



Food and Agriculture Organisation
of the United Nations

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Empirical Assessment of Grievance Mechanisms for Land and Natural Resources Related Disputes in The Gambia

Final Report



Submitted to:

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March 2021

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List of Abbreviations

AACCP	Adapting Agriculture to Climate Change Project
AAITG	ActionAid International The Gambia
ADR	Alternative Dispute Resolution
ADRS	Alternative Dispute Resolution Secretariat
ANR	Agriculture and Natural Resources
AU	African Union
AU-F&G	African Union Framework and Guidelines on Land and Natural Resources
BCC	Banjul City Council
CI	Confidence Interval
COVID	Corona Virus Disease
CRRN	Central River North
CRRS	Central River South
CSO	Civil Society Organisation
FAO	Food and Agricultural Organisation
FGD	Focus Group Discussion
GBA	Greater Banjul Area
GBoS	Gambia Bureau of Statistics
GDP	Gross Domestic Product
GIS	Global Information System
GRM	Grievance Redress Mechanism
II	Individual Interviews
KII	Key Informant Interviews
KMC	Kanifing Municipal Council
LGA	Local Government Area
LGAF	Land Governance Assessment Framework
LLTD	Local Land Transfer Document
LNR	Land and Natural Resources
LRR	Lower River Region

MoECCNAR	Ministry of Environment, Climate Change and Natural Resources
MoFWNAM	Ministry of Fisheries Water Resources and National Assembly Matters
MoL&RG	Ministry of Lands and Regional Governance
MSY	Maximum Sustainable Yield
MT	Metric Ton
NAWEC	National Water and Electricity Company
NBR	North Bank Region
NDP	National Development Plan
NFSN	National Food Security Network
NGO	Non-Government Organization
PBF	Peace Building Fund
SCO	Social Community Organizations
TAC	Technical Advisory Committee
UN	United Nations
URR	Upper River Region
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure
WCR	West Coast Region
WFN	World Food Security Network

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i. Executive Summary

In recognition of the fact that Land, Forestry and Fisheries are essential sectors in food production hence attainment of sustainable food security, Food and Agriculture Organization (FAO) under the auspices of the United Nations (UN) and through Committee on World Food Security (CFS), endorsed the adoption of the VGGTs (Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security) to help governments safeguard the rights of people to own or have access to land, forests and fisheries resources. .

Pursuant to the implementation of the VGGT, FAO The Gambia under the project UNJP/GAM/041/PBF established partnership with government and non-state actors to support this process. This consultancy focuses on Grievance Redress Mechanisms (GRM) in Land and Natural Resources (LNR) as part of the efforts of FAO and Action Aid International The Gambia (AAITG) to promote global agenda on LNR Governance.

This assessment evaluated Grievance Redress Mechanisms (GRMs) in The Gambia including accessibility, affordability, independence, impartiality, transparency, against accepted standards by paying attention to land disputes and natural resources related disputes which may manifest themselves not only in relation to land use for crop farming but also for forestry, fisheries as well as cattle grazing/tracks. It identifies weakness and gaps in LNR governance systems and emerging conflicts as well as the mechanisms used to address them in the formal and informal system.

This report is divided into two sections.

Section One delves on the introduction, background and methodology of the study by giving a profile of the country in terms of location, demography, economy. These are mainly derived from the literature review and the main features that clearly came out are the small size of the country and high dependence on agriculture for employment and livelihoods thus indicating the importance of Land. It goes further to give an overview of the socio-economic features of the three areas covered by the study namely West Coast Region (WCR), Central River Region North (CRRN) and Central River Region South (CRRS) in relation to their LNR situation. In that regard, the findings of the study reveal that population growth is fastest in WCR primarily due to rural urban migration thereby putting more pressure on demand for land in that

region. As a result of the growing demand for land, LNR conflicts are also highest in this region as compared to CRR North and South. A greater part of the conflicts in the WCR is related with settlement whereas in the CRR, farmland conflicts are most frequent especially at the beginning of the rainy season. The use of informal GRM has proven to be very successful in the CRR to the extent that the Court system to address land grievances is in very limited use in this region.

Section Two is on the main findings of the survey in relation to GRM on LNR.

The data discussed was mainly collected through individual interviews backed by findings on FGDs and KIs conducted at community, district, regional and national levels. The results provided useful data and information of deliverables specified in the terms of reference of the study.

In summary, the findings of the study revealed that most of the land conflicts in areas where the Land Region Act applies are resolved using the non-formal form of GRMs.

This is so because non-formal GRM institutions are more easily accessible than formal ones in terms of proximity, costs and reliability.

Notwithstanding the importance of non-formal GRMs, lack of record keeping for future reference makes subsequent reviews of the cases difficult, as decisions made from these reviews are dependent on what the memories could recollect.

The study also revealed high level of un-employment amongst the respondents, which could be a source of motivation for sale of land, which in turn is an avenue for land grabbing and illegal migration for the Youth.

ii. Acknowledgements

Danyanko Company Limited and team of Consultants wish to formally acknowledge the trust and confidence bestowed on them for this assignment by Action Aid International The Gambia (AAITG) and by extension the Food and Agriculture Organisation, (FAO) Banjul Office. The latter more for providing the funding for the study. Furthermore, both institutions rendered unflinching support and guidance to the team all throughout the exercise. Similarly, the AAITG did not only accommodate the numerous requests from the Consultants for data/information but rather constantly encouraged the team to explore all the possible avenues by providing indelible and the congenial platform for the success of the study.

In the conduct of the exercise, the team contacted and interphases with several stakeholders albeit within their busy schedules. Most of these people have cooperated and provided the required information and feedback, which together has greatly enhanced the richness of the content and quality of the report. The team is equally indebted to all of them and appreciates their heightened sense of partnership.

The input of the participants at the validation workshop is also highly recognized and appreciated. Comments received therefrom went a long way in improving the report both in terms of substance and structure.

Finally, Danyanko Company is indebted to Mr. Omar Badjie, Executive Director AAITG and Mrs. Ms. Moshibudi Rampedi, FAO Country Director and their respective teams for the efficient and unparalleled coordination of the overall process of this all-important study on Land and Natural Resources Grievance Redress Mechanisms, which are hotspots in current development issues in The Gambia.

1. Introduction

For the first time in modern history, the world's population is expected to virtually stop growing by the end of this century, due in large part to falling global fertility rates, according to a Pew Research Center analysis of new data from the United Nations. By 2100, the world's population is projected to reach approximately 10.9 billion, with annual growth of less than 0.1% – a steep decline from the current rate. Between 1950 and today, the world's population grew between 1% and 2% each year, with the number of people rising from 2.5 billion to more than 7.7 billion (Cilluffo and Ruiz, June 2019)

In the Gambia, the situation shows a different trend. The 2013 population census registered 1.8 million people as compared to the estimated population of 2.2 million people in 2019, indicating an increase of 22%. It is estimated that this figure will double by 2050. The population trends as indicated above is one of the factors contributing to food insecurity, hence the need for effective land and natural resource governance to ensure access and judicious use in a sustainable manner (GBoS, 2013). This has direct ramifications to food security.

In recognition of the fact that Land, Forestry and Fisheries are essential factors of food production hence attainment of sustainable food security, the Food and Agriculture Organization (FAO) of the United Nations (UN) and through the Committee on World Food Security (CFS), endorsed the global guidelines for governments to help safeguard the rights of people to have secured rights over land, forests and fisheries resources. The principles and mechanisms of these guidelines are enshrined in “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” referred to as VGGTs. This document was adopted by the UN in 2012. Although VGGTs are voluntary, assessment of the level of implementation in 2016 indicated that these guidelines have been used by many countries. To promote effective Land and Natural Resources (LNR) governance across the globe, FAO in collaboration with national governments and Non-State Actors continue to spearhead and support the implementation of the VGGTs at the respective member states of the UN, in particular Africa.

At the level of Africa, there is ample evidence showing commitment of member states to effective LNR Governance. This is demonstrated in the Global Assessment Report on the state of Implementation of the VGGTs in various countries as well as the “African Union-Framework and Guidelines” (AU-F&G) adopted by member states even prior to the VGGTs. These global and

regional initiatives are indications of the importance of LNR in the overall socio-economic development at all levels.

Consequently, FAO The Gambia under the project UNJP/GAM/041/PBF titled “*Addressing Conflict over Land and Natural Resources in The Gambia*” established partnership with government and non-state Actors to support this process. Pursuant of the above, FAO in collaboration with ActionAid International The Gambia (AAITG) commissioned this study “*Empirical Assessment of Land and Natural Resource related conflicts and Grievance Redress Mechanisms (GRMs) in The Gambia*”. The study covers a wide range of areas including ownership, access, rights, administration, disputes etc., taking into account accepted standards on LNR governance.

2. Country Profile

The Gambia is situated on the Atlantic coastline and it is one of the smallest countries in Africa. It is surrounded by the Republic of Senegal on the Northern, Eastern and Southern sides, and the Atlantic Ocean on the West. The country has total land area of 10,690 square kilometres with a length of 400 km eastwards and an estimated average width of about 25 km. Of the total available land area, 5,580 square kilometres (approximately 558,000 hectares) representing 52% is arable. Out of this, 81,000 hectares are irrigable from the fresh waters of The River Gambia. Most of the pump irrigable areas are in the Central and Upper river regions. Less than 10% of the total potential pump irrigable land has been put under cultivation.

Of the total arable land, 320,000 hectares representing 57% is put under crop cultivation both upland and lowland, leaving 238,000 hectares not cultivated. More than 39% of the land put under cultivation (approximately 188,000 ha) is farmed mainly by subsistence farmers.

The Gambia's economy is characterized by small size and relatively narrow based Agriculture (comprising of crops and livestock), fisheries, forestry, services, tourism, industry, and re-export trade. Overall, the GDP per capita stood at USD483 in 2017 as compared to the Sub-Saharan average of USD1,553. During the same period (2017), agriculture accounted for 21% of GDP, Services 61%, Industry 17% and fisheries 5% (NDP 2018-2021). The agricultural sector employs about 70 percent of the labour force (GBoS, 2013). Women play a prominent role in the agricultural production of the country, providing between 30 to 50% of the total agricultural labour force

2.1. Population

According to the 2013 population and housing census, the population of The Gambia was 1,882,450 of which 930,699 are males and 951,751 are females, representing 50% and 51% respectively. The population density of the country increased from 127 people per square kilometre in 2003 to 176 by 2013 indicating a rise of 49 persons per square kilometre. The Gambia is ranked among the 10 most densely populated countries in Africa.

