belong to the port and the Director General of the PAL

wished to have an exact idea of the number of market gardeners occupying the project area before proceeding to handling their grievances.

Based on the results of census of the PAL, there were a total of 175 market gardeners (including 105 men and 70 women) occupying the project area illegally and growing on 10,375 patches (an estimated total area of 18,675 ha). The assets of the market gardeners counted in the census affected notably included equipment and irrigation infrastructure (wells, boreholes, water troughs), huts for storage or makeshift shelter, a hard box, fruit trees and non fruit bearing trees (banana, sugarcane, coconut, palm oil). The summary of lost assets is presented in the table below.

	<b>Patches</b>	<b>Wells</b>	<b>Water troughs</b>	<b>Boreholes</b>	<b>Huts*</b>
Women	3,738	1	53	16	2
Men	6,637	2	79	31	11
<b>Total</b>	<b>10,375</b>	<b>3</b>	<b>132</b>	<b>47</b>	<b>13</b>

(\*) Including a three-room cabin

#### *Sociodemographic characteristics of the PAPs*

This is an area occupied and exploited by market gardeners whose activities are tolerated by the port authorities. They grow several crops there that are traded on the markets in the capital. Those employed in the project area admit they do not own the land. Although the area is an administrative area and therefore uninhabited, there are huts for shelter or refuge for the market gardeners; out of the 50 respondents met, 18 (36%) live on the site, while 32 (64%) come from surrounding neighbourhoods to work and leave at the end of the day.

People using the site are mostly *Ouatchi* (from southern Togo) and are adults whose age is between 30 and 50 years. The majority (44%) of the market gardeners surveyed have no grade level versus 28% with secondary education and 26% with primary school education. Among unschooled market gardeners, women outnumber men by more than 58%.

The study also showed that the market gardeners are a group of people with large family responsibilities as the majority has at least 5 people in their charge. In fact, 56% of market gardeners interviewed said they have between 5-9 people in their charge and 8% provide for the needs of at least 10 people.

#### *Crops grown and equipment used*

The market farmers settled in the project area predominantly grow lettuce, pepper, tomatoes, beets, carrots and onions. The equipment used consists of watering cans, hoes, rakes, water troughs, wells and boreholes.

#### *Income*

Of the total of the market gardeners surveyed, the average annual income is 236,470 CFA francs and varies between 40,885 CFA francs, 120,538 CFA francs and 405,208 CFA francs. Half of the market gardeners interviewed have an income below 162,500 CFA francs. The analysis of income reported by the market gardeners interviewed can be classified into three (3) groups: (i) the market gardeners with an income of less than 100,000 CFA francs (26%), (ii) those whose income is

between 100,000 and 200,000 CFA francs (26%) and (iii) market gardeners with incomes of equal to or greater than 200,000 CFA francs (48%).

#### *Organisation*

The market gardeners are organised by groups of vegetable crops. According to the ESIA report, three (3) groups of market gardeners have been identified in the project area: (i) the Group of Market Gardeners for the Protection of the Environment (GROMAPE), (ii) the Environmental Group for the Protection of Basic Initiatives (GEPIB) and the NOVISSILELE Group. These groups are active in the fields of market gardening and environmental protection. According to information collected, only GROMAPE is legally constituted and recognised by the Office of the Ministry of Agriculture.

There is a Committee of the Port of Lomé Market Gardeners composed of seven (7) members including one woman. This committee is representative of the different groups existing on the site and of the independent market gardeners. Its main purpose is to represent market gardeners during the resettlement process. The groups on the site are dedicated to helping its members to pursue their activities by resorting to various agencies for training or by providing financial or material assistance. It should be noted that the majority of market gardeners (70%) are not members any group, but do organise themselves in some ways on an ad hoc basis (i.e. a group of 5 or 6 people helping each other especially in cases of illness or death).

#### *RAP of the sand miners*

##### *List of persons affected*

According to the ESIA report, a total of 1494 persons, whose main economic activity is sea sand collection, have been listed in July/August 2009 and are divided as follows :

- 531 sand collection workers
- 900 drivers (chauffeurs and trainee drivers)
- 30 attachés (sand vendors in the market)
- 33 persons whose exact activity remains doubtful ("salesmen" )

Since the realization of the ESIA project, the managers of the Mines and Energy Ministry have maintained permanent contacts with the sea sand miners in terms of the inevitable closure of the sea sand quarry of Lomé Port.

