
RESETTLEMENT POLICY FRAMEWORK (PRF)

SUSTAINABLE URBAN MOBILITY PROJECT IN GREATER NOKOUÉ – BENIN (PMUD GN)



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GLOSSARY

- **Resettlement Policy Framework (RPF):** According to Environmental and Social Standard 5 (ESS 5), Annex 1.B, paragraph 30 (CES, 2016, p.103), the RPF is "the document that presents the principles that guide the development of a Population Resettlement Action Plan (PARP), once the investment is sufficiently well defined to allow its impacts to be determined". The objective of the project is to clarify the principles guiding resettlement, the organizational arrangements and the conceptual criteria to be applied to the sub-projects to be prepared during the implementation of the Project.
- **Land acquisition:** "Land acquisition" refers to all methods of obtaining land for the purposes of the project, which may include outright purchase, expropriation, and the acquisition of access rights, such as easements or rights-of-way. It can also be defined as: (a) the acquisition of unoccupied or unused land, whether or not the landowner derives his income or subsistence from that land; (b) the seizure of Crown land used or occupied by individuals or households; and (c) the submersion of land or the inability to use or access land as a result of the project. "Land" includes anything that grows or is permanently attached to the ground, such as crops, buildings and other landscaping, as well as bodies of water within it. (World Bank Environmental and Social Framework (ESF), NES No. 5, page 53).
- **Resettlement assistance: refers to** measures taken to ensure that persons affected by the project who may need to be physically relocated receive assistance in the form of a relocation allowance, residential or rented accommodation, as possible and as required, to assist with resettlement during relocation. It is also, in the case of economic displacement, sufficient assistance for those affected by the project who have no legal rights or legitimate claims to the land or property they occupy or use to be able to re-establish their livelihoods elsewhere (ESC, NES No. 5, page 58 and paragraph 34c).
- **Resettlement Framework :** a document that precisely describes the principles, organizational arrangements and resettlement design criteria that should apply to the components or sub-projects to be prepared during the implementation of the project. Once the sub-projects or individual components of the *project* have been defined and the necessary information is made available, this framework will be expanded to take into account the potential risks and effects of the project. Project activities that will involve physical and/or economic displacement will not start until these specific plans have been developed and approved by the Bank (ESC, NES No. 5, page 63).
- **Compensation:** Where land acquisition or restrictions on its use (whether temporary or permanent) cannot be avoided, the UCP will offer those affected compensation at replacement cost, as well as other necessary assistance to enable them to improve or, at least, restore their living standards or livelihoods

(CES, NES N°5, paragraph 12, pages 55-56).

- **Replacement cost:** This is a valuation method that establishes sufficient compensation to replace assets, plus the necessary transaction costs associated with replacing those assets. Where markets are functioning, the replacement cost is the market value determined from an independent and competent real estate appraisal, plus transaction costs. Where functional markets are lacking, replacement cost may be determined by other means, such as calculating the production value of land or productive assets, or the undepreciated value of substitute material and labour to be used in the construction of structures or other fixed assets. plus transaction costs. In all cases where physical displacement results in the loss of housing, the replacement cost must be at least sufficient to allow for the purchase or construction of housing that meets the minimum acceptable standards of quality and safety for the community. The valuation methodology used to determine the replacement cost should be documented in the relevant relocation planning documents. Transaction costs include administrative fees, registration or deed fees, reasonable moving costs and any other similar fees imposed on the persons concerned. To ensure compensation at replacement cost, it may be necessary to update the expected compensation rates in project areas where inflation is high or the time lag between the calculation of compensation rates and the payment of compensation is significant (ESC, Glossary, page 54).

- **Eligibility deadline:** The deadline for granting rights, or deadline, is the date of:
 - o the end of the census operations intended to determine the persons and property eligible for compensation. Information on this deadline will be sufficiently detailed and disseminated throughout the project area at regular intervals, in written and non-written media and in the languages spoken by the populations concerned;
 - o to which the persons and property observed in the sites subject to displacement are eligible for compensation;
 - o after which people who arrive to occupy the rights-of-way will not be eligible.

The UCP is not obliged to compensate or assist persons who encroach on the project area after the eligibility deadline, provided that this date has been clearly set and made public (ESC, NES No. 5, paragraph 30, page 58).

- **Involuntary resettlement:** the acquisition or imposition of land use restrictions as part of a project may result in physical displacement (relocation, loss of residential land or loss of housing), economic displacement (loss of land, assets or access to assets, including loss of source of income or livelihood), or both. The term "involuntary relocation" refers to these effects. Resettlement is considered involuntary when affected individuals or

communities do not have the right to refuse land acquisition or land use restrictions that are causing the displacement (ETUC, Glossary, p. 105).

- **Expropriation (forced eviction):** defined as the permanent or temporary eviction, against their will, of individuals, families and/or communities from their homes and/or the land they occupy, without providing them with an appropriate form of legal or other protection, or allowing them access to such protection, including all applicable procedures and principles under ESS No. 5. A Borrower's exercise of the right of expropriation in the public interest, appropriation or similar powers shall not be considered a forced eviction provided that it complies with the requirements of national law and the provisions of ESS No. 5, and is conducted in a manner consistent with the fundamental principles of due process (including giving adequate notice, real possibilities for lodging complaints and remedies, and refraining from using unnecessary, disproportionate or excessive force) (ETUC, Glossary, page 104).
- **Vulnerable groups:** individuals or groups who are more likely to suffer from the effects of the project and/or are more limited than others in their ability to reap the benefits of a project. These individuals or groups are also more likely to be excluded from the general consultation process or to be unable to participate fully in it, and may therefore require specific measures and/or assistance. In this respect, account should be taken of age-related considerations, in particular for the elderly and minors, including in cases where they may be separated from their families, communities or other individuals on whom they depend (NES No. 1, note 28, p. 19).
- **Livelihoods: Livelihoods** encompass the full range of livelihoods that individuals, families and communities use to earn a living, such as wage employment, farming, fishing, gathering, other natural resource-based livelihoods, petty trade and barter (CES, NES N°5, pages 53 and 105).
- **Project Affected Persons (PTPs):** any person whose land, property or livelihoods have been impacted by the identified project before the deadline and affected by a project, who are therefore entitled to compensation. In addition to physically displaced persons, the concept also includes persons who are economically impacted (e.g. loss of land, assets or access to such assets, including loss of source of income or other means of subsistence) or access to certain natural resources that they previously used. In short, they are persons entitled to benefit from compensation and assistance (CES N°5, paragraph 20, page 57).
- **Livelihood improvement:** In the case of projects that have an impact on livelihoods or income generation, a plan will be developed with measures to help affected people improve, or at least restore, their income or livelihoods.

The plan will establish the benefits to which affected individuals and/or communities are entitled, with particular attention to gender issues and the needs of vulnerable groups in these communities, and ensure that these benefits are delivered in a transparent, consistent and equitable manner. It will include mechanisms to monitor the effectiveness of measures applied to safeguard livelihoods, both during the implementation of the project and at the time of the post-project evaluation. The mitigation of economic displacement will be considered complete once the completion audit concludes that the affected individuals or communities have received all the assistance to which they are entitled, and that they have sufficient opportunities to restore their livelihoods (ESC, NES No. 5, paragraph 33, page 59).

- **Resettlement Plan (RP) or Resettlement Action Plan:** This is a document that is designed to mitigate the negative impacts of displacement and highlight opportunities for development, regardless of the number of people affected by the project. The RP contains a relocation budget and timeline for implementation, and defines the rights of all categories of affected people (including host communities). Particular attention will be paid to gender issues and the needs of poor populations and vulnerable groups (ETUC, NES N°5, paragraph 26, page 58).
- **Land Use Restrictions:** refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land, which are directly imposed and implemented as part of the project. These may include restrictions on access to legally established protected areas and parks, restrictions on access to other common resources, restrictions on land use in areas of public utility or security easement (CES, NES N°5, page 53).

LIST OF ACRONYMS

ABE AGR	Commodo and Incommodo Investigation Sexual Exploitation and Abuse Strategic Environmental and Social Assessment Waters,
ANDF ATC AP	Forestry and Hunting Environmental and Social Impact Assessment Euro Package Glo-Djigbé Industrial Zone Sexual Harassment High
BCDF CCE	Voltage Environmental Inspection Acute Respiratory Infections Ministry of Agriculture, Livestock and Fisheries Ministry of Living
CES CFA CFD	Environment and Transport Ministry of Economy and Finance Complaint Management Mechanism Ministry of Planning and
CGES CP	Development Environmental and Social Standards No SDG NGO OSD CSO PAG PAP PAR
CPR CPRP	
CSES CTR	
DAO DST	
ECIc EAS	
EES EFC	
EIES EU FF	
GDIZ HS HT	
IE IRA MAEP	
MCVT MEF	
MGP MPD	
NES Beninese	
Agency for the	
Environment	
Revenue-Generating	
Activities	
National	
Agency for	
Land and Land	
Cotonou	
Crossing Axes	
of Cotonou	
Public	
Audience	
Communal	
Offices of the	
Land and Land	
Domain and	
Land	
Certificate of	
Environmental	
Compliance	
Environmental	
and Social	
Framework	
Financial	
Community in	
Africa Land	
and State	
Code	
Environmental	
and Social	
Management	
Framework	
Public	
Consultation	
Resettlement	
Policy	
Framework	
Policy	
Framework for	
the	
Resettlement	
of Populations	
Environmental	
and Social	
Safeguards	
Unit Technical	
Committee for	
Resettlement	
Tender File	
Technical	
Service	
Directorate of	
the Technical	
Service	

Number Sustainable Development Goals Millennium Development
Goals Non-Governmental Organization Strategic Development
Orientations Civil Society Organizations Government Action
Programme Project Person Affected by the Project Resettlement
Action Plan Resettlement and Compensation Action Plan Platform
of Civil Society Associations of Benin Traffic Light Rehabilitation and
Centralization Project Management Plan Environmental and Social
PM

PASCIB
PCRT
PGES
PARK

For the record, Sustainable Urban Mobility Project in
PMUD-GN PMPP Grand-Nokoué

Stakeholder Engagement Plan Operational Policy RP TFP PTP PAP
PO

Resettlement Plan Technical and Financial Partners People Affected by the
Project People Affected by the National Inter-State Road Growth Strategy for
Poverty Reduction Local Resettlement Structure Road Infrastructure and
Land Use Planning Company ToR

RNIE
SCRIP

SLR

SIRAT

Terms of Reference UP GBV

Public Interest
Gender-Based Violence

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CHAPITRE I. INTRODUCTION

The Republic of Benin hereby agrees to apply the principles, procedures and standards incorporated in ESS 5 of the World Bank's Environmental and Social Framework (ESF) if sites intended for use of the project would result in economic displacement or physical displacement.¹

The Resettlement Policy Framework (RPC) is a document that sets out the guidelines, principles and procedures for resettlement. It is a key document for the execution of the sustainable urban mobility project in Greater Nokoué. It is defined as a document describing the legal and institutional framework, principles, procedures and measures for the resettlement of the populations that will be affected by the project activities (PAP).

This CPR is intended to utilize the existing legal and policy framework in the Republic of Benin and incorporate any additional measures necessary to ensure consistency with the principles and standards of the NES 5, as outlined below.²

The choice to carry out a CPR is justified by the fact that at this stage of project preparation, not all the detailed technical data on the roads to be developed are precise. The main goal of the Resettlement Action Plan (RAP) is to ensure that the populations who have to leave their living environment and lose part of their property following the implementation of the project (components and sub-components) are socially restored in order to prevent the project from contributing to the aggravation of their economic vulnerability. However, at this stage, these populations are not yet known and accurately recorded.

1.1. Project description

The Sustainable Urban Mobility Project in Greater Nokoué (PSUM-GN) in Benin is structured around several components. At the end of December 2024, five (05) components presented as follows are retained:

Component 1: Improving the governance of the urban mobility sector. Sub-component 1.1:

Development of a sustainable urban mobility strategy and a freight management plan for Greater Nokoué;

Sub-component 1.2: Creation and operationalization of an organizing authority for urban mobility in Greater Nokoué;

Sub-component 1.3: Establishment of financing mechanisms for the urban mobility sector.

1. As described in ESS5, Paras. 26– 32.

2. The CPR does not replace the provisions of the ESS5 or the ESF, and the World Bank remains solely responsible for determining what is necessary to ensure consistency with these requirements throughout the implementation of the project.

Component 2: Professionalisation of paratransit operators, road safety and waterway safety.

Sub-component 2.1: Professionalisation of paratransit operators **Sub-component**

2.2: Road safety

Sub-component 2.3: Safety on inland waterways (lake transport).

Component 3: Improvement of urban mobility conditions Sub-component 3.1:

Introduction of public transport services by bus and boat.

- Technical assistance on the modernization of public transport (land and lake);
- Planning of a hierarchical and multimodal public transport service system (public transport by land and waterways, service and first/last mile services) at the level of G-Nokoué.
- Provision of efficient public bus transport services along the two priority mobility corridors (including Abomey Calavi - Cotonou and Ouidah - Sèmè-Podji).
- Provision of public transport services by inland waterways (public transport service on Lake Nokoué) on the Cotonou-Porto Novo and Cotonou - Abomey Calavi sections, with capacity and modern stations in Cotonou, Porto Novo and Abomey Calavi.

Sub-component 3.2: Development of infrastructure supporting sustainable and multimodal urban mobility

- Improvement of land transport infrastructure for urban mobility in the GN;
- Development of lake transport infrastructure in favour of urban mobility in the GN;
- Reconstruction of the Porto Novo, Ganhi (old bridge) and Djonou bridges.
- It should be noted that the exchanges to date that include the 03 bridges in the perimeter of the project could evolve towards the consideration of 02 bridges only: Ganhi and Djonou.
- Improvement of traffic management along priority mobility corridors, deployment of Intelligent Transport Systems (ITS);
- Technical assistance for the definition and implementation of the policy, strategy, application and management of the road network, parking and road safety.

Component 4: Electrification of two-wheelers Sub-component 4.1: Technical assistance on the planning of a motorcycle taxi fleet renewal strategy (pilot phase)

Sub-component 4.2: Deployment of a fleet of electric motorcycle taxis in Greater Nokoué;

Sub-component 4.3: Structuring of a local industrial sector for electric mobility.

Component 5 – Capacity Building and Project Management.

Sub-component 5.1: Project management **Sub-component 5.2:**

Capacity building

Sub-component 5.3: Assistance to the project owner to the project implementation unit.

1.1.1. Sustainable Urban Mobility Project in Greater Nokoué (PSUM-GN): details on the infrastructure sub-component (sub-component 2.2)

The infrastructures concerned by sub-component 3.2 (Improvement of land and lake transport infrastructure for urban mobility and traffic management) are described as follows:

Development for the benefit of the land transport network

- **Redevelopment of existing roads**

The public transport service, as planned, will be deployed on priority corridors in the Grand-Nokoué territory. Two (02) main axes of the national inter-state roads (RNIE) are selected for this purpose:

- Axis 1 of the priority corridors is the north-south section of the RNIE2 and RNIE 1 which starts at Glo-Djigbé (GDIZ junction) and ends at the Agblangandan junction (Sèmè-Podji) via the Godomey interchange, the Cica Toyota junction, the Dantokpa market and the Ciné Concorde junction, including its ramps;
- Axis 2 of the priority corridors is the section of the RNIE 1 from Pahou (Ouidah) to the Godomey interchange on the one hand, then from the Agblangandan crossroads (Sèmè-Podji) to Porto-Novo on the other hand.