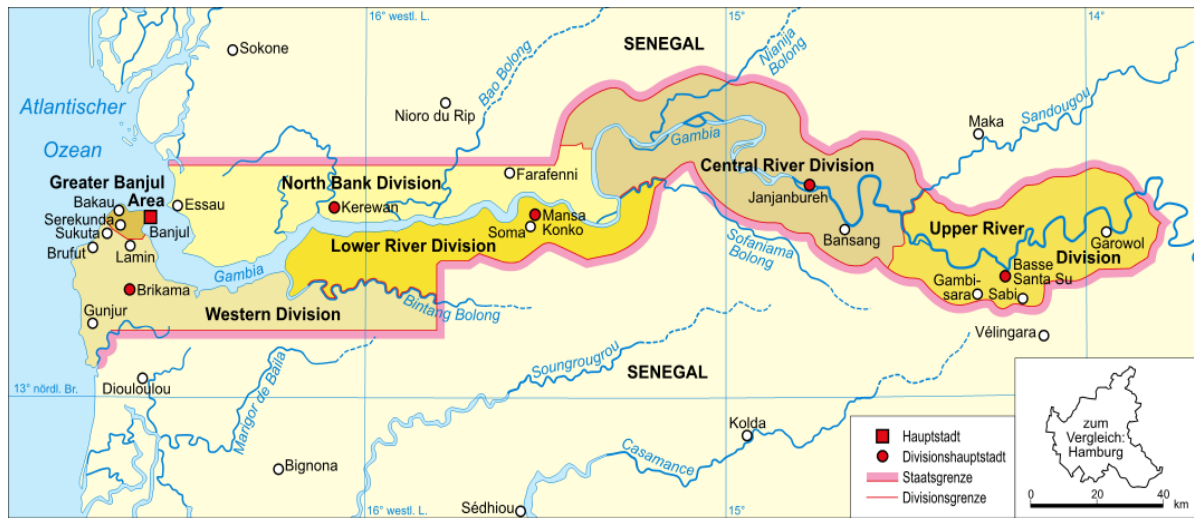
2.2. Administrative Structures

Administratively, The Gambia is divided into five regions and two Municipalities. The five regions are:

- i. West Coast Region (WCR),
- ii. Lower River Region (LRR),
- iii. North Bank Region (NBR),
- iv. Central River Region (CRR) and
- v. Upper River Region (URR).

These regions have each a Governor who serves as administrative head as well as representative of the head of State who also appoints them through the PSC (Public Service Commission). Governors therefore fall within the Central Government system governed by the PSC rules and regulations. Alongside the Central government structures at regional level, there are also the Local Government structures comprising of Area Councils with elected Chairperson as head and Ward Councillors (also elected) from the different Wards (cluster of villages) within the region. Also, within the Local government administrative structures at regional level are the Seyfos and Alkalos of districts and villages of the respective regions who are appointed by the Head of State and the Minister of Lands and Regional Governments (MoLRG) respectively. In addition to the Area Councils, which obtains at the level of the regions, there are also two Municipalities within the Greater Banjul Area which are headed by elected Mayors instead of Chairpersons. In essence there are in all six Area Councils at the level of the regions namely Basse for URR, Janjangbure for CRR South, Kuntaur for CRR North, Kerewan for NBR, Mansakonko for LRR and Brikama WCR and two Municipalities namely Banjul City Council (BCC) and Kanifing Municipal Council (KMC) making a total of eight Local Government Areas.

Figure 1: Map of The Gambia



Source: World Map.net

Figure 2: A woman ploughing a field with oxen



Rice farmers in LRR

3. Background of the Study

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry Resources in the Context of National Food Security (VGGT) seek to promote secure tenure rights and equitable access to Land Fisheries and Forest as a means of eradicating poverty and hunger. The guidelines are premised on the following six main principles:

- i. Establishment of Inclusive Multi-stakeholder platform,
- ii. Recognition of Customary rights and informal tenure,
- iii. Gender equity,
- iv. Protection from Land grabbing,
- v. Effective Land Administration and
- vi. Conflict resolution mechanisms.

This study focuses on Conflicts and Conflict Resolutions, building on previous studies including: WANEP Study concerning Assessment of Land and Natural Resources Related Disputes the WCR, LRR, CRR and URR (2019) and the Gaps Assessment of the Adequacy of the Legal and Policy Frameworks for Effective Land Tenure Governance (2020) and a baseline study conducted on the legal framework for LNR in the Gambia (2020).

3.1. Objectives, Scope and Methodology of the Study

i. Goal

This assessment will evaluate grievance redress mechanisms (GRMs) in the Gambia including accessibility, affordability, independence, impartiality, transparency, against accepted standards by paying attention to land and natural resources related disputes which may manifest themselves not only in relation to land use for crop farming but also for forestry, fisheries as well as cattle grazing/tracks.

ii. Specific Objective

This empirical research work is specifically meant to provide answers to the following questions, by underlining strengths, weaknesses and gaps and in addressing conflict over land. The focus of this empirical assessment is on the range of non-judicial GRMs, which deal with land disputes arising ordinarily within/among communities or because of large-scale land acquisitions through various processes including arbitration, mediation, conciliation and negotiation. These questions will include but not limited to:

- What are the grievance mechanisms that are involved in or are used by people and communities to resolve disputes and conflicts relating to Land and Natural Resources? (These could be both formal and informal mechanisms or institutions);
- What type of disputes/conflicts do the mechanism identified handle or resolve?
- How do they perceive their subject-matter jurisdiction (types of cases they may or may not consider and resolve)?
- What is the prevalence of the conflict related to LNR especially in project implementing areas (WCR and CRR)?
- What is the proportion of target community who believe that conflict related to LNR is available in their locality?
- What proportion of the community including women and youth who are satisfied with existing LNR conflict resolution mechanisms?
- What procedures do they follow to resolve the disputes/conflicts?
- Do they receive written applications?
- Do they hear the other party?
- Are they gender and age sensitive?
- Do they apply negotiation, conciliation, mediation, arbitration or adjudication?
- Do they provide reasoned and written decisions?

- Are there appellate rights against decisions of the grievance mechanisms?
- How do the various institutions/levels, particularly the more informal and administrative mechanisms on the one hand and the judicial system on the other, relate to each other?
- What type of remedies do the various mechanism provide? Restitution, compensation etc?
- What is the extent to which their decisions are respected or enforced?
- How does the confidence of the public in the grievance mechanisms measure?
- Do people see them as accessible, neutral, independent, reliable mechanisms of dispute resolution?
- What are the gender issues/considerations within the mechanisms?
- What recommendation could be given to strengthen the different grievance mechanism?

The study covers only two regions of the country namely: West Coast Region (WCR) and Central River Region (CRR) together consisting of three Local Government Areas two of which (CRR North and South) are in the CRR. There are all together 20 districts in the two regions, 9 in the WCR and 11 in CRR (5 on the North and 6 on the South)

3.2. Approach and Methodology

This section dilates on the survey methodology which includes sampling and sampling frame, research design and approach and data collection tools used to conduct the assessment. The section also synthesized the data analysis tools and processes used to analyze survey report.

The study adopted a multiple-pronged approach, featuring literature reviews, stakeholder consultations, sample survey, data processing, analysis and report writing. In line with the survey protocols, the team used a participatory

approach to assess LNR Grievance and Redress Mechanisms in both regions of the study. Primary data was collected using several participatory tools while secondary data was collected mainly from reports and LNR policy documents.

The basis of the questionnaire design, interpretation and analysis anchors on the general principles of the Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs). Bearing this in mind, all the survey tools used in the research were developed around the principles and standards provided in the Voluntary Guidelines as highlighted above. The approach and methodology applied by the Consultant include the following:

3.2.1. Sampling and Sampling Frame

This study employed Simple Random Sampling to determine the communities to be involved in the assessment and the number of respondents interviewed. The simple random sampling is applied due to time and resource constraints as well as adherence to The Gambia COVID-19 public emergency regulations. The study adopted a scientific approach in determining the sample frame, the sample size as well as the variables contained therein. The sample allocations were based, among other things, on the sample frame of beneficiary communities in CRRN, CRRS and WCR.

The survey sample was designed to produce reliable information on the variables identified in the sampled LGAs. The sampling frame used for the survey was based on the latest population and housing census report, 2013 census data provided by the Gambia Bureau of Statistics. The sampling frame excluded individuals below 18 years of age as they are considered minors. Field data was collected in all the 20 districts of the target 3 LGAs. Population data was provided for each village/town that falls within the sample. This list was randomized to identify 10 respondents per community. However, in observance of COVID-19 restrictions, an additional 5 people were provided per community based on the random numbers so that the next person on the random list could be approached for the interview if a supposed respondent was not available. At community level, a total of 40 communities were randomly selected, 2 in each district. In each of the selected communities, a total of 10 persons were further randomly selected as individual respondents. Where available, key informants were selected from each of those communities based on various roles performed in the communities they are residing in.

The assessment applied both Quantitative and Qualitative research techniques. Sensitization and public awareness raising was done prior to the field data collection exercise. A training of field data collectors was conducted on both research content and tools used to collect field data. The required sample size per region was calculate based on sampling formula $N = \frac{Z^2 * P(1-P)}{e^2} / 1 + \frac{Z^2 * P(1-P)}{E^2 N}$ with 95% Confidence Interval (CI), Population Proportion =P of 5%, Marginal Error of (confidence sample) of 4%, Z square of 0.025 and Z-score of 1.96 applied to determine the sample size. This resulted to a total sample of 20 villages/towns from 9 Districts in the West Coast Region, 12 villages in CRRS and 8 villages in CRRN. Thus, the study administered 405 questionnaires in 40 communities in the 3 LGAs. In summary, the assessment was conducted in all the 20 districts in CRR and WCR and a total of 405 persons were interviewed individually. The study was conducted in 5 days to minimize interactions in the communities. See annex for notes/definitions on sample size calculations.

3.2.2. Data Collection Process

In this research, the data collection was divided into two main phases. Sensitization and public awareness raising was done in phase one while primary and secondary data collection was done in phase two.

3.2.2.1 Sensitization and Public Awareness

This was done prior to the survey, and the main aim was to inform and prepare opinion leaders and local authorities about the study so that the information will filter down to members of the communities in their respective areas. This activity was also used to prepare a mindset of the target communities on the scope of the survey and its importance. Due to the COVID 19, this activity was mainly done through telephone conversations with some of District Chiefs, Chief Executive Officers (CEOs) of Area Councils, Governors, National Assembly Members and selected members of the Technical Advisory Committee of the two Regions.

3.2.2.2 Primary and Secondary Data Collection

Two main data collection processes are involved in this research - Primary and secondary data stages. A case study was also conducted on land compensation package related to land dispute that coincidentally occurred while primary data collection was on going. The team felt it important to include this case story in the report to tease out competing demand for land use in relation to ownership of the land. However, the team was not accorded the opportunity to meet the other party for further substantiation of the facts presented to them.

The data collection processes started with review, revision and adoption of designed questionnaires for field data collection, identification recruitment and training of field data collectors followed by data collection proper. A total of 10 (9 male and 1 female) field data collectors were involved in the exercise all together.

Primary Data Collection

This study employed different data collection methods to collect first-hand information from various communities visited. The study used Individual Interviews (II), Focus Group Discussions (FGDs) with beneficiary communities, Key Informant Interviews (KIs) with Local Authorities mainly chiefs and Alkalos, women focal persons, Religious Leaders, Regional Governors, Judiciary and national level key stakeholders to collect both qualitative and quantitative data to inform study findings. A case study was also conducted on land compensation in Jambur community, WCR.

The following methodologies were used for primary data collection data collection:

- i. *Household Survey:* This was conducted through a structured questionnaire and a total of 405 persons were interviewed in both regions (WCR 52% and CRR 48%). The questionnaire entailed 45 questions divided into 5 thematic areas. The household survey was a simple randomised approach using the data base of settlements/communities provided by the respective Local Government Administrative Areas within the concern regions. However, this approach resulted in sharply skewed gender imbalance of 88% male and only 12% female respondents. Notwithstanding the fact that this

disparity to a greater or lesser extent is reflective of the real situation of the country in terms of gender household heads, the outcome of the survey did not adequately capture the true position of the adult females that are non-household heads whose roles in providing agriculture and domestic household labour cannot be underestimated.