Sea sand collection on the coast is an artisanal activity and the workers miners use shovels, hoes and bowls for loading the trucks. The PAP does not have assets on the project site, excluding the barriers used as control stations and the office of the sea sand collectors' union of Lomé Port (UTRANSAM).

##### *Socioeconomic profile*

Management of the sea sand collection activity in the project area was entrusted by the Government to UTRANSAM. It is to be noted that the DGMG never issued a licence or authorization for the exploitation of the sea sand quarry of Lomé Port according to the clauses of the mining code.

The sea sand collection works are carried out from Tuesday to Friday and the fleet of trucks include 600 trucks belonging to individuals or small companies. The loading of the trucks is carried out manually by the team of 6 workers most often headed by women. The persons intervening in the collection chain are mainly men. The truck drivers are exclusively men; on the other hand, women represent 50% of the sand collection workers.

The basic socio-economic study to be realized will allow the essential characteristics of the PAP and information on vulnerable persons or groups for which special measures must be taken to be obtained.

## **9. ELIGIBILITY**

### *RAP of the market gardeners*

#### *Eligibility criteria*

In accordance with the policy in terms of involuntary displacement of the populations of the Bank, the PAP not having formal legal right to the land occupied or title likely to be recognized by the national laws (including the customary right), can benefit from a compensation for loss of property and assets and resettlement aid or any other assistance allowing them to improve their means of existence or sources of income and their standard of living, provided that they are listed before the eligibility deadline. On the contrary, any person occupying the land of the project area after the eligibility deadline does not have right to any compensation or resettlement aid. According to the RAP of the market gardeners, they occupy the project area without title or right before the eligibility deadline are eligible for compensation.

#### *Eligibility deadline*

The resettlement eligibility deadline corresponds to the date of completion of the census of persons affected and inventory of assets. The inventory of persons affected was carried out for the first time during the execution of the environmental and social impact assessment (July 2009) and a second time by the PAL Management (February 2010) in the presence of representatives of the market gardeners of the project area. It is to be noted that during the first census, certain plots were flooded following heavy rains and not all the market gardeners were active. Consequently, the completion date was selected for the census of the PAL, public authority to which the occupied domain belongs and which has undertaken to accompany the market gardeners affected by the project. So the compensation eligibility deadline is fixed for 03 February 2010. The market gardeners were informed of the date selected during the various consultations and are aware of it.

### *RAP of the sand miners*

#### *Eligibility criteria*

According to the Bank's policy in terms of involuntary displacement of the population, the persons who neither have formal legal right on the land occupied nor title likely to be recognized by the national laws, can benefit from compensation for loss of properties and assets other than the land and resettlement aid or any other assistance allowing them to improve their means of existence or sources of income and their standard of living, subject to being listed before the eligibility deadline. The sand miners are considered in this category. It is to be noted that special attention must be paid to vulnerable or marginalized persons/groups requiring assistance specific to resettlement.

### Eligibility deadline

The eligibility deadline for resettlement aid mainly corresponds to the date of completion of the census of affected persons and inventory of assets. The PAP census was carried out during the ESIA in the presence of representatives of the sea sand collectors. The eligibility deadline for resettlement aid of the sand miners is fixed at 30 September 2009.

## **10. EVALUATION AND INDEMNIFICATION OF LOSSES**

### Evaluation of loss of assets

Estimate of the value of the assets of the market gardeners is carried out on the basis of a flat amount per patch exploited applied by PAL and indemnification at the cost of integral replacement of assets lost (agricultural equipments, huts and fruit-bearing trees).

*Exploited patches.* The PAL applied a flat amount of FCFA 2500 per exploited plate for similar cases of accompaniment of persons in view of the release of spaces in the port domain occupied without title or right. With regard to the individual monetary compensation of the market gardeners of Lomé Port, the Managing Director of PAL granted an increase of 20% on the flat amount per exploited patch, i.e. FCFA 3,000 per exploited patch. The amount of compensation for the 10,375 patches exploited amounts to FCFA 31,250,000.