These two axes are existing developed roads, generally in 2x2 lanes + TPC + local traffic, except for the sections from GDIZ to Missessinto junction on RNIE 2 on the one hand and Sèmè – Porto-Novo junction on RNIE 1 currently being rehabilitated also into 2x2 lanes. There will therefore be no major interventions on the priority corridors within the framework of the SUMP-GN. The PSUM-GN's interventions on these priority corridor axes will focus on carrying out comfort works to improve traffic. These include, among others, works such as: (i) redevelopment of intersections, (ii) rehabilitation by resurfacing of roadways on Cotonou Access and Crossings (ATC), (iii) development or redevelopment of sidewalks and side alleys, (iv) development of pedestrian paths,

(v) rehabilitation and reinforcement of road safety equipment; (vi) rehabilitation of horizontal signals, (vii) rehabilitation and centralisation of traffic lights (SLT/PCRT), (viii) restoration of public lighting; etc.

- **Construction of facilities for the benefit of public transport lines on the land road network**

This involves the installation of equipment and other structures to support the public bus transport service along the priority corridors that are the RNIE1 & 2. At this level,

we can remember:

- o The development of bus stops, approach areas and stop areas;
- o The development of bus terminals;
- o The development of park-and-ride facilities;
- o The development of depots;
- o The development or renovation of large lake ports.

• **Development of the "rue 200-7 bis" section of the Boulevard Urbain**

As part of the development of road infrastructure to support public transport, a 3rd road axis that is currently undeveloped has been identified. With a total length of about 24 km, this is the road along the HV line and which follows the route described as follows: RINIE 2 (Carrefour LIPS) and which passes through the wholesale market, the administrative city, the Maria-Gléta energy plant, the Maria Gléta crossroads, the crossing of the Djonou River, the crossing of the RNEI 1 in Godomey, Agla Akplomey, CEG Les Pylône – RNEI 1 (Carrefour Média Production locally known as Carrefour Agla Kanglouè).

It is an "Urban Boulevard" whose development will make it possible to relieve congestion on the axes of the priority corridors on the RNIE1 & 2 and thus optimize the scenario of public land transport in the long term.

The PSUM-GN, in its current phase, does not include the entire Urban Boulevard (BU), but takes into account the section of rue 200-7 bis of the BU which is approximately 2 x 2.3 km long between the administrative city and the Tokan crossroads (intersection with the RN30). This street was initially part of the asphaltting phase B project, so its APD studies are available.

The typical cross-section adopted for street 2007-bis of the BU is as follows:

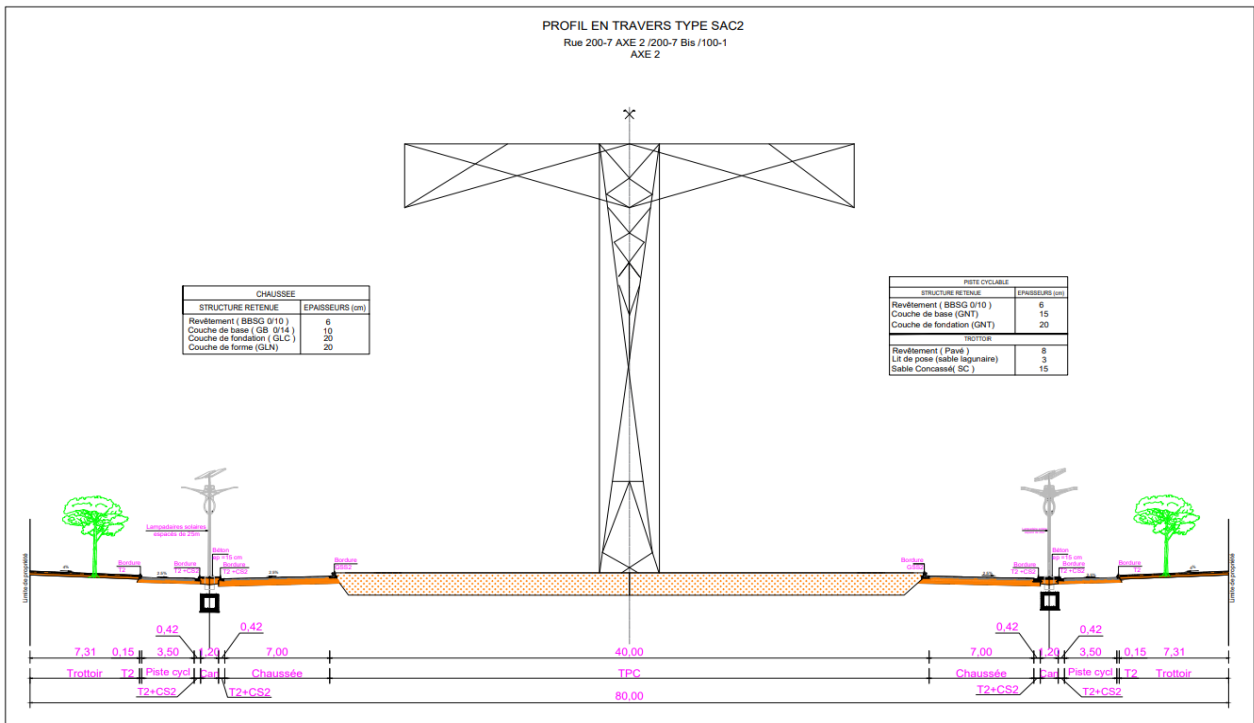


Figure 1: Cross-section type street 200-7 bis

Source: SIRAT, 2024

- **Bridge reconstruction**

Three (03) bridges have been identified to be rebuilt as part of the SUMP-GN. These are the Porto Novo, Ganhi (old bridge) and Djonou bridges.

Overall, the work will consist of the reconstruction of these existing bridges into new bridges developing a 2x2 lane carriageway with a TPC and two (02) cycle lanes in order to optimize traffic flows from the point of view of regulation and safety standards.

Discussions are still underway to confirm the perimeter. These exchanges may lead to the retention of 02 bridges (Ganhi and Djonou) instead of the 03 bridges mentioned above

- **Development for the development of public transit on waterways (lake transport)**

The public transport service on inland waterways (lake transport) is one of the solutions envisaged for the modernisation and management of urban mobility in the GN. Lake Nokoué has been selected as the most suitable body of water to house this mode of transport and the two (02) priority axes identified are: (i) Cotonou - Porto-Novo and (ii) Cotonou - Abomey-Calavi.







Informally, lake transport is currently practiced on these routes. It is unstructured with boats with little capacity that do not comply with any standards and makeshift stations.

All the developments planned as part of the sustainable urban mobility project in Greater Nokoué are generally illustrated in the map below:



Figure 2: Project location map

LEGEND

-  Priority corridors on RNIE1 and RNIE2 for public transit by bus Extension of the priority corridor on RNIE1 for public transit by bus
-  ATC Mobility
-  PCRT/SLT
-  Lake transport between Abomey-Calavi, Cotonou and Porto-Novo
-  Section of the street 200-7 bis (2 x 2.3 km) of the Boulevard Urbain
-  Pont

1.2. Potential impacts of land acquisition or use restrictions

Of the five (05) components of the project, it is component 3 that is likely to have environmental and social impacts.

The main potential impacts that may result from the project activities are presented in the tables below. Broadly speaking, it was the activities in Component 3 that could result in physical displacement (relocation, loss of residential land or housing), economic displacement (loss of land, assets or access to such assets, including loss of source of income or other means of subsistence), or both.

Table 1: Potential impacts of project activities

Sub-components	Impact activities	Sub	Negative impacts	Mitigation measures
Component 3: Improvement of urban mobility conditions				
Improvement of land transport infrastructure	<ul style="list-style-type: none"> Redevelopment of existing roads Development of the Akassato urban boulevard 	<p>(i) redevelopment of intersections, (ii) rehabilitation by resurfacing of roads on Cotonou crossing axes (ATC), (iii) development or redevelopment of sidewalks and side alleys, (iv) development of pedestrian paths, (v) rehabilitation and reinforcement of road safety equipment;</p> <p>(vi) rehabilitation of horizontal signs, (vii) rehabilitation and centralization of traffic lights (SLT/PCRT), (viii) restoration of public lighting; etc...</p> <p>Connection of the LIPS crossroads to Gbétagbo (RNIE 2), - wholesale market - administrative city under construction, will pass through the Maria-Gléta energy plant, - Maria Gléta crossroads - crossing of the Djonou River, - new Agla Pylône - RNIE1 HV lines at the Média Production crossroads (locally called Agla Kanglouè crossroads)</p> <p>With</p>	<p>Loss of related structures (barracks, workshops, kiosks, shed workshops, access ramps, etc.)</p> <p>temporary loss of revenue due to access restrictions and the release of rights-of-way;</p> <p>disruption of the movement of goods and people;</p> <p>loss of trees of economic value or used as shade;</p> <p>probable destruction of crops;</p> <p>Loss of cultural/religious and/or sacred property</p> <p>Loss and disruption of business income, including rental income</p> <p>risks of accidents, fire; risks of disruption of social cohesion,</p> <p>risks of disruption to the concessionaires' networks (electricity, water, telephone), etc.</p> <p>disruption of the living environment;</p>	<p>Develop and implement resettlement action plans in line with the CPR and accompanied by livelihood restoration plans;</p> <p>Limitation of the duration of the work;</p> <p>Provide public parking for local residents with regard to restricting access to the roads during the works;</p> <p>Provide access walkways for homes during the work</p> <p>Refurbishment of land used temporarily during the work</p>

Sub-components	Impact activities	Sub	Negative impacts	Mitigation measures
Component 3: Improvement of urban mobility conditions				
	<p>- Alègléta - Djonou River - Agla</p>	<ul style="list-style-type: none"> • Improvement of the missing half of the road on 0.58 km) Maria Gléta crossroads > Djonou River + River crossing (3.26 km) Djonou River • Improvement of the missing half of the road over 1.93 km • River crossing • Overpass over the RNIE n°1 (0.34km) • Section of the RNIE N°1 > Agla Pylon (2.23km) • Overpass on the RNIE n°1 Agla Pylon, Agla Pylon, • development of the missing half of the road over 1.79km). <p>Installation of equipment and other structures to support public transport through:</p> <ul style="list-style-type: none"> - the development of bus stops, approach areas and stop areas; - the development of bus terminals; - the development of park-and-ride facilities; 	<p>probable loss of land with the establishment of infrastructure;</p> <p>occupation of private land by construction machinery and equipment;</p> <p>restriction of access to private land and property;</p> <p>disruption of access to commercial and residential properties on the roads concerned.</p> <p>Temporary loss of site for the exercise of Income-Generating Activities; Drop in revenue.</p> <p>Disruption of the movement of goods and people;</p>	

Sub-components	Impact activities	Sub	Negative impacts	Mitigation measures
Component 3: Improvement of urban mobility conditions				
	<ul style="list-style-type: none"> • Other equipment and works for the benefit of public transport lines on the land road network 	<ul style="list-style-type: none"> - the development of depots; - the development of pedestrian crossings; - the construction of aerial footbridges; - The development or renovation of large lake ports. 	<p>loss of trees of economic value or used as shade; probable destruction of crops, loss and disruption of commercial income, including rental income, risks of accidents, fire; risks of disruption of social cohesion, risks of disruption of concessionaires' networks (electricity, water, telephone), etc. disruption of the living environment; occupation of private land by construction machinery and equipment; temporary loss of a site for the exercise of Income-Generating Activities; Drop in revenue;</p>	<p>Develop and implement resettlement action plans in line with the CPR and accompanied by livelihood restoration plans;</p> <p>Limitation of the duration of the work;</p> <p>Provide public parking for local residents with regard to restricting access to the roads during the works.</p>
	<p>Development for the development of public transport of the fluvio-lagoon type.</p>	<p>To develop on Lake Nokoué and specifically on the Porto-Novo axis in Cotonou with the possibility of extending to Abomey-Calavi navigation routes for formal and better structured river-lagoon transport with capacity boats respecting standards.</p>	<p>Risk of conflict of use at the piers; Disappearance of certain fishing practices (acadja); Water pollution which can lead to a drop in fish products, diseases;</p>	<p>Develop and implement a livelihood restoration plan respecting the CPR to accompany the boatmen, tourist guides; fishermen and shopkeepers Limitation of the duration of the works; Compensation for loss of income;</p>

Sub-components	Impact activities	Sub	Negative impacts	Mitigation measures
Component 3: Improvement of urban mobility conditions				
			Loss of activity, a source of income for fishermen following the opening of shipping lanes; disruption of tourist and commercial activities; probable disruption of navigability on the water; Disruption of the movement of goods and people.	Demarcation of other shipping lanes during the works; Provide other temporary boat points during the work.

Source: CSES/SIRAT, August 2024

During the development of the RAPs, when the actual impacts are identified, specific measures will be determined to mitigate them.

1.3. Rationale for the development of the CPR

This Resettlement Policy Framework (RPC) is prepared based on the World Bank's NES5 "Land Acquisition, Land Use Restrictions and Involuntary Resettlement" and relevant laws and regulations of the Republic of Benin. The objective of this CPR is to establish the resettlement principles, organizational arrangements, financing mechanisms and design criteria to be applied to the sub-projects to be prepared during the implementation of the project (paragraph 25). This RPC will be applied to all project activities that result in involuntary resettlement, regardless of the source of funding. The RAPs of sub-projects in line with the policy framework will be submitted to the World Bank for approval once the individual components of the project have been defined and the necessary information is made available (paragraph 25).

In accordance with paragraphs 10 and 11 of the ESS1, the CPR will also apply to activities deemed to be associated with the World Bank project. They relate to "facilities or activities that are not financed under the project, but which, in the opinion of the Bank, are: (a) directly and closely associated with the project; b) carried out or to be carried out at the same time as the project; and (c) necessary for the viability of the project and would not have been constructed, expanded or carried out if the project had not existed". To this end, a screening of the associated facilities/activities will be conducted during the preparation of the Resettlement Action Plan (RAP) for each sub-project and, where appropriate, mitigation measures will then be developed and incorporated into the Resettlement Action Plan (RAP).

CHAPTER II. LEGISLATIVE FRAMEWORK FOR RESETTLEMENT

The legal framework for resettlement relates to land legislation (land laws, land status), public participation in Benin, land acquisition, resettlement and economic restructuring mechanisms. It also contains a comparative analysis of national legislation and the World Bank's Environmental and Social Standard, in this case NES No. 5.

