



MINISTRY OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT

SANITATION AND WATER PROJECT FOR GREATER ACCRA METROPOLITAN AREA



RESETTLEMENT POLICY FRAMEWORK FINAL DRAFT

FEBRUARY, 2013

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ABBREVIATIONS AND ACRONYMS

APL	ADAPTABLE PROGRAM LOAN
CBO	Community Based Organisation
FGD	Focus Group Discussions
GAMA	Greater Accra Metropolitan Area
GWCL	Ghana Water Company Limited
MLGRD	Ministry of Local Government and Rural Development
MMAAs	Metropolitan Municipal Assemblies
MWRWH	Ministry of Water Resources, Works and Housing
NGO	Non-Governmental Organization
PAP	Project Affected Person
PCU	Project Coordinating Unit
RCC	Regional Coordinating Council
RPF	Resettlement Policy Framework
TA	Technical Assistant
TOR	Terms of Reference
WB	World Bank

EXECUTIVE SUMMARY

This RPF is prepared to provide guidelines for the implementation of the proposed sanitation and water project for the Greater Accra Metropolitan Area (GAMA). The objective of the RPF is to set out the policies, principles, institutional arrangements, schedules and indicative budget that will address anticipated resettlements. The arrangements are also to ensure that there is a systematic process for the different stages of the implementation of a framework that assures participation of affected persons, involvement of relevant institutions and stakeholders, adherence to both the World Bank and Government of Ghana procedures and requirements and outlines compensation for affected persons in the execution of the proposed GAMA project.

Three of the four project components of the APL- 1 will require land take and may result in resettlement impacts leading to relocation, displacement of persons currently occupying or using these lands and other assets. These components are:

- *Component 1 - Provision of water and environmental sanitation services to priority low income areas of the GAMA.*
- *Component 2 – Improvement and expansion of the water distribution network in the GAMA*
- *Component 3 – Improvement and expansion of wastewater and fecal sludge collection, transportation and treatment in the GAMA*

The laws of the Republic of Ghana governing land acquisition have been discussed and found to be are largely consistent with the World Bank policy on payment of compensation for lost assets. Minor inconsistencies identified in the rate and timing of compensation payment will be addressed by adhering to the Bank's policy of paying compensation at full replacement cost, prior to the beginning of civil works, offering resettlement assistance and recognizing all affected groups including tenants and squatters.

The World Bank operational policies OP 4.12 states in paragraph 2:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.²*
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons³ should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.*

*(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.*⁴

A rapid assessment of the eleven MMAs selected for the preparation of the RPF has been conducted which shows the population of the selected MMAs for the project is given by the Ghana Statistical Service

In all the municipalities, women were known for trading, food processing and artisanal ventures (hairdressing and dressmaking). Men are mainly artisans (carpenters, masons, metal fabricators and auto mechanics), trading and civil servants and construction workers.

The youth are also known for being drivers, traders, footballers, body builders artisans and apprentices.

Eligibility criteria will be based on the three criteria given in OP 4:

- *Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);*
- *Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets – provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;*
- *Those who have no recognizable legal rights or claim to the land they are occupying.*

An Entitlement Matrix which sets the measure for the payment for all losses or impacts has been included. The Entitlement Matrix lists the type of loss, criteria for eligibility and defines entitlement. Specific socio-economic studies will be carried out in connection with the preparation of resettlement action plans for each sub-project. These will confirm land and structures to be affected and identify all project affected persons and the impacts caused by the involuntary resettlement arising out of the implementation of the proposed project.

Organizational arrangements and procedures for delivery of entitlement have also been detailed as follows:

- Involvement of Public Sector Agencies
- Notification of land resource holders
- Documentation of Holdings and Assets

- Agreement on Compensation and Preparation of cheques
- Compensation Payments

Other sections discussed are grievance redress mechanisms and monitoring arrangements.

CHAPTER ONE:

1.0 BASIC INFORMATION

1. Country and Project Name: Ghana: Sanitation and Water Project for Greater Accra Metropolitan Area (GAMA)

2. Project Development Objectives:

The objective of the project is to increase access to safe water and improved sanitation for people in the GAMA, with emphasis on low income communities and to improve the operation and management of wastewater facilities. In order to achieve this objective, the project would support the expansion and improvement of the water distribution network, the expansion of community water points and private water connections, the development of on-site and sewerage sanitation facilities and the improved collection and treatment of wastewater and fecal sludge.

Behavior Change Campaign on hygiene, sanitation and safe water will also be promoted through social mobilization activities, as well as social accountability to ensure the sustainability of the facilities and services.

3. Project Outcomes:

4. Expected Project Benefits:

5. Identified Project Social Risks:

Recipient: Eleven Metropolitan and Municipal Assemblies within the Greater Accra Metropolitan Area

Responsible Government/Country Agency for RPF Implementation:

Ministry of Local Government and Rural Development (MLGRD)

Total Project Cost (USD million):

IDA/IBRD (USD million):

Government (USD million):

Other-Co-financing (USD million):

Total Cost of RPF (USD million):

Project preparation (USD million):

Government (USD million):

Name/Contacts of Consultant/Consulting Firm who prepared RPF:

Alice Addai-Yeboah, P. O. Box AF13, Adenta, Accra

Date RPF Prepared: December 2012

Date RPF Disclosed:

Country: Ghana

Social Safeguards Specialist: Beatrix Allah-Mensah

Country Manager:

Country Director:

Task Team Leader: Ventura Bengoechea

SDN Sector Leader: Waqar Haider

Project ID: P

Environment Category: A

Date ISDS prepared:

Date ISDS disclosed:

Year of project appraisal: 2012

Year of project closing:

Is this a transferred project? Yes No

Is RPF applied to financial intermediary or intermediaries financing sub-projects? Yes No

Is RPF applied because zone of impact of sub-projects cannot be determined at this stage? Yes No

Is the RPF applied because the zone of impact is known but the site (location) alignments are not yet well established? Yes No

Is this community driven development (CDD) project? Yes No

Is this a sector-wide project with national coverage? Yes No

Is this a regional operation, with national/sub-national coverage? Yes No

Safeguard policies triggered?	Applicable	
Environmental Assessment (OP/BP 4.01)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Natural Habitats (OP/GP 4.04)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Forestry (OP 4.36)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Pest Management (OP 4.09)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Cultural Property (OP 4.11)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Indigenous Peoples (OP 4.10)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Involuntary Resettlement (OP 4.12)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Safety of Dams (OP/BP 4.37)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Projects in Disputed Areas (OP/BP 7.60)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Projects on International Waterways (OP/BP 7.50)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

CHAPTER TWO:

2.0 PROJECT DESCRIPTION AND RATIONALE FOR RPF

The proposed project is structured as a two-phase Adaptable Program Loan (APL) given the long term engagement required to increase access to sanitation and water in low income areas of GAMA and to attain an efficient and sustainable operation and management of the services. The latter will require the development of a satisfactory institutional arrangement for the integrated planning and management of water and sanitation services that will constitute the main trigger to move to the second phase.

The proposed APL would be executed over the 2013-2020 period, with the two phases overlapping. The first phase (APL-1) would extend from 2013 to 2016 for a credit amount of USD130 million. The second phase (APL-2) would extend from 2016 to 2020 for a credit amount of USD170 million, but could begin earlier, as soon as the trigger is met. The proposed APL-1 would have the following four components:

Component 1 - Provision of water and environmental sanitation services to priority low income areas of the GAMA (USD20 million).

The MMDAs will propose the priority low income communities to benefit from the project based upon selection criteria to be agreed during project preparation. The type of water supply and sanitation facilities will be thoroughly consulted and agreed with each community as to best suit their needs, while taking into consideration particular conditions such as: soil characteristics, topography, space availability, etc. In addition to facilities for households, this component will support the construction of institutional facilities in schools, health centers and in public areas such as markets.

This component will also provide support for advocacy and other measures to help enforce current laws and regulations, such as the obligation of landlords to provide sanitation facilities. Additionally, specific measures will be introduced to effectively engage communities and particularly women in decisions relating to the delivery and oversight of water and sanitation services such as Water and Sanitation Development Boards (WSDBs). This component will also support the establishment and strengthening of social accountability mechanisms so citizens can monitor, assess and report on the provision of services.

Component 2 – Improvement and expansion of the water distribution network in the GAMA (USD50million)

This component will support investments required to improve and expand the existing network in order to provide piped water to the target people living in low income communities in the GAMA. These investments include the installation of transmission mains, booster pumps and any other facilities required to ensure that a share of the additional water production reach the targeted low income areas. Therefore this component will be coordinated with current and incoming projects supported by other development partners and private investors in the GAMA. The priority of the interventions will be determined with the assistance of a hydraulic model for the GAMA to be developed during project preparation. This component would also support the acquisition and installation of meters and other equipment, as well as the provision of services, aimed at improving water demand management and reducing non-revenue water.

Component 3 – Improvement and expansion of wastewater and fecal sludge collection, transportation and treatment in the GAMA (USD50 million)

This component will finance collection and/or treatment of wastewater and fecal sludge to be generated from the low income communities and the rest of GAMA. However, these facilities will be used to take care of the entire wastewater flows and sludge volumes generated in the GAMA, which currently end up discharged untreated into drains and eventually into the sea. This component will also support the development of solutions to improve the safe collection, transport and treatment of fecal sludge.

Component 4 – Institutional Strengthening (USD 10 million)

This component will provide technical assistance (TA) to municipal, metropolitan and national institutions, including the promotion of private sector initiatives for water and sanitation. The subcomponents would be further developed during preparation but initially may include:

- a) TA to the MMAs, particularly to their Waste Management Departments for:
 - i. Strengthening capacity for the planning of sanitation services with active community participation;
 - ii. Capacity strengthening in oversight and enforcement of sanitation regulations and by-laws;
 - iii. Facilitating interface between households and private sector actors in the expansion of access to on-site sanitation;
 - iv. Hygienic removal and transportation of fecal sludge; and
 - v. Management of wastewater disposal and treatment sites, including delegation to private sector operators.

- b) TA to the MLGRD and the Regional Coordinating Council (RCC) of Greater Accra to:
 - vi. Strengthen the planning and coordination capacity of the RPCU in the short term; and

vii. Support the development of a metropolitan institutional arrangement for integrated planning, implementation, operation and management of sanitation facilities in the long term. The discussion of this integrated institutional arrangement has already begun and will continue during project preparation by means of a series of workshops and consultations with key stakeholders.

c) TA to GWCL for the establishment of a pro-poor unit to promote the access of water services to low income areas and the sustainability of those services. This will include strengthening coordination and collaboration with MMAs, NGOs, CBOs, WSDBs and local private sector.

d) TA to the MWRWH to support the institutional restructuring and/or adoption of management options to improve the provision of water supply services in GAMA and other urban areas.

e) Support for the development and training of local private sector to provide sanitation services, especially latrine construction and sludge removal/transport.

f) Carrying out of surveys to establish baselines and evaluate impact of project supported activities in the low income communities and other GAMA areas.

Three of the four components of the APL- 1 described above will require land take and may result in resettlement impacts leading to relocation, displacement of persons currently occupying or using these lands and other assets. These components are:

Component 1 - Provision of water and environmental sanitation services to priority low income areas of the GAMA.