*Agricultural Equipments.* The agricultural equipments (132 water trays, 47 mini-drills and 3 wells) listed are indemnified at their replacement cost. The compensation for loss of agricultural equipments is divided as follows :

	<b>Quantity</b>	<b>Unit price</b>	<b>Total price</b>
Water troughs	132	60 000	7 920 000
Boreholes	47	125 000	5 875 000
Wells	3	150 000	450 000
<b>Total</b>			<b>14 245 000</b>

*Huts and fruit trees.* The compensation concerns loss of 12 huts, 01 hard cases and fruit-bearing trees. The indemnification of losses of trees will require beforehand additional census to determine the number of plants per fruit-bearing tree belonging to each one of the market gardeners concerned. Evaluation of losses of standing crops will be undertaken according to their maturity and on the basis of the existing scales in terms of the Office of the Ministry of Agriculture. While waiting for the results of the additional census of trees, a provision of FCFA 11,500,000 as indemnification for the loss of huts and fruit-bearing and non-fruit bearing trees has been fixed.

### Indemnification of the affected persons

PAL has granted an amount of FCFA 45,370,000 for the individual monetary compensation in view of freeing of the spaces occupied in the project area and pursuit of the PAP activities on the sites of their choice. The payments by PAL started on 22 April 2011 in view of the release of the spaces occupied in the project area. The market gardeners have a one month period to empty freely and finally the spaces granted to the company LCT for the construction of a container terminal to the

West of the port of Lomé. All the eligible market gardeners have received their individual accompaniment, except a lady whose case will be examined by the committee for settlement of disputes which has been established.

It is to be noted that, compared to the requirements of the financial partners (SFI and ADB), all the assets listed were not taken into consideration (huts and standing crops) in the compensation proposed by PAL. In order to respond to the requirements of its financial partners whose financial assistance it has solicited, the company LCT proposes to take charge of the indemnification of the assets not selected by PAL (huts, case and standing crops). Moreover, reflections are underway at the level of LCT for additional social action in favour of the vulnerable persons and groups among the displaced persons. The nature and terms of this action will be defined by mutual consent with the requirements of the Bank.

The acquisition of the site for the sand miners is based on market prices.

## **11. RESETTLEMENT MEASURES**

### *RAP of the market gardeners*

#### *Nature of resettlement measures*

According to the policy of the Bank, the market gardeners affected by the project must benefit from resettlement aid and/or any assistance improving their means of existence or sources of income and their standard of living. Considering the fact that the means of subsistence of the market gardeners occupying the project area is based on the exploitation of the land, in so far as possible their resettlement on an appropriate new hosting site allowing them to pursue their economic activities or improving their means of existence is preferred.

If required and under the assumption that the resettlement sites identified by the market gardeners and/or PAL are not suitable or are likely to cause other major negative impacts on PAP (dislocation of households and family base, risk of loss of social links, aggravation of the precariousness of vulnerable persons in charge, additional installation charges in the reception area, problem of flow of products), it will be envisaged if the market gardeners want it, the option of individual monetary compensation allowing them to resettle at sites of their choice for the pursuit of their economic activities.

In the face of difficulties in identifying the suitable resettlement sites, the market gardeners have mainly expressed a preference for monetary aid allowing them to pursue their economic activities on the site of their choice, excluding 15 market gardeners who preferred resettlement on a new site. After display of the list of PAP eligible for compensation and following the information meeting dated 30 March 2011, all the market gardeners expressed their preference for monetary compensation in view of the pursuit of their activities on sites of their choice, including 15 market gardeners who had wanted resettlement on a reception site.

#### *Freeing of the spaces occupied*

The market gardeners have a one month period after payment of PAL compensation to free the spaces occupied in the project area. They received the payments made by PAL and undertook to

freely and finally empty the spaces granted to the company Lomé Terminal Container for the construction of a container terminal.

#### *Assistance specific to vulnerable persons*

In accordance with RAP, the vulnerable persons/groups among the market gardeners are particularly elderly persons, handicapped persons and women living alone. Specific assistance will be provided to vulnerable persons and groups. It can take various forms according to the persons concerned and their degree of vulnerability: separate and confidential consultation; priority access to the choice of plots and any form of assistance; assistance before, during and after the displacement; medical assistance and regular follow-up of their nutritional and health condition.