- ii. *Survey at the Level of District Seyfos:* Being the heads of the district authorities as well as custodians of customary law at that level, a separate questionnaire was designed for this category of interviewees. All 20 Seyfos in the three LGAs regions were targeted for face-to-face interview, but due to the fact that the period coincided with the tour of the country by the President of The Gambia, only four Seyfos were interviewed in this form, with an additional eight interviewed by telephone after the validation workshop. The list of Seyfos interviewed using face to face or telephone is provided in the annex.

Figure 3: Seyfo of Njaw with a white hat with some of the participants in the FGD and KII



The data collection processes started with review, revision and adoption of designed questionnaires for field data collection, identification recruitment and training of field data collectors followed by data collection proper. A total

of 10 (9 male and 1 female) field data collectors were involved in the exercise all together.

- iii. *Key Informer Interviews (KII)*: This category of interview covered policy makers, opinion leaders at communities including women and youth, NGOs and technical experts of various sectors involved in LNR issues. A total of twenty people including the female “Alkalo” of Sinchu Junun in Niani District, CRR North were interviewed using this method. The interviews were conducted using pre-determined guidelines developed by the Consultants.
- iv. *Focus Group Discussions (FGD)*: The research targeted 10 FGD (5 for each region). At community level, the study was able to conduct 7 FGDs, 4 in CRR and 3 in WCR and 61 participants took part. The ratio of female to male for all the FGDs was 29 to 32, representing 47.54% and 52.46% respectively. Two separate FGDs including Technical Advisory Committee (TAC) of each of the two regions w also conducted. Like the KIIs, pre-determined guidelines were used to guide discussions so that there is a consistent approach in collection of qualitative and quantitative information required for the study.

It is important to note that during the focus group discussions, the social/ physical distancing protocol was observed. The number of FGD participants was limited to the Government’s (Ministry of Health) recommendation of (max 10 people per group). A digital data collection tool was used to collect the survey data as well as interpret them.

Figure 4:Female Alkalo of Sinchu Janum (in green dress) and a group of women with a male relative



3.2.2.3. Secondary Data Collection

Secondary data mainly through literature review was conducted to support the evidence generated via community visits and stakeholder interviews. The research used various documents and reports provided by institutions (both national and international) to have better understanding of LNR related issues, conflicts, and various redress mechanisms as per national and international standard. Please, see to the reference section for more information on source of secondary data.

Literature Review: The Literature review covered key documents relevant to the study and these include: the project document UNJP/GAM/041/PBF, regional position on Land and Natural Resources “AU-F&G”, Agriculture and Natural Resources (ANR) Policy 2016-21, UN Guidelines on Responsible Governance of Tenure (VGGTs) and relevant research reports on the subject including the Assessment of the level of Implement of VGGTs in The Gambia commissioned by World Food Security Network (WFN) through National Food Security Network (NFN), Baseline study and the legal assessment of Land governance in The Gambia.

3.2.3 Data Analysis

Data collected was digitally stored using survey 123 databased. The digital tool was also used to analyze the data through mapping tools, tables, and figures. Survey 123 is an open data kit through which community questionnaires were segregated into 5 thematic areas. Each thematic area has a set of questions that were analyzed to inform the study as presented in the chapter on findings of this study. Where specific information is required as per variable examined, data was generated and presented in spread sheet, cleaned up and analyzed. The analyzed data is then used to inform the study report and discussions.

3.3. Limitations of the Study

The limiting factors for the study include the following;

- The study period coincided with the COVID 19 Pandemic with very strict restrictions on physical contacts. As a result of this situation, the number for household surveys, FGDs and KIIs were reduced to the minimum acceptable levels. The approach followed the standards and guidelines set by the WHO and the Ministry of Health for control of COVID-19. This was aimed at protecting our enumerators, interviewees and consultants from contracting the virus during the course of the interviews.
- Inadequate response from the relevant Government and Parastatals particularly on the part of policy makers in the administration of the KIIs. These include the Permanent Secretaries of Lands and Regional governments, NAWEC, Resident Regional Magistrates and law enforcement Agents such as the Police. This was anticipated based on past experience and COVID-19 Pandemic restrictions. However, attendance of the staff of these institutions in the FGDs in the three LGAs coupled with the additional information obtained during the second round of KII following the validation workshop contributed a lot in filling the data gap.
- During the interviews, it was realized that some of the respondents were wary of our enumerators, since LNR issues are sometimes viewed as contentious and sensitive.

- As explained earlier under the methodology and approach, the randomized selection approach of household has significantly limited the participation of women in the field survey. This is due to the fact that the most of the household heads particularly in the Land Region Areas are predominantly male. Given the situation, the situation of women with regard to land rights and governance as revealed by numerical data from the field survey could be understated. To mitigate this inadvertent sampling error, the study relied on findings from other methodologies (qualitative data) such as KIIs, Individual Interviews and FGD where such categories of women including those in leadership positions participated.

4. Demographics of the Study Areas

The demographics and socio-economic features of the three LGAs under the study is described below:

WCR

The WCR is situated between Bintang Bolong on the East, Atlantic Ocean on the West. On the South is the Cassamance Region of the Republic of Senegal and on the North the River Gambia. The region is naturally divided into two by a Swamp separating the Western part which is the Kombos from the Eastern part call the Fonis. There are 9 Districts in the region, 4 in the Kombos and 5 in the Fonis. The 4 districts in the Kombos are: Kombo North, Kombo South, Kombo Central and Kombo East. Until 1991 when the State Land Act Cap 57.2 was enacted, land in these districts was governed under Customary Law. Thereafter, only Kombo East remained in the Customary Law jurisdiction together with the five Districts in the Fonis comprise of Foni Berefet, Foni Binting, Foni Kansala, Foni Bondali and Foni Jarol. The other three district (Kombo North, South and Central were designated as areas governed under State Land act similar to Greater Banjul area.

Economic activities of the people living in the Kombos are mainly vegetable production, fishing and related activities (processing, drying, distribution and marketing) for those living on the Atlantic coastline, industry, poultry and petty trading. Women are very prominent in the vegetable, poultry and fishing industries. With limited land area in this part of the region, coupled with high completion in demand for land, crop production in this part of WCR has reduced significantly. In fact, most of the farm lands that were used to grow

rice (the main staple food of the country) have now been resigned for human settlements or other uses. Examples of these are the “Tandakos” in the Kombo North, South and Central where large quantities of rice used to be cultivated but now being used for settlements.

In the Eastern part of the WCR on the other hand, the main economic activities are farming including field crops and livestock production (cattle, small ruminants and poultry) and vegetable production.

The first settlers of the Kombos were the Mandingo Tribe, and as original settlers owned much of the land in the area. However, due to migration from other parts of the country and elsewhere, new settlements grew rapidly thus making the area highly cosmopolitan with diverse ethnicities. The cosmopolitan nature of these districts to a greater or lesser extent affects application of customary laws, particularly in relation to land rights and inheritance. The Fonis on the other hand is predominantly Jola tribe with some Mandingos and Fulas, and pockets of other smaller tribes. The dominant nature of the Jola culture in the Fonis makes application of customary laws much easier than in the Kombos. Total land area for this region is 1,764 square kilometres which represents approximately 17%, of the national land area of 10,689 of square kilometres and with a population of 699,704 inhabitants makes the region the most densely populated region in the country with 396 persons per square kilometre. Project interventions in this area have promoted horticulture, livestock and fisheries production in this area by providing them with infrastructure and the skills. This has impacted positively on livelihoods in general and in particular women who are very prominent in vegetable and fisheries sub-sectors.

CRR North

Central River Region North is bounded on the west by the NBR and on the East by the Sami Bolong separating it from URR. On the North, it shares borders with Senegal, and on the South The River Gambia with fresh water all year round. There are 5 Districts in this LGA comprising of Lower and Upper Saloum in the western end of the region with predominantly Wollof and Fulla settlements, and Sami, Niani and Nianija in the upper part with largely Mandingo settlements and pockets of Fulla settlements. The total land area for CRR North is 1,466 square kilometres with a population of 99,108 people and population density of 68 persons per square kilometre.

The main economic activities for this area are: rice production, field crop production, livestock (small and large ruminants and poultry). The LGA is

ranked the poorest of the 8 LGAs in the country with very little commercial activities compared to other LGAs.

CRR South

Central River South is situated on the opposite side of CRR North along the South Bank of The River Gambia. On the East it shares borders with URR and on the West is bounded by *Miniminyang* Bolong serving as natural boundary with LRR and on the South is Cassamance in the Senegal. The area is divided into two main parts namely Niamina comprising of Niamina Dankunku, Niamina West and Niamina East Districts, and Fulladu comprising of Lower Fulladu West, Upper Fulladu and Janjangbure, making a total of 6 Districts. The region comprises of a mixture of Fulla, Wollof and Mandingo Tribes with pockets of Saraholehs in the Fulladu end. The region has a land area of 1,427 square kilometer with a population of 126,910 and a population density of 89 persons per square kilo meter. Except for the above, the socio-economic characteristics of this region are the same with that of CRR North.

In summary, the large area of low land ecology of the entire Central River Region couple with availability of abundance of fresh water from The River Gambia on both the North and South Banks make pump and tidal irrigation possible in the two areas. This makes the region the rice basket of the country, and also provides the opportunity for self-sufficiency in rice production. In addition to rice cultivation which is predominantly a female activity, the other agricultural activities undertaken include groundnuts, upland cereals and cattle production which are pre-dominantly men activity. Women in the area are also involved in small ruminants, poultry and vegetable production in addition to their core activity of rice production.

Like WCR, CRR also enjoys a lot of support from projects in the area of agriculture. The emphasis of government's support is on rice production through development of large areas of land in the lowland ecologies and handing it over to the communities to cultivate. Examples of these are the Kuntaur rice fields in the CRR North and Jahally Pacharr rice fields on the South. Also, the interventions of non-government agents in this region cannot be under-estimated. For example, AAITG made huge investments to support the women in the CRR South in poultry and vegetable production. In partnership with the Taiwanese mission, it also supported land development at the Jahally Swamps as well as provided marketing infrastructure including a rice milling machine and a truck to facilitate the marketing of farmers produce. AAITG

through its partners also promoted land rights campaign in the area, resulting in women groups acquiring their own land from their respective villages.

5. Overview of the Forestry and Fisheries Resources

5.1 Forestry

The Gambia has very limited forest cover by virtue of its position as a sub-Saharan country. Incidences of bush fires, erosion and illegal felling of trees have compounded the limitations of the forest cover. From 1981 to 2010 the forest cover declines by 79,000 hectares, of which 73% affects the mangrove ecology (The Gambia Agriculture and Natural Resources Policy 2017-2026 – Sambou L. Kinteh). During the same period, tree density declined from 124 to 106 per square kilometre representing 18% decline. The Department of Forestry targets to increase the total land area for forestry from the present level of 71,000 to 200,000 hectares, which is more than the present level by 182% (Gambia National Forestry Policy 2009-2019).