Component 2 – Improvement and expansion of the water distribution network in the GAMA

Component 3 – Improvement and expansion of wastewater and fecal sludge collection, transportation and treatment in the GAMA

2.1 RATIONALE OF RPF

The proposed Sanitation and Water Project for the Greater Accra Metropolitan Area (GAMA) is at the preparatory stage. The proposed project activities trigger the World

Bank's Safeguard policies on Involuntary Resettlement OP 4.12 and the Environmental Assessment. For the later, a separate Environmental and Social management Framework has been prepared. Through its Project Coordinating Unit (PCU), the MLGRD commissioned the RPF preparation to fulfill the World Bank safeguard requirements of ensuring that the project either avoids completely or minimizes any possible negative impacts. This Resettlement Policy Framework (RPF) has been prepared to serve as a guide to addressing potential impacts related to any land take that will lead to relocation or resettlement or negative effects on livelihoods of affected people.

The objectives of the Resettlement Policy Framework (RPF) are to:

- Establish the ***Sanitation and Water Project's*** resettlement and compensation principles and implementation arrangements;
- Describe the legal and institutional framework underlying *Ghanaian* approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- Provide procedures for filing grievances and resolving disputes.

The RPF will apply to ***all sub-projects/activities to be identified/areas to be demarcated***. The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E) activities. When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Detailed Measurement Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12), as described in Annex 1.

The RPF ensures that any possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people without a well-designed compensation and relocation process;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods; and

- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their wellbeing.

CHAPTER THREE:

3.0 DESCRIPTION OF PROJECT LOCATION AND POTENTIAL IMPACTS REQUIRING RPF

The project coverage (GAMA) is made up of eleven metropolitan and municipal assemblies as presented in Table 1 below:

Table 1 Project Participating MMAs

#	MMAs	Total Population	Male	Female
1	La Dede-Kotopon M. Assembly			
2	Accra Metropolitan Assembly	1,848,614	887,673	960,941
3	Adenta Municipal Assembly	78,215	39,366	38,849
4	Ga South Assembly	485,643	237,558	248,085
5	Ga Central Municipal Assembly			
6	Ga East(Abokobi) Assembly	259,668	127,258	132,410
7	La Nkwantanang Municipal Assembly			
8	Ashiaman Assembly	190,972	93,727	97,245
9	Ledzokuku Krowor Municipal Assembly (LEKMA)	227,932	109,185	118,747
10	Ga- West Assembly	262,742	128,727	134,015
11	Tema Metropolitan Assembly	402,637	193,334	209,303

Source: Ghana Statistical Service (Figures for 3 municipal assemblies are not available Population)

The population of Greater Accra Region has increased from 491,817 in 1960 to 2,905,726 in 2000 and to 4,010,054 in 2010. The region has the second largest population, after Ashanti Region, and its share of the total population of the country has steadily increased. The region has remained the most densely populated region in the country since 1960. The region's population density has doubled between 1984 and 2010 and this is, in part, a reflection of migratory movements to the region.

The region has experienced the highest growth rate in the country since 1960. The 4.4 per cent annual growth rate for the period 1984-2000 is far in excess of the national

average figure of 2.7 per cent and implies a doubling of the regional population in 16 years, compared with 26 years for the country.

3.1 THE AGE STRUCTURE

The age structure of the MMDAs is characteristic of populations experiencing rapid growth. The age-sex structure is shaped by its past history of fertility, mortality and migration. The region's age structure is still a youthful one characterized by high fertility that has begun to show signs of a downward trend. Total fertility rate has decreased from 3.6 in 1993 to 2.7 in 1998 and 2000. The proportion of the population aged less than 15 years was 39.4 per cent in 1960. It increased to 42 per cent in 1970, and then decreased sharply to 33 per cent in 2000. The fertility decline in the past two decades has given rise to a corresponding rise in the proportion of the aged (65 years and older) from 2.6 per cent in 1984 to 3.9 per cent in 2000.

3.2 ECONOMIC ACTIVITY

Among the economically active population, 82.6 per cent have work, and 13.4 per cent are unemployed. The region's unemployment rate of (13.4%) is higher than the national average of 10.4 percent. The occupational structure of the region shows that 42.0 per cent of the economically active population was engaged in sales and service occupations, while professional, technical and related workers comprise 10.8 percent. The three largest occupational groups among males are production, transport operators and related workers (29.6%), sales workers (19.4%), and clerical and related workers (14.4%). On the other hand, 42.0 percent of females are into trading, 19.5 per cent in production, transport and equipment, and 13.9 per cent in services sector.

More than half of the economically active population in the region is self-employed with employees, while a third (32.6%) are employees. A much larger proportion of females (62.6%) than males (41.6%) are self-employed without employees, implying that males are 1.5 times more likely than females to be employees. The private informal sector, which employs 6 out of every 10 economically active person, plays a leading role in the economy of the region.

Females (69.1%) dominate the private informal sector and a higher proportion (40.7%) of males than females (28.5%), are employed in the public and private formal sectors.

- **Income**

Income levels of residents of the GAMA vary widely and this constitute the basis of a classification of areas within GAMA into 4 income zones. The stratification is based upon housing characteristics and environmental conditions of the residential suburbs of the city. This has been adopted by the Accra Metropolitan Assembly (AMA) and gazetted in the Local Government Bulletin of the Assembly (January, 2002)

High inequalities exist in the distribution of income in Accra. At the prices of August 2002, average annual household income is estimated to be ₵12,462,499.65 in the first class income zones. Household incomes vary even among income zones.

3.3 ETHNICITY

In AMA, Ga and Tema, the Akan, Ga-Dangme and Ewe are the three predominant ethnic groups. The largest ethnic group in the Municipalities is the Akan, comprising 39.8 percent, followed by Ga-Dangme (29.7%) and Ewe (18%). In terms of individual ethnic sub groups, detailed results indicate that the Gas form the single largest sub-group, accounting for 18.9 per cent of the population. Among the Akan group, the Fantes constitute 10.6 percent, Asantes, 8.3 per cent and Akuapem 4.9 percent. There are other smaller ethnic groups from the three northern regions of Ghana. Nationalities from Africa and other parts of the world can also be found in the Municipalities.

3.4 RELIGIOUS GROUPS

The percentage distribution of religious groups shows the predominance of Christians (82.9%) in the region, compared with the second major religion, Islam (10.2%). Among the Christian group, adherents of Pentecostal and Charismatic churches constitute the largest religious denomination (38.0%) followed by Protestants (26.0%) and Catholics (9.7%) in that order. The distribution is almost similar for both sexes except for the predominance of females in the Pentecostal and Charismatic churches. There are however more male than female Muslims which conforms to the national pattern.

3.5 SOCIAL COHESION

With regard to activities which bring people together, two activities, marriages and festivals stand out as the most distinct within the municipalities. Other activities of tribal and business associations, pressure groups, religious groups and national games, are

among some activities which bind individuals and groups within the municipalities.

- **Marriages**

Intermarriage is very high among the various ethnic groups within the municipalities. The pattern of marital status of the population aged 15 years and older shows that AMA (43.3%) and Tema (43.5%) have the smallest proportion of married persons and the largest proportions of persons who have never married (41.6% and 42.7%). On the other hand, the Ga District has the smallest proportion (4.2%) of persons living in consensual union. Statistics indicate that about 50.0 per cent of persons 15 years and older are in formal marriages or informal cohabiting unions, while an additional 9.6 per cent have once been married. In spite of the minimum legal age of 18 years prescribed for marriage, there is an indication that marriage takes place among persons aged 12-17 years.

- **Festivals**

Perhaps the most important common religious institution that has survived as an expression of the unity of the various ethnic groups relates to their annual festivals celebrated by the various groups. The Gas celebrate the Homowo on their land while the other ethnic groups have various social gatherings in Accra but travel to celebrate their festivals in their home towns. These festivals and gatherings provide an occasion for meeting, at the same time to welcome new members of the family while remembering the dead. Festivals are also occasions for the settling of family feuds and raising funds for development projects.

3.6 WATER AND SANITATION CONDITIONS WITHIN THE GAMA

Sanitation and water problems confronting the Greater Accra Metropolitan Area (GAMA) have been highlighted in various publications and fora culminating in a recent conference held in Accra resulting in the preparation of the current Sanitation and Water Project for the GAMA. The frequently cited sanitation and water problems faced by residents of the GAMA are:

- Bad drainage systems (e.g. no gutters)
- Lack of toilets
- Lack of good drinking water
- Bad refuse dumping practices

- **Water Supply**

The source of water to the Municipalities is the Kpone and Weija Water works. There is however marked variations with respect to income classes in the access to water. Most of the first class residential areas are connected to the water supply network and in most cases receive water most days of the week and pay official rates charged by the Ghana Water Company. In recent times it is common to have tanks in such areas to supplement shortage that may occur.

However large sections of the middle and low income earners in the Municipalities have irregular supply of water and most areas are not connected to the network. In such areas residents who can afford tanks are compelled to purchase them as a matter of necessity to supplement their water supplies. Those who cannot afford the tanks purchase water from vendors at high prices. In most of the newly created Municipalities where housing development is expanding at an alarming rate, majority of the households are relying on boreholes because they do not have access to potable water.

In Tema, over 80% of the settlements in the municipality have access to potable water by means of pipe-borne water system. A few of the suburbs, however, still depend on unreliable sources of water.

- **Sanitation and Waste Management**

Waste management remains a major challenge confronting the Municipalities. Sanitation facilities are adequate in the Tema city, high income residential areas and some parts of the middle income areas within the Municipalities. These are as a result of the privatisation of refuse collection in some parts of the municipalities which have brought vast improvement in sanitation standards.

However, despite these efforts lower income residential areas are characterized by choked drains, indiscriminate waste disposal and uncollected refuse in central waste containers. The current system pertaining to these areas is not sustainable due to the non-payment for communal waste container services provided by the municipalities.

Municipalities have initiated measures to replace very old public toilets with new ones in the low income areas. Challenges however exist relating to supply of water to these new toilets due to the generally poor water supply network in the Municipalities. Another major challenge is the lack of household toilets in these areas. It is therefore common to observe open defecation and illegally constructed makeshift urinals across community drains.



Figure 1: Dump Site



Figure 2: Insanitary Conditions

CHAPTER FOUR:

4.0 LEGAL AND INSTITUTIONAL FRAMEWORK

This RPF will consider the laws, legislation, regulations, and local rules governing the use of land and other assets in Ghana. This legal and institutional framework is presented in Six sections:

- (i) Political economy and governance in Ghana;
- (ii) Property and land rights, as defined by Ghanaian law and customary practice;
- (iii) Acquisition of land and other assets, including regulations over the buying and selling of these assets;
- (iv) Rights and compensation, in particular, the accepted norms influencing peoples' basic rights to livelihood and social services;
- (v) Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and
- (vi) Comparison with World Bank OP4.12, using equivalence and acceptability standards.