Measures will be taken by the PAL Management for the follow-up and pursuit of the assistance after the resettlement if necessary, or if required the identification of the governmental or non-governmental organisations likely to take over after the completion of the terminal construction works.

#### *Additional development works*

In order to guarantee the permanence of the resettlement process of the affected persons, other development actions can be initiated later, particularly: i) strengthening of the capacities of the affecting persons, ii) support to the organisations of market gardening producers, iii) elimination of illiteracy, iv) management, accounting training and other identified modules and v) setting up of self-managed funds for the financing of the income generating activities. These actions can be initiated only if the motivated request is made by the resettled persons after a feasibility study.

#### *RAP of sand miners*

##### *Nature of the resettlement measures*

According to the policy of the Bank, the miners must benefit from resettlement aid and/or any assistance improving their means of existence or sources of income and their standard of living.

According to RAP of the sand miners and considering the stopping of the exploitation of sea sand provided by the Togolese authorities, the following is proposed i) resettlement of PAP on a continental sand exploitation site and ii) resettlement aid allowing persons intervening in the sea sand collection chain to improve their means of existence or sources of income and their standard of living. The PAP resettlement measures are as follows:

- i) identification of continental sand exploitation quarries,
- ii) acquisition of sand exploitation quarries,
- iii) re-establishing of the means of existence,
- iv) organisation for displacement of persons affected and logistics support,
- v) specific assistance to vulnerable persons, and
- vi) additional actions for the confirmation of the resettlement process.

#### *Identification of resettlement sites*

In terms of the imminent closure of the sea sand exploitation quarry of Lomé Port and freeing of the spaces occupied by the sand miners in the project area, three continental sand exploitation sites (Adidovi, Todokpé and Fiogblékopé) were identified in the Zio prefecture by the General Directorate of Mines and Geology (DGMG).

The Fiogblékopé site is 37 km far from Lomé taking the National route no. 1 and of 30 km by road Lomé-Vogan. The available area is of 100 ha with fine white sand thickness between 1.30 m and 1.50 m which seems to increase towards the West. This site is dedicated to the resettlement of sand miners of Lomé Port and its period of exploitation is estimated at 18 to 24 months. The sand miners have confirmed their consent to the choice of this site.

#### *Negotiation of the resettlement conditions*

Discussions on the conditions of exploitation are in progress with the owners of the sites identified. Moreover, DGMG has engaged in talks with private parties who have expressed interest in the exploitation of a continental sand quarry. The sand miners of Lomé Port will be resettled on the exploitation site identified after negotiations between the stakeholders (DGMG, site owners and representatives of the sand miners of Lomé Port).

#### *Organisation of the resettlement*

The displacement and resettlement process is based on a regular and permanent exchange device favouring the involvement of persons affected at all stages. The period for freeing of occupied spaces and displacement will be fixed by mutual consent with the representatives of the union of sand collectors. The MME will take charge of the logistics support for the displacement of PAP.

All the affected persons will be informed at least two weeks in advance from the date and measures provided with a view to facilitating the transfer of the affected persons. No displacement will take place if the continental sand exploitation quarries are not identified to allow the pursuit of the activities of the affected persons. The union of sand miners of the Port of Lomé will ensure that all the persons affected are relocated to the reception site. The management of quarries will be entrusted to a management committee trained to this effect.

#### *Specific assistance to vulnerable persons and groups*

According to RAP, the vulnerable persons/groups among the sand miners are particularly elderly persons, like elderly truck drivers and elderly female head of teams. Specific assistance will be provided to vulnerable persons and groups. It can take various forms according to the persons concerned and their degree of vulnerability; separate and confidential assistance; specific, distinct and confidential consultation; priority access to any form of assistance; individual assistance before, during and after displacement; medical assistance and regular follow-up of their nutritional and health condition.

Measures must be taken by DGMG for the follow-up and pursuit of assistance after the resettlement if necessary, or if required the identification of the governmental or non-governmental organisations likely to take charge after the completion of the terminal construction works.