The forest cover is divided into three main categories and these are:

i. State Forests Parks

These are designated forest areas across the country that have been identified and gazetted as state owned forests. There are 10 of these in the WCR, 15 in CRR North and 9 in CRR South making a total of 34 out of a total of 66 government forest parks. These areas have been identified and designated since the colonial era, and overtime many of them have been encroached for farming and or settlements.

ii. Community Forests

The initiative of Community Forest Management was introduced by The Gambia German Forestry Project back in the early 1990s. The idea was to get greater involvement of the communities in the protection and management of forest resources by giving them ownership of the land. A total of 292 community forests were established in the three areas covered by the study of which 73 are in the WCR, 112 in CRR North and 107 in CRR South, covering a total land area of 22,382 hectares at the time of their establishment. Most of the community forests are now facing encroachment like State owned forest parks.

iii. Un-Protected Forest

These are forests that are not under any management that could be held responsible for any eventualities. They are usually very large in size and because of lack of adequate surveillance, they are prone to over-exploitation and bush fires. As a result, most of the forests in these zones have now exhausted their valuable flora and fauna species. Bush fires which also affect the community and State forests are most often within these un-protected forests.

One peculiar challenge for CRR North is high incidence of temporal migration of “Walankas” and their animals from Northern Senegal into the region for grazing during the period of December to June each year. This practice has resulted in very slow rejuvenation of the forest causing serious environmental destruction in the un-protected forests.

The table below provides details as to the State and Community Forests in the WCR, CRR North and CRR South.

Table 1: Distribution of Government and Community Forests Parks in the Study Areas

Region	No of Forest Reserves/Parks		Area Covered (HA)		Total Reserved Parks Govt & Comm	
	Govt	Comm	Govt	Comm	No of Parks	Area (HA)
1. STUDY AREA						
WCR	10	73	4,352.1	8,533.39	83	12,885.39
CRR (S)	9	107	9,207.2	8,789.78	116	17,996.98
CRR (N)	15	112	7,788.8	6,059.10	127	13,847.9
SUB-TOTAL	34	292	21,348.1	23,382.27	326	44,730.27

Source: Department of Forestry 2020.

5.2. Fisheries

The right to exploit fisheries resources either individually or communally is determined by established regulations implemented by the Ministry of Fisheries and Water Resources and National Assembly Matters (MoFWRNAM) in particular the Fisheries Department. This is done through provision of fishing licences which is determined according to capacity of the particular operator.

In this regard, the regulations categorize fisherfolks into two broad categories of industrial and artisanal fisherfolks. The industrial fishers operate between 9 and 12 nautical miles away from the Atlantic coast line, and the artisanal fishermen are those that fish between 1 to 9 nautical miles zone. In addition to these two broad categories which are predominant in the West Coast Region, there are also inland fisherfolks that operate along the entire length of the River Gambia and its tributaries commonly called *Bolongs*.

The fisheries value chain is a highly lucrative economic activity especially for women. It is also a potential source of employment for the youth (both male and female). The most important aspects of the Fisheries sector on LNR conflicts are over encroachment in fishing zones by Artisanal and Industrial fishermen in many instances resulting in destruction of fishing material, and also inadequate facilities at the fish landing sites for storage, processing and distribution of fish and related product.

6. Administration of LNR

There are established Government Ministries responsible for the overall administration of Land, Forest and Fisheries resources. However, involvement of other Ministries and Agencies outside the line ministry such as Agriculture and Tourism is more often than not required, at least to ensure consistency of policies and program implementation. Overall arrangements for LNR administration in the formal system are described below.

6.1. Institutional Framework

The MoLRGs is the ministry vested with the overall responsibility of land administration in the country. It has two technical departments and these are the Department of Physical Planning and Housing (DPPH) responsible for land use planning and the Department of Lands and Surveys (DLS) which is responsible for all land matters including survey. The roles played by these two technical departments enable the identification of the location, size, ownership and used of any parcel of land registered in the country. There is also the Lands Commission established under the Lands Commission Act 2007, whose mandate is to investigate into disputes relating to land ownership among others. The Commission however, has not been effective mainly due to inadequate logistical support. In addition to the Land's Commission, the Ministry is also in the process of establishing Land Use Commission which will

support the DPPH in mapping of land for various uses such as settlement, agriculture, industry, mining, forestry etc. The Ministry in conjunction with its technical departments and agencies is responsible for the policy direction on land matters whereas the technical departments and agencies are responsible for technical aspects of land governance.

In a similar manner, the mandate for the administration of Fisheries and Forest resources are vested in the Ministry of Fisheries Water Resources and National Assembly Matters (MoFWNAM) and the Ministry of Environment, Climate Change and Natural Resources (MoECCNAR) respectively. These ministries are also supported by technical departments and agencies. For example, within the MoECCNAR is the National Environment Agency and The Gambia Marine Agency (GMA) within MoFWNAM.

At regional level, the technical departments of the respective Ministries as described above have representatives through whom they exercise their mandates. The line of authority as described fall under the Central Government of The Gambia and together with the local administrative structures (Area Councils and District Authorities) as described earlier, constitute the formal institutional setup for LNR governance.

6.2. Legal Frameworks

The conduct of LNR governance is guided by national and sector policies, supported by relevant administrative instruments and laws. The policies are periodically reviewed to ensure that they are aligned to the present conditions as well as emerging regional and international protocols. The policy positions as described in the policy documents are backed by creation of laws for effective implementation of the policies. Key policies and legal instruments for LNR governance are listed in the annex.

Whereas the general rule is that all land belongs to the State, the legal framework makes a division between the land governed by the State under the State Land Act CAP 57.02 and land governed under Land Regions Act CAP 57.03 administered under Customary Laws as they may apply in the respective areas where the land is situated. The jurisdiction of the State in land ownership is limited to lands situated within Greater Banjul, KMC, Kombo North, Kombo South, and Kombo Central. Outside these areas, land is governed under customary law as provided in Land Region Act.

6.2.1 Adjudication of Land Disputes and Jurisdiction of Courts

In the formal System, adjudication of disputes is through the Courts. For the purpose of Jurisdiction of the various Courts, it is important to note the difference between Possession and Ownership of Land, the two main features of land dispute. A person claiming possession need not go down to proof original title of the land in question, whereas in the case of claiming ownership, the proof must go down to the roots of the title being claimed. The importance of this difference is indicated in the Jurisdiction of the Courts as explained in the foregoing text.

The Court system has two main levels as follows:

6.2.2 Subordinate Courts

These are the lower courts and they include the District Tribunal and Magistrates Court on the one hand, running in parallel with the Cadi's Court on the other. They are the primary entry points for settlement of disputes in the formal system. There is a District Tribunal Court in each of the 41 Districts in the country, of which 9 are in the WCR, 5 in CRR North and 6 in CRR South. Distribution of Districts and settlements for each of the three regions is provided in the annex. District Tribunals are presided over by District Seyfos supported by Court Members consisting of between 3 to 5 people. The sittings of District Tribunals are usually on Wednesdays by tradition. In the four districts of West Coast Region namely Kombo North, South and Central sittings are once a week on regular basis. For Kombo East and the remaining 5 Districts situated in the Fonis, sittings are less frequent and are called as and when necessary. The Jurisdiction of the District Tribunals according to the District Tribunal Act covers both Ownership and Possession of Land. This is because of the fact that the tribunals are more conversant with the traditions of their respective districts and are in better position to determine ownership of land of the respective Kabilos within the area.

On the other hand, there are 8 Magistrate Courts across the country presided by resident Magistrates. These are located at the Regional Capitals or major towns within the region, and operate alongside with the Cadi's Court of the Region. There is however, only one resident magistrate for both CRR North and South situated in Bansang CRR South. In the WCR, there are 2 Magistrate Courts, one in Brusubi and the other in Brikama with a capacity of 5 sittings at

a time for the Brikama Magistrate Court. The jurisdiction of Magistrate Courts in so far as land disputes are concerned is limited to possession, and for the Cadi's Court inheritance of property in accordance with the Sharia'. The Cadi's Court is therefore applied for cases involving Muslims.

To access any of these courts, the plaintiff must file a suit at any of the court by paying court fees. In the case of the District Tribunal the fees are between 200 and 350 Dalasis. In addition, the Court may charge hearing fees depending on whether the case has proceeded or dropped or the circumstance of the case.

In the case of Magistrate Courts, the Court fee would vary from D200 and above. Where claims of money are concerned, a tariff is used to determine the amount to be charged. Most cases filed in the magistrates' Court might involve hiring the services of a Solicitor thus making the cost even more expensive and difficult to access.

6.2.3 Superior Courts

These are the Higher Courts that could receive and address appeal cases from Subordinate Courts or directly from complainants depending on the nature of the case. The Superior Courts consist of Supreme Court which is the apex Court, the Gambia Court of Appeal, High Court and Commissions of Enquiries and The Cadi's Appeal Court in that order of hierarchy.

- The Supreme Court is the apex court for the country and sits only twice in the year from November to December and from May to June. Being the apex Court of the Country, the Supreme Court has unlimited Jurisdiction including land cases in so far as appeals from The Gambia Court of Appeal are concerned.
- The Gambia Court of Appeal is the appellate court for decisions made by the High Court. The equivalent of this Court is not available in the Cadi's GRM system. This Court deals with appeal cases from the High Court including all cases relating to land disputes irrespective of nature of the case.
- The High Court is the apex court for all decisions of the Subordinate/Lower Courts. The court sits daily on routine basis. According to the LGAF study, out of a total sample of 430 cases pending at the High Court, 184 of them representing 42.8% are land dispute

cases. Of the total land dispute cases 118, representing 64% is on disputes over ownership.

- Cadi's Appeal Court is the equivalent of the High Court within the Judicial Structure. In the absence of a higher Court, this court remains the apex court for the Cadi's Court System. Arguably therefore, appellant rights under the Cadi's Court system are to some extent limited.
- Like Magistrate Courts, filing a case at the Superior Courts except for the Cadi's Court would require the services of a Solicitor as it involves some legal technicalities.

6.2.4 Enforcement of Decisions

Enforcement of the decisions of the court becomes necessary where the aggrieved party fails to comply with the decision of the courts within the stated period of time. In this case the other party is entitled to file a writ of possession signed by the Magistrate for enforcement by the Sheriff Division. This process would attract a fee of D3,000.00. In addition, it may involve other charges such as cost of operational logistics for the exercise which varies according to the scale of the operation.

7. Means of Land Acquisition

Acquisition means ownership or re-possession of a parcel of land in accordance with the laid down regulations with the right to use, let or dispose the land. Land may be acquired in the following ways:

a) Original Settlement: Land claimed by original settlers of a particular settlement and recognized as such by traditions of the indigenes is deemed owned by inhabitants of the particular settlement/community. The area of land in terms of size is usually delineated by land marks such as big tree, waterways, canals, hills, forests, lakes etc and is distributed amongst themselves to the different "Kabilos" of the Community. By customary law, all such allocation whether written or oral provides the basis of ownership for the "Kabilo" of the particular settlement.

b) Inheritance: Acquisition of land through inheritance arises upon death of a land owner who has left behind a family entitled to a share of the landed property. The following methods may be applied for distribution of the land amongst the beneficiaries.