2.1. National policies and regulations

Expropriation procedures are regulated by Law No. 2013-01 on the Land and State Code (Title IV: Infringements of the Right to Property) which was amended and supplemented by Law 2017-15 of 10 August 2017. Article 210 states that the infringement of the right of cleanliness may consist of expropriation in the public interest, a limitation of the right to property for the purpose of urban or rural development and the issuance of easements of public utility, initiated by the State or a local authority.

The ordinary expropriation procedure is triggered by the declaratory act of public utility (UP), which is, depending on the case, a law, a decree or an order. At the national or regional level, the power to expropriate is assigned to the President of the Republic or the Regional Official, who may delegate it to a Minister. The National Assembly may also declare public utility on the initiative of the President of the Republic. At the local level, it is the mayor who has the power to expropriate. The deed remains in force for a period not exceeding 12 months from the date of declaration. When the expropriation becomes effective, it must comply with a strict procedure provided for in the SPC. The expropriation process in Benin takes place in two phases: an administrative phase to determine compensation and seek an amicable agreement, and then a judicial phase if it has not been possible to reach an amicable agreement. Expropriation can only be launched if a declaration of public utility has been pronounced. Remedies are available to owners and presumed owners to defend their interests.

In addition, other legal texts specify the modalities for the implementation of projects involving expropriations and displacements. These include, for example, Act No. 98-030 of 12 February 1999 on the framework law on the environment, which stipulates in article 88 that "no one may undertake developments, operations, installations, plans, projects and programmes or the construction of structures without following the environmental impact assessment procedure, when the latter is required by laws and regulations" and its implementing decree. Decree No. 2022-390 of July 13, 2022 on the organization of environmental and social assessment

procedures in the Republic of Benin. Chapter 3 of Title III deals with the content and procedures for the development of the Resettlement Policy Framework.

Section 212 of the Code specifies that the amount of compensation and the method of payment of compensation must reflect the balance between the public interest and the particular interests of the persons affected by the expropriation and take into account circumstances such as (a) the current use of the property; b) the history of the property, its acquisition method and/or its use; (c) the market value of the property; d) the extent of direct investment by the State or the local authority, subsidies or capital increases in connection with the purpose of the expropriation. The compensation is financial, there is no provision for replacement.

Regarding eligibility for compensation, it is explicit for owners holding land titles. For customary rights holders, customary rights are recognized by legislation, but a discussion concerns whether or not it is necessary to confirm these rights: in other words, is it necessary or not to confirm them, i.e. to transform them into land titles? In the context of PAR, the question will inevitably be asked for holders of customary rights but who have not initiated a process of confirmation of rights or obtained a certificate of customary ownership in cases where a Rural Land Plan exists. It seems that, according to current practices, it is necessary to obtain these documents in order to be eligible for compensation. These procedures may lengthen the processes for identifying PAP rights and increase the costs that will have to be anticipated upstream of the project. In the same vein, the legislation introduces the concept of presumed owner, which broadens the scope of eligibility for occupants of State and local authority property. The processes of identifying these different legal situations and related documents may prove to be delicate and time-consuming, due to the lack of documentation and follow-up by the administrations in charge of managing the estates. Here again, these verifications will have to be taken into consideration very early in the projects. Regarding the evaluations of compensation for lost land, the cost of one m² of affected land is evaluated based on Law No. 2020-33 of December 24, 2020 adopted on December 8, 2020 in Benin on the 2021 Finance Law for Management. This law specifies the reference acquisition values for setting the price of land in Benin according to whether it is built on or not, rural or urban. The cost per m² of affected land is estimated at francs per m². The information collected during the socio-real estate surveys makes it possible to determine the values of each property. The estimation of the values of land and buildings is made according to the calculation methods applied by the ANDF since 2019: land losses are calculated from the prices per m² applicable on the market, plus the cost of development to reach a level similar or better than that of the affected land, plus the cost of all registration and transfer taxes. In addition, the costs charged for the evaluation of the

affected economic use properties are based on the cost grid already applied by the Agency for the Living Environment and Territorial Development. Depending on the property affected, several types of scale are to be considered, namely the scale for buildings, whether they are commercial or residential infrastructure, for related infrastructure and the scale for the reinstallation of deities. The unit cost grids for the evaluation of the compensation for buildings and related assets are updated at the market price at the time of preparation of each RAP.

Impacts, which do not concern land ownership, are managed according to the framework of environmental and social assessment (Law No. 030-98 of 12 February 1999 and Decree No. 2022-390 of 13 July 2022 on the organization of environmental and social assessment procedures in the Republic of Benin, in particular the development of Resettlement and Compensation Action Plans (PARC). This recent decree systematically adopts the requirements of the NES5 for the implementation of "Strategic Environmental Assessment" with regard to the themes, excluding land, concerning the modalities of organisation of CPRs and RAPs and interactions with PAPs. These provisions are applicable as soon as a project is likely to "have effects on the environment". For the implementation of a RAP, it is necessary that 100 persons be displaced (art. 48 of the Decree), which is not in accordance with the ESS5. The comparison table will mention the relevant provisions.

However, no specific provision (in the law, regulations at national and municipal level) exists on both loss of occupation and economic losses. There are, however, practices practiced by the administrations to assess the impacts on economic losses and on tenants. Benin's land legislation does not provide for specific measures for vulnerable groups. However, Beninese legislation takes women and vulnerable persons into consideration, for example Decree No. 2022-390 of 13 July 2022 on the organization of environmental and social assessment procedures in the Republic of Benin, the detailed inventory of negatively affected property, persons and activities, with a highlighting of the vulnerable persons concerned (art. 43) Temporary occupations are governed by articles 251 et seq. which provide compensation for those interested.

Strengths and weaknesses in the delivery and implementation of RAPs

In practice, the legal land and land tenure regime remains relatively virtual: the legislation theoretically in force is practically ignored by users, whether it is a question

of requesting confirmation of the right of land ownership advocated in the laws of 2013 and 2017, of the updating of these titles, in particular for the mandatory registrations in the land register of legal acts modifying or affecting property, or the regularization of the legal situation of land by the transformation of living permits into land titles for which the Commission (CNAO-tf) is responsible.

*The "democratization" of the 1990s had the effect of revitalizing practices that were wrongly based on customary claims, but which constitute the bulk of state and land life, particularly in areas where there is a demand for land, particularly the rural areas of the South, and the peri-urban areas of the most growing cities. **Difficulty in applying the legislative framework.** The administrative organization of property management in Benin is relatively decentralized, but in practice, administrative follow-up is very often insufficient: registers are poorly kept, if they are; archives are not managed over the long term (although this is a practical basis of the registration or confirmation system); and development control procedures are not respected. The administration does not have the necessary resources. The land register, which is necessary for the identification of rights and the monitoring of transfers, remains an extremely centralized tool, even if a deconcentration movement is underway. These practices lead to a difficult control of the management of space, in both rural and urban areas, by the administrative authorities in charge, those central and those decentralized. This situation has even more serious consequences in cities and villages, large and small, and especially on their outskirts, as well as in rural areas where demand for land is high. In the absence of organization, this growth in uncontrolled occupation of land results in multiple problems of all kinds, but also in a chronic inadequacy of public resources (fiscal and parafiscal), the most important of which have a land base, and finally in an increase in land conflicts that the current structures are no longer able to arbitrate under normal conditions.*

Multiplication and diversification of conflicts related to land. Land conflicts are becoming more and more numerous, multiplying with the number of "private" transactions relating to so-called customary land, but also now with the number of operations placed under the influence of modern law, even when the administration intervenes to regularize land deeds. This is particularly true in peri-urban areas: those where housing estates are being developed, those where the greatest appetite for land is manifested, and those where transactions relate to customary land whose legal status is far from being established, often land resulting from the identification of plots resulting from "partitions" carried out unilaterally by a co-owner of the estate. The multiplication of conflicts is accompanied by the

diversification of their nature: traditional conflicts are added to the more "modern" ones. Where previously we fought mainly for problems of limits, or even the sharing of intra-family rights, we are seeing an increase and above all a diversification of conflicts largely motivated by financial issues: a monetarization of land often amplified, in urban and peri-urban areas, by the "practices" not only of private actors but also, and a lot, by those of public actors, or parapublic actors such as notaries or surveyors. In addition to these classic conflicts, there are now conflicts related to infrastructure or agricultural investments involving large land holdings, or related to the relationship between mining or quarrying companies and rural farmers. Moreover, some fifteen years ago, the Ministry of the Interior, for its part, even had to set up an ad hoc commission in charge of arbitration, in order to try to settle a certain number of these disputes before they were submitted to the courts. On the contrary, this did not exclude, as almost everywhere else, that disputes should first be brought before the "traditional" authorities, those recognized by the administration, or even at the first level of the latter, i.e. before the sub-prefects who were legally in charge of these mediations, which the laws of 2013 and 2017 have maintained.

There is a partial concordance between national legislation and the Bank's ESS5 on the recognition of customary land ownership, the handling of complaints and the consultation of PAPs. However, there is a gap between national legislation and the policies of the TFPs with regard to the conditions for the implementation of RAPs (from 100 people affected in the new decree carrying out Environmental Assessment in Benin), the consideration of vulnerable groups in the compensation process, the economic rehabilitation of PAPs, alternative compensation, resettlement assistance, informal occupants and workers, and monitoring of resettlement measures. During the implementation of resettlement, these aspects, which are missing or not clearly specified in Benin's regulations, will be supplemented by the additional requirements of the donors' policies. It is necessary to check the relevant legal texts in force, in other words, the texts mentioned above may have been amended or repealed. The work of legal verification was done at a given time. It is the very nature of a legal system to be subject to reform, so it will always be necessary to verify the law in force. This mandate can in no way avoid the work of legal verification for future projects. Similarly, it is necessary to obtain the applicable texts in force in order to verify that they have the same interpretation and to measure how these texts are applied in practice by the various parties involved in the Projects.

Specifically concerning the identification of the eligibility criteria, for each Project, during the census and inventory of rights, it will be necessary to develop a matrix of the different legal situations of the occupants (with their names) according to the legal status of the land they occupy (with their locality and legal status). This legal matrix is necessary to identify the different levels of compensation in the eligibility matrix. In Benin, it is specifically important because there is a presumption of ownership, based on various documents. It is clear from the text of the law that different types of occupants may be eligible for compensation, the owners, but also the presumed owners, holders of different types of documents that will need to be verified for the eligibility matrix: to cover the diversity of legal situations, the Project will inventory the different legal situations of the occupants according to the status of the land. It will be necessary to ensure that the administrations in charge of identifying these rights are able to apply the law.

2.2. World Bank Policies - NES5

The ESS5 recognizes that the acquisition of project-related land and the imposition of restrictions on its use can have adverse effects on communities and populations. The acquisition of land or the imposition of restrictions on its use may result in physical displacement (relocation, loss of residential land or housing), economic displacement (loss of land, assets or access to those assets, including loss of source of income or other means of livelihood), or both. "Involuntary resettlement" refers to these effects. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse the acquisition of land or restrictions on its use that are causing the displacement.

2.2.1. Objectives

- Avoid involuntary relocation or, where unavoidable, minimize it by considering alternatives when designing the project.
- Avoid forced eviction.
- Mitigate the adverse social and economic effects of land acquisition or restrictions on its use by: (a) providing prompt compensation for the replacement cost of those dispossessed of their property, and (b) assisting internally displaced persons to improve, or at least restore, in real terms, their livelihoods and standard of living prior to their displacement or prior to the commencement of displacement. the most advantageous option being to be chosen.

- Improve the living conditions of the physically displaced poor or vulnerable by ensuring adequate housing, access to and retention in services and facilities.
- Design and implement involuntary resettlement activities as a sustainable development programme, providing sufficient investment resources to enable displaced persons to benefit directly from the project, depending on the nature of the project.
- Ensure that information is well disseminated, that meaningful consultations take place, and that affected people are informed in the planning and implementation of resettlement activities.

2.2.2. Champ d'application

ESS No. 5 applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on the use of land when such acquisition is undertaken or such restrictions are imposed as part of the implementation of the project:

- Land rights or rights to use land acquired or restricted by expropriation or other mandatory procedures under national law;
- Land rights or rights to use land acquired or restricted as a result of agreements negotiated with landowners or persons with a legal right to such land, in the event that the failure of negotiations has resulted in expropriation or any other such procedure;
- Restrictions on land use and limitations on access to natural resources that prevent a community or certain groups within that community from exploiting resources located in areas over which they have ancestral or customary tenure rights or recognized rights of use. These may include situations in which protected areas, forests, biodiversity areas or buffer zones are formally established as part of the project;
- Resettlement of populations occupying or using land without formal, traditional or recognized rights of use before the project eligibility deadline;
- Displacement of populations due to the fact that their land is rendered unusable or inaccessible because of the project;
- Restrictions on access to land or the use of other resources, including public goods and natural resources such as marine and aquatic resources, wood and

non-timber forest products, freshwater, medicinal plants, hunting, gathering, grazing and cultivation areas;

- Land rights or claims to land or resources ceded by individuals or communities without having received full payment of compensation; and
- Acquisition of land or restrictions on its use that existed prior to the start of the project, but that were undertaken or committed in anticipation of or in preparation for the project.

2.3. Convergence, divergence and measures of the project

This section compares Benin's legal framework with the World Bank's Environmental and Social Framework (ESF). In general, national legislation provides for a process of expropriation of land for projects of public utility. Resettlement Action Plans (RAPs) are prepared and compensation must be paid to affected individuals and groups before the project starts. There are also public consultation processes to verify ownership of expropriated property and to consult on the negative environmental and social impacts of the project. Compensation scales have also been set by the government for different types of losses, including private and customary land, crops, trees and built infrastructure, etc. The following table shows us some key points in the national legislation and the Bank's standards.

Three types of discrepancies can result from the analysis:

- High – Beninese law does not take into account the issues raised by the NES and results in the application of the NES to the Project;
- Moderate – Beninese law does not fully or accurately take into account the requirements of the NES and results in a concomitant application of Beninese law, supplemented by the requirements of the NES;
- None – Beninese law satisfactorily addresses the requirements of the NES. National standards apply to the Project.