#### *Additional development actions*

In order to guarantee the permanence of the process for resettlement of the affected persons, other development actions can be initiated later, particularly: i) strengthening the capacities of the affected persons, ii) support to UTRANSAM, iii) elimination of illiteracy, iv) management, accounting training and other identified modules and v) setting up of self-managed funds for the financing of the income generating activities. These actions can be initiated only if the request motivated is made by the shifted persons intervening in the sea sand collection chain and after a feasibility study.

## **12. GRIEVANCE MECHANISM**

Any involuntary displacement of affected persons can raise complaints and conflicts on questions concerning the resettlement process. Certain litigations and conflicts, which may arise following lack of information or ignorance of resettlement measures provided by the two RAPs, can be resolved by additional explanations during the information and awareness campaign.

In the case of market gardeners, any affected person feeling harmed can submit a request before the Coordination and follow-up committee of the process through market gardeners members of the process follow-up committee. In the case of sand collectors, any affected person feeling harmed can submit a request before the Follow-up Committee of the resettlement process through representatives of the sand miners members of the said committee. The complaints and conflicts processing procedure provided in accordance with the PAP resettlement process, which prefers out of court settlement or by dialogue and negotiation, will include the steps given hereinafter:

- Receipt and recording of complaints and conflicts (by the Legal department of PAL for market gardeners and by the Directorate of Mining Development and Control for the DGMG for the sand collectors),
- First instance processing (by the coordination and follow-up committee for the market gardeners and by the displacement committee for the sand collectors),
- Processing if required by the local administration (Mayor or Municipal Office),
- Resorting to the competent jurisdictions in case of failure of the first two channels.

## **13. EXECUTION SCHEDULE**

All the activities of the resettlement process of the market gardeners and sand miners will be undertaken from July 2010 to July 2012. All the activities of the resettlement process of the sand miners will be carried out from July 2010 to July 2012.

## **14. COST AND BUDGET**

### *RAP of the market gardeners*

The estimated costs include the functioning of the follow-up committee, indemnification for the losses of assets, additional development actions, external evaluation of the effects and impact of the resettlement on the affected persons and the reception area, and unforeseen expenses. The total budget is FCFA 95,250,000.

### RAP of the sand miners

The estimated costs include the functioning of the committee for the displacement of the sea sand quarry of Port of Lomé, resettlement measures (Acquisition of land, preparation of the resettlement site, opening/reprofiling of the paths of access of the quarries, construction of a shelter), development actions, and external evaluation of the resettlement process on PAP and the reception area. The total budget is FCFA 250,000,000, not including the costs related to the identification of the sites for resettlement of the sea sand miners of the Port of Lomé and the administrative formalities for obtaining exploitation licence.

## **15. MONITORING AND EVALUATION**

The main objectives for the monitoring and evaluation of the resettlement process of the market gardeners and the sand miners are : i) monitoring of the progress and difficulties/constraints appearing throughout the resettlement process on the one hand and on the other hand compliance of the implementation of RAP with fixed objectives, national legal measures and policy in terms of involuntary displacement of the population of the Bank and ii) evaluation of the effects and impact of the resettlement on PAP and reception area.

In compliance with the requirements of ADB, mechanisms for the monitoring and evaluation of the resettlement process of the market gardeners and sand miners will be established to allow follow up of the progress and effective implementation of actions as provided compared to the schedule and projected budget, to propose solutions appropriate for the difficulties and constraints encountered, to take, if required, corrective measures throughout the resettlement and evaluating the degree of satisfaction and impact of the resettlement measures implemented. The follow-up committee of the resettlement process is responsible for the follow-up of the implementation of actions with regard to the two RAP.

The tools for the follow-up and evaluation of the resettlement plans are site visits, meetings with the interveners and organizations concerned, periodic progress reports, consultation with the affected persons and their representatives, basic socio-economic surveys with PAP samples at the start and on completion of the resettlement process and performance indicators which will be used.

The follow-up of the implementation of two RAP aims at ensuring that the affected persons are displaced and relocated at new reception sites in time and without major negative impact, taking care to respect the legal measures applicable and implementation of the relocation process compliant with the two RAP, providing to the authorities concerned reliable information on the implementation of the process and identifying the success and problems as soon as possible so as to provide the necessary adjustments in time for the implementation clause to attain the fixed objectives. An external evaluation of the effects and impacts of the two RAP on PAP and the reception area will be undertaken after completion of the resettlement operations.

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