- *Sharia*: This is the Islamic way of distribution of assets and applies to only Muslims. The country being over 90% Muslim, the Sharia is the most commonly used method for distribution of inheritance. The advantages of the Sharia are that it is generally accepted based on religious beliefs. The system could also be applied in the formal and informal system of land dispute resolution and as such easily accessible given availability of Imams and Islamic scholars in all villages across the country. On the other hand, Sharia Laws regarding distribution provides for a ratio 2:1 in favor of men. This makes it less gender sensitive compared to other methods.
- *Interstate Estate*: This is based on Common Law and equity, where the state assigns a Curator the responsibility to distribute the assets in accordance with common laws and equity. Unlike the Sharia the method of inheritance is gender blind.
- *Will*: In the case where the deceased person before his death prepared a Will as to the way and manner the landed property is to be distributed, then the distribution shall follow the Will accordingly. The executor of the Will can be jointly appointed by the concerned parties provided that it is not stated in the Will.

c) Purchases: Where a person in possession or ownership of land accepts cash or material for the whole or portion of his/her land to an individual, Corporate Institution and or community, such arrangement is considered to be re-possession of the particular portion of land by the buyer from the seller. The purchase could be made through an agreement between the parties or informally in the presence of credible individuals including the Alkalo of the Village.

d) Gifts: Where a land owner or person in possession of the land decides to give the whole or portion of it as gift to another person without any consideration, such gifts shall constitute repossession of the land by the beneficiary from the giver. Like in the case of purchased land, the process may be formalized by written consent of the giver signed by him/her in the presence of prominent witness within the community or informal by producing witness to the Alkalo of the community and confirming the gift to them orally.

e) State Allocation: Government through the MoLRGs may allocate land in State Land designated areas to individuals and institutions as deem fit. Such allocations are always formal through written letter from the Ministry and or gazette as in the case of Community Forests.

Land acquired under any of the above means would entitle the beneficiary possession or ownership, provided that such re-possession is not encumbered by other claims. Such rights of possession do not exclude women and minors except that minors' rights are protected by their guardians or parents.

8. Land Registration Process

After a piece of land is acquired by any of the means described above, the beneficiary would be entitled to register the land in his/her name. It should however, be noted that land registration is only possible through the formal system. There are no mechanisms for registering land in the informal system. The registration is in two forms and these are:

8.1. Land Transfer Certificate

This process involves both the central and local government authorities. It ensures that the plot of land has satisfied all the legal and technical requirements for transfer, by whom and to whom. The process involves the following steps:

- Preparation and Issuance of Local Land Transfer Document (LLTD): The Alkalo of the village/settlement prepares a LLTD to testify that the transferor of the land is the rightful owner and that the transaction is not prone to dispute. The Alkalo provides this service at negotiable fees depending of the sales or perceived value of the land. However, they are higher in the WCR where land is of higher value than in the CRR North and South where land values are lower compared to the WCR.
- Physical Planning Land Use Clearance: The Transferor engages a qualified person to draw a sketch plan of the area, indicating the dimensions and size of the plot. The cost of producing a draft sketch plan is also borne by the transferor and would range from D3,000.00 upwards.

- Land Transfer Fee: After clearance is given by Physical Planning, land transfer fee ranging between D5,000.00 and D7,000.00 is paid to the Gambia Revenue Authority (GRA) through the ECO Bank.
- Official Transfer Certificate Form: After payment of Land Transfer Fees, an official Transfer Certificate is printed and the relevant details filled. The Certificate is then taken to the Seyfo of the area for his signature and stamp.
- Capital Gains Tax: Capital Gains Tax is an official requirement for all transactions relating incomes derived from land transfer transactions payable to the Gambia Revenue Authority. The amount payable is usually 10% of the value of land.
- Chief Executive Officer's (CEO) Stamp: The Official Transfer Certificate is finally taken to the concern Local Council for signature and stamp of the CEO and also final registration in the books of the Area Council.

Copies of the Official Transfer Certificate are distributed to GRA, Local Council, Seyfo and the Transferee.

This final stage concludes the transaction for transfer of re-possession and ownership as the case may be. The process may advance further where the transferee opts to lease the property of land, in which case he/she has possession of the land for a period of 100 years. The process of lease would involve both the Ministries of Local Government and Justice.

In spite of the long process and relatively high costs, most of the people who acquire land through sales in the WCR prefer to go through this process for the fact that it is recorded, transparent and the owner feels secure.

8.2. “Lempo” (Annual Rate and tax) Payment Slip

In every region in the country, the Local Government Offices (Area Councils) maintain a register of compound heads in respect of all settlements in their respective areas. The register is used mainly for collection of annual rates and taxes for the council. The rates are determined by the Councils' Tax Collectors according to the number of houses in the compound and the condition of the houses (whether corrugated or grass roofed). This method of valuation is crude and does not take account of the size of the compound. The compounds are

usually demarcated by the owner with permanent or temporal fence, and in some cases, trees planted on the peripheries by the owner. The method is simple and inexpensive, and the fact that it is on annual basis makes the people better familiar with the process and documentations involved. Payment slips issued by Revenue Collectors of Area Councils is also sufficient proof of ownership or possession of the land.

9. Informal Setup for LNR Governance

Informal System of Land Governance refers to ways and means used by the Communities themselves to carry-out their mandate as enshrined in the Land Regions Act. The system is mainly based on the traditions and customs of the respective communities and unlike the magistrates and sharia courts the system has unlimited jurisdiction in so far as land disputes resolutions are concern. The traditional structures as described below are the administrative institutions of Customs and Traditions at the respective levels of the communities, districts and regions.

9.1. Institutional Setup

Institutions within the informal setup of LNR governance include:

The Governor: A team of eminent personalities selected by the Governor (including him or herself) to address issues concerning land matters are not uncommon. Such issues would normally involve disputes between communities such as settlements/villages and or *Kabilos* within a particular settlement/village. It could be considered as the highest level of conflict resolution mechanism in the informal system. Failure to reach amicable resolution of disputes at this level are most often referred to the Courts by complainants to the case.

District Council of Elders: This would comprise of selected elders by the Seyfo of the District as permanent members, and any other person that may be coopted as and when necessary. To protect the independence and integrity of the District Tribunals, Seyfos are usually not part of the sittings of this Council. However, cases dealt with at this level may be referred to the Seyfo as and when necessary before they are taken to court. This level of conflict resolution in the informal system is parallel to the District Tribunal in the formal system.

Village Council of Elders: Village Council of Elders comprises of heads of *Kabilos* of a village/settlement. These councils of elders are the main custodians of customary tenure of the village as land is owned by the respective *Kabilos*.

Committee of Kabilo Elders: Every *Kabilo* comprise of a number of compounds that are bounded together by lineage and or settlement. The former is by blood relationship and the latter is where a migrant settler is accepted in a *Kabilo* as a member. The heads of these compounds form this committee. Their mandate covers distribution and allocation of land to members of the *Kabilo* or any others outside the *Kabilo*, as well as resolution of disputes between members of the particular *Kabilo*.

Primary Group (Sinkiro/Compound): At the level of the compound, all the adults participate in matters affecting the compound e.g. dissatisfaction with decisions made by the Committee of *Kabilo* Elders. At this level, members also discuss how the portion of land allocated to the particular compound is shared between them.

Peer Counseling: This is usually at individual level by people closer to one another either by blood relation, friendship and or social grouping.

9.2. Mechanisms Used by the Informal Structures for Resolution of Disputes

For the purpose of this study, the local terms most commonly used by communities to describe the various mechanisms are used instead of using English to avoid ambiguity or misinterpretation. In any case these mechanisms are similar to the ones used by Alternative Dispute Resolution Secretariat (ADRS) as explained in the next chapter.

The mechanisms used are:

- i. “Maslaha” – Consolation of the Parties to the conflict on the basis of shared values using peer and group influence. This mechanism assumes that all disputes should be resolved peacefully using the informal means rather than the Courts. This mechanism is perhaps the most widely and commonly used mechanism in the informal system.

- ii. “Bading Bung” - The mechanism involves core members of the village,” or kabilo” as the case may be to discuss the matter behind closed doors. In the settings under this mechanism, members reveal the facts and realities to indicate the extent to which the outcome of the conflict could affect the family. There are usually two calls for sittings in this mechanism. The first one is core members of the team meeting without any of the parties to study the case on the basis of available facts. The second is with one or both of the Parties for discussion of the case and reaching to a conclusion.
- iii. “Bading Chacha” – This mechanism is used to resolve conflicts between people of blood relations, using the family ties as the main consideration. The injured party is urged to forgive on the basis of the family relationship and where possible compensated depending on the nature of the case. For example, if the case involves wrongly sale of land, the injured party could be compensated with another plot of land.
- iv. “Bantaba” - This mechanism is used at community/village level only, where the issue at stake concerns the village as a whole. Say for example, the village is to provide land for development purpose, or conflict arising from claim of ownership by different “Kabilos”. Participation at Bantaba discussions is open to all adults (mostly men) of the village. Because of the open nature of the discussions, they could sometimes lead to quarrel amongst themselves.

10. Semi-formal System of GRM In 2005, the Government of The Gambia enacted “Alternative Dispute Resolution Act 2005”.

The main aim of the Act is “to provide and alternative dispute resolution system for The Gambia in conformity with international rules on arbitration, conciliation and mediation, to establish an Alternative Dispute Resolution Secretariat to facilitate dispute resolution and for matters connected therewith.” Section 99 of the said Act provides for the establishment of an “Alternative Dispute Resolution Secretariat (ADRS)” that is mandated to facilitate the implementation of the ADR Act. For the purpose of this study ADR is referred to as semi-formal system because of its unique characteristics as follows:

- as a State established institution in that respect similar to the courts on the one hand, and

- their use of informal mechanisms to resolve disputes as the case in the informal system that is used by the local communities.
- These two characteristics drawn from both formal and informal systems makes the ADRS a hybrid structure within the overall structure of GRM

The Secretariat has three offices located in different regions as follows: Fajara the headquarters serving the GBA and WCR, Farafeni serving NBR and LRR and Basse serving URR and CRR (North and South). In addition to these offices where cases are registered, ADRS through support from “Access to Justice and Legal Education” Project funded by the European Union also trained 27 Community Mediators that assist in providing greater outreach for access to their services. The project lasted for three years from 2014-16.

10.1 Types of Cases Handled by ADRS

The ADRS categorizes the type of cases it handles in six main types as follows: Land, Inheritance/family, Recovery, Employment, Breach of Contract and Miscellaneous. Over the three-year period 2017-19, the Secretariat registered a total of 209 cases. Of this number 75 were at Fajara, 56 at Farafeni and 78 at Basse. It is important to note the effects of COVID 19 on the low performance of the Secretariat in the provincial offices of Farafeni and Basse where no case was registered during 2019. Out of the total registered cases, 118 representing 53% were resolved leaving 43% pending.

Out of the 209 cases reported to have been registered during the 3 years under reference, 38 of them representing 18% were land cases of which 23 representing 61% were resolved. The table below provides details.

Table 2: ARDS Cases Relating to Land Disputes 2017-2019

Year	Number of Cases Registered			Total	No of Cases Resolved	Percentage Resolved
	Fajara / Banjul	Farafeni	Basse			
2017	10	1	8	19	15	79
2018	10	0	4	14	4	29
2019	5	0	0	5	4	80
Total	25	1	12	38	23	61

Source: ADRS Annual Reports 2020

The above statistics clearly illustrates the effectiveness of ADR system of dispute resolution in terms of the rate at which disputes are resolved as compared to the Courts on land cases. This is indicated by the high-resolution rate for land disputes of 61% as compared to the 53% for all the six categories of disputes. It is because of the effectiveness and efficiency of the ADRS systems that some of the cases at the courts are referred to it for resolution. However, the main challenges facing the ADR System of dispute resolution include poor access to the services and offices; and ADR Community Mediators which are also relatively limited. The problem is further compounded by the limited mobility for the Secretariat staff as well as lack of mobility for the Community Mediators who are also not paid for the services that they provide. Another limiting factor for access to ADRS services is the cultural barrier of men's superiority over women, which has resulted in poor response rate for men in cases concerning the opposite sex according to officers of the Secretariat. As a result, land cases handled by the ADRS mainly concern men.