Table 2: Comparison between Benin's Legal Framework and the World Bank's ESS5

Theme	National legislation	SEN 5	Gap analysis
Objectives			
RAP Objectives	No clarification in the State and Land Code, but this is specified in Decree No. 2022-390 of July 13, 2022 on the organization of environmental and social assessment procedures in the Republic of Benin.	The NES5 is built on the principle of applying the mitigation hierarchy throughout the World Bank's ESC. These principles include several aspects: anticipating and avoiding risks and effects; minimize or reduce risks and effects to acceptable levels; mitigate risks and effects once they have been minimized or reduced; compensate for or neutralize significant residual effects where technically and financially feasible. These principles are embedded in the objectives of the standards (Introduction, Objectives)	Moderate variance Concurrent application with ESS5 The Project will apply the mitigation hierarchy in a systematic manner, including with respect to the possible relocation of Project-generated persons.
Champ d'application			
Champ d'application	Articles 210 and 211 of the State and Land Code provide for the procedures for taking into account limitations on use. Decree No. 2022-390 of July 13, 2022 on the organization of environmental and social assessment procedures in the Republic of Benin, including Involuntary Resettlement. In this decree, the concept of resettlement reflects a limitation of the right to use and own an asset from the patrimony of a natural or legal person. The restriction of use is taken into account for protected areas (art. 19).	The applicability of ESS 5 is determined during the environmental and social impact assessment (§3). ESS 5 applies to projects involving land acquisition, restriction of access or rights of use, resettlement of the population, and this when these activities have been undertaken in preparation or anticipation of the Project. The requirements of the NES apply to the Project as well as to the ancillary infrastructure (§4)	No discrepancies Application of Beninese law.
General Requirements			
Eligibility criteria	The State and Land Code provides for owners and presumed owners to be taken into consideration in the expropriation procedure. "In any event, in ordinary or emergency expropriation proceedings, the	According to ESS 5, persons considered to be affected persons are those who: a) have formal legal rights to the land or property concerned; (b) do not have formal legal rights to the land or property concerned, but have claims to those lands or property.	Moderate Deviation Concomitant application with ESS5 It is clear from the text of the law that different types of occupants may be eligible for compensation, owners, but also presumed owners, holders of

Theme	National legislation	SEN 5	Gap analysis
	<p>appropriate means of appeal shall be available to owners or presumed owners against decisions of the administrative or judicial phases, in order to defend their interests. ».</p> <p>The Code refers to "affected owners, known occupants and users, and presumed owners." (Clauses 220 and 226) The presumed owners are those who hold a certificate of customary ownership, a certificate of resettlement, a tax notice for the last three years, a registration certificate, an administrative certificate, a rural land certificate or a final court decision or the register of rights to the Rural Land Plan (Art. 4). And Article 112 confirms that: "Only the land title confers full ownership in the Republic of Benin. All the attributes of the right of property are attached to it."</p>	<p>land or property that is or could be recognized under national law; or (c) has no legal rights or legitimate claims to the land or property it occupies or uses. (§10)</p>	<p>different types of documents that will need to be verified for the eligibility matrix: to cover the diversity of legal situations, the Project will inventory the different legal situations of the occupants according to the status of the land.</p> <p>It will be necessary to ensure that the administrations in charge of identifying these rights are able to apply the law. If necessary, it will be necessary for the Project to support the identification of rights and beneficiaries for the proper implementation of the compensation process and the RAP.</p>
Project design	<p>Not specifically mentioned in the chapter on expropriation. It only mentions the necessity of expropriation for reasons of public utility.</p>	<p>The Proponent will demonstrate that involuntary relocation cannot be avoided. However, if it cannot be avoided, it will be minimized and appropriate measures will be prepared and implemented to mitigate the adverse effects of the project on displaced persons (§11)</p>	<p>High Deviation Application of NES5 In particular, the Project will ensure that travel is limited, so as to limit the involuntary relocation of communities located on the Project site as much as possible.</p>
Attention to vulnerable groups	<p>Benin's land legislation does not provide for specific measures for vulnerable groups.</p> <p>However, Benin's legislation takes into consideration women and vulnerable people, for example, through the environmental legislation applicable upstream of each project. Decree No. 2022-390 of July 13, 2022 on the organization of environmental and social assessment procedures in the Republic of Benin the detailed inventory of property, persons and</p>	<p>Particular attention will be paid to gender issues and the needs of poor populations and vulnerable groups. The Promoter will take into account the needs of vulnerable people by providing them with specific support (§11). In the context of the Projects, vulnerability is defined as the condition of a group of individuals who do not have the capacity to be resilient to the changes brought about by displacement. These individuals (and their</p>	<p>Moderate Deviation Concomitant application with ESS5 Vulnerable people will be identified during RAP inventories, and socio-economic studies. A case-by-case assessment will then be made to assess the specific needs of each individual, in order to predict the nature of the assistance to be granted.</p>

Theme	National legislation	SEN 5	Gap analysis
	activities negatively affected, with a focus on the vulnerable persons concerned (art.42).	household) therefore have difficulty coping with negative impacts or difficulties in seizing opportunities and maximizing the positive impacts of a project.	
Compensation and opportunities for those affected			
Value of compensation	<p>The compensation is set on the basis of the substance and value of the property. It takes into account the capital gain or loss of the projected performance of the non-expropriated part. It must cover all the direct, material and certain damage due to the expropriation. (art. 234 of the State Code).</p> <p>Law No. 2020-33 of December 24, 2020 adopted on December 8, 2020 in Benin on the 2021 Finance Law specifies the reference acquisition values for setting the price of land in Benin.</p> <p>The evaluation of the economic use properties impacted is based on the cost grids applied by the Agency for the Living Environment and Territorial Development.</p>	Where the acquisition of land or restrictions on its use cannot be avoided, the Borrower will offer the affected persons compensation at replacement cost, as well as other necessary assistance to enable them to improve or, at least, restore their standards of living or means of subsistence (§12). The modalities of compensation and restoration of living conditions are detailed for physical and economic displacement below in this table.	<p>High Gap</p> <p>Application de la NES5</p> <p>The Project will provide for the calculation of the full replacement cost allowance. The relevant administrations will assist the Project in assessing land and crops and buildings.</p>
Temporary occupations	Temporary occupations are subject to articles 251 et seq. of the State and Land Code and are governed by the rules of expropriation, including compensation.	The NES applies to temporary or permanent land acquisitions (§12).	No discrepancies
Publication of the scales	The commission that assesses the compensation at the value of the buildings (art. 228 of the Code) sends the minutes to the president of the court for the judicial phase (art. 237).	Compensation standards by land and fixed asset category will be published and applied in a systematic and transparent manner (§13).	<p>High Gap</p> <p>Application of the NES5. The Project will publish in a transparent and accessible manner the methods for calculating compensation.</p>
Compensation terms	The State and Land Code provides for a pecuniary expropriation compensation set by the commodo et incommodo commission or the Court in the event of disagreement.	Where IDPs derive their livelihood from land, or where land is collectively owned, the Project will provide IDPs with the option of acquiring replacement land (14).	<p>High Gap</p> <p>Application of the NES5. When the means of life are drawn from the earth. The proposed substitute land must have productive potential, geographic advantages and other factors at least equivalent to the benefits of the withdrawn lands.</p>

**RESETTLEMENT POLICY FRAMEWORK - SUSTAINABLE URBAN MOBILITY PROJECT IN GREATER NOKOUÉ – BENIN (PMUD GN)
(PRC)**

Theme	National legislation	SEN 5	Gap analysis
			For the compensation of land in urban areas, the Project will use the market value before the relocation of a land of similar size and identically used, located in the vicinity of the land concerned, in addition to the cost of registration and transfer fees.
PAPs without formal, customary rights, or without legitimate claims	Informal occupants are not recognized by national legislation. However, the State and Land Code provides for the taking into account of different types of occupants in the expropriation procedure, in particular well-known occupants and users, and presumed owners (arts. 213 and 226). However, it seems that the inventory of assets in the transferability order does not take into consideration assets that are not registered, registered or subject to a state concession or lease. (s. 226)	Affected persons without formal or recognizable rights or legitimate claims will receive resettlement assistance in lieu of compensation for lost land (§14)	High Gap Application of the NES5. Informal occupants are not compensated for land, but will be compensated for the loss of various assets, livelihoods and will be supported with the Livelihood Restoration Plan and other resettlement assistance.
Taking possession of the affected property	"Everyone has the right to property. No one may be deprived of his property except for reasons of public utility and against just and prior compensation." (Art. 22 Constitution 1991) Section 242 of the Code provides for the taking of possession on condition of payment of the indemnity or its deposit. When there is an agreement between the parties, the compensation is paid following the signing and homologation of the agreement by the court (before the trip). In the event of disagreement, the compensation is deposited and payment is made after the court's decision or after the decision of the Court of Cassation. And the appeals do not suspend the work.)	The Promoter will only take possession of the impacted property once the relocation has been completed and the compensation has been paid (§15).	Moderate Deviation Concomitant application with NES5 In all cases, all PAPs will be paid in cash or in kind and the necessary resettlement measures will be in place before the work begins
Community consultation and engagement			
Community Engagement	It is planned to inform the interested parties by informing the owners concerned	The Proponent will consult with communities affected by the Project, including	High Deviation Application of NES5

Theme	National legislation	SEN 5	Gap analysis
	<p>to participate in the Commodo et incommodo survey (public posting, for example at the town hall, and the display and publicity of the declaration of public utility, the information meeting of the PAPs, the announcement and publication of the results of the heritage assessment, the provisional general expropriation plan resulting from the commodo and incommodo survey (art 218 of the Code).</p> <p>Decree No. 2022-390 of July 13, 2022 on the organization of environmental and social assessment procedures in the Republic of Benin lays down among the principles that of the participation of affected persons and other concerned parties (local authorities, civil society, etc.) in the validation of the methods for determining and implementing compensation. (Art 22)</p>	<p>host communities, through the stakeholder engagement process outlined in ESS 10. Decision-making processes regarding resettlement and livelihood restoration will include options and alternatives that affected people can choose (§17).</p> <p>ESS5 states that consultation must be conducted throughout the process of planning, implementing, monitoring and evaluating resettlement. This process should pay particular attention to women and vulnerable groups (§18).</p>	<p>Consultation with populations and PAPs will take place throughout the preparation of the Project, from the development of the CPR and/or RAP to the implementation of resettlement activities.</p>
Complaint Management	<p>During the judicial phase, if there is a disagreement on compensation, at the request of one of the parties, an approved expert is chosen by the court, but there is no provision for an internal mechanism of the Project.</p> <p>Decree No. 2022-390 of 13 July 2022 on the organization of environmental and social assessment procedures in the Republic of Benin provides for a "complaint management mechanism, including options before the courts" (art. 22)</p> <p>In addition, in the context of decentralisation, the town halls via various commissions (state-owned, technical) provide support for the monitoring of resettlement plans.</p>	<p>The Project must include a complaints management mechanism to address complaints and grievances related to the resettlement or restoration of livelihoods (§19).</p>	<p>High Gap Application of the NES5. The Project will have to ensure that complaints are escalated and processed in a transparent manner.</p>
Planning and implementation			

**RESETTLEMENT POLICY FRAMEWORK - SUSTAINABLE URBAN MOBILITY PROJECT IN GREATER NOKOUÉ – BENIN (PMUD GN)
(PRC)**

Theme	National legislation	SEN 5	Gap analysis
Census of occupants according to their legal status and identification of property and rights	Article 219 of the State Code provides that the report of the commodo et incommodo commission of inquiry "shall determine the plots of land and all the real estate rights to be expropriated, their owners and all persons likely to claim compensation according to a provisional general plan of the properties". Decree No. 2022-390 of 13 July 2022 on the organization of environmental and social assessment procedures in the Republic of Benin also provides for this (arts. 22 and 43 for CPR and PAR).	ESS 5 requires a census of those affected and a socio-economic study of the displaced population (§20). The RAP will determine the eligibility criteria for compensation and any other form of resettlement assistance, as well as the essential characteristics of displaced households and the consideration of the claims of communities or individuals who, for legitimate reasons, may be absent from the project area during the census period (§20).	No discrepancies Beninese legislation compliant.
Eligibility Deadline (Deadline)	"The transferability order shall be notified without delay by the administrative authority to the interested owners, occupants and well-known users" (art.226). The transferability order marks the deadline from which construction is no longer possible without authorisation. (Art. 222 of the Code) If there is no expropriation, it is the publication of the municipal decree on a public inquiry in connection with the launch of environmental and social studies (governed by Decree No. 2022-390 of 13 July 2022 on the organization of environmental and social assessment procedures in the Republic of Benin) that sets this date.	The Sponsor will set an eligibility deadline. Information about this deadline will be sufficiently detailed and disseminated throughout the project area at regular intervals, in appropriate media (§20)	Moderate variance Concomitant application with NES5. The CFD does not clearly define the eligibility deadline, while the World Bank's policy specifies that in the context of the census the deadline for eligibility for compensation must be set and the information regarding this deadline must be sufficiently detailed and disseminated throughout the project area at regular intervals. in written and (where appropriate) non-written media and in the languages spoken by the populations concerned. The Bank's policy is more precise and advantageous. In practice, the date of the transferability order will be considered as the deadline for eligibility. The Borrower will support the mission in the process of informing and raising awareness among the local populations in order to prevent untimely installations and new constructions.
Instrument design for	Decree No. 2022-390 of 13 July 2022 on the organisation of environmental and social assessment procedures in	To address the impacts identified in the impact assessment in relation to travel, the Project will establish a	Moderate variance Concurrent application with ESS5: A RAP must also be prepared even if

**RESETTLEMENT POLICY FRAMEWORK - SUSTAINABLE URBAN MOBILITY PROJECT IN GREATER NOKOUÉ – BENIN (PMUD GN)
(PRC)**

Theme	National legislation	SEN 5	Gap analysis
Manage travel	Republic of Benin, in its article 42 states that "Any project the implementation of which causes the involuntary physical or economic displacement of at least one hundred (100) people, is the subject of a Resettlement Action Plan (RAP)".	(Resettlement Action Plan for Physical Displacement, or Livelihood Restoration Plan for Economic Displacement (§21). Where the extent of displacement has not yet been determined, the Project will establish a Resettlement Policy Framework that will set out the principles applicable to displacement (§25).	Fewer than 100 people must be displaced (and not just more than 100 people as stated in the decree).
Monitoring and Evaluation	<p>The State and Land Code does not explicitly mention the monitoring and evaluation of resettlement measures. However, the Land Compensation Fund (FDF), governed by Decree No. 2015-008 of 29 January 2015, will be able to "provide financial assistance for the access of the State and local authorities to land in Benin (...); to ensure the financing of procedures in the cases provided for by the Land and State Code: expropriation procedures for reasons of public utility and the related compensation".</p> <p>In addition, excluding land, Decree No. 2022-390 of July 13, 2022 on the organization of environmental and social assessment procedures in the Republic of Benin provides for a mechanism for monitoring and monitoring-evaluating resettlement and its effects" (arts. 22 and 43 for CPR and PAR)</p>	The Proponent will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action during implementation as necessary to achieve the objectives of ESS 5 (§23). The implementation of the RAP will be considered complete when the negative effects of the resettlement have been managed in a manner consistent with the plan and objectives of ESS 5 (§24)	Moderate variance Concomitant application with NES5. National legislation will be reinforced by the additional requirements of the NES5. The monitoring and evaluation of resettlement, including the PRMS, will be integrated into the overall monitoring and evaluation of the project, ensuring the availability of the related financial resources.
Travel			
Physical displacement			
Compensation terms	<p>It is only a question of monetary compensation. Replacement is not mentioned in the legislation.</p> <p>However, in the event of an emergency, the Land and State Code prescribes the obligation for the expropriating authority to accommodate the</p>	Compensation in kind will be preferred to monetary compensation, by giving people the choice of resettlement in another place (§27). In the case of physical displacement, the structures will be compensated either by replacement with a structure of equivalent value, or by	High Gap Application of the NES5. The Project will promote the compensation of expropriated property by replacing it, and a choice will be offered to those affected.

