

## UN-HABITAT Submission for the Universal Periodic Review

Gambia – 34th Session, Oct-Nov 2019

### I. Background and Domestic Framework

The Constitution of the Republic of the Gambia 1997 ensures the **right to property** in article 22. It sets out conditions for compulsory acquisition, requirement for justification and adequate compensation, and guarantees access to legal remedies: *“(1) No property of any description shall be taken possession of compulsorily, and no right over or interest in any such property shall be acquired compulsorily in any part of The Gambia, except where the following conditions are satisfied: (a) the taking of possession or acquisition is necessary in the interest of defense, public safety, public order, public morality, public health, town and country planning, or the development or utilisation of any property in such manner as to promote the public benefit; and (b) the necessity therefore is such as to afford reasonable justification of the causing of any hardship that may result to any person having any interest in or right over the property, and (c) provision is made by law applicable to that taking of possession or acquisition- (i) for the prompt payment of adequate compensation; and (ii) securing to any person having an interest in or right over the property, a right of access to a court or other impartial and independent authority for the determination of his or her interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any to which he or she is entitled, and for the purpose of obtaining prompt payment of that compensation.”*

Regarding displacement article 22 (4) of the Constitution explicitly states that *“where a compulsory acquisition of land by or on behalf of the Government involves the displacement of any inhabitant who occupy the land under customary law, the Government shall resettle the displaced inhabitants on suitable alternative land with due regard to their economic well being and social and cultural values.”*

Land Acquisition and Compensation Act 1991 also sets out specific rules for land acquisition, compensation and resettlement.

### II. Promotion and protection of human rights on the ground

#### A. Cooperation with treaty bodies

Gambia has ratified all nine major international human rights instruments. The State has accepted individual complaints procedures under ICCPR and CRPD.

### III. Achievements, best practices, challenges and constraints

Challenges: The Gambia does not have a National Urban Policy as an over-arching framework to guide meaningful and coordinated sustainable urban development.

### IV. Specific recommendations for follow-up

For recommendations made by the CESCR Committee (E/C.12/GMB/CO/1), we have observed the following:

- Provide updated information on access to adequate housing and on homelessness, as well as on the existence of social housing, and in this respect clarify the legal status and mandate of the Social Security and Housing Finance Corporation;

Adequate housing continues to be a challenge for the government and its appendages in the sector. The elements involved in housing, particularly social housing, are not at the forefront of the government's priority in terms of policy making, such as availability and accessibility of building materials in terms of tax policies, and availability of land in optimal locations for social housing are equally not on government's radar.

Social Security & Housing Finance Corporation is a legal parastatal established by an Act of Parliament to manage provident and pension funds as well as provide affordable housing.

- Identify State's efforts to ensure universal access to safe drinking water and to adequate sanitation facilities, particularly in rural areas.

Government's effort in providing universal access to safe drinking water and adequate sanitation facilities still leaves much to be desired in terms of coverage and impact.

- Identify any policy/programme to improve the living conditions of the population in informal settlements.

Given the limited presence of effective government beyond the Greater Banjul Area and the limited opportunities / jobs most of the youth and able bodied individuals tend to move to the urban areas in search of livelihoods.

UN-Habitat has been providing support to the Government through the ACP initiated, EU funded and UN-Habitat implemented Participatory Slum Upgrading Programme (PSUP).

- New recommendations for the country

The Government should prioritize responses to the negative ramifications of urbanization as soon as possible and develop the capacity to address the negative results due to lack of planning, otherwise it would be hardly able to afford the investments required to address such ills.

A National Urban Policy would be essential – an overarching framework for sustainable urban development that would rally actors in all the relevant sectors needed to foster sustainable urban development in The Gambia.