10.2 Mechanisms Used by ADRS for Dispute Resolutions.

The ADRS applies the following methods for addressing disputes:

- Negotiation: Parties to the dispute or their representatives discuss the issues with the goal of settling the dispute without the help of a third party.
- Mediation: In the absence of reaching a settlement at the negotiations, parties may use this method. The method involves using a third party called the Mediator who would mediate between the parties. The above two methods are also largely used in the informal system of dispute resolution except that in the case of mediation, the third party (the mediator) is not appointed. The mediation is done by established structures as highlighted above, or an individual who volunteers to do so, knowing his influence over the parties to the case.
- Arbitration: In the case of Arbitration, an Arbitrator is appointed with consent of the Parties to the dispute. The Arbitrator must be a neutral person acceptable to affected Parties. In the informal system, arbitration unlike the semi-formal system is done through the traditional setup mainly the Alkalo, and sometimes with his team of elders. In fact, this is the reason why the ADRS uses the Alkalos of villages as their main entry points in their efforts to resolve disputes.

10.3 Other Activities by ADRS

Pursuant and consistent with its mandate, ADRS also provides sensitization and capacity building exercises for communities. The aim of the sensitization program is to create greater awareness of the public of ADRS mandate there by promoting its use. The capacity building on the other hand helps to improve the skills of local community leaders and mediators that may be involved in addressing conflicts at the level of the communities. In this regard, a 5 module Training Handbook for Community Mediators was developed by the aforementioned project for use by the Community Mediators. Whereas these activities have enhanced the knowledge and skills of the beneficiaries, the impact of the training in terms of application at the grassroots level is limited for lack of mobility and incentive. The manual provides general framework for ADR system which does not cover the specificities of land as a unique factor for food security.

During the first quarter of 2021, ADRS also participated in the sensitization of 25 communities (11 in CRR and 14 WCR) involving 750 participants (330 in CRR and 420 in WCR) on ADRS mandate. Nearly 50% of the participants to this sensitization were women according to a key resource person of the program. Whereas these activities have enhanced the knowledge and skills of the beneficiaries, their impact in terms of application at the level of the grassroots is limited for lack of mobility and incentive.

11. Main Findings of the Survey

This second part of the report discusses the general and specific findings of the LNR GRM assessment that was conducted in CRR and WCR. The data discussed was mainly collected through individual interviews backed by findings on FGDs and KIs conducted at community, district, regional and national levels. The results provided useful data and information of deliverables specified in the terms of reference of the study. The main findings of the survey are based on the VGGTs standard and the scope of the study which are discussed in the subsequent text.

1.1. Overview of the study population

This assessment focuses on the grievance and redress mechanisms of land and natural resource disputes in the Gambia. It was conducted in 40 communities in 20 districts within the 3 LGAs. The plan was to interview 10 persons per community. However, where a potential interviewee is not accessible due to reasons beyond our control, the next available person as per the random number is consulted and interviewed. Thus, as low as 8 persons and as high as 12 persons were interviewed in each community. Key Informant Interviews and Focus Group Discussions were also conducted at community level. A total of 7 FGD sessions were held, 2 exclusive women groups, 3 mixed groups and 2 youth groups during the study. The findings are from the five thematic areas as specified in the questionnaire provided in the annex. A case story was also conducted on LNR compensation related disputes

11.2 Ownership of Land

The study probed on ownership of land which is a starting point on GRM issues. The table below indicates that out of a total of 405 respondents comprising of 357 male and 48 female, 336 males and 33 females representing 82.9% and 8.1%, said they own land, and 20 male and 15 females did not own land. Some of those that do not own land are mostly provided access to land by friends, relatives, or guardians of the land. The most notable form of land acquisition is through inheritance representing a total of 271 out the 405 respondents of which 94% is male and 6% female thus confirming the imbalanced nature of the distribution of inheritance under the Sharia Law against women. Apart from the short falls of the Sharia Law against women, tradition of the various ethnical groups puts women in similar disadvantageous positions when it comes to ownership of land. This is more prominent in the areas governed under Land Region Act namely Kombo East, CRR North and CRR South. This came out very clearly at the FGDs as well as KII with women leaders.

Table 3:Ownership and Methods of Acquiring Land

SEX	MALE		Female		Blank	Cumulative	
	Yes	No	Yes	No		Yes	No
Ownership/Possession	336	20	33	15	1	369	35

Method of Acquiring							
Bought	30	-	8	-		38	-
Gift	48	-	6	-		54	-
Inheritance	253	-	18	-		271	-
State Allocation	1	-	0	-		1	-
Other	13	-	3	-		16	-
Blank	12		13			25	

Source: GRM Field Data 2020.

11.3 Recognition of Customary Land Rights and Informal Land Tenure Systems

Customary land rights are generally held by indigenous communities and administered in accordance with their traditions.

Findings of the literature review indicate sufficient evidence to show that the State has adopted policies and legal frameworks to recognize indigenous peoples' rights to land. It also recognizes that land held under customary tenure is formally recognized. These are reflected in the various sector and sub-sector policies as listed in the annex as well as Land Region Act. Furthermore, transfer of ownership and registration of land based on the authority of local leaders such as Kabilo heads and Alkalos are also clear manifestation of recognition of their rights. However, the policy frameworks comprising of policies of various government agencies involved in LNR governance are to a greater or lesser extent inadequate in terms of coherence, sometimes leading to conflict between the different agencies. Examples of some of these conflicts are listed amongst others in the annex.

On the aspect of the laws governing LNR, 301 representing 74.3 % of which 268 male and 33 females agreed that the laws adequately provide for tenure rights under Customary Laws. The remaining 25.7% comprising of 89 males and 15 females responded either "no" or "did not know". This is an indication that majority of the respondents are satisfied with the Laws in so far as recognition of customary right of tenure are concern. The table below provides the details.

Table 4: Laws Governing Customary Land Tenure

	Male	Female	Cumulative
Yes	268	33	301
No	87	15	102
Do not Know	2	0	2
Total	357	48	405

Source: Survey Data 2020

Furthermore, majority of land owners claimed that the source of authority for their possession of land is through the Alkalo/Kabilo head, suggesting that customary arrangements for land transactions are recognized as provided in the Laws.

The findings of the survey also indicate that 44.9% of the respondents believe that decisions made under informal tenure systems are highly respected and complied with, and only 4% of the respondents indicated otherwise. Out of the remaining 51.2%, 24.7% said that the decisions were reasonably respected, 11.4% said they are not very much respected with the rest not providing any response. Details are provided in the table below. This shows that traditional systems of land administration in spite of the challenges is a very important system for effective land governance.

Table 5: Levels of Respecting Decisions under Informal Systems of GRM

Answer	Count	Percentage
Highly respected and Complied	182	44.9
Reasonably respected and Complied	100	24.7
Not very much respected	46	11.4
Not Respected	16	4.0
Don't Know	61	15.0
Total	405	100

Source: GRMs Field Data 2020

11.4 Knowledge of Information on Land Rights

Notwithstanding the preceding analysis, only 197 respondents representing 48.6% responded that they have knowledge of Information on Land rights with the remaining 51.4% responding otherwise as the table below indicates. Of the total respondents that gave a positive response, 181 are male and 16 females representing 91.8% and 8.2% respectively. However, WCR has the highest number of respondents that responded “yes” at 61.1% of the total sample from that region, followed by CRR North 45.6% and lastly CRR South 27%. This suggests a higher level of ignorance on lands rights in the CRRs than in WCR.

Table 6: Knowledge of Information on Land Rights

SEX	MALE		Female		Don't know				Cumulati ve
Region	Y e s	No	Ye s	N o	Male	Female	Blank (male)		
CRRS	29	53	2	2	21	8			115
CRRN	33	37	3	2	2	2			79
WCR	119	41	11	13	21	5	1		211
Total	181	131	16	17	44	15	1		405

Source: Survey Data 2020

11.5. Effective Land Administration

Land administration can be defined to include processes of recording and disseminating information about the ownership, value, and use of land and its associated resources. Such processes include the determination, survey, description, and detailed documentation of land rights; the detailing of other attributes of the land; and the provision of relevant information in support of land markets and land use management (World Resources Institute, 2016).

The VGGT (Voluntary Guidelines on the responsible governance of Land, forests and fisheries in the context of national food security – FAO Committee of Food Security 2012) provide the following as indicators for effective Land Administration:

- State has established safeguards to protect the legitimate tenure rights of spouses, family members and others who are not shown as holders of tenure rights in recording systems. Reference Section 3A (3.1)
- All target groups are able to record their (individual and collective) tenure rights and obtain information without discrimination. e.g., S7.4, 8.4, 8.9, 11.5

The institutional, regulatory and legal frameworks governing LNR administration were described earlier in the report. Except for inheritance under the Sharia Law, the laws provide for equal tenure rights for all including women and children (minors). In spite of the fact that the customary laws of the country in general restrict women from owning land, their right to access land for agricultural purpose (mainly rice and vegetable cultivation) is highly protected whether before or after marriage. Before marriage, they are provided access by their families along with their mothers. After marriage they are provided access by the family of their spouse through the mother of the spouse. This means that women access to agricultural land depends on their marital status. Whereas the women do not own these portions of land, there is no way that the men could tamper with them This tradition until today is still applicable in the two LGAs of CRR as opposed to the Kombos in WCR where most of the rice swamp areas have now been converted for other uses. Application of State Land Act in this area also limits the authority of indigenes to apply customary tenure systems.

Tenure rights of minors and other members of the family in the formal system are prone to abuse in both formal and informal system. The right of ownership for minors (mostly inheritance) is given to the person identified as guardian, or to the head of the Kabilo of which the minor is a member. The integrity and honesty of the guardian and the existence of other closer relatives of the minor are of paramount importance to the protection of minor's tenure rights, given that minors are not in position to defend their legitimate rights. The same situation is true for other adult members of the Kabilo who may not hold leadership positions, except that this category of beneficiaries is able to defend their case where they feel that their rights are being unlawfully tampered with. Proper demarcation, construction of proper boundaries and recording which are to a great extent inadequate could help to protect the interest of minors and other adult members of the Kabilo. The opportunity to use alternative redress systems by minors and other vulnerable groups of the Kabilo such as the Court system which provide equal opportunities to justice, is limited by high cost involved in accessing these mechanisms as well as low level of awareness about the process involved.

On the issue of educational levels in relation to land administration, the table below provides the literacy levels amongst the sample population. It indicates that 55.4% of the male respondents claimed to be literate as compared to 22.9% of the female respondents, showing evidence of high illiteracy rate among the respondents. This means that a good number of the people are not able to record on their own, more so women, given the very rigorous process involved in land registration and leasing process as indicated earlier.

Table 7: Educational Levels of Respondents

SEX	MALE		Female		Cumulative	
	Count	Percentage	Count	Percentage	Count	Percentage
Yes	198	55.46	11	22.92	209	51.60
No	157	43.98	37	77.08	194	47.90
Blank	2	0.56	0	-	2	0.49
Total	357	100.00	48	100.00	405	100.00

Source: Survey Data 2020

As to the sources of information on land rights 41% of respondents rely on Government institutions as the main source of information, while 43.7% could not or did not indicate their source(s) of information. This is clear indication of the fact that the 43.7% of the respondent have very limited knowledge of the sources of information on LNR. To a large extent, it also shows that the level of involvement of stakeholder of LNR outside the government is limited. The findings however, have very limited recognition of the advocacy and promotional role provided by NGOs in particular AAITG in promoting effective land governance especially protection of the rights of the vulnerable as indicated earlier.