Theme	National legislation	SEN 5	Gap analysis
	expropriated persons and/or to give a provision on the eviction indemnity when immediate removal is required (art. 250).	financial compensation for the replacement cost (§28).	
Support for the resettlement and relocation of PAPs	There are no specific measures for resettlement assistance in land legislation. No explicit indication in the law.	The Project will provide resettlement assistance tailored to the needs of each group of displaced persons (§27). The Borrower shall not forcibly evict the affected persons (§31).	High Gap Application of the NES5. The project will assess the need for lump-sum assistance and resettlement assistance on a case-by-case basis.
Economical travel			
Livelihood restoration and economic rehabilitation	There are no specific provisions on economic losses.	In the case of Projects that have an impact on livelihoods or income generation, the Project will develop a plan containing measures to help affected people improve, or at least restore, their income or livelihood (§33).	High Gap Application of the NES5. The Project will implement a PRMS in accordance with the requirements of ESS 5. The PRMS could be organized around 2 axes, to be defined with the affected populations: the intensification of activities already practiced by the PAPs, and the introduction of new or alternative activities, depending on the socio-economic vulnerability of the PAPs. The PRMS will identify local actors capable of ensuring the implementation of individual or group livelihood restoration projects that will be developed
Temporary or permanent loss of income	Compensation for loss of income, whether temporary or permanent, is not mentioned in the State and Land Code or in environmental legislation.	Economically displaced persons are those who have suffered losses of assets or access to assets. They will be compensated for this loss at replacement cost. This implies that the impacted economic actors will be compensated for the cost of identifying an alternative viable location, for the loss of net income during the transition period, for the cost of moving and relocating their premises, machinery or other equipment, and for the restoration of their business activities. Employees of these impacted establishments will receive assistance for the temporary loss of wages and, if necessary, to identify other possibilities	High Gap Application of the NES5. For permanent revenue losses, the Project will implement a PRMS in accordance with the requirements of ESS 5. The PRMS could be organized around 2 axes, to be defined with the affected populations: the intensification of activities already practiced by the PAPs, and the introduction of new or alternative activities, depending on the socio-economic vulnerability of the PAPs. The PRMS will identify local actors capable of ensuring the implementation of individual or group livelihood restoration projects that will be developed.

Theme	National legislation	SEN 5	Gap analysis
		of employment. Impacted economic operators with legitimate rights to the affected assets will be offered an asset of equivalent value or compensation at the replacement value (§34).	
Collaboration with national institutions			
Collaboration with national institutions	<p>The state legislation does not specify, but Decree No. 2022-390 of July 13, 2022 on the organization of environmental and social assessment procedures in the Republic of Benin provides for the institutional arrangements for the implementation and monitoring of the CPR and RAP and the specification of the various actors in charge of the execution of the activities and their respective roles and responsibilities (promoter, structures involved, etc. (arts. 22 and 43 for CPR and PAR).</p> <p>In the context of decentralization and deconcentration, the prefectural authority and the town halls are stakeholders in the Projects that are implemented in their area of competence.</p>	<p>The Project will set out modalities for collaboration between the agency or entity responsible for implementing the project and any other public agency or local authority or entity responsible for any aspect of land acquisition, resettlement planning or the provision of necessary assistance. In addition, where the capacity of other relevant agencies is limited, the Project will actively support the planning, implementation and monitoring of resettlement activities. If the procedures or standards of other relevant agencies do not meet the requirements of this ESS, the Project will prepare additional provisions or mechanisms that will be included in the resettlement plan to address the identified gaps.</p>	<p>Moderate variance Concomitant application with NES5. The Project will use environmental legislation to organize collaboration between institutions, including for Projects where fewer than 100 people are displaced.</p>

Source: World Bank.

CHAPTER III. RESETTLEMENT, COMPENSATION AND LIVELIHOOD RESTORATION POLICIES

3.1. General principles

- Forced acquisition of land or restrictions on its use are limited to the direct needs of the project and clearly defined objectives within a clearly defined time frame. The project design will be carefully considered while comparing environmental, social and financial costs and benefits, and paying particular attention to the effects of these different gender variants and on the poor and vulnerable.
- All affected persons must be compensated without discrimination on the basis of nationality, ethnic, cultural or social affiliation or gender, insofar as these factors do not increase the vulnerability of the persons affected by the project and therefore do not justify enhanced support measures. The compensation and resettlement process will be fair, transparent and respectful of the rights of those affected by the project.
- The compensation rates, as well as other necessary aids, will be at replacement cost without depreciation, before they are actually displaced at the time of expropriation of the land and property therein or the start of work on the project. Benefit rates may be subject to upward adjustment when negotiation strategies are employed. In all cases, a clear basis for the calculation of compensation will be recorded in written documents, and the amount of compensation will be distributed according to transparent procedures.
- Priority for the allocation of replacement land is given to households whose livelihoods depend on land, or where the land is collectively owned. The PAPs will be offered the opportunity to derive the appropriate benefits from the project for their own development.
- Land acquisition or land use restrictions cannot be implemented once compensation (including displacement allowances) has been paid; if necessary, displaced persons have been resettled; and programmes for restoration and livelihood improvement can start as soon as possible. Resettlement activities cannot be successfully designed and implemented

without being integrated into a local development programme that provides sufficient investment resources to ensure that those affected by the project have the opportunity to share in the benefits.

- Consultation with communities affected by the project, including host communities, will be carried out during the resettlement process. Particular attention is given to vulnerable groups, women or Indigenous peoples required by the NES7 to advance their views and interests.
- PAPs will be consulted and involved in decision-making and will have access to relevant information throughout the planning, implementation, monitoring and evaluation of the compensation process, livelihood restoration activities and the resettlement process, and will meaningfully participate in all these activities.
- A complaints management mechanism will be in place as early as possible during the project preparation phase to address in a timely manner specific concerns raised by IDPs (or others) related to compensation, resettlement or livelihood restoration. These complaint management mechanisms will build on existing formal or informal grievance systems that are able to respond to the needs of the project, and will be complemented where necessary by the mechanisms established under the project to resolve disputes in an impartial manner. This complaint management mechanism should be aligned with the overall project PMP and should have pathways for sensitive complaints from PAPs and other stakeholders involved in the resettlement process.

3.2. Eligibility criteria and rights

3.2.1. Eligibility criteria

Affected persons under the provisions of ESS 5 may be defined as persons who: (a) have formal legal rights to the affected land or property; (b) do not have formal legal rights to the land or property concerned, but have claims to such land or property that are or could be recognized under national law;³ or (c) have no legal rights or

legitimate claims to the land or property they occupy or use.

While all three categories are entitled to some form of assistance under ESS 5, the nature of such assistance may vary, as is clear from the following paragraphs of ESL 5.

Category (a) : Persons who have formal legal rights to the land or property concerned are those who, under national law, hold formal documents proving their rights, or are specially recognized as not having to prove any document at all. In the simplest case, a plot is registered in the name of a person or community. In other cases, people may have a lease, and therefore legal rights to land.

Category (b): Persons who do not have formal legal rights to the land or property concerned, but who have claims to such land or property that are or could be recognized under national law, may be classified into a number of groups. They may have been farming the land for generations without formal documentation under customary or traditional land arrangements accepted by the community and recognized by national law. Or they may never have been issued a land title, or their documents are probably incomplete or they may have lost them. They may have an adversarial claim of possession if they have occupied the land for a certain period of time defined by national law, without the formal owner contesting the occupation. In such cases, national law often provides for legal procedures by which claims can be recognised.

Category (c): Affected persons who have no legal rights or legitimate claims to the affected lands or assets they occupy or use are eligible for assistance under ESS 5. They may be seasonal resource harvesters (herders, grassland farmers, fishermen or hunters), although the latter may fall into categories (a) or (b) if their rights are recognized by national legislation. They may also be persons occupying land in violation of applicable laws. Affected persons belonging to these groups are not eligible for land compensation, but can receive resettlement and assistance for the restoration of their livelihoods, as well as compensation for the loss of their property. Regardless of the category, eligibility for the various forms of support in the context of

resettlement should depend on the presence of the different categories at the sites of the works before the deadline.

3.2.2. Categories of persons affected

There are two main categories of people who can be affected by the impacts of project implementation.

- **Affected individual:** Certain activities could cause damage likely to call into question the material interest of certain individuals among farmers, landowners, traders/shopkeepers, craftsmen, etc. who are in a right-of-way and whom they could be forced to leave or which would lead them to displace their activities because of the implementation of the project. These subjects are therefore people affected by the project.
- **Affected household:** Damage caused to one family member by the project can cause harm to the entire household. A household may also be forced to abandon its land or habitat because of the project's achievements or experience difficulties in providing for the household due to economic constraints generated by the advent of the project.

A household may also be forced to abandon its land or habitat because of project activities or experience difficulties in providing for the household due to economic constraints generated by its advent. A farmer who provides for the economic needs of his family or the craftsman who derives his livelihood and that of his family from the practice of a professional activity, could be deprived of this opportunity, if he were to suffer negatively from the impact of the project.

3.2.3. Vulnerable households or individuals

Vulnerable households or individuals are those whose vulnerability is likely to increase as a result of the resettlement process as part of the project activities. They are more likely to suffer from the impacts of the project and/or are more limited than others in their ability to reap the benefits of a project. These individuals or groups are also more likely to be excluded from the general consultation process or to be unable to participate fully in it, and may therefore require special measures and/or assistance. In this regard, consideration of age, including for older persons and minors, should be taken into account, including in cases where they may be

separated from their families, communities or other individuals on whom they depend. The RAP will clearly identify vulnerable groups based on the specific project conditions and measures and/or specific assistance.

3.3. Matrix of rights

Depending on the type of property affected, different categories of eligible persons will be identified with the corresponding rights. The table below presents the compensation rights by category

Table 3: Compensation rights by impact categories and by type of potential eligible persons on the GN SUMP

Types of Losses	Eligibility (10a, 10b, 10c)	Compensation principle
General		
Land acquisition (temporary ⁴ or permanent) or Restrictions on their use (temporary or permanent)		<ul style="list-style-type: none"> • Replacement cost compensation⁵, as well as other necessary assistance • restore the land to its pre-project condition and return it to the farmer after use (for temporary land acquisition) • informal occupants are not recognised by national legislation and therefore no compensation • Holders of a formal right to land (including customary and traditional rights recognized by the country's legislation) compensation for land and land investments including all built infrastructure, crops, trees, etc.
		<ul style="list-style-type: none"> • replacement land in accordance with the provisions of paragraph 35a (unless it can be demonstrated to the satisfaction of the Bank that equivalent replacement land is not available). • At the request of affected persons, it may be necessary to acquire whole plots where partial acquisition would result in the remaining parcels no longer being economically viable, or becoming unsafe or inaccessible for human occupation or use. • the possibility of deriving from the project the benefits that are appropriate for their own development.

⁴ A temporary impact would occur when a parcel of land is required for construction activities (during which it would be inaccessible to the owner/user) but would revert to its original use after construction. Infrastructure projects often require the temporary use of private land or structures for access, material storage, borrow pits, construction sites, or other purposes. As the temporary impact may vary, RAP will detail compensation mechanisms to achieve the replacement cost principle.

⁵ Benefit rates may be adjusted upwards when negotiation strategies are employed (paragraph 13).

Types of Losses	Eligibility (10a, 10b, 10c)	Compensation principle
	10c	<ul style="list-style-type: none"> • resettlement assistance in lieu of compensation for lost land, as described in paragraphs 29 and 34 (c). • Compensation for the full replacement value of the plot following an assessment of the replacement value to be made as part of the preparation of the RAPs • Possibility of compensation for development if applicable
Physical displacement		
Relocation Options		<ul style="list-style-type: none"> • offer displaced persons the possibility to choose from different possible resettlement options, including adequate alternative housing or financial compensation; and • Provide resettlement assistance tailored to the needs of each group of displaced persons. Benin's land legislation does not provide for specific measures for vulnerable groups. However, Benin's legislation takes into consideration women and vulnerable people, for example, through the environmental legislation applicable upstream of each project. Decree No. 2022-390 of July 13, 2022 on the organization of environmental and social assessment procedures in the Republic of Benin provides a detailed inventory of negatively affected property, people and activities, with a focus on the vulnerable persons concerned (art.42).
Development of new resettlement sites (if applicable)		<ul style="list-style-type: none"> • To provide living conditions that are at least equivalent to those they enjoyed previously, or that comply with existing minimum standards or codes, whichever is more advantageous. • Host communities will be consulted on options at the planning stage, and resettlement plans will ensure that host communities have continued access, at least in accordance with existing levels or standards, to available facilities and services. • Respect the preferences of displaced persons regarding their resettlement in existing communities and groups to the extent possible. • Respect the social and cultural institutions of displaced persons and host communities.
Loss of property	10a, 10b	<ul style="list-style-type: none"> • a replacement property of equal or greater value, with security of tenure, equivalent or better features, and location advantages. OR • 6 financial compensation at replacement cost

⁶ Cash compensation for the loss of property and other assets may be appropriate in cases where: (a) livelihoods are not attached to the land; b) the livelihoods are attached to the land, but the plots acquired for the project

Types of Losses	Eligibility (10a, 10b, 10c)	Compensation principle
	10c	<ul style="list-style-type: none"> • Offer the possibility of obtaining adequate housing with a guarantee of maintenance • Compensate for the loss of non-land assets, such as residential houses and other developments, at replacement cost. • Provide sufficient resettlement assistance to enable them to re-establish their standard of living at a suitable alternative site.⁷ • Compensation on the basis of a case-by-case assessment of the full replacement value of the asset (without depreciation) • Right to recover materials even if the property is compensated
Encroachment		<ul style="list-style-type: none"> • No compensation and assistance for people who encroach on the project area after the eligibility deadline, provided that this date has been clearly set and made public. <p>"The transferability order shall be notified without delay by the administrative authority to the interested owners, occupants and well-known users" (art.226). The transferability order marks the deadline from which construction is no longer possible without authorisation. (Art. 222 of the Code) If there is no expropriation, it is the publication of the municipal decree on a public inquiry in connection with the launch of environmental and social studies (governed by Decree No. 2022-390 of 13 July 2022 on the organization of environmental and social assessment procedures in the Republic of Benin) that sets this date.</p>
Economical travel		
Loss of assets or access to assets	Commercial enterprises ⁸	<p>Owners:</p> <ul style="list-style-type: none"> • Compensation for the cost of identifying an alternative viable location. • Compensation for loss of net income during the transition period.

represent a small fraction of the affected assets and the remaining land is economically viable; or (c) there are active markets for land, housing and labour, displaced persons are using these markets and there is a sufficient supply of land and housing, and the Borrower has demonstrated to the satisfaction of the Bank that there is not enough replacement land (paragraph 28, footnote 21).