4.1 POLITICAL ECONOMY AND GOVERNANCE IN GHANA

The political and legal context for the application of Resettlement Policy Frameworks (RPFs) is mainly governed by *The Constitution of Ghana* (1992), the *Ghana National Land Policy* (1999), *The State Lands Act* (Act 125 of 1962) as amended and the *Lands (Statutory Wayleaves) Act* (Act 186 of 1963),.

The Constitution provides for individual property rights, the protection of those rights, and appropriate compensation from the government if it compulsorily acquires private person's property. The right to acquire land is governed by enabling legislation and this right is exclusively vested in the President. The, right to so acquire by the state can only be exercised if the "taking of possession or acquisition is necessary in the interest of defence, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such a manner as to promote the public benefit" and "the necessity for the acquisition is clearly stated and is such as

to provide reasonable justification for causing any hardship that may result to any person who has interest in or right over the property.”

The Lands Commission is responsible for handling compensation claims flowing out of State acquisitions. The Land Valuation Division of the Lands Commission establishes compensation levels, using market value for lands, and generally replacement values for structures. Ghanaian law does not give illegal squatters or settlers the right to compensation, unless they can claim a right to the property under the *Limitation Decree*.

The Constitution requires that all people have access to the High Court in the case that there is a dispute with regard to his/her right or interest over the land or the amount of compensation being offered.

4.2 PROPERTY AND LAND RIGHTS IN GHANA

Fundamentally, individual property rights in lands are guaranteed in Ghana. *The Constitution of Ghana (1992)* upholds the rights of citizens to own property and receive adequate reparation from the state when lands are compulsorily acquired by the state. Deprivation of ownership of private property by way of compulsory acquisition can only be done if it is deemed necessary for “national defense, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such a manner as to promote the public benefit.” The reasoning for the compulsory acquisition must also be clearly stated and must provide “reasonable justification for causing any hardship that may result to any person who has interest in or right over the property.” (Constitution, Article 20). Again by Article 20(3) the 1992 Constitution requires that where compulsory acquisition or possession of land is effected by the State involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values.

The Constitution thus clearly provides that everyone has the right to own property, either individually or in conjunction with a group, and that “no person shall be subjected to interference with the privacy of his home, property, correspondence, or communication except in accordance with law and as may be necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of the rights and freedom to others.” (Constitution, Article 18).

There are three types of land ownership in Ghana, 1. Customary Ownership, 2. State Ownership, and 3. Split Ownership. The type of ownership is dependent on the mode of acquisition. Customary lands are those that are acquired by customary practices; State

Ownership refers to situations where the State compulsorily acquires lands. Split ownership occurs where the State under the enabling Laws – generally the Land Administration Act 1962 Act 123 (Section 7) vests Stool lands; and by this arrangement, the state takes over the legal interest in the land whilst the beneficial interests remains with the stool owning community. . The state, as the legal owner, thus has the right to sell, lease, manage, and collect rent on the land. Although vested lands are generally managed in the same way as State Lands, the boundaries are not determined through cadastral survey (which can lead to confusion with regard to land ownership), and often cover large expanses of land.

There are various landholding interests and/or rights in Ghana.

Five main interests categorization in land are discussed in the RPF as follows:

- Allodial Title
- Customary Freehold
- Customary Tenancies
- The Common Law Freehold, and
- The Leasehold

The Land Title Registration Law of 1986 recognizes these types of interests in land.

- ***Allodial Title***

In the Ghanaian context, this is the highest interest capable of being held in land. The Allodial title is customarily communally owned and is generally held or vested in stools or skins. In some traditional areas, it is held by clans, families or individuals. Being generally in the form of communal interest in land it accrues to the entire community and is administered by the recognized traditional authority. The owner of the allodial title has complete and absolute freedom to use and dispose of the land only subject to the restrictions, or limitations or obligations as may be imposed by the general laws of the country.

The mode of acquisition of the allodial title is by: discovery by hunters or pioneers of the stool etc of unoccupied land and subsequent settlement thereof and use by the subject; conquest, purchase or gift.

- ***Customary Freehold***

The customary freehold is an interest or title which a member of the larger community which holds the allodial title acquires in the communal land. It is an interest which is

held as of right by virtue of being a member of the community. It is of indefinite duration and thus potentially subsists forever.

The member who holds such interest has the right of beneficial occupation; unfettered use (also subject to the laws of the country). Upon death, the interest devolves on his/her successors in title and infinitum. This interest prevails against the whole world including the allodial title from which it was derived. The customary freehold may however be terminated by the occurrence of any of these occasions; failure of successors, compulsory acquisition by the state; sale or gift by owner, abandonment or forfeiture in rare circumstances where for example the holders deny the absolute title of the allodial owner.

- ***Customary Tenancies***

These are lesser interests in land and are created by the holder of the allodial title or customary freehold (or common law freehold). These types of tenancies are in nature share cropping arrangements. They are quite common in Ghana and occur when a tenant-farmer gives a specified portion of the farm produce to the land owner at each harvest time in consideration for use of the land. The two popular tenancy arrangements are the 'Abusa' and 'Abunu' schemes.

Other forms of customary tenancies in which the consideration from the tenant is not sharing of crops but cash or a combination of crops and money exist. The customary license is in this category.

- ***The Common Law Freehold***

This is an interest held for an indefinite period. It is derived from the rules of common law. The holder of this interest has the right of beneficial occupation and may, subject to the laws of the land, use in any manner.

This type of freehold is created only by express grant. The grantor may thus impose terms on the grantee provided such terms are reasonable and not contrary to public policy. Currently, the laws of the land forbid non-Ghanaians from acquiring freehold in lands in Ghana

- ***The Leasehold***

This type of interest is also a creation of the common law and not Ghanaian customary law. It is an interest in land for a specified period. The leasehold may be granted by the allodial holder in respect of lands in which no conflicting interest exists; or by a customary freeholder; or common law freeholder.

In Ghana, leasehold may be for a maximum duration of 99 years. (Again non-Ghanaians can only acquire leases up to 50 years). Various terms and conditions may be imposed by the grantor including the payment of rent as consideration for the grant.

4.3 ACQUISITION AND VALUATION OF LAND AND OTHER ASSETS

- ***Land Acquisition***

In Ghana lands are acquired either by private treaty or compulsorily using the enabling legislations. The appropriate method is determined upon giving due consideration to such factors as the nature of the project, land requirements and/or the complexity of the tenurial arrangements.

- **Private Treaty Acquisition**

This is the usual mode of land acquisition. It involves direct negotiation between the grantor (owner) and grantee (purchaser). The terms of grant are agreed upon normally after arm's length negotiation. Private treaty acquisition follows conveyancing principles. There are laws which however guide the process. The Conveyancing Decree (1973) provides that the transfer of an interest for a term of more than three (3) years must be in writing and signed by the grantor.

Again the laws on Stamping (Stamp Act) and registration need to be followed. Thus it is necessary that a document evidencing acquisition of an interest in land need to be stamped and registered at the Lands Commission in accordance with the Lands Commission Act (2008) Act 767.

Private treaty acquisition is however not suitable where the project area is large and/or involves the interest of a number of owners. Where there are conflicting ownerships and/or some of the owners are reluctant releasing the lands for the project, private treaty acquisition becomes problematic.

- **Ghana Laws on Compulsory Acquisition**

The legal regime allows the state to compulsorily acquire land especially for public purposes or in the public interests. This is the most reliable approach to securing access to land where private treaty would not be feasible or would be so challenging.

The laws regularly used to support compulsory acquisition of land are presented briefly as follows:

- **Constitution of the Republic Of Ghana**

The Constitution of the Republic of Ghana (1992) upholds the principle of private ownership of lands. Adequate safeguards from deprivation of private property rights have been provided for, in the 1992 Constitution. Even the state's inherent powers to compulsorily acquire private property rights have been reconsidered and somewhat controlled. Article 20 of the constitution prescribes that under no circumstance should private properties be compulsorily taken unless there are weighty and justifiable grounds for such acquisition, which invariably must be in the public interest.

It is expressly provided in article 20 that "No property of any description or interest in or right over any property shall be compulsorily taken possession of or acquired by the state unless:

***Section 1(a)** The taking of possession or acquisition is necessary in the interest of defence, public safety, public morality, public health, town and country planning or the development or utilization of property in such a manner as to promote public benefit; and*

***Section 1(b)** the necessity for the acquisition is clearly stated and is such as to provide reasonable justification for causing any hardship that may result to any person who has an interest in or right over the property."*

***Section 2(a)** That sufficient provision must be made for the prompt payment of fair and adequate compensation.*

***Section 2(b)** Aggrieved persons must have right of access to the High court for redress. Article 20 (2) expressly stipulates that where the compulsory acquisition involves the displacement of any inhabitants, the state shall resettle them on suitable alternative site, having regard to their Socio-cultural values and economic well- being,*

An important provision in the constitution includes the giving back of lands to the owners when such lands are not used for the purpose for which they were compulsorily acquired in the public interest.

- **The State Lands Act 1962 (Act 125 as Amended)**

This is the principal Law under which private lands could be compulsorily acquired. The Law empowers the President to acquire any land for the public benefit.

The Act and its Regulation, that is, the State Lands Regulation 1962, L1 230 detail out the mechanism and procedure for compulsorily acquiring lands. It is a mandatory requirement that a copy of the instrument of acquisition be served on any person having an interest in or possession such lands or be affixed at a convenient place on the land

and be published thrice in a newspaper circulating in the district where the land is situate.

The Act emphasizes the payment of compensation to the victims of acquisition made under the Act. The basis of the said Compensation should be **either the market value or Replacement value**. Costs of disturbance and incidental expenses or other damage suffered are to be considered in the award of compensation.

One critical limitation of the Act is that not much premium has been given to the issue of public involvement in the acquisition process. Community consultations and involvement is therefore not mandatory.

- **Administration of Lands Act 1962, Act 123**

Act 123 of 1962 was enacted to facilitate the management and administration of stool lands (and other lands). The Act empowers the Minister responsible for lands to manage stool lands in accordance with the provision of the law.

By section 7 of the Act 123 the President of the Republic may by Executive Instrument declare any stool land to be vested in trust and accordingly the state could administer such land as a trustee for the stool involved. In such situation the legal rights to sell, lease, collect rent, litigate and manage generally is taken away from the customary land owners and vested in the state. However, the equitable right in the land, which is right to enjoy the benefits, is retained by the land owner.

Similarly, the Act provides in section 10 that “the President may authorize the occupation and use of any land for any purpose which, in his opinion, is conducive to public welfare or the interest of the state”. It is a requirement that a public notice shall be published in the Gazette giving particulars of the lands to be taken and the use to which it will be put. Persons whose interests are affected by “reasons of disturbance as a result of the authorization” so made are entitled to be paid.

The entitlements are however to be assessed by giving due consideration to the values of the land (and other losses suffered) and the benefits to be derived by the people in the area (by way of the use to which the state is going to put the land).

The difficulty of this law is that the nature of interest taken is not expressed in definite terms. Again stakeholder consultation and community involvement is not highlighted. It must be observed that the state does not normally use this section of the Act and thus occupation of lands is rarely exercised.