Table 8: Sources of Information on Land Rights

Responses	Percent (%)
Government	41.48
NGOs	1.98
Private	3.21
Other	12.84
Blank	43.70
Source: Field Survey data on GRMs 2020	

11.6. Participatory Decision Making on LNR

All-inclusiveness is a key principle of the VGGTs. This will ensure effective checks and balances so that diverse interests of all actors including the State are accommodated in a participatory manner. In spite of the fact that the principle of all-inclusiveness is conspicuously captured in the national policies of the country, the effect on LNR is much to be desired. The survey findings as provided in table below reveal that only 44.9% of the respondents said that the decision making on Land Governance is participatory. The remaining 55.1%, 32.1% disagreed and 22.5 did not know. This is an indication that participatory decision-making process is to a large extent limited.

Table 9: Participatory Decision Making and Land Use Compensation

Responses	Participatory Decision Making on Land (%)	Relevance of Establishing Land Use Compensation Policy (%)
Yes	44.94	83.70
No	32.10	6.67
Do not Know	22.47	9.38
Blank	0.49	0.25
Total	100.00	100.00

Source: Field Survey data GRMs 2020

Information from the KIIs conducted at regional and district level, also indicates limited participatory decision making on the part of women in a more exaggerated manner. The data provided in the table below shows that women are poorly represented in the top three decision making levels of regional structures involved in LNR tenure administration namely LGA Chairpersons, Seyfos and Alkalos. At the level of the Chairpersons of the Councils, there is no woman representation at all, likewise at the level of the seyfos. At the level of the Alkalos which is the lowest of the three tiers, there are only 2 females Alkalos in each of the three regions making a total of 6 which is less than 1%.

Table 10: Direct Participation in Decision Making by Gender

Region	Chairpersons of LGA			District Seyfos			Alkalos		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
WCR	1	0	1	9	0	9	349	2	351
CRR (N)	1	0	1	5	0	5	331	2	333
CRR (S)	1	0	1	6	0	6	365	2	363
Total	3	0	3	20	0	20	1,045	6	1,051
Percentage	100%	0	100%	100%	0	100%	99.994%	.006	100%

Source: KII at Regions and Districts, GRM data 2020

11.7. Land Use Change and Compensations

As mentioned earlier, it is the mandate of the Department of Physical Planning and Housing to map out national lands for various uses e.g., agriculture, settlements, industry, forest etc. Similarly, it could also change the use of a particular piece of land from one use to the other thereby affecting land owners and or the general public. The survey findings as per the table below indicate that 179 of the 403 respondents (with 2 blanks) representing 44.2% agreed that there are compensations for land use/ownership change. The remaining 55.8%, 29.4% responded otherwise and 25.9% did not know, implying that land use compensation is largely done without compensation. The lack of compensation would more or less affect those portions of land provided by Kabilos of a village for use by the community. Otherwise use change in favour of the State would normally be compensated.

Table 11: Land Use Change Without Compensation

Land Use Change without Compensation		
Answers	Count	Percentage
Yes	119	29.4
No	179	44.2
Don't Know	105	25.9

Source: GRMs Field Data 2020

In contrast to the above analysis, 83.7% of the respondents believe that there should be a Land Use Compensation policy to safeguard against injuries suffered from it. This is in line with the large number of respondents who responded "yes" and the "Don't knows".

Case Story

Land Compensation Related Dispute in Jamburr, WCR

Ousman Bojang (not real name) lives in Jambur village, Kombo South District, West Coast Region. Born in 1951, Ousman is one of the elders in the Santang Juba "Kabilo"/clan.

"The land in question was a rice field, about 4 kilometers square. It belongs to both the Santang Juba Kabilo and Mansa Kunda Kabilo. Discussions around the said land started way back in 2007. The women who used to grow rice in the field later organized themselves into a women group and register it under the named "Mansa Birang Kafoo", that used to cultivate rice in the field each year. When the women stopped using the land, the kabilos decided to sell a portion of the land and supported the women with part of the gains realized. The Department of Physical Planning later informed us that it was a reserve land. However, this was never communicated to us earlier. So, the issue remained unresolved until one fine day when the kabilo representatives were informed that a tractor was tilling the said land. Asked as to why the tilling, the power tiller operator said he was assigned by Julakey (a private company) to work on the land. The driver then called his boss who later advised him to leave the scene. We later sent a delegation to the Governor's office at her own request to discuss the situation of the Land. During our meeting with the Governor. It was pointed out to her that we inherited the land and our women already registered their kafoo and do work on the land through that kafoo. The Governor in turn advised us to wait until after the 2016 Presidential Elections when the issue can be further discussed. Unfortunately, after the elections, the Governor was replaced.

After the 2016 presidential elections, NAWEC approached us to discuss the issue of putting up a solar plant in the same area, and promised us a compensation package. But before NAWEC's proposal came to fruition, we planned to sell the place to other people but later decided not to.

Following a series of consultative meetings with NAWEC a compensation package of 71 million Dalasis (37 million for Santang Juba Kabilo and 34 million for Mansa Kunda Kabilo) was drawn by NAWEC to be paid to specified people within the kabilos. The document was handed over to representatives of the two kabilos.

The kabilo representative from Santang Juba kabilo proposed that their wives should also benefit from the compensation package. That since their own mothers inherited the plots of land through marriage, their wives should also benefit from the package through their husbands who are now the recipients of the compensation package. This did not go down well with the sisters of Santang Juba Kabilo. The sisters argued that wives of their brothers should not benefit from the package which brought an argument among

beneficiaries of Santang Juba Kabilo. The dispute was not between Santang Juba and Mansa Kunda Kabilo. Rather, it was within the Santang Juba kabilo as to whether the wives of the brothers within the Kabilo are entitled to a share of the compensation package.

On a different note, after going through the list of beneficiaries presented by NAWEC, we realized some differences in the bio data of beneficiaries between our list and the one from NAWEC. For example, the data collected from us contained list of the main beneficiaries and our families but the one presented to us by NAWEC contained list of our parents and their children as beneficiaries. So, the final list contained names of the generation before us but not our generation. The Compensation package was finally paid to us in 2020 after all the necessary adjustments to the document were made.

The case study illustrates that:

- Land rights under customary laws is highly respected,
- Land use change in favor of the State is usually compensated
- The extent to which land transactions could involve unscrupulous deals, especially on the part of private companies and
- That Land use change for public benefit could be complex

11.8. Availability and Accessibility of GRM Institutions

At the FGD and KIs, participants indicated that GRMs through the informal system are available and accessible at all villages and towns within the three LGAs. The survey results also indicated similar results with 266 out of the 405-sample representing 65.7% agreeing that GRM institutions are very much accessible, 17.2% reasonably accessible and 6.9% limitedly accessible. The remaining 9% either disagreed or did not know representing 36 blanks. Given that informal GRMs are available in all parts of the country, the 1.20% respondents that said “No” were probably referring to the formal system, where there is only one District Tribunal for each District and one Magistrates Court for every Region. The table below provides details on accessibility to GRM Institutions.

Table 12: Levels of Access to GRM Institutions

Answer	Count	Percentage
Very much accessible	266	65.7
Reasonably accessible	70	17.2
Limitedly accessible	28	6.9
Not accessible	5	1.2
Don't Know	36	9.0

Source: GRM Survey Data, 2020

11.9. Types of Disputes/Conflicts Addressed by GRMs and Level of Occurrence

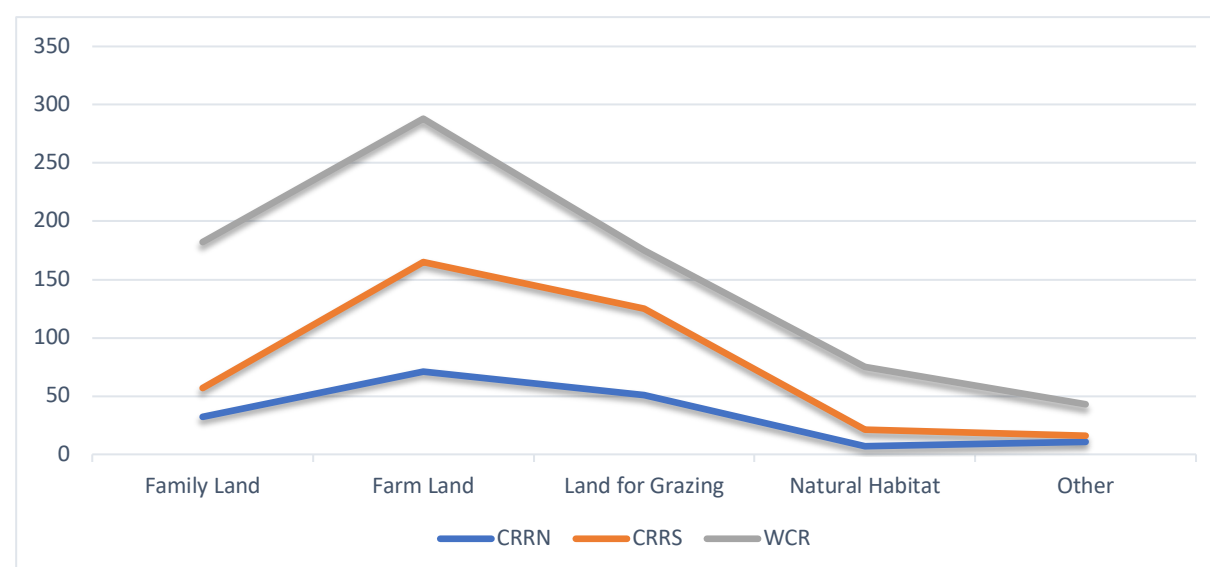
The table below provides information on the type and scale of the number the conflicts in the three target LGAs (Note that this particular question has multiple responses). The findings reveal that in both CRR North and South, farm land conflicts are the most often forms of conflict, representing 41% and 44% of respondents in each of the two LGAs respectively, as compared to WCR where the most frequent type of dispute is about family land comprising of 33% of the respondents. In CRR North and South therefore, land conflicts are more or less food security related, whereas in the WCR it is more of human settlements and other purposes.

Next to farm land conflicts in the CRR, is grazing land, again for both LGAs, whereas farm land conflict is ranked second in the WCR. The livestock census report of 2016 pegs the total livestock heads of cattle, sheep and goat altogether at 110,041 for CRR North and 111,966 for CRR South. This illustrates the reason for such a trend of conflict. In spite of the high number of livestock population in respect of cattle, sheep and goat in the WCR which stands at 127,635 according to the same census report, conflicts relating to grazing tend to rank lower. This could be attributed to the fact that a very large proportion of the animals in this region are reared under intensive care instead of free-range as the case in the CRR region. Natural habitat disputes which are less compared to farm land, grazing and family land disputes, are mostly on reserved parks and wildlife and forest reserves.

Table 13: Types of LRN Conflicts per Region

Region	Counts							
	Family Land	Farm land	Grazing Land	Natural Habitat	Other	Total		
CRRN	32	71	51	7	11	172		
CRRS	25	94	74	14	5	212		
WCR	125	123	50	54	27	379		
Total	182	288	175	75	43	763		
Source: Survey Data 2020								

Figure 5: Types of LNR Conflicts per Region



Source: GRMS Field Data 2020

As part of the data collected on LNR disputes is a case study on forestry vs human settlement in the village of Nyofelleh village in the WCR. A case study is provided in the annex to the report.

CASE STUDY: From Illegal Exploitation of Forest to Settlement

Wourri Jallow is an exploiter of forest products and decides to conduct his activities at Bansai Community Forest belonging to Nyofelleh village in WCR, where he illegally fell trees to produce charcoal for sale. Over a period of time Mr. Jallow decided to permanently live in the forest by building his own house. He later invited people to the Community Forest land and provided them plots for settlement. Wourri's village started growing until 3 hectares of the Community forest land was encroached for settlement through the orders of Wourri. He named the village Sinchang Wourri. The Owners of the Community Forest i.e., Nyonfelleh Village, claimed ownership of their land but were unable to succeed due to the heavy political backing for Wourri from the then Government. The situation still un-resolved in spite of the fact that Wourri's village is not legally recognized.

“Big frustration for the Department of forestry” Said the Informer.

The case illustrates that:

- There is some level of political interference in land administration
- Weak capacity or lack of commitment on the part of community forest committees to manage the forest
- The state of affairs as described in the case study, is highly conducive for corrupt practice on the part of politicians and public servants alike.

11.10. Frequency of Cases in the Formal and Informal Systems

In the WCR, the frequency of cases in the three districts governed under State Land Act namely Kombo North, Kombo South and Kombo Central are very high. According to two of the Seyfos interviewed, sittings of the Tribunals are held every Wednesday and more than 75% of the cases are land dispute cases. In districts governed under Land Region Act including Kombo East, cases are heard less frequently and in some cases none in a year e.g., Kombo East in WCR and Lower Saloum in CRR North. Most of the land disputes in these districts are resolved by using the informal GRM as reported by seven of the Seyfos interviewed. This indicates that informal GRMs are more preferred and or more accessible to the people.

12. Conclusions and Recommendations

12.1. Conclusions

The findings of the study revealed that most of the land conflicts in areas where the Land Region Act applies and are resolved using the non-formal form of GRMs. These are Kombo East and Foni districts in WCR and the whole of CRR North and South. As a result, cases handled by the District Tribunals and Magistrates Courts are very limited in these areas. On the other hand, in areas where tenure governance is based on the State Land Act, which affect Kombo North, South and Central districts, both systems of GRMs (formal and informal) are used in almost equal proportions. It could therefore be concluded that the use of non-formal GRMs is a very important means of resolving land disputes more so in areas governed under the Land Region Act.

This is so because non-formal GRM institutions are more easily accessible than formal ones in terms of both proximity and cost at the same time reliability. Since the non-formal institutions are mostly based on traditions and culture and decision-making processes more participatory, they are also more easily understood and acted upon. Notwithstanding of the above account, the real situation as reflective in this study is the huge gender disparity between men and women, who are disadvantaged in relation to access and ownership to land and natural resources. This situation eventually leads to skewedness against women on access and involvement in GRM issues.

Notwithstanding the importance of non-formal GRMs, lack of record keeping for future reference makes subsequent reviews of the cases where necessary difficult as decisions made from these reviews are dependent on what the memories could recollect, hence largely undocumented.

The rigorous procedures involved in land registration and leasing processes require some level of literacy to be able to read and write or at least recognize the records involved. With a high percentage of illiteracy amongst the respondents (47.9%), particularly women, suggests that most of land owners do not understand the registration process. This challenge is further compounded by the existence of un-official payments for services provided during the land registrations process. It would therefore be concluded that the process of land registration could be hindered by both and time to complete the process.

The study revealed that only 37% of the respondents have full time employment with the remaining 63% either unemployed or on part time employment. The low level of employment therefore could be a source of motivation for sale of land which is an avenue for land grabbing as sources of fueling illegal migration for the youth.

There is high level of ignorance of the public on the land rights which is very important to food security and livelihood in general. The level of participation in decision making process as revealed by the study is also relatively low. It could therefore be concluded that the high rate of conflict on land is mainly due to ignorance on land rights on the part of the general public, which if properly addressed could go a long way in eliminating many of the conflicts before they reach the level of arbitration.

12.2. Recommendations

The following are key recommendations of the study:

- What is conspicuously absent in overall land administration is a National Policy on Land. Development of a National Policy on Land would be the guiding instrument for all stakeholders involved in land administration including both the formal and informal sector Actors. It would therefore serve as the anchor for all the other sector and sub-sector policies in so far as their interventions are concerned.
- Improving the capacities of the land administration institutions in particular the MoLRG and its technical departments and agencies to enable them to better deliver their mandate would contribute a lot to effective land administration. This will include the use of modern technologies such as GIS and Cadastral mapping as well as training of the staff. In this way disputes relating to land boundaries and double allocations are completely eliminated. Cadastral mapping gives rise to a large-scale map showing the boundaries of subdivisions of land, usually with the directions and lengths thereof and the areas of individual tracts, compiled for the purpose of describing and recording ownership. The final goal is to generate digital maps which will facilitate land management and planning and in particular land registration and the issuance of land titles in order to promote security of land tenure and reduce land disputes. Therefore, land administration systems are not 'just handling only geographic information' as they represent a lawfully

meaningful relationship amongst people, between people and land (S. Mondal, D. Chakravarty, J. Bandyopadhyay and K. K. Maiti, 2016).

- Given the importance of Land in attaining food security and the long period of time it takes to resolve disputes, the possibility of establishing special land tribunals within the District Tribunals to deal with land matters only should be looked into. This will facilitate expeditious resolution of land cases as the land tribunal will deal with only matters relating to land. The proposed Land Tribunals should comprise of expertise from the Communities, the District Authorities, Women's Council and ADRS, given that they would be applying Alternative Dispute Resolution Mechanisms to deal with cases referred to them.
- To enhance wider understanding of the Informal Land Dispute Resolution Process, a Training manual such as the one being used by ADRS should be developed mainly focusing on Land Governance and related GRMs. The manual could be used to train community leaders who could serve as promoters of land governance as well as mediators in resolving land disputes. In this regard, the expertise of the ADRS could be used to support the establishment of such a system. The use of local mediators at community level will go a long way in improving access to informal GRM mechanisms as well as introduce reasonable amount of record keeping for land disputes handled through the informal method.
- Raising public awareness on land governance is a fundamental pillar of effective land administration. Campaigns for raising awareness should be all inclusive with greater women and youth participation. In this regard, the possibility of reviving and reactivating the national multi-stakeholder platform should be revisited. Meanwhile, the sensitization programs through radio and joint campaigns by National Livestock Owners Association, Peace Building Fund, and AACC should be consolidated and promoted.
- In recognition of the high rate of conflict between crops and livestock farmers, particularly in CRR, the use of Local Convention model first introduced by PROGBE should be promoted. In this case, the communities are involved in the development of their own agreements as to what area to be used for grazing, the paths to be used by the animals to reach the place as well as water drinking points. The use of animal tags for identification of ownership of animals could also be promoted to reduce conflicts. This is proven to be successful in East

Africa and is being introduced in the Gambia by FAO. Animal tagging will also minimize cattle trafficking between The Gambia and Senegal which is common in the WCR.

- Increase awareness of public on the importance of Community forest management, and train the Forest Management Committees to become more vigilant and effective. This should be with the view to increase women and youth involvement in community forest management. In this regard, it is important to note that women and children enjoy substantial financial as well as nutritional benefits from forest fruits which they harvest, eat and sell during their respective seasons.
- Participation of women in the decision-making process at the highest levels of the Local Government Authorities comprising of Local Government Administrative Areas and District Authorities (the main custodians of Land Governance at Regional level) is extremely low. This is clearly illustrated in table 9 above. It is therefore recommended that greater efforts be made to reverse or improve the situation. This could be done through the following measures:
 - Adoption and implementation of Policies deliberately designed in favor of women to ensure their representation in the respective management organs of the Local Government Administrative Structures.
 - Set criteria that will ensure minimum representation of women at key management positions.
 - Promotion of the inclusion of women in decision making organs of Local Government Authorities to form a major agenda in the promotional campaign on Land Rights as recommended above.

To illustrate the effectiveness and impact of the recommendations, it is suggested that a pilot project be established (one district at each of the three LGAs covered by the study) to support them in adopting and implementing appropriate measures that will improve their governance status. The proposed project will address amongst others a more transparent form of alternative GRM, setting up of appropriate skills and infrastructure for the proper functioning of the District Tribunals, representation of women in the respective management organs and documentation of basic traditional rules and

guidelines operating within the respective pilot districts for the knowledge and information of the public at large. The pilot project which is expected to be funded by Donors (in particular EU, AAITG and FAO) will inspire and automatically encourage other affected areas to follow suit.

- With the now increasing large-scale investments in land particularly in the WCR, there should be a responsible governance regime for rationalized or dedicated mechanism for non-discriminatory, gender sensitive, fair, equitable, effective, accessible, affordable, timely and Non-judicial grievance mechanisms in land-related disputes in The Gambia. There should be buy-ins on alternative suggestions for strengthening and rationalizing the existing mechanisms or integrating and coordinating the non-judicial land disputes resolution systems. These would specifically include:

(a) Strengthening existing institutions by providing them with clear complaints and building their capacity on issues such as gender equality, fair hearing and record-keeping. The mandate of existing institutions that are involved in the resolution of land-related disputes could be rationalized and their capacity strengthened to deal with such disputes in ways that respect fair hearing and equality principles. This could include expanding the mandate of entities with regulatory functions, to include wider tenure dispute resolution. All government institutions that are actually involved in the resolution of land-related disputes could further assign the task to a unit or at least focal persons that enjoy internal independence. The personnel should then be equipped with knowledge and skills on basic norms that apply to the responsible governance of tenure and accepted standards relating to the procedures and remedies in dispute resolution. The institutions should further have clear and easily accessible systems of receiving, processing and reporting administrative and other complaints that relate to land. In terms of capacity building, the knowledge and expertise of the customary authorities that is developed through years of their engagement in dispute resolution could be augmented by their exposure to and training on the internationally accepted normative and procedural guidelines provided by the VGGT and other relevant instruments.

(b) Creating a non-judicial institution that deals with all types of land-related disputes with branches all over the country. Such an entity could be created by an Act of Parliament with the appropriate level of independence, flexibility and clout. The “integrating institution” could be an administrative tribunal with mandate to handle all types of land-disputes, including complaints against other institutions dealing with land, and/or one with mandate to deal with

certain large-scale or high-level land disputes instead of all types of land disputes. The “coordinating institution” will be supported by a secretariat that coordinates the work of existing non-judicial GRMs by deciding on the question of which institution deals with what type of cases and hence avoiding forum shopping.

(c) Establishing an institution that serves as a secretariat coordinating the dispute resolution issues of all existing non-judicial GRMs.

In order to maximize the utilization of the above recommendations:

(1) there should be mass awareness-raising and sensitization across the most popular media platforms in widely used local languages on dispute/conflict prevention and resolution mechanisms;

(2) complaint processes should be clear, simple and flexible and the mechanism/s should be physically and economically accessible; and

(3) legal assistance should be available to the parties and its availability should be widely publicised. Community-based paralegals can play an important role in sensitization as well as the provision of legal aid. When it is instituted in the provinces, the Legal Aid Board or ADRS of the Gambia will have to play a crucial role in this respect.

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