⁷ Where the Borrower demonstrates that an affected person derives substantial income from several illegal housing units, compensation or other assistance that would otherwise be made available to that person for non-land assets and restoration of livelihoods under the provisions of this paragraph may be reduced with the prior consent of the Bank, to better reflect the objectives of this Standard (paragraph 29, footnote 22).

⁸ Including shops, restaurants, service providers, production units and other businesses, regardless of their size and whether they operate with or without a licence.

Types of Losses	Eligibility (10a, 10b, 10c)	Compensation principle
		<ul style="list-style-type: none"> • Compensation for the cost of moving and relocating their factories, machinery, or other equipment. • Compensation for the restoration of their business activities. <p>Employees affected:</p> <ul style="list-style-type: none"> • assistance for temporary loss of wages and, if applicable, • Assistance in identifying other job opportunities • compensation for loss of income, whether temporary or permanent, is not mentioned in the State and Land Code or in environmental legislation. <p>RAPs include a restoration plan to be implemented if possible</p>
	10a, 10b	<ul style="list-style-type: none"> • a replacement property (for example, farmland or commercial sites) of equal or greater value OR <ul style="list-style-type: none"> • where applicable, financial compensation at replacement cost • Compensation for loss of income, whether temporary or permanent, is not mentioned in the State and Land Code or in environmental legislation. <p>RAPs include a restoration plan to be implemented if possible</p>
	10c	<ul style="list-style-type: none"> • Compensation for the loss of assets other than such land (including crops, irrigation systems and other land improvements) at replacement cost. • In lieu of land compensation, provide sufficient assistance for these people to be able to re-establish their livelihoods in another location. • No compensation and assistance for people who encroach on the project area after the eligibility deadline.
Restoring income		<p>Opportunities will be provided to economically displaced persons to improve or, at least, restore their income-generating capacity, production levels and living standards. Compensation for loss of income, whether temporary or permanent, is not mentioned in the State and Land Code or in environmental legislation.</p> <p>RAPs include a restoration plan to be implemented if possible</p>
		<p>People who live off the land:</p> <ul style="list-style-type: none"> • Replacement land, including a combination of productive potential,

Types of Losses	Eligibility (10a, 10b, 10c)	Compensation principle
		<p>site and other characteristics is, to the extent possible, at least equivalent to that of the lost lands</p> <p>The compensation is set on the basis of the substance and value of the property. It takes into account the capital gain or loss of the projected performance of the non-expropriated part. It must cover all the direct, material and certain damage due to the expropriation. (art. 234 of the State Code).</p> <p>Law No. 2020-33 of December 24, 2020 adopted on December 8, 2020 in Benin on the 2021 Finance Law specifies the reference acquisition values for setting the price of land in Benin. The assessment of the affected economic properties is based on the cost grids applied by SIRAT</p>
		<p>A person who derives their livelihood from natural resources or the application of subsection No. 4 shall:</p> <ul style="list-style-type: none"> • Measures will be implemented to allow for continued access to affected resources, or to provide access to other resources with equivalent potential as a means of livelihood and income generation, as well as a similar level of accessibility. • When collective resources are affected, compensation and benefits related to restrictions on access to natural resources can be collective.
		<p>Alternative land or resources are not available:</p> <ul style="list-style-type: none"> • offer other income-generating options such as credit facilities, vocational training, business start-up assistance, employment opportunities OR <ul style="list-style-type: none"> • financial assistance in addition to the compensation due for lost property. <p>Assistance for loss of income in a form to be determined in the RAPs Right to recover structures and materials,</p> <p>assistance to restore livelihoods (to be assessed on a case-by-case basis based on income)</p>
Temporary support		<p>Temporary support will be provided, as required, to all economically displaced persons, based on a reasonable estimate of the time needed to restore their earning capacity, production levels and living standards.</p> <p>assistance to restore livelihoods (to be assessed on a case-by-case basis based on income)</p>

CHAPTER IV. PREPARATION AND APPROVAL OF THE RESETTLEMENT PLAN

4.1. Preparation of RAPs

The requirement to prepare the RAP for a specific project activity is determined on the basis of the results of its social selection carried out by the Project Pool. A list of social selection questions is given in Table 7.

Table 7. The list of social selection questions

Questions	Yes	No
General question: Will the implementation of the project result in the acquisition of land or restrictions on use?		
1. Acquired or Restricted Land Rights or Land Use Rights		
• by expropriation or other procedures that are mandatory under national law		
• following the failure of negotiations with landowners or persons with a legal right to such land.		
2. Restrictions on land use and limitations on access to natural resources		
• Protected areas		
• Forests		
• Biodiversity areas or buffer zones		
• Marine and aquatic resources		
• Wood and non-wood forest products		
• Fresh water		
• Medicinal plants		
• Hunting, gathering, grazing and cultivation areas		
3. Resettlement of populations occupying or using land without formal, traditional or recognized rights of use before the deadline for the eligibility of the project;		
4. Displacement of populations due to the fact that their land is rendered unusable or inaccessible because of the project;		
5. Land rights or claims to land or resources surrendered by individuals or communities without having received full payment of compensation;		
6. Acquisition of land or restrictions on its use that existed prior to the commencement of the project, but that were undertaken or incurred in anticipation of or in preparation for the project.		

Note: The answer to the general question will be Yes when one of the questions in the question [1 to 6] is answered YES. Component questions 1 and 2 will be Yes if one of its component ideas receives the answer Yes.

Once the need is confirmed, the RAP will be prepared in accordance with the guidelines of this RPC, the requirements of the NES5 and the corresponding provisions of the legal system of the Republic of Benin. The importance of the requirements and the level of detail of the RAP vary depending on the scale, scale and complexity of the relocation. It is prepared on the basis of reliable and up-to-date information on: (a) the proposed project and its potential effects on internally displaced persons and other negatively affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements necessary for the effective implementation of resettlement measures. Appendix 1 (Involuntary Resettlement Mechanisms) of the ESS5 suggests the essential elements of a resettlement plan (paragraphs 3-29).

RAPs can be prepared by Pool Projet staff or by a consulting firm commissioned by Pool Projet. The latter will be selected in accordance with the Bank's guidelines and on the basis of terms of reference acceptable to the Bank.

4.2. Approbation

Resettlement plans will need to be prepared, reviewed and approved by all actors involved and/or concerned in the process. The RAP review and approval process can be completed by following these steps.

DÉLAIS ESTIMATIFS	ÉTAPES	ACTIVITÉS	PARTIES PRENANTES IMPLIQUÉES
1 mois	Etape 1 Déclaration d'utilité publique	<ul style="list-style-type: none"> Enquête de commodo et incommodo Adoption de la DUP Finalisation des études d'avant-projet détaillé (APD)* 	<ul style="list-style-type: none"> Commission d'enquête Autorité expropriante Bureau d'étude, Projet, Equipe technique
12 mois maximum	Etape 2 Préparation du PAR	<ul style="list-style-type: none"> TDR pour la préparation du PAR (basé sur l'envergure du projet selon l'APD)** Sélection du consultant en préparation du PAR** Définition des critères d'éligibilité* Identification des PAP et recensement Enquête parcellaire Enquêtes socioéconomiques* Publication et notification du décret ou arrêté de cessibilité aux intéressés Estimation des compensations et des appuis Développement d'activités de restauration des moyens de subsistance* Développement de l'arrangement de réinstallation* Développement du mécanisme de gestion des plaintes* Consultation des PAP* 	<ul style="list-style-type: none"> Projet Bureau d'étude ou autorité expropriante / Commission d'expropriation Autorité expropriante Projet / Commission d'expropriation Bureau d'étude ou autorité expropriante
2 mois maximum	Etape 3 Restitution et soumission du PAR	<ul style="list-style-type: none"> Examen initial du PAR* Mise en place mécanisme de plaintes Finalisation du PAR Soumission à la Commission d'évaluation des indemnités Soumission à la Banque Mondiale** Divulgaration du PAR final** 	<ul style="list-style-type: none"> Projet (en consultation avec la Banque mondiale) Bureau d'étude ou autorité expropriante Bureau d'étude ou autorité expropriante / Commission d'expropriation Projet Projet, Banque Mondiale
Entre 0 et 5 jours	Etape 4 Mise en œuvre du PAR/PRMS	<ul style="list-style-type: none"> Préparation des dossiers de compensation Convocation des PAP Signature du protocole d'accord Paiement des compensations Documentation des paiements Mise en œuvre des activités de restauration de moyens de subsistance* Mise en œuvre des activités de Réinstallation* Libération des emprises par les PAP* Révision / Mise à jour du titre foncier des PAP* Mise en place du MGP* Engagement continu avec les parties prenantes* Mise à jour du PAR (le cas échéant)** Mise en place des activités de suivi* Mise en place des activités de reporting* Autorisation de démarrage des travaux de génie civil** 	<ul style="list-style-type: none"> Projet, commission d'expropriation
	Etape 5 Achèvement du PAR	<ul style="list-style-type: none"> Mesure du niveau de satisfaction (TDR, selection de consultant, rapport)** Audit (TDR, selection de consultant, rapport)** Evaluation de la mise en œuvre du PAR (TDR, selection de consultant, rapport)** 	<ul style="list-style-type: none"> Projet, Prestaire

* Typiquement exigé pour les projets financés par la Banque mondiale

** Typiquement exigé pour les projets financés par la Banque mondiale. Avis de Non-Objection (ANO) de la BM peut être exigée

CHAPTER V. CONSULTATION, PARTICIPATION AND DISCLOSURE

Public consultation and disclosure of information are required in the ESS5. *Project Pool* will ensure the implementation of these activities rather than possible and will maintain them throughout the stages of involuntary resettlement (planning, implementation, monitoring and evaluation committee) with the participation of all parties concerned, including PAPs, host communities and in particular disadvantaged or vulnerable individuals or groups. Key discussion points will focus on local priority development, project design, potential impacts, mitigation measures, and feedback mechanisms. Consultation methods will be tailored to each target group (stakeholder consultations through site or household visits, public meetings, focus group discussions and socio-economic survey). *Pool* Project will consider the choice of location and language in a way that works for participants and improves the quality of participation in the consultation process. The languages common in the project area will be used (either directly or through interpretation). This CPR and the prepared RAPs will be subject to public disclosure in accordance with the Bank's requirements. Detailed information on consultation and engagement is provided in NES No. 10 and accompanying guidance note.

5.1. Consultation

- Completed activities (see also PMPP for reference).
- Consultation during RAP implementation.

Consultations will be conducted with the various stakeholders, in accordance with the Stakeholder Engagement Plan (SDPP) of the GN SUMP, to ensure their full participation in the planning and implementation of resettlement activities.

The consultations will make it possible to collect, among other things, the opinions, expectations, concerns and recommendations of the local populations, in particular the affected people, representatives of the central and decentralized administration, local authorities, the private sector, NGOs and CSOs, working in the project area, etc. All relevant information about the project will be communicated to stakeholders to enable them to understand the potential risks and effects of the project, as well as the different options available. Similarly, extensive consultations will be undertaken to gather the views and concerns of the various stakeholders, and to take them into

account in the resettlement planning and implementation process. Thus, consultation sessions will be organized with each category of PAPs, in order to identify their particular concerns and to agree with them on the compensation scales and specific resettlement measures to be adopted.

To validate the methods for determining and implementing offsets, the following key steps will be undertaken with the PAPs:

- Disclosure and consultations on eligibility criteria and compensation principles;
- acceptance by each PAP of the characteristics of the affected assets;
- estimation of individual and collective losses;
- negotiation with the PAPs regarding the compensation granted;
- conclusion of a memorandum of understanding or attempt at mediation;
- payment of indemnities or compensation;
- support for those affected, especially vulnerable people;
- Dispute resolution.
- Use of appropriate language for all groups of indigenous and minority people.

5.2. Participation

5.2.1. Methods to strengthen the participation of PAPs

The stakeholder mobilization strategy for the implementation of the RAPs will be based on the participatory approach of all actors involved in the implementation of the Project. Thus, after the development of the implementation schedule by the Project Pool team, meetings and public consultations will be organized in the various beneficiary districts of the Project with stakeholders, especially the PAPs. These consultations will bring together local and municipal authorities (Chief of District, Chief of District, municipal councillors and local councillors), technical staff of the town halls concerned, members of complaint/grievance management committees, members of the technical committee for resettlement, vulnerable groups, beneficiary populations and mainly PAPs.

The mobilization strategy will initially consist of informing the local authorities, technical executives and the town halls concerned of the date, time and place where the public consultations will be organized. A plea will be made for their participation in these sessions. Secondly, with regard to the PAPs, committees and local populations, they will be informed of the date, time and place of the public consultation through the

town criers of each zone, by telephone and by press releases on national and local radio. The consultations will be facilitated by the project team and NGOs supporting the implementation of the RAPs.

- The participation of vulnerable groups
- Women's participation The participation of women will allow them to give their opinion on the accessibility of services, the complaint management mechanism and provide additional information on the risks or obstacles they face in relation to the activities of the

BY.

In addition, the consultation process should allow women, as well as disadvantaged or vulnerable groups, to put forward their views and aspirations, for inclusion in the resettlement planning and implementation process. Specific measures will have to be implemented to ensure the full participation of these specific groups throughout the project, in particular through:

- the organisation of interviews with specific groups separately and away from any influence; for example, migrants or landless peasant women may find it difficult to express themselves freely in the presence of landowners, for fear of reprisals;
- the facilitation of women's focus groups by a woman, in order to allow them to express themselves in confidence and to better understand their concerns;
- the mobilization within the collection teams, of people speaking the local language to avoid biases related to translation, etc.

Resource persons at the local level can be mobilized to support the team in charge of implementing the RAP in consultations with the PAPs: NGOs/CSOs, social services, etc.

These consultations with women are facilitated by a woman familiar with the local culture and language to allow for free and open discussions. However, these should never be about interviewing survivors of GBV or asking about individual experiences of violence. They can learn about trends and challenges that women in these communities face in general. These awareness-raising and communication actions will be evaluated quarterly in order to make corrections, improvements or others.

5.3. Divulcation

- Respect the principles of confidentiality (especially for personal information).
- On the part of the Government (PMUs, Ministries, Local Authorities, communities).
- From the World Bank.
- Disclosure platform.

CHAPTER VI. INSTITUTIONAL ARRANGEMENT

6.1. Responsibilities of stakeholders

The government assures that the stakeholders: The Ministry of Economy and Finance, the National Agency for Domain and Land, The Ministry of Living Environment and Transport in charge of Sustainable Development (MCVT), the Ministry of Social Affairs and Microfinance, the Infrastructure, Roads and Spatial Planning Company (SIRAT), The municipalities will be responsible for conducting the resettlement operations that would take place within the framework of the project.

Within Pool Projet, the ES team (or the project's social expert) will work in close collaboration with all the actors concerned, in particular the mayors of the municipalities concerned and the people affected for the implementation of the RAP. The coordination of actions will be carried out in a context of transparency and efficiency to make resettlement a real development operation. This requires sufficient financial (made available by the State) and human resources, effective institutions and a transparent and credible partnership framework.