- **Lands Statutory Wayleaves Act 1963, Act186**

The Lands Statutory Wayleaves Act 1963, Act 186 was enacted to facilitate the entry on any land for the purposes of construction, installation and maintenance of public utility works and creation of right of ways and other similar right for such works.

Works for which right of ways may be created are “highways or works for purposes of, or in connection with any public utility works”. Highways have been defined in the Act as “any road, street, path, pavement, or square and includes any bridge, or other structure associated therewith”.

The Act and its accompanying Regulation, the Lands Statutory Wayleave Regulation 1964 (LI 334) provides the modalities and procedures for the acquisition of the Statutory right of ways. Thus, the mechanism for entry for survey works and construction has been spelt out in details. **The owner/occupier is required to be given formal notification at least one week, about the intent to enter, and at least 24 hours prior to actual entry.**

The right of way is legally established by the publication of an executive instrument. Losses and damages suffered are to be compensated for in accordance with the states procedure on compensation. Provision has also been made for restoration of affected lands where that is possible. **In assessing compensation to be paid, consideration must be given to the increases of land values as a result of the installation or construction of works. A right of appeal by an aggrieved person is also provided for.**

Clearly the desired issue of community consultation has not been given serious consideration. Again the provision of compensation assessment is unfair; especially the exemption from payment of compensation in cases where the land affected does not exceed twenty (20) percent of the affected persons total land holdings.

- **The Ghana Land Policy 1999**

The Government of Ghana in 1999 put in place the above policy to serve as a broad framework and policy guidelines for land administration and utilization.

The main objective is to provide guidelines aimed at enhancing land management systems, land use, conservation of land resource and enhancing environmental quality. All these are intended to ensure coordinated and orderly use of land, a vital resource, by present and future generations.

Ultimately the policy seeks to give protection to proprietary rights and promote the concept of prompt payment of adequate compensation for compulsorily acquired lands

and also create the enabling environment for community participation in sustained land management.

The Land Valuation Division is responsible for the computation of compensation on the basis of market value in the case of land and replacement value for houses and other properties damaged or destroyed as a result of the acquisition. The *State Lands Act* defines *market value* as the amount the land would sell for on the open market at the time the wayleave is declared, using the principle of willing buyer – willing seller. *Replacement value* is used for compensation if there is no demand or market for the land due to the situation of the land or the purpose for which the land was used when the declaration of intent to acquire the land was made. The replacement value is the amount required for “reasonable reinstatement equivalent to the condition of the land at the date of said declaration”. *Cost of Disturbance* is defined as the reasonable expenses incidental to any necessary change of residence or place of business by any person having a right or interest in the land.

4.4 COMPENSATION

As discussed above the Ghanaian laws make provision for compensation when development projects affect people’s land, property, or livelihoods. It also details the rights and privileges of citizens in dealing with the government and the compulsory acquisition of property. Below are the general areas worthy of notice:

Prompt and Adequate Compensation. The *Constitution* states that the state may only compulsorily acquire property if a law exists that provides for the prompt payment of fair and adequate compensation (Constitution, Article 20). *The State Lands Act* as amended emphasizes the payment of compensation to the victims of acquisition made under the Act. The basis of the compensation should be either the market value or replacement value. Additionally the assessed, compensation amounts must take into account the cost of disturbance and incidental expenses or other damage suffered because of the resettlement.

Economic well-being and social and cultural values. *The Constitution* states that, where the state compulsorily acquires land, and where the state will resettle the displaced inhabitants, the state “shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values”.

Damage or Loss. The *State Lands Act* also makes provision for compensation for any person who suffers any loss or damage due to “the carrying out of any survey, as a

result of installation, construction, inspection, maintenance, replacement, or removal of any specified work.” The Minister will base the amount of compensation on any loss or damage, and may take into account how much the person’s land has increased in value as a result of the installation or construction of the works.

Procedure for Claiming Compensation. *The State Lands Act* puts the onus on the affected person or group to put in a claim for compensation for affected lands. Any claim for compensation must be made to the Minister no more than six months after the date of declaration made by the President. The Land Valuation Division will carry out an assessment if it is satisfied that the claimant has established proper claim which need to be paid for. An offer is then made to the claimant and upon acceptance; the acquiring agency is advised to process payment.

It needs to be stated that, there are some exemptions from Compensation. Act 125 states that, No person shall be entitled to any compensation for loss or damage if, in the opinion of the Minister; (1) any alleged damage to the land has been sufficiently address, and the land has been reinstated, (2) any alleged loss arising out of the deprivation of the use of any land, (3) the person alleging the loss has been offered other land of equivalent value, (4) the alleged damage is to movable property, and the property has been sufficiently restored or replaced, or (5) the works constructed do not substantially interfere with the enjoyment of land. The *Lands (Statutory Wayleaves) Act* 1963, Act 186 states that no compensation will be paid, in the case of highways, if the project damages or destroys less than one fifth of the total holdings of an affected person.

4.5 DISPUTE RESOLUTION AND GRIEVANCE MECHANISMS

The Constitution of Ghana (Article 20) states that compulsory acquisition of property by the State shall only be made under a law which makes provision for a right of access to the High Court. Access should be available to any person who has an interest in or right over the property, whether direct or on appeal from any other authority, for the determination of his interest or right and the amount of compensation to which he is entitled.

The State Lands Act (1962) provides avenues for people who are not satisfied with compensation to seek redress. Where any person is dissatisfied with the amount of compensation assessed by the Minister, but in no other case, the Minister may refer the matter to a Tribunal. The tribunal shall consist of three persons appointed by the President, following consultation with the Chief Justice, and one of those persons shall

be a Judge of the High Court who shall be chairman of the Tribunal.

4.6 COMPARISON TO WORLD BANK OP 4.12

To ensure adverse project impacts are mitigated, the World Bank (and other donor agencies) have elaborate policies on land acquisition and associated compensation matters. These are intended to compliment municipal laws on the subject.

World Bank Operational Policy OP 4.12 on Involuntary Resettlement requires that explicit and adequate provision be made for project affected persons who are either displaced physically or economically or suffer other losses, to ensure that they are not worse off as a result of World Bank financed projects. Livelihoods of persons to be affected must be preserved, but in cases this is inevitable, minimal displacement should occur. In instances where displacement is unavoidable, compensation should be paid to PAPs to help them to restore their social, economic and environmental livelihoods.

The Ghana statutes makes provision for compensations to be paid to only persons who have suffered any loss and can produce any form of title that is legal in the form of deeds, leaseholds, or legally binding tenancy agreement to the land in question. However, the Operational Policy expects all forms of losses without exception to be catered for.

Under the Ghanaian statute, it is the preserve of the Minister to assess loss due to works done but World Bank OP 4.12, advocates the involvement of project affected persons through for instance surveys etc to ensure that the project enjoys the full support of the Bank and affected persons.

The Operational Policy advises that the project affected persons be assisted during their transition period in the resettlement site and efforts made to restore their livelihoods whereas the Ghana laws are silent on that. Table 1 highlights some comparison between the Ghanaian Laws and the World Bank policy.

Table 2 Comparison of Ghana and World Bank Policies on Resettlement and Compensation

1			
Types of Affected Persons/ Assets Lost	Ghanaian Law	*World Bank OP4.12	Comparison/Gaps
Land Owners	<p>Property acquired compulsorily in the public interest or for a public purpose shall be used only in the public interest or for the purpose for which it was acquired. Where the property is not used in the public interest or the purpose for which it was acquired, the owner of the property, immediately before the compulsory acquisition, shall be given the first option for acquiring the property and shall, on such re-acquisition, refund the whole or part of the compensation paid as provided for by law or such other amount as is commensurate with the value of the property at the time of the re-acquisition. Resettlements in the case of acquisitions can be claimed as of</p>	<p>Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas</p> <p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>	<p>The legal right to resettlement is applicable only to those with proprietary interest in the affected land</p> <p>The Constitution provides for land-based resettlement. Although its provisions could be interpreted as implying a preference for land based strategies for displaced persons whose livelihoods are land-based, there is no specific legislative or regulatory provision made for this preference.</p>

¹ Source: *Safeguards Diagnostic Review for Piloting the Use of Ghanaian Systems to Address Environmental Safeguard Issues in the Proposed World Bank-Assisted Ghana Energy Development and Access Project (GEDAP)*, December 2006

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Types of Affected Persons/ Assets Lost	Ghanaian Law	*World Bank OP4.12	Comparison/Gaps
	right only by persons with proprietary interests in acquired lands.		
Land Tenants/Squatters	No constitutionally or legislatively recognized resettlement rights or assistance for those without recognized (formal) legal rights to land.	For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihoods	While in principle no distinction or discrimination is made on the basis of gender, age, or ethnic origin, there is no equivalence on the specific requirement of non-discrimination or the requirement that particular attention be paid to the needs of vulnerable groups among the displaced. Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.
Land Users	Article 20(3) the 1992 Constitution requires that where a compulsory acquisition or possession of land effected by the State involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social	Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between Bank and Ghanaian systems for identifying and addressing impacts resulting from project related activities.

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Types of Affected Persons/ Assets Lost	Ghanaian Law	*World Bank OP4.12	Comparison/Gaps
	and cultural values.		
Owners of non-permanent buildings	There are no constitutionally or legislatively recognized resettlement rights or assistance for those without recognized (formal) legal rights to land.	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.	There appears to be a significant difference between Ghanaian laws and Bank policy. Those without formal legal rights or claims to such lands and/or semi-permanent structures are not entitled to resettlement assistance or compensation.
Owners of permanent buildings	<p><i>The Land Valuation Board</i> is responsible for the computation of compensation on the basis of market value in the case of land and replacement value for houses and other properties damaged or destroyed as a result of the acquisition.</p> <p>The <i>State Lands Act</i> defines <i>replacement value</i> as the amount required for “reasonable reinstatement equivalent to the condition of the land at the date of said declaration.”</p>	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	Ghanaian law requires the affected persons receive compensation on the basis of replacement value when permanent structures are affected. Although the law can be interpreted to include labor and relocation expenses, these are not explicitly enumerated under Ghanaian law.
Timing of compensation	There are no relevant constitutional or	Implement all relevant resettlement plans	There is no equivalence on

1			
Types of Affected Persons/ Assets Lost	Ghanaian Law	*World Bank OP4.12	Comparison/Gaps
payments	legislative provisions that specify the timing of completion of resettlement and compensation.	before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access. Even if these requirements are met, they would be applicable only to communities with proprietary rights or interests in affected lands.
Calculation of compensation and valuation	Ghanaian laws require the Minister for social welfare to take all reasonable measures to assist in the resettlement of people inhabiting lands liable to be inundated and adjacent lands needed by the Authority for the discharge of its functions, to ensure that no person suffers undue hardship or is deprived of necessary public amenities as a result of his or her resettlement.	Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash	There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.

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Types of Affected Persons/ Assets Lost	Ghanaian Law	*World Bank OP4.12	Comparison/Gaps
		compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.	
Relocation and resettlement	In situations where inhabitants have to be displaced, the state is to resettle all on "suitable land with due regards for their economic well being and social and cultural values"	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Ghanaian laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement
Completion of resettlement and compensation	There are no relevant constitutional or legislative provisions that specifically state that resettlement and compensation needs to be completed.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence between Ghanaian law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access. Even if these requirements are met, they would be

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Types of Affected Persons/ Assets Lost	Ghanaian Law	*World Bank OP4.12	Comparison/Gaps
			applicable only to communities with proprietary rights or interests in affected lands.
Livelihood restoration and assistance	There are no specific laws or regulations specifying support for livelihood restoration and transition and moving allowances	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better	Ghanaian policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement
Consultation and disclosure	Consultation requirement not provided for directly in legislative or constitutional provisions. The issue of compensation is the responsibility of the Lands Commission and the Lands Valuation Board on the basis of the criteria established under the State Lands Act 1962 as amended.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy, noted above also. In LI 1652 (Regulation 17), similar considerations apply and the same differences are identifiable: There is no requirement to disclose the preliminary report under Regulation 9. Despite the differences identified, the practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language. This is

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Types of Affected Persons/ Assets Lost	Ghanaian Law	*World Bank OP4.12	Comparison/Gaps
			significant considering the composition of those most likely to be excluded from the remit of Ghanaian legislative and constitutional protection for involuntary resettlement (i.e., squatters).
Grievance mechanism and dispute resolution	There are various legislative measures that govern the rights of persons with formally recognized interests in land. They preserve extensive State powers to compulsorily acquire land but also provide for procedural redress and complaint mechanisms, including direct recourse to a minister, appeals to tribunals, as well as for determination by the High Court and Court of Appeal of disputes arising from conflicting claims or interests. There is legislative provision made for notice and procedural requirements – 1964 Lands (Statutory Way Leaves) Regulations,	Establish appropriate and accessible grievance mechanisms	

1			
Types of Affected Persons/ Assets Lost	Ghanaian Law	*World Bank OP4.12	Comparison/Gaps
	and for compensation for compulsory acquisition – 1963 Lands (Statutory Way Leaves)		

***Where there is discrepancy between national policy and the World Bank policies, the World Bank policies will supersede the national policy**

4.7 INSTITUTIONAL ARRANGEMENTS

Various institutions play critical roles on the land management and administration in the country. The main ones are:

- **The Lands Commission**

The Lands Commission was established under the Lands Commission Act (2008) Act 767. This law was passed in 2008 to bring together four major land agencies to manage and co-ordinate land administration in Ghana. These agencies were made Division of the Commission as follows;

Table 3 Divisions of the Lands Commission

Old Establishment	Current Designation
Lands Commission Secretariat	Public Vested Land Management Division
Land Valuation Board	Land Valuation Division
Survey Department	Survey and Mapping Division
Land Title Registry	Land Registry Division

* Divisions of the Lands Commission

Various roles as stipulated under Act 767 have been assigned to these divisions.

The Commission is responsible for the registration of title documents. In terms of compulsory acquisition the Commission manages the process till the passage of the Executive Instrument.

- **District Assemblies**

The district assemblies (DAs) have been created as pivot administrative and developmental decision making agencies in the various districts. They are a key

structure in the government administration process. The districts have been established as monolithic structures to which are assigned responsibility of the totality of governance at the district level. They are to bring about the integrations of political, administrative and development support needed to achieve a more equitable allocation of power, wealth and geographically dispersed development in Ghana. Specifically, the Act assigns them deliberative, legislative as well as executive functions and in addition they are made the planning authorities for the districts. Each district assembly has a jurisdiction over a defined geographical area as stipulated in an Executive Instrument

A number of state agencies, have under the decentralization policy, been put under the district assemblies. This includes the Town and Country Planning Department (TCPD) which handles physical planning and development controls in the country.

- **Elders of Local Communities as Stakeholders**

Elders of the various communities are made up of the chiefs, opinion leaders and local council representatives known as the assembly persons. They are responsible for local policy matters, economic development, resolving local conflicts, and providing orderly leadership and democratic practices at the grassroots level in their respective communities. This mode of governance facilitates mass participation in government affairs and exposes the general populace to their civil rights and obligations particularly regarding their involvement in development programs and projects in their own areas. In addition, chiefs and community elders are custodians of community property including land. They are entrusted with the management of community land and are responsible for releasing land for development projects. For the purpose of this project, community elders and chiefs will play a key role in identifying project affected persons for compensation purposes.

- **Non-Governmental Organization (NGO) Activities**

A good number of the NGOs are located in the Greater Accra Region. These are both international and national not-for-profit, non-partisan non-governmental organizations working to assist the vulnerable, marginalized and deprived in society. They are involved in various social development activities in several fields especially education, environment and empowerment of the people in the municipalities.

CHAPTER FIVE:

5.0 COMPENSATION FOR LAND AND OTHER ASSETS

The RPF guidelines apply to all components under the Sanitation and Water Project, whether or not they are directly funded in whole or in part by the project. The RPF applies to activities in sub-projects (or components) affecting those who would be physically displaced or who would lose some or all access to resources, and regardless of the total number affected, the severity of impact, and their legal status (e.g. the RPF guidelines apply also to those with ill-defined or no title to the land).

The RPF provides special attention to the needs of vulnerable groups among the PAPs, especially households with incomes below the national poverty line, including the landless, elderly and disabled, women and children, indigenous groups and ethnic minorities, and other historically disadvantaged.

The activities in the Sanitation and Water Project that are expected to have some land acquisition or restriction of access include the following:

Component 1 - Provision of water and environmental sanitation services to priority low income areas of the GAMA.

Under this component, the project will focus on water supply and environmental sanitation services. Some specific activities will be to support advocacy and measures to enforce current laws and regulations and promote the involvement of women in the delivery and oversight of water and sanitation services. This component will support the construction of institutional facilities in schools, health centers and in public areas such as markets.

Component 2 – Improvement and expansion of the water distribution network in the GAMA

This component will support investments required to improve and expand the existing network in order to provide piped water to the target people living in low income communities in the GAMA. These investments include the installation of transmission mains, booster pumps and any other facilities required to ensure that a share of the

additional water production reach the targeted low income areas.

Component 3 – Improvement and expansion of wastewater and fecal sludge collection, transportation and treatment in the GAMA

This component will finance collection and/or treatment of wastewater and fecal sludge to be generated from the low income communities and the rest of GAMA. However, these facilities will be used to take care of the entire wastewater flows and sludge volumes generated in the GAMA, which currently end up discharged untreated into drains and eventually into the sea. This component will also support the development of solutions to improve the safe collection, transport and treatment of fecal sludge.

5.1 PROJECT AFFECTED PERSONS

Although the exact nature and locations of sub-projects are unknown, the following categories of PAPs will be used in identifying groups of PAPs for the purpose of determining impacts.

Project affected persons (PAPs) are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or economic resources as a result of activities related to sub-project(s).

Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the ***Sanitation and Water Project***. These include members like the head of household, male, and female members, dependent relatives, tenants, etc.

Vulnerable groups of people. From these households the Sanitation and Water Project will separately identify the vulnerable members, such as those who are too old or too ill; children; those stricken with HIV/AIDS; women; unemployed youth; etc. Households headed by women that depend on sons, brothers, and others for support are especially vulnerable. Similarly, households with elderly or seriously ill persons are eligible for additional support.

During implementation of the project, a social assessment will be carried out to identify the areas or sites expected resettlement impacts due to land acquisition or restriction of access to resources. At that stage, OP 4.12 calls for the preparation of separate stand-alone Resettlement Action Plans (RAPs) consistent with the guidelines provided in this

RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed:

- (i) All potential PAPs should be identified (through a scoping exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);
- (ii) PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and
- (iii) PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.

Screening. This process would lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) that sub-projects will construct that may potentially involve resettlement issues. This list will be presented to affected communities using a sensitization and consultation process. These consultations will be documented for each site (sub-project).

RAP Preparation. As soon as the list (sub-projects) is approved by the responsible agency implementing the **Sanitation and Water project**, a consultative and participatory process for preparing a RAP will be started, as follows:

- (i) A socio-economic survey will be completed to determine scope and nature of resettlement impacts.
- (ii) The socio-economic study will be carried out to collect data in the selected sub-project sites.
- (iii) The socio-economic assessment will focus on the potential affected communities, including some demographic data, description of the area, livelihoods, the local participation process, and establishing baseline information on livelihoods and income, landholding, etc.

Annex 2 describes the requirements for the RAP in detail. In general, the RAP contains the following information:

- (i) Baseline Census;
- (ii) Socio-Economic Survey;
- (iii) Specific Compensation Rates and Standards;
- (iv) Entitlements related to any additional impacts;
- (v) Site Description;
- (vi) Programs to Improve or Restore Livelihoods and Standards of Living;

(vii) Detailed cost estimates and Implementation Schedule.

5.2 RAP PREPARATION

The RAPs will be prepared by the **Ministry of Local Government and Rural Development (MLGRD)**.

The following guidelines are used when a RAP is developed.

- (i) Consultation and participatory approaches. A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process.
- (ii) Disclosure and notification. All eligible PAPs are informed about the **Sanitation and Water project** and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) – may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.
- (iii) Documentation and verification of land and other assets. The government authorities at both national and local levels; community elders and leaders; representatives from the **[MLGRD]** will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the sub-project, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.

- (iv) Compensation and valuation. All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, the **[MLGRD]** will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. Table II below provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.

- (v) Community payments. Although most sub-projects do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation are expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation of wells or pumps; creation of market places; and reconstruction of community roads.

- (vi) Grievance mechanism. The sub-project RAP team will establish an independent grievance mechanism. This may be set up through Local Authorities, including a Resettlement or Land Committee and through community leaders. All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation and relocation. The PAPs will also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances. If needed, the dispute resolution process should include Ghanaian Courts of Law, but traditional institutions can be an effective first step in both receiving and resolving grievances. The details of a grievance procedure is as described in the next sub-section:

5.3 GRIEVANCE REDRESS PROCEDURES

The objective of the Grievance Redress Procedure is to address and resolve grievances or complaints from affected persons promptly, fairly, and in a manner that is, to the extent possible, acceptable to all parties. Every effort will be made to:

- Provide straightforward and accessible ways for the affected persons to voice complaints or resolve any disputes that might arise related to project implementation;
- Seek solutions to any tensions and conflicts early on in the implementation process, to avoid a ‘fire fighting’ approach;
- Identify and implement appropriate and mutually acceptable actions to redress complaints;
- Respond in a timely manner, and with sensitivity to the needs of complainants
- Ensure that claimants are satisfied with the outcome of the corrective actions, and maintain a dialogue with them to the extent possible; and
- Avoid resorting to a high level of adjudication, such as judicial proceedings, as much as possible.

The steps for grievance redress are as follows:

- (1) The RAP implementing team/unit will receive grievances or complaints and capture the complaint on the complaint form and submit it to the Grievance Redress Committee (GRC). (A sample form is attached as appendix 4). The Grievance Redress Committee will inform the complainants about the status of their grievances and if the grievance can be resolved by the Grievance Committee (i.e. if it necessitates no consultation with other organizations), and determine possible corrective actions within 5 days. If resolution of grievance is seen to require commitment beyond the GRC, the members shall coordinate and consult with relevant authorities. In such cases, the time frame for the determination of possible corrective actions shall be extended.
- (2) After the case is evaluated in detail and possible corrective action determined, the proposed solutions or corrective/preventive actions shall be discussed with the complainant. The corrective steps, timeframe within which they are to be completed, and the party responsible for implementing them shall be recorded in the Grievance Closeout Form (copy attached as appendix 5). Once an agreement has been reached between the applicant and the responsible party on the corrective actions, the applicant will be asked to sign off the grievance closeout form on their acceptance of resolution.
- (3) If the applicant remains dissatisfied with the outcome, additional corrective action will be agreed on and carried out by the responsible party.

The Committee has a maximum of 20 days following the application within which to resolve any grievances properly lodged with it. The applicant will then be informed by the designated officer and the corrective actions recorded in the Grievance Closeout Form.

5.4 ELIGIBILITY CRITERIA

Any person who suffers loss of or damage to an asset or loss of access to productive resources, as a result of the implementation of Sanitation and water project will be considered eligible for compensation and/or resettlement assistance, provided the damage or loss is induced by the project and satisfies the conditions of the cut-off date (which will be set and enforced during RAP preparation). This is consistent with the laws of Ghana and the World Bank policy. For instance, provisions under Clause 15 of the World Bank's Operational Policy 4.12 suggest the following three criteria for eligibility and this will be followed in the GAMA project:

- *Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);*
- *Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets – provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;*
- *Those who have no recognizable legal rights or claim to the land they are occupying.*

The eligibility will be based on the category of losses at the cut-off date identified through the various interest and rights derived from customary laws, common law and international conventions and in specific cases as agreed with the affected community. Eligible persons would include, but not be limited to those listed in the Table below.

Table 4 Type of Loss and Eligible Persons

Type of Loss	Eligible persons
Loss of Land (Urban or Rural)	Various interest and rights – allodial title holder, freeholder, leaseholder, tenant, licensees
Loss of Structure	Various interest and rights – freeholder, leaseholder
Business Losses - Loss of business income	- Business owner/operator

- Loss of business goodwill - Loss of rent income	- Business owner/operator - Landlord/Lessor
Loss of Business, Residential or Industrial Accommodation or Room	- Residential/Commercial/Industrial Tenant - Owner of building during the reinstatement period
Loss of location for temporary structure	- Owner of temporary structure
- Loss of economic or perennial trees - Loss of food crops	Various rights and interest holders – Sharecroppers, Licensees, Lessees

- **Proof of Eligibility**

The implementing agencies will consider various forms of evidence as proof of eligibility to cover:

- Affected persons with formal legal rights, documented in the form of land title registration certificates, leasehold indentures, tenancy agreements, rent receipts, building and planning permits, business operating licenses, utility bills among others. Unprocessed/unregistered formal legal documents will not bar eligibility and procedures for confirming authenticity of such documents will be established in the RAP.
- Affected persons with no formal or recognized legal rights-

Criteria for establishing non-formal, undocumented or unrecognized claims to eligibility shall be established paying particular attention to each situation and its peculiarities. Alternative means of proof of eligibility will include:

- Affidavit signed by landlords and tenants;
- Witnessing or evidence by recognized traditional authority, customary heads, community elders, family heads and elders and the general community.

Table 5 Entitlement Matrix

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Cash compensation for affected land equivalent to market value Less than 20% of land holding affected	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
	Land remains economically viable.	Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Greater than 20% of land holding lost Land does not become economically viable.	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.

Entitlement Matrix				
Land Assets	and	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
				<p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)</p>
			Tenant/Lease holder	<p>Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Relocation assistance (costs of shifting + allowance).
Commercial Land	Land used for business partially affected Limited loss	Title holder/business owner	Cash compensation for affected land Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting +

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to reestablish the business.
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	Cash compensation for affected land
		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			agreement (written or verbal)
		Title holder	<p>Land for land replacement or compensation in cash according to PAP's choice.</p> <p>Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
	Land and assets used for residence severely affected Remaining area	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	insufficient for continued use or becomes smaller than minimally accepted under zoning laws		Assistance in rental/ lease of alternative land/ property Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures are partially affected Remaining structures viable for continued use	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance)

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant)</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</p> <p>Assistance to help find alternative rental arrangements</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Squatter/informal dweller	<p>Cash compensation for affected structure without depreciation</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project)</p> <p>Alternatively, assistance to find accommodation in rental</p>

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			housing or in a squatter settlement scheme, if available) Rehabilitation assistance if required assistance with job placement, skills training)
		Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re- establish the business.
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)

5.5 COMPENSATION AND RESETTLEMENT ESTIMATION AND COST

In line with the legal framework of the RPF, compensation and resettlement assistance will be paid by the Ministry of Local Government and Rural Development to all categories of eligible persons. During RAP preparation, Social surveys will be conducted in each participating municipality to ascertain the number of project affected persons, identify their losses and calculate the cost of compensation due them. Since project sites are not known at this stage, the RPF can only provide initial estimate from a cursory assessment of the eleven MMAs which are to benefit from the project. It is estimated that about 150 PAPs per municipality would be identified giving a total of 1650 PAPs. Final Resettlement cost estimates and budget will consider items covered in the following matrix:

Table 6 Resettlement Cost Estimation

Resettlement and Compensation cost	<ul style="list-style-type: none"> • Cost of census and survey of PAPs and inventory of assets • Cost of information and consultation • Compensation for lost assets (land, structures etc) • Cost of replacement land • Cost of preparation of replacement farmland
Relocation and transfer	<ul style="list-style-type: none"> • Cost of moving and transporting movable items • Cost of replacement housing • Cost of site and infrastructure development and services • Subsistence allowance during transition • Cost of replacement businesses and downtime
Income restoration plan	<ul style="list-style-type: none"> • Cost estimates for income restoration plans (e.g. training, small business, community enterprise, etc) • Cost of incremental services (extension, health, education) • Environmental enhancement package (forestry, soil conservation, grazing land etc)
Administration costs	<ul style="list-style-type: none"> • Physical facilities (office space, staff housing, etc) • Transport/vehicles, materials

	<ul style="list-style-type: none">• Operational staff (managerial, technical) and support staff• Training and monitoring• Technical assistance• Evaluation by independent agency• Grievance Redress Mechanism
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Source: Cernea, Michael, 1988. Involuntary Resettlement in Development Projects, the World Bank, Washington DC

CHAPTER SIX:

6.0 IMPLEMENTATION SCHEDULE AND COSTS

Since the specific sites and sub-projects are not yet determined, this RPF refers only to an estimated number of PAPs. Because costs of resettlement and compensation are based on technical designs and results of scoping, it is not possible to produce a detailed budget for RAP implementation. Once a budget is finalized, it will be subject to approval by the World Bank.

An indicative RAP budget outline can be found below.

Table 7 **Indicative Outline of a RAP Budget**

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			
Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			

Contingency			
#	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Ghanaian average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labor invested and average of highest price of staple food crops and Ghanaian market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Ghanaian market prices
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP/capita in Ghana

9	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP
10	Cost of Training Farmers, pastoralists and other PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities

The PCU will determine an appropriate Resettlement Budget. It is usually financed in-country through the administrative and financial management rules and manuals issued by the Government of Ghana.

CHAPTER SEVEN:

7.1 PUBLIC CONSULTATION AND DISCLOSURE PLAN

Public consultations on the RPF occurred at all stages, starting with inception and planning with metropolitan and municipal assemblies within the GAMA, selected residents from the GAMA and other stakeholders. This will continue when the potential lands and alternative sites are being considered. A participatory approach is adopted as an on-going strategy throughout the entire project cycle and during the preparation and implementation of any follow-up RAPs. The form of public participation and consultations are through individual interviews, group and community meetings. For instance, consultations were conducted with MMA officials and community/opinion leaders to solicit their views for the preparation of this RPF. Issues discussed include demographic characteristics, economic activities, sanitation condition and water supply as well as expected project impacts. Summaries of these discussions have been presented in a table below.

Additionally, radio programs and other media forms may be used to further disseminate information especially during the disclosure of the safeguards instruments. During the collection of socio-economic baseline data, PAPs will be consulted in the survey process; public notices with explanations of the sub-project; RAP implementation of activities; and during the monitoring and evaluation process will all be approaches to be used for further consultations and disclosure activities. Selection of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The project and RAP team will ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures.

Data collecting phase. Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team or consultant will design the questionnaires but it will be the households, organizations,

and institutions that will validate their effectiveness through feedback from focus group meetings with women, and other key stakeholders.

Implementation phase. During implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded and effectively and efficiently addressed through the established grievance redress mechanism. The participation of local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts using a dynamic participatory approach in decision making on RAP related matters and the project as a whole.

Monitoring and evaluation phase. PAPs representatives will participate in the sub-project workshops at mid-term and at the end of RAP implementation. To the extent possible, the RAP should include social accountability tools like citizen report cards (CRCs) and community score cards (CSC) to assess the quality of RAP implementation. PAPs will be able to suggest corrective measures, as needed, to improve RAP implementation in the sub-project(s). Prior to closing the RAP, PAPs will participate in a feedback survey as part of the RAP’s independent impact evaluation exercise.

Table 8 Summaries of Consultations

Table 8.1 Summary issues raised and responses

Issues Raised	Responses Given
Land availability	This will be discussed with all stakeholders, opinion leaders and project affected persons to ensure that land acquired is properly done and if any compensation is required, this will be appropriately taken care of.
Environmental issues due to water and Sanitation	The proposed project has prepared a separate environmental and social management framework which outlines plans to mitigate any possible environmental impacts and this will be closely monitored.
Participation of beneficiaries, information sharing	Project implementation plan will require continuous consultation and participation of beneficiaries. For instance, the MMAs have decided to assist local Assembly

	men in the identification of land for the project and in public consultation. Specifically, the MMAs will be involved in information sharing and education of opinion leaders and community members for a successful project implementation.
Conflict resolution	On conflict resolution- the MMAs will engage the communities in proper and effective dialogue to make them understand the essence of the project. The project will also establish grievance redress mechanism to address misunderstandings and grievances that beneficiaries may have. This will be further clarified during continuous consultations.
Negative project impacts (Resettlement issues)	All participants believed that the proposed project will bring development in their communities, job creation and increased standard of living, good water and sanitation facilities which will reduce incidents of water related diseases. On the other hand the project is likely to bring some negative impacts such as displacement of people and their livelihoods. However measures would be put in place to mitigate all the negative impacts. For instance, adequate compensation will be paid to project affected persons

Table 8.2 Adenta Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>Total population is 78215 comprising Men-39366 (50.3%) and Female-38849 (49.7%)</i>
What are the major sanitation problems within the Municipality?	<i>They have poor drainage system, bad toilet facilities and poor access route to the communities especially Adenta Mamomo village.</i>
What are the main water relegated problems?	<i>They have a very serious problem with water. Most of the communities use borehole water which hardly forms ladder making them waste more soap when</i>

	<i>washing. Borehole water is also very hard to drink because it salty.</i>
Have you heard about the proposed project?	Yes
How does the Municipal expect to be involved in the project?	<i>Help in acquisition of land and do most of the advocacy work.</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>To bring development in the communities and good access route the various communities.</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>Some people may still defecate and throw rubbish into the drainage</i>
How can the negative impact be mitigated?	<i>Health education, arresting and prosecuting victims.</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>The municipal Assembly will dialogue with chiefs, opinion leaders and proposed affected persons to pave way for the proposed project</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.3 La Nkwantanang Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>Total population 244226. Constituting 51% men and 49% women</i>
What are the major sanitation problems within the Municipality?	<i>Most gutters are choked leading to the breeding of mosquitoes in the communities</i>
What are the main water relegated problems?	<i>The flow of water is very poor in communities like Madina and Adenta since most of their pipelines have been destroyed due to the road project.</i>
Have you heard about the proposed project?	No
How does the Municipal expect to be involved in the project?	<i>They have not heard about the project but will be ready to assist the Assemblymen to acquire the land for the project.</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>Creation of job opportunities, good water and sanitation facilities and reduction in diseases.</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>People will loose their livelihood thus accommodation and</i>
How can the negative impact be	<i>Relocate or pay cash compensation</i>

mitigated?	
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>The municipal Assembly will make sure the proposed site to be chosen will not have huge impact on the community</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.4 Ga West Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>Total population is 262,742 constituting men- 128727 (49%) and women- 134015 (51%)</i>
What are the major sanitation problems within the Municipality?	<i>The municipality faces problems solid and liquid waste management (disposal of refuse and human waste)</i>
What are the main water relegated problems?	<i>There is only 27% water coverage in the Municipality making the communities vulnerable in terms of good water sources. Due to that they rely on unhygienic sources of water which most at times gives them cholera and malaria</i>
Have you heard about the proposed project?	<i>Yes</i>
How does the Municipal expect to be involved in the project?	<i>They Municipal Assembly believe they should be involved in the monitoring, co-operation, management and identification of the project itself and project design</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>Improve people's income and standard of living and reduction in water related issues.</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>Displacement of people and reduction of income related activities</i>
How can the negative impact be mitigated?	<i>Relocate or pay cash compensation</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>The municipal Assembly will dialogue with chiefs, opinion leaders and proposed affected persons to pave way for the proposed project.</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.5 Tema Metropolitan Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>Total population is 402,637 comprising male -193,334 (48%) and female -209,303 (52%) These figures include the newly carved Municipal from TMA ie Kpone Katamanso</i>
What are the major sanitation problems within the Municipality?	<i>With respect to solid waste management due to the densely populated housing settlement in the Metropolitan Assembly there is the difficulty in where to put waste containers.</i>
What are the main water relegated problems?	<i>The Metropolitan Assembly faces problems with drainage system and the few drains are choked. There is also severe encroachment at the flood plains of the Chemu lagoon which is like to cause flood during the rainy season.</i>
Have you heard about the proposed project?	<i>Yes</i>
How does the Municipal expect to be involved in the project?	<i>Help in acquisition of land and do most of the advocacy work.</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>Improve standard of living and improve the quality of fishing activities and the environment.</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>The Metropolitan foresee difficulty in implementation of the project.</i>
How can the negative impact be mitigated?	<i>They believe there should be broad consultations with communities around the project sites</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>They are also ready to educate the community on the project to avoid any conflict that may arise.</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.6 Ashaiman Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>The total population is 190,972 constituting male-93,727 (49.1%) and female- 97,245 (50.9%)</i>

What are the major sanitation problems within the Municipality?	<i>People recklessly throw rubbish into gutters making them choked.</i>
What are the main water relegated problems?	<i>Most water bodies are polluted causing sicknesses like bilharzias, malaria and typhoid.</i>
Have you heard about the proposed project?	Yes
How does the Municipal expect to be involved in the project?	<i>The Ashaiman Municipal Assembly wishes to be involved in the selection of communities and sites. They will also set up a team to help in the coordinating and implantation processes.</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>It will change the behavior of the people and reduce incidents of diseases in the environment in the communities.</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>If much consultations and effective communications are not made to the proposed communities and sites there could be demonstrations which will be a hindrance to the project</i>
How can the negative impact be mitigated?	<i>Adequate consultations and effective communicative education.</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>Ashaiman Municipal Assembly is ready to provide security to help solve conflict situations, theft and any encroachment to the proposed site for the proposed project</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.7 Ga Central Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>It is a newly curved municipality from the Ga South Municipal hence it's population has not yet been collated. The total population for Ga South is 485,643 with male being 237,558(49%) and female 248,085(51%)</i>
What are the major sanitation problems within the Municipality?	<i>There is lack of drainage facilities and also there are difficulties in the collection and management of waste and in terms of fecal and solid waste. There is also an absence of a land fill site</i>
What are the main water relegated	<i>They have a very serious problem with</i>

problems?	<i>water. Supply is inadequate and pipe born water is none existent and also there are case of water borne diseases</i>
Have you heard about the proposed project?	Yes
How does the Municipal expect to be involved in the project?	<i>The municipality expects to be involved by sensitizing and educating the community members. There should also be a committee at the community level to liaise with the assembly which should comprise A community member, GAMA secretariat and the Assembly</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>It will improve the living conditions, reduce water borne disease and there would be access to basic water and sanitation facilities</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>People may be displaced in case of land acquisition for the project. And also people are capitalizing on the fact that water is a problem and are selling it so if there should be a project like this, those people will lose their business</i>
How can the negative impact be mitigated?	<i>There should be education and sensitization on the benefit of the proposed project</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>The municipal Assembly will dialogue with chiefs, opinion leaders and proposed affected persons to pave way for the proposed project</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.8 GA East Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>Total population is 259,668 with male 127,258(49%) and female 132,410(51%)</i>
What are the major sanitation problems within the Municipality?	<i>They have poor drainage system, poor solid and liquid waste collection and disposal systems</i>
What are the main water relegated problems?	<i>They have a very serious problem with water. When it rains we have a lot of cholera cases here</i>

Have you heard about the proposed project?	Yes
How does the Municipal expect to be involved in the project?	<i>The Assembly believes they are going to be a major key player on the ground and also play a major role in implementation and supervision and maintenance. We have the expertise(water and sanitation engineer and surveyors)</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>There would be easy access to water, sanitation will improve and we will attain one of the goals of the millennium, there would be low cases of water related diseases and reduction in the amount spent on tanker services</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>It will create some form of unemployment since those who operate the water tanker service business may be out of service</i>
How can the negative impact be mitigated?	<i>They propose to find an alternative source of income for the water tanker service operators, for instance they can be employed to drive the waste to the treatment Centre (dislodging)</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>The municipal Assembly will apply its by-laws and also through sensitization and dialogue</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.9 Ga South Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>Total population is 485,643 comprising 237,558 (49%) men and 248,085(51%) women. This includes that of the newly created Ga central which has now be removed from Ga south</i>
What are the major sanitation problems within the Municipality?	<i>The Assembly have refuse pit being uncovered , absence of drainage facilities and also choked and open drains</i>
What are the main water relegated problems?	<i>The waste water from the dam sites enter the rivers and pollutes them and also there are diseases like cholera and skin rashes</i>
Have you heard about the proposed project?	Yes

How does the Municipal expect to be involved in the project?	<i>They wish to be involved in the preparation, implementation, monitoring and evaluation levels of the proposed project</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>Social life will change and health wise, there may no more be water borne diseases and we will have a modern community with sanitation and environmental facilities. It will also improve sewage and the toilet problems will be reduced</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>Some people will lose their lands because the assembly might have to acquire the land through a legislative process</i>
How can the negative impact be mitigated?	<i>If that happens the affected persons should be given adequate compensation</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>A committee can be put in place to settle it through dialogue</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.10 La Dadekotopon Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>Total population should be 358,000 but we are yet to have the breakdowns</i>
What are the major sanitation problems within the Municipality?	<i>There is open defecation and dumping of refuse at unauthorized places and also the sanitation facilities are inadequate</i>
What are the main water relegated problems?	<i>There are water borne diseases(e.g. cholera and dysentery) and skin diseases</i>
Have you heard about the proposed project?	<i>Yes</i>
How does the Municipal expect to be involved in the project?	<i>They expect to be involved in all aspect of the project from commencement to implementation as you cannot go into the municipality without going through the assembly</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>It will help reduce water borne diseases and also open defecation will reduce, for that matter diseases will also reduce</i>
What negative impacts do you expect the project to have on people in your	<i>Though the site has not yet been selected it may be probable that some properties</i>

Municipality?	<i>may be affected and if that happens people may lose their properties</i>
How can the negative impact be mitigated?	<i>There should be some form of education to prepare the minds of the people for the proposed project, and also should there be any loss of properties adequate compensations should be paid</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>The Municipal Assembly will make sure the project will be sited at a place where majority of the people will have access to</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

Table 8.11 Ledzekuku krowo Municipal Assembly

Consultation Issues	Response
What is the population of your Municipality?	<i>Total population is 227,932 comprising Men-109,185(48%) and Female 118,747(52%)</i>
What are the major sanitation problems within the Municipality?	<i>There is open defecation and dumping of refuse at the beach fronts. Also there is inadequate water and sanitation facilities at schools and inadequate waste containers, another problem is the lack of proper drains and indiscriminate disposal of waste water</i>
What are the main water relegated problems?	<i>They have so many incidences of water borne diseases like cholera malaria and typhoid</i>
Have you heard about the proposed project?	<i>Yes</i>
How does the Municipal expect to be involved in the project?	<i>We expect to be involved in the project and provide services like facilitation, supervision and education during and after completion of the project</i>
What positive impacts do you expect the project to have on people in your Municipality?	<i>It will bring about a change in behavior of the people in the community with reference to the dumping of rubbish and the open defecation</i>
What negative impacts do you expect the project to have on people in your Municipality?	<i>There may be demolishing of structure is proposed site have been encroached open</i>
How can the negative impact be mitigated?	<i>There should be a form of compensation for those whose properties may have to be</i>

	<i>demolished</i>
How can the Municipal Assembly help to minimize or eliminate any conflict that may arise?	<i>The Municipal Assembly will educate them on the benefits of the project and the people of the community should be involved from the onset</i>
Has there been any land or site demarcated for the project?	<i>No, sites or lands have not yet been selected for the project.</i>

CHAPTER EIGHT:

8.1 MONITORING AND EVALUATION OF IMPACTS

The RAP team or consultant will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. In order to measure these impacts, the RAP identifies the specific indicators to be monitored; define how they will be measured on a regular basis; and identify key monitoring milestones (e.g. at mid-point of the RAP implementation process).

The PIU will establish a reporting system for the sub-project RAP that will:

- (i) Provide timely information to the project about all resettlement and compensation issues arising as a result of RAP related activities;
- (ii) Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels (e.g. by the PIU);
- (iii) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses;
- (iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have better living conditions and livelihoods; and
- (v) Identify mitigation measures, as necessity, when there are significant changes in the indicators that may require strategic interventions (e.g. vulnerable groups are not receiving sufficient support from the sub-project).

The independent impact evaluation will determine:

- (i) If compensation payments have been completed in a satisfactory manner; and
- (ii) If there are improvements in livelihoods and well-being of PAPs.

Several indicators are used to measure these impacts. These include, among others, a comparison of income levels before-and-after; access to livelihoods and employment; changes in standards of housing and living conditions; and improvements in level of participation in sub-project activities. There are measures to verify these basic

indicators, such as number of children in-school (compared to pre-RAP levels); changes in health standards; and changes in access to markets or roads – all of which may reflect overall improvements in standards of living.

The following methods will be used for measuring impacts:

- (i) Questionnaires with data stored in a database for comparative analysis (before-after and with-without);
- (ii) Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
- (iii) Relocation/resettlement and Compensation Reports, including status of land impacts; percentage of individuals selecting cash or a combination of cash and in-kind compensation; proposed use of payments;
- (iv) Number of grievances and time and quality of resolution; and
- (v) Ability of individuals and families to re-establish their pre-resettlement activities, in terms of improvements in land and crop production, and/or presence of other alternative incomes.

The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

- (i) Number of sub-projects requiring preparation of a RAP;
- (ii) Number of households and individuals physically or economically displaced by each sub-project;
- (iii) Length of time from sub-project identification to payment of compensation to PAPs;
- (iv) Timing of compensation in relation to commencement of physical works;
- (v) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- (vi) Number of people raising grievances in relation to each sub-project;
- (vii) Number of unresolved grievances.

The PIU will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PIU, to determine the final cost of RAP implementation. The following indicators (in Table IV) can be used to monitor implementation of the RAP.

Table 9: Indicators of RAP Impacts

Monitoring (of Issues)	Evaluation (of Impacts)
Number of compensation (and valuation) not completed	Changes (+/-) in PAPs conditions during transition process
Number of sub-projects unable to settle compensation after two years	Changes (+/-) in PAPs income and livelihood conditions
Number of grievances filed	Quality of grievances or disputes resolved (qualitative)
Number of livelihood restoration programs completed	Changes (+/-) in affected households income levels
Pre project production versus present production levels (crops for crops, land for land)	Equal or improved production per affected household/homestead

Annual audit. The annual audit of RPF implementation, and as applicable RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF.

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP sub-project activities. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country. Finally, the audit will ascertain whether the resettlement entitlements were appropriate, as defined in the RPF guidelines.

Socio-economic assessment. The purpose of socio-economic assessment, which is part of the evaluation process, is to ensure that PAPs livelihood and well being have improved, and have not worsened as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihoods, and provision of sufficient community development activities. Monitoring of living standards

will continue after resettlement. Additionally a reasonable period (usually two years) must be established for monitoring post-resettlement impacts. A number of indicators will be used for measuring status of affected people.

Most socio-economic assessments use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment must be made for each sub-project. Additionally, since a baseline household survey was completed during RAP preparation, the end-RAP assessment can measure changes from this baseline.

List of Annexes

Annex 1	World Bank Resettlement Policy Framework (Excerpt from World Bank Operational Policy 4.12, Involuntary Resettlement)
Annex 2	Annotated Outline for Preparing a Resettlement Action Plan (RAP)
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ANNEX 1: WORLD BANK RESETTLEMENT POLICY

FRAMEWORK (RPF)

[Excerpt from the World Bank OP4.12 Involuntary Resettlement, Revised April 2004]

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by [OP / BP 6.00](#), Bank Financing - that is, those in countries with [approved country financing parameters](#). Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects.

Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.

Resettlement Policy Framework

For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see [Annex A](#), paragraphs 23-25). The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs.

For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see [Annex A](#), paragraphs 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects²⁶ that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects

cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see [Annex A](#), paragraphs 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

For each subproject included in a project described in paragraphs 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

For projects described in paragraphs 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

ANNEX 2: ANNOTATED OUTLINE FOR PREPARING A RESETTLEMENT ACTION PLAN (RAP)

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website [INSERT LINK].

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

Description of the sub-project: General description of the sub-project and identification of sub-project area or areas.

Potential Impacts: Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program as these apply to the sub-projects.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

- (i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

- (i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- (iii) Public infrastructure and social services that will be affected; and
- (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The analysis of the legal and institutional framework should cover the following:

- (i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- (ii) Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- (iii) Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;
- (iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- (v) Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and

- (vi) Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

- (i) Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- (ii) Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- (iii) Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

Eligibility: Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of and compensation for losses: The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

Resettlement Measures: A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of OP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

Site selection, site preparation, and relocation: Alternative relocation sites should be described and cover the following:

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- (iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

Housing, infrastructure, and social services: Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

Environmental protection and management. A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community Participation: Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

- (i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- (ii) Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
- (iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

- (i) Consultations with host communities and local governments;
- (ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- (iii) Conflict resolution involving PAPs and host communities; and
- (iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

Grievance procedures: The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

RAP implementation responsibilities: The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

Implementation Schedule: An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule should indicate how the RAP activities are linked to the implementation of the overall project.

Costs and budget: The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

Monitoring and evaluation: Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.

ANNEX 3: SAMPLE GRIEVANCE AND RESOLUTION FORM

Name (Filer of Complaint): _____

PAPs ID Number: _____

Contact Information : _____ (Community ; mobile phone)

Nature of Grievance or Complaint:

Date Individuals Contacted Summary of Discussion

Signature _____ Date: _____

Name of Person Filing Complaint : _____

Position: _____

Review/Resolution

Date of Meeting on Grievance _____

People Present at Meeting (see attachment: :

Was field verification of complaint conducted? Yes No
 Findings of field investigation:

Summary of Conclusion from Meeting :

Key Issues _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below and Next Action Step Agreed:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____
Independent Observer

Date: _____

ANNEX 4: SAMPLE TABLE OF CONTENTS FOR CONSULTATION REPORTS

1.0 Introduction.

1.1 Project Description

2.0 Stakeholder Analysis

2.1 Areas of Influence/Stakeholders

2.2 Description of Stakeholders

3.0 Stakeholder Engagement

3.1 Previous Consultation Activities

3.2 Implemented Community Engagement Activities

4.0 Summary of Key Issues

5.0 Future Consultation Events

TEMPLATE Table on Consultation Activity Summary

Location and Communities Represented	Meeting Dates	Attendees	Discussion Summary
Example:			

ANNEX 5: GLOSSARY OF TERMS

Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
Cutoff Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the EASP program area boundaries. This is the date on and beyond which any person whose land is occupied for EASP program, will not be eligible for compensation.
Grievance Mechanism	The RPF contains a grievance mechanism based on policies and procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.
Implementation Schedule	The RPF contains an implementation schedule that outlines the time frame for planning, implementation, and monitoring and evaluation of the RAPs for sub-projects, if applicable.
Land	Land refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
Land Acquisition	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.
Project Affected Persons	Project affected persons (PAPs) or Displaced Persons (DPs) are persons affected by land and other assets loss as a result of EASP activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic

(PAPs) or Displaced Persons (DPs)	assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Project Impacts	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project.
Project Implementing Unit (PIU)	Some projects make use of project implementing units (PIUs), which are generally separate units within the project recipient's agency. The PIU is often composed of full time staff devoted to implementing the project, and have been encouraged to have separate teams with environment and social specialists who can carry out the activities, for example, as outlined in the RPF or RAP.
Rehabilitation Assistance	Rehabilitation assistance is the provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, needed to assist PAPs or DPs restore their livelihoods.
Replacement Cost	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. The cost should be based on Market rate (commercial rate) according to Ghanaian laws for sale of land or property. It is normally calculated based on a willing buyer-willing seller basis, but also applies in Ghana to acceptable market valuation or from an assessment from the Land Commission and government valuer.
Resettlement Action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when sub-project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement Assistance	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households.
Resettlement	The RPF is an instrument to be used throughout the project's implementation. The

<p>Policy Framework (RPF)</p>	<p>RPF sets out the objectives and principles, organizational arrangements, and funding mechanisms for any resettlement, that may be necessary during implementation. The RPF guides the preparation of Resettlement Action Plans (RAPs), as needed, for sub-projects.</p>
<p>Rights and Entitlements</p>	<p>Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.</p>
<p>Witness NGO or Independent Monitor</p>	<p>Some RPFs refer to a witness NGO or an independent monitor that can be contracted to observe the compensation process and provide an independent assessment of the quality of the process. These are usually NGOs or other agencies that are not directly involved in the project and have a reputation for independence and integrity.</p>

ANNEX 6: RELEVANT LAWS

Property Rights and Land Rights	Law / Regulation
Every person has the right to own property either alone or in association with others.	Constitution, Article 18
<p>Customary ownership occurs where the right to use or to dispose of use-rights over land rest governed purely by customary laws of the land owning community. Customary laws in Ghana vary from one community to another and the Ghanaian society is made up of various ethnic communities with their varying social structure, customary practices and norms. These customary laws and norms rest neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that they are recognized as legitimate by the community, the rules governing the acquisition and transmission of these rights being usually explicitly and generally known, though not normally recorded in writing (Bower, 1993). Such ownership may occur in any one or a combination of the following ways:</p> <ol style="list-style-type: none"> 1. Discovery and long uninterrupted settlement 2. Conquest through war and subsequent settlement 3. Gift from another land owning group or traditional overlord 4. Purchase from another land owning group. <p>Within the customary owned land system various schemes of interest with varying quantum of rights exist. The <i>Allodial title</i> is the highest quantum of land right capable of ownership and it forms the basis of all land rights in Ghana. The Allodial title in land is equivalent to the common law freehold rights. These rights are vested in a stool, a clan, a family, an earth priest or a private individual person.</p> <p>Other lesser interest that such as usufructuary interest, tenancies, licenses, and pledges emanates from the Allodial title. In Ghana, customary lands are managed by a custodian (a chief or a head of family) together with a council of principal elders appointed in accordance with the customary law of the land owning community. The custodian and the elders are necessarily members of the land owning community and are expected by customary law to hold the land in fiduciary capacity in trust for the members of the land owning community. They are thus accountable to the members of the land owning community for their stewardship. Membership is obtained by birth. All grants of land rights by the custodian require the concurrence of at least two of the principal elders for the grant to be valid.</p> <p>Customary ownership presents considerable land acquisition problems in Ghana. The boundaries of most customary owned lands are not generally surveyed and in some cases undefined. It is also plagued with land ownership squabbles and trying to identify the true owner of any piece of land can be risky. There is improper record keeping of judgments, dispositions and other records relating to the land by the custodians. In many instances, there is the need to distinguish between jurisdictional rights of custodians and propriety</p>	Extended version of Customary Ownership of Land.

rights in land.	
<p>Ghanaian law recognizes the main following four interests in land:</p> <ul style="list-style-type: none"> ● Allodial interest is the highest interest recognized by customary law. It is equivalent to freehold. Allodial titles are normally vested in stools or skins, and also in families or individuals, depending on areas and ethnic groups. ● Customary law freehold is a perpetuity interest vested in members of the community that holds the allodial title. Customary law freehold implies that the holder can occupy the land and derive economic use of it. ● Common law freehold is an interest that results from sale or gift to a nonmember of the community that holds the allodial title by the custodian of this title. ● Leasehold is a right to occupy and develop the land granted for a certain period (up to 99 years for Ghanaian