The establishment of a strategy for consultation with resettled persons for better participation in the design, implementation and monitoring and evaluation of resettlement activities is essential. To better comply with social and environmental safeguard requirements, the project must conduct information and consultation campaigns before the compensation or resettlement process is launched.

6.1.1. Institutional framework for resettlement

The implementation and monitoring of the CPR is likely to involve several categories of stakeholders:

At the national level, the following stakeholders should be mentioned:

- The Ministry of the Living Environment and Transport in charge of sustainable development (MCVT) represents the State as Developer and Project Owner. It is supported in these functions by the other sectoral ministries. He has under his supervision the Support Unit for the Implementation of the SUMP to ensure with the supervising ministry the management of the program, participate in the information/awareness of the PAPs, in the amicable management of conflicts and supervise the implementation of the Resettlement Action Plan.

- Société des Infrastructures Routières et de l'Aménagement du Territoire (SIRAT SA): It is responsible for the management of the project and supervises the implementation of the Resettlement Action Plan
- Specifically concerning land issues, several agencies are involved in the monitoring of expropriations. At the top of the administrative system is an umbrella authority, the National Agency for Domain and Land (ANDF). As stipulated in Article 416 of the 2013 Law: "A public establishment of a technical and scientific nature of a specific type with legal personality and financial autonomy is hereby created, called: National Agency for Domain and Land (ANDF)". Under Article 418, the Agency is "entrusted with a mission of securing and coordinating land and state management at the national level, the Agency is also responsible for the implementation of the State's policies, strategies and programs in land and state matters." This Agency is placed under the authority of the Minister in charge of Finance.
- Prefecture: The prefectural authority: participates in the information/awareness-raising of the PAPs; participates in the amicable management of conflicts (in support of the CTR) and supervises the implementation of the RAP.

At the municipal level, the actors concerned are:

- the mayors of the targeted areas for the implementation of the project;
- the State and Environmental Affairs Departments of the town halls concerned;
- the Communal Offices of the Estate and Land (BCDF);
- the Social Affairs Services of the Town Halls (SAIC or correspondent);
- the Platform of Civil Society Associations of Benin (PASCIB).

At the local level:

- the village/district chiefs concerned;
- Village Land Management Structures;
- the Heads of Districts concerned;
- PAP Committees;
- the promoters;
- Execution companies.

6.1.2. Organisational arrangements

The organizational structure of the resettlement process within the framework of the GN SUNP will be based on institutional actors with specific roles and responsibilities.

Table 9: Institutional Implementing Arrangements

Actors	Responsibilities	Observations
SIRAT/ Project Pool (Project Management Unit)	<ul style="list-style-type: none"> • Dissemination of the CPR; • Recruitment of consultants to carry out socio-economic studies, RAPs and evaluations of the resettlement process; • complaint management; • Training of stakeholders on the project's complaint management mechanism; • Supervision of resettlement activities; • Implements RAPs and is responsible for paying for resettlement activities compensation • Transmission of RAP implementation reports to the Bank 	The coordinator, the monitoring and evaluation specialist and the social safeguard specialist will work in a concerted manner to achieve this objective; in collaboration with the Department of Land Transport, and the DST of the Town Halls.
Ministry of Finance (MEF)	<ul style="list-style-type: none"> • Make available to the MCVT the necessary funds for the payment of compensation 	
MCVT DD	<ul style="list-style-type: none"> • Oversees the development of socio-economic studies, RAPs and evaluations of the resettlement process • Oversees the resettlement activities of the various components 	
ABE	<ul style="list-style-type: none"> • RAP Report Validation • Facilitation of the issuance of the Certificate of Environmental Compliance (CEC) • Monitoring and evaluation of the implementation of the measures of the Resettlement Action Plan 	Collaboration between Pool Project's Social Development Specialist and consultants
BEEMER	<ul style="list-style-type: none"> • Review and Approval of RAP ToRs • Review and approval of RAP implementation and audit reports 	
PAP Committee	<ul style="list-style-type: none"> • Participation in information and awareness-raising sessions on resettlement; • Referral to the local committee for the management and follow-up of complaints for any concerns 	Headquarters in local resettlement structures
ANDF	Support to local land management bodies (SVGF, Services in charge of land management at the level of town halls) in the process of possible identification, and the provision of land.	If necessary, the collaboration of the Land Development Fund
Prefectures	Establishment of the Technical Resettlement Committee (CTR) by an order Participation in the information/awareness-raising of the PAPs Participation in the management of conflicts amicably (in support of the CTR)	

Actors	Responsibilities	Observations
MJL (courts)	Management of unresolved complaints	
Local resettlement monitoring structures	<ul style="list-style-type: none"> • Approve the identification of affected property and persons; • validate the amount of compensation; • settle any minor disputes amicably; • Facilitate the work of the actors involved in the resettlement operation and ensure transparency in the process; • participate in the payment of compensation; • To support affected families in the search for housing plots and the reconstitution of affected property, if necessary 	Pool Projet will recruit NGOs specialising in social intermediation by area to support it
Town halls and local authorities	<ul style="list-style-type: none"> • Support for the implementation of resettlement alongside Local Resettlement Structures during meetings • Support for the information and invitation of assigned persons to resettlement meetings • Participation in the identification and implementation of resettlement measures • Support to the various stakeholders (authorization, facilitation of contacts) for the execution of their activities 	Mayors, district chiefs, village/neighborhood chiefs)
Social intermediation NGO	<ul style="list-style-type: none"> • Prepare the census work through information and awareness-raising activities for the population through the local monitoring committees and local authorities; • Participate in the follow-up of the inventory of affected assets • Support the PSUM Programme in reparation operations through the Local Resettlement Monitoring Structures; <p>Follow up on the resettlement of affected persons</p>	Plays a technical assistance role on behalf of the Project Pool

Source: CSES, SIRAT, August 2024

6.2. Complaint Management Mechanism (PMM)

The implementation of the project will certainly create grievances. This calls for the proposal of a grievance management mechanism, the main guidelines of which are:

- The mechanism for the management of amicable complaints will be carried out at the village, sub-prefectural or national level through the conflict management committees that will be set up at each level. After the registration (complaint register, telephone, email, formal mail, message etc.) of the complaint, each committee will examine the

complaint, deliberate and notify the complainant. If the complainant is not satisfied with the decision, then he or she can escalate the matter. Regardless of the outcome of a complaint at the work place committee level (resolved or not), the information will need to be communicated to the next level.

- Recourse to the courts is possible in the event of failure of the amicable route. It is the final level in the chain of complaint management bodies. It is referred to it only as a last resort when all attempts at amicable settlement have been exhausted at local, intermediate and national level. The judge is responsible for examining complaints and making a decision by order.
- This decision is binding on all complainants. However, it is often a path that is not recommended for the project because it can constitute a way of blocking and delaying activities. Therefore, in this case, it is recommended that the sub-project that is the subject of the dispute should not be financed from the project's resources. It is important to ensure permanent communication on the complaint management mechanism at the level of the various actors.

The process for managing sensitive complaints will be separate from the process for managing less sensitive complaints described above. A local committee cannot deal with these complaints. This must be done in a professional manner by competent national bodies. On behalf of SUMP Program, the management of these complaints will be handled through a separate process that ensures the confidentiality, safety and wishes of the survivor. The sensitive complaints procedure will be disseminated during all program activities, including the preparation and implementation of RAPs.

6.2.1. Types of complaints and conflicts to be addressed

The involuntary resettlement of populations is very regularly accompanied by various problems. This leads some PAPs to file complaints to satisfy these grievances. Experience has shown that the following topics are most often the reasons for these complaints:

- errors in the identification of PAPs;
- Failure to register a property or person;
- discussion with a land user instead of the legitimate and/or legal owner;
- disagreement between the affected person and the structure in charge of the expropriation on the boundaries of the plots;
- disagreement between two neighbours on plot boundaries,

- Claim of ownership of a property by two (02) different PAPs;
- disagreement over the valuation of a plot or other property;
- disagreement between heirs or members of the same family, on the ownership or ownership shares of a given property;

6.2.2. Organs, composition, modes of access and modus operandi of the MGP

6.2.2.1- Bodies of the Non-Sensitive Complaint Mechanism

The complaints bodies comprise four (04) levels:

- Level 1: these are the Neighbourhood Complaint Management Committees (QMMC), which will be set up in the neighbourhoods where the work of the programme is carried out. They are chaired by the Chiefs of the districts.
- Level 2: the Borough Complaint Management Committees (CGPA) which will be installed in the districts whose districts are where the construction work is being carried out. They are chaired according to the Head of the District.
- Level 3: the Communal Complaints Management Committee which is installed at the Cotonou City Hall (CCGP). It is chaired by the Mayor.
- Level 4: The National Complaints Management Committee of the Programme, which is located at the SIRAT headquarters.

NB: sensitive complaints will be handled by recognized national structures that have the competence to manage these types of complaints.

6.2.2.2. Composition of committees by level

The institutional framework of the MGP will be put in place for each municipality. The bodies of the Complaint Management Mechanism (MGP) that will be created by Municipal Decree on the Establishment, Composition and Functioning of Complaint Management Committees are presented below.

Table 10: Composition of complaints management bodies

Neighbourhood Complaint Management Committees (QCMG)	President	The Chief of the Neighborhood
	Secretary	A Ward Councillor appointed by the President (CQ)
	Members-	- 2 Notables (A woman and a man) of the neighborhood 1 representative of young people from the streets concerned by the works - Head of the neighborhood development association, - A social development manager from the City Hall
	Number of members	07
	President	The Chief of the District

Borough Complaint Management Committees (CGPA)	Rapporteur/ Secretary	A Municipal Councillor appointed by the President (CA)
	Members	<ul style="list-style-type: none"> - a municipal councillor appointed by his or her peers; - a representative of NGOs appointed by the collective of NGOs active in the district at least one year before the start of the work; - a member of the Borough's development association; - a notable from one of the districts of the district where the work was carried out; - a SIRAT Social Safeguard Specialist
	Number of members	07
Communal Committee for the Management of Complaints which is located at the Town Hall (CCGP). It is chaired by the Mayor.	President	Mayor of the commune
	Rapporteur / Secretary	District Manager
	Members	<ul style="list-style-type: none"> - 1 representative of the Departmental Directorate of the Ministry of Living Environment and Transport; - 1 representative of the Departmental Directorate of the Ministry of Social Affairs; - 1 representative of the municipal CPS; - 1 representative of NGOs; - the head of the Prefecture's environment department; - the Environmental Specialist of the SIRAT or the municipality - the MCVDT Environmental Specialist.
	Number of members	09
National Complaints Management Committees of the Program SUMP	President	The President of the Technical Coordination Committee
	Secretary / Rapporteur	The Program Coordinator
	Members	<ul style="list-style-type: none"> - the Departmental Director of the Ministry in charge of the environment; - the Director General of the EBA; - the Director General of Social Affairs of the Ministry in charge of Social Affairs; - the Prefect of the department; - the M&E Specialist of the Ministry in charge of the environment; - the Director General of the ANDF; - 1 representative of NGOs (legally constituted, working in the field of the environment or the sanitation of the living environment; - the Director General of the National Agency for Civil Protection.
	Number of members	09
Complaint Management Committee Support Documents	a register of registration of complaints, a register of recording and follow-up of complaints solutions, forms for taking complaints, standard forms of minutes of complaint resolution	

6.2.2.3. How to access the mechanism

There are different ways to file a complaint:

- formal mail;

- telephone call;
- Sending an SMS (Short Message Service);
- oral complaint by face-to-face exchanges;
- Email

6.2.2.4. Description of the MGP's modus operandi

The MGP operating procedure is done in 7 steps, the guidelines of which are presented below.

Step 1: Receipt and registration of the complaint

The reception and registration of complaints consists of allowing any natural or legal person to send his or her complaint or claim to the various bodies of the MGP. These complaints are made anonymously if the situation is complex in order to ensure the protection of the complainant and to allow an investigation without the knowledge of the person or entity involved. The aggrieved parties shall refer the above proceedings to the following channels: visit, meeting, mail, telephone.

In order to facilitate the registration of complaints and to trigger the resolution procedure, the heads of authorities have a physical register for the receipt and registration of complaints.

Step 2: Acknowledgement of receipt, evaluation, assignment

- Acknowledgement of receipt

The bodies that received the complaint must inform the complainant(s) that the complaint has been received, that it will be registered and evaluated to determine its admissibility. The acknowledgement of receipt must be made within a maximum of two days. When the complainant files the complaint himself, the acknowledgement of receipt is given to him immediately. When complaints are filed in other ways, a period of 2 days is allowed for the transmission of the acknowledgement of receipt.

- Assessment of admissibility

The eligibility decision is only used to elicit an initial assessment and response. The resolution body in charge of the initial response should follow clear guidelines regarding the types of issues that can be addressed under the MGP.

The complaints management bodies, in addition to assessing admissibility, must also decide whether the complaint should be referred to a completely different resolution body.

Eligibility is based on the following criteria:

- i. Does the complaint indicate whether the project or activities have caused or can potentially have a negative economic, social or environmental impact on the complainant?
- ii. Does the complaint specify the type of impact that exists or is potential, and how the SUMP activity has caused or may cause that impact?
- iii. Does the complaint indicate that the persons complaining are those who have suffered the impact or are at risk; Or do they represent affected or potentially affected stakeholders at the request of the latter?
- iv. Is the complaint not about matters that have already been settled?
- v. Is the complaint sufficiently documented?
- vi. Assignment of Liability:

Complaints are referred to the competent body in view of the problem raised by the complainants. When several partners implement the activities/projects and intervene jointly in the same territory or, it is important to clarify the roles and responsibilities for the execution of the MGP and the response to complaints.

The assessment of the admissibility of the complaint is done within 3 days. The acknowledgement of receipt is sent by e-mail, post, call, etc. within two (02) working days.

In total, the complaint is received and its eligibility is assessed within 5 days.

Step 3: Proposal for an answer and preparation of a draft response

The MGP body must produce one of the three (3) types of responses:

- direct action to resolve the problem (awareness-raising, training, compensation, conciliation or mediation);
- Further assessment and engagement with the complainant and other stakeholders to jointly determine the best solution. In some cases, actions such as an in-depth evaluation (survey, field visits, collection of testimonies, technical expertise) will be necessary.
- rejection of the complaint, either because it does not meet the basic criteria or because another mechanism is more qualified to deal with the complaint.

Step 4: Communication of the proposed reply to the complainant and seeking an agreement

SIRAT is responsible for communicating the proposed response in writing or by any other means, in language that the complainant understands. Complainants may be invited to meetings to review and revise the initial approach, if necessary. The response must include a clear explanation of the proposed response, the nature of the response, and the options available to the complainant given the response.

The response must include a clear explanation of why the response is being proposed. The options may be a proposed draft agreement, a referral to a higher body, further dialogue on the proposed action, or participation in the proposed evaluation and engagement process. In addition, the response must indicate all other organizational, judicial, non-judicial but official remedies that the complainant may consider.

Although variable in practice, the proposed response must be communicated within 10 days of receipt of the complaint. This period may be extended by 7 days depending on the nature or complexity of the dispute. Where complaints allege serious harm or risk and/or serious violations of rights, the MGP's operational procedures must provide for an expedited response, either by the MGP or by referral to another body with immediate notification to the complainant of such referral.

The complainant may or may not accept the proposed response. If the complainant contests the decision of inadmissibility, rejects the proposed direct action or refuses to participate in a more thorough evaluation and stakeholder engagement procedure, the Settlement Body should clarify the reasons for the complainant's refusal, provide additional information and, if possible, revise the proposed approach.

If an agreement is still not reached, the staff in charge of the MGP must ensure that the complainant understands what other remedies may be available, through the administrative or judicial system, and must document the outcome of the discussions with the complainant by clearly indicating the options that have been offered and the reasons for their rejection by the complainant.

Step 5: Implementation of the response to the complaint

The response must be executed when an agreement has been reached between the complainant and the MGP body to proceed with the proposed action or stakeholder engagement process.

Where the initial response is to initiate a process of assessment and engagement of all stakeholders, this procedure may be carried out by the staff required by the MGP body to do so or by other entities considered impartial and effective by the body, by the complainant, and by other stakeholders. Where a cooperative approach is

possible, the MGP bodies should be responsible for its oversight. These bodies may directly facilitate the work of stakeholders, contract with a mediator to handle facilitation, or use traditional consultation and conflict resolution procedures and local facilitators/facilitators.

Step 6: Reconsideration of the response in case of failure

Several cases can lead to this:

- Inability to reach an agreement with the complainant on the proposed response;
- Conflict involving multiple stakeholders where the evaluation procedure concluded that a cooperative approach was not possible.

In these cases, the courts should review the situation with the complainant and see if a change in the response can satisfy the complainant and other stakeholders. If this is not the case, the authorities must communicate to the complainant other potential alternatives, including judicial or administrative redress mechanisms. Whatever the complainant's choice, it is important that the authorities give reasons for the decisions rendered and at the same time document the entire procedure.

Step 7: Referral of the claim to another body

If the response has had positive results, these results must be documented by the MGP bodies. In cases of serious risks and impacts and/or negative publicity, it may be appropriate to include written documentation by the complainant indicating his or her satisfaction with the response. In other cases, it will be sufficient for the authorities to note the action and satisfaction of the complainant and other stakeholders. It may be useful to include lessons learned when the situation has been particularly complex or unusual.

If the complaint has not been resolved, the bodies must document the steps taken, the communication with the complainant (and with other stakeholders if significant efforts have been made to initiate or finalize a procedure involving different stakeholders), and the decisions made by the organization and the complainant regarding a referral or recourse to other alternatives, including the judicial route.

In all cases, MGP documents must maintain the confidentiality of details and present disaggregated public statistics on the number and type of complaints received, the actions taken and the results obtained.

Accurate documentation using an electronic database is essential for public accountability, learning within the organization, and resource planning to the operation of the PMM.

In summary, all complaint management bodies must adopt the modus operandi of the Complaint Management Mechanism described above.

6.2.2.5. Administrative provisions and recourse to the courts

The administrative and judicial procedure can be triggered if the amicable procedure fails. If the dispute is not settled amicably by the SLR, the applicant submits another request to the Prefect. If the applicant is still not satisfied with the prefect's response, he or she takes the matter to court.

It is in the interest of the project management to facilitate participation and amicable processes to limit recourse to the courts. Because the multiplication of disputes brought before the courts is likely to discredit the expropriation process and the resettlement of the population in general. All efforts must be aimed at ensuring that the implementation of a public project does not create poverty and desolation among the population. While some PAPs may have the means to take legal action, others will not be able to do so due to a lack of resources and the outcome is uncertain given that it is the State that is the other party. Better still, according to the CFD, the appeals do not stop the work as soon as the deed of transferability of the expropriator is taken and the amount of the expropriation deposited in the treasury. But in this project, it is the principle of settling the dispute before the start of the work that will be applied. We must therefore make every effort to conduct a democratic, peaceful and satisfactory process for the PAPs.

6.2.3. Sensitive complaints

The planning and implementation of resettlement activities can give rise to complaints, including those of a sensitive nature, including in relation to sexual exploitation and abuse (SEA), sexual harassment (HS), violence against children (VCE), fraud and corruption, for example.

The Project Relocation Program will use the procedures in place for the handling of sensitive complaints under the SUMP. These procedures will be put in place in each commune, will be survivor-centred, and will build on existing resources in municipalities, such as social protection centres (SPCs), to support the management of these complaints. Sensitive complaints will not be resolved amicably, nor will they be resolved by sensitive complaint resolution committees, which have trained

professionals who can help survivors access medical, physical and legal services in a confidential manner. The World Bank must be notified within 24 hours of all sensitive complaints received under the program

PSUM.

6.3. Monitoring, Reporting and Evaluation

Monitoring and evaluation of the implementation of resettlement actions is a mandatory requirement for projects with NES5 impacts. Pool PROJECT will establish procedures to monitor and evaluate the execution of the plan and take corrective action as necessary during implementation to achieve the objectives of the ESS5. Monitoring is based on predefined indicators and includes periodic supervision and verification by Project Pool, external consultants or the World Bank project team. Depending on the level of impact of the project, the monitoring and evaluation method (internal, external, evaluation, audit) will also be appropriately determined. Internal monitoring is explicitly designated within the project agency. Good communication with external actors, as well as coordination with other implementing agencies, are taken into account in the design.

The Project Pool regularly reviews and updates the M&E framework, ensuring that it is consistent with project progress and policy requirements. The RAPs of the sub-projects will include a process for systematically depositing the results of the internal and external monitoring at the meetings of the Resettlement Programme Coordination Group. Each coordination meeting should discuss the follow-up of the issues and problems identified through internal and especially external monitoring. Affected individuals will be consulted during the follow-up process. Periodic reports will be prepared in this regard and affected persons will be informed of the results of the follow-up as soon as possible.

The indicators can be built around the following major themes on which the RAP will develop sub-indicators relevant to each sub-project:

- Allocation of staff (adequacy, number and skills) and resources.
- Establishment of an internal working mechanism and coordination with external organizations.
- The establishment and operation of the complaint and denunciation management mechanism.
- Progress in the payment of compensation for affected households.
- Preparation and implementation of income and livelihood restoration programs/activities.

- Disclosure and consultation activities.
- Level of satisfaction (the level of agricultural production; the improvement of the living conditions of the population; the rate of compensation; the state of trafficking; the progress of the righting procedure and the speed of reparation) and recommendations of the affected persons.
- Assessment of compliance with the replacement cost requirement.
- Evaluation of the ESS5 requirements for replacement land.
- Assess the impact of livelihood restoration activities and the capacity to respond to policy requirements.

6.4. Articulation between the implementation of resettlement and other project activities

The project will only take possession of the land and related assets once compensation has been paid in accordance with the provisions of ESS5 and, if applicable, when displaced persons have been resettled and displacement allowances have been paid to them in addition to compensation.

This involves the coordination of many different parties (including within the project management team) to both ensure policy requirements and meet project schedule requirements. The implementation of land acquisition, compensation and resettlement should take into account and coordinate with the following areas:

- ***The Project Pool***
 - o SIRAT Finance Department: to ensure that the funds needed to land acquisition, compensation and resettlement are allocated on an as-needed and timely basis.
 - o SIRAT Technical/Design Department: to update promptly changes to the project design, particularly details that change the scope and scale of land acquisition. This information will be used to update the RAP and the accompanying implementation plan.
 - o SIRAT procurement: to update the tender plan, in particular tender documents where the start of work requires a clean plot of land. The implementation plan for land acquisition, compensation and resettlement will be adjusted and updated to meet contractor engagement requirements.

- o SIRAT Monitoring and Evaluation Department: to ensure that the related content land acquisition, compensation and resettlement is integrated into the monitoring and evaluation activities of the overall project.
 - o SIRAT Communication and Capacity Building Department: to ensure that issues related to land acquisition, compensation and resettlement are integrated into communication, capacity building and stakeholder engagement activities.
- **Construction contractors:** to update the construction plan to identify key locations for land acquisition, compensation, and relocation. For contractors who construct ancillary works (resettlement areas and associated infrastructure, resettlement houses, basic social infrastructure works). Activities to relocate people and restore livelihoods are planned in the most reasonable way, minimizing the transition. Delay between the handover of the site and the acceptance of a new home.
- **Local government/relevant agency (expropriation committee):** Many countries require local governments or designated entities to take care of land acquisition, compensation and resettlement. Therefore, Pool Projet must maintain close coordination, ensuring that this is done in accordance with the plan and in line with the commitments made with the World Bank.
- **Consulting firm.** Ensure that issues related to land acquisition, compensation and resettlement are integrated into the monitoring activities of these units.

CHAPTER VII. METHODS OF VALUATION OF AFFECTED ASSETS

The methods used for loss assessment in World Bank-financed projects are based on the principle of replacement costs. In this project, the calculation of the compensation for the impacts of land acquisition will be calculated according to the following principles:⁹

- Agricultural land (including fallow) or pasture: land of equal use or productive potential, located in the vicinity of the affected land or the new housing site, plus the cost of preparation at levels similar to or higher than those of the affected land, and transaction costs such as registration and transfer taxes or user fees.
- Land in urban areas: the market value of land of equivalent size and use, with similar or improved infrastructure and services, preferably located in close proximity to the affected land, plus transaction costs such as registration and transfer fees.
- Houses and other structures (including public structures such as schools, clinics, and religious buildings): the cost of purchasing or constructing a replacement structure, with a similar or better area, quality, and location than the affected structure; or of repairing a partially affected structure, including labor and contractor costs; and transaction costs, such as registration, transfer taxes, and moving expenses.
- Loss of access to natural resources: the market value of natural resources, which may include, but is not limited to, wild medicinal plants, firewood and other non-timber forest products, meat or fish. However, cash compensation is rarely an effective way to compensate for the loss of access to natural resources. The project shall assess ways to provide or facilitate access to similar resources elsewhere, taking into account impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available.

⁹ Guidance Note – ESS5: Land Acquisition, Land Use Restriction and Involuntary Resettlement

CHAPTER VIII. COST AND BUDGET

At this stage, when the sites of the sub-projects have not yet been fixed and the number of PAPs cannot yet be determined, it is difficult to provide an actual estimate for the total cost of resettlement that could be associated with the project. Indeed, the exact estimate of the overall cost of resettlement and compensation will really be under control at the end of the socio-economic studies and when the implementation of the various projects is known. The implementation costs of the individual RAPs will be established on the basis of the districts' updated compensation unit prices, reflecting the replacement cost of all affected assets and inflation.

The Government assumes responsibility for fulfilling the conditions contained in this CPR. Through the Ministry of Living Environment and Transport in charge of Sustainable Development (MCVTDD), the Ministry of Economy and Finance will have to finance the compensation due to the resettlement with its own capital or from the resources of the World Bank. From this point of view, it will ensure that the Project Pool has the necessary resources, at the right time, to meet the financial requirements related to resettlement (possible acquisition of land, payments of compensation and compensation due to displaced persons), sensitization of actors on the different stages of resettlement and implementation of the process.

CONCLUSION

The implementation of the Urban Mobility Project in Greater Nokoué (PMUR GN) will contribute to improving the environment and living conditions of the populations while offering them sustainable urban mobility.

The investments that will be made within the framework of the project are likely to require land acquisitions and lead to physical and/or economic displacement of populations, generating negative effects in terms of precariousness and a decline in living standards. Mitigating the negative social and economic impacts that would result from involuntary resettlement is a condition for harmonious development and more shared prosperity.

This CPR is a safeguard instrument that the Government of Benin has adopted with a view to making resettlement an opportunity for development for affected persons in general and vulnerable groups in particular.

One of the key principles of the World Bank's Environmental and Social Standard No. 5 (ESS No. 5) "*Land Acquisition, Land Use Restriction and Resettlement*" is that promoters of a resettlement programme are required to ensure that people affected by land loss must, after displacement, to find themselves economically better than before the displacement, if not to preserve their previous standard of living. In order to ensure the proper implementation of the CPR, the Government will ensure that Pool Projet has the necessary resources, at the appropriate time, to meet the financial requirements related to resettlement (payments of compensation and compensation due to displaced persons) and the World Bank will support the Government with the resources allocated to the project. for the capacity building of resettlement actors, the implementation of social and environmental sustainability measures for possible resettlement sites, monitoring/evaluation as well as assistance to vulnerable groups.

APPENDIX 1. LIST OF APPLICABLE LAWS AND REGULATIONS

- Law No. 2017-15 of 10 August 2017, amending and supplementing Law No. 2013-01 of 14 August 2013, on the Land and Property Code in the Republic of Benin
- Law No. 2016-06 of 26 May 2016 on the framework law on territorial planning in the Republic of Benin
- Law No. 97-029 of 15 January 1999 on the organization of municipalities in the Republic of Benin
- Decree No. 2015-007 of 29 January 2015 on the attributions, organization and functioning of the Land Advisory Council (CCF);
- Decree No. 2015-008 of 29 January 2015 on the attributions, organization and operation of the Land Compensation Fund (FDF);
- Decree No. 2015-009 of 29 January 2015 laying down the terms and conditions for exercising the right of pre-emption and lease-purchase of pre-empted or expropriated buildings; Decree No. 2015-010 of 29 January 2015 on the attributions, organization and functioning of the National Agency for Domain and Land (ANDF);
- Decree No. 2015-011 of 29 January 2015 on the terms and conditions for the transfer for consideration, alienation free of charge, and rental of land and immovable property in the private domain of the State and local authorities; Decree No. 2015-012 of 29 January 2015 laying down the terms and conditions for the allocation, development and takeover of private state concessions in rural areas,
- Decree No. 2015-013 of 29 January 2015 on the composition and functioning of the commissions of inquiry of commodo and incommodo and compensation in matters of expropriation for reasons of public utility;
- Decree No. 2015-014 of 29 January 2015 on the conditions and procedures for the development of rural land;
- Decree No. 2015-015 of 29 January 2015 laying down the modalities for the division and reunion of land title deeds;
- Decree No. 2015-016 of 29 January 2015 on the conditions and modalities of occupation of the public domain; Decree No. 2015-017 of 29 January 2015 on the attributions, organization and functioning of the land management commission of the commune and the village land management section;
- Decree No. 2015-18 of 29 January 2015 laying down the modalities for the establishment of the rural land plan and the confirmation of land rights based on the rural land plan;

- Decree No. 2015-29 of 29 January 2015 laying down the terms and conditions for the acquisition of rural land in the Republic of Benin,
- Decree No. 2014-788 of 31 December 2014 on the reference of the transfer and rental prices of buildings in the private domain of the State in Cotonou
- Decree No. 2018-473 of 10 October 2018 on the conditions for the issuance of land titles to holders of residence permits on State-owned buildings.
- Decree No. 2022-390 of 13 July 2022 on the organization of environmental and social assessment procedures in the Republic of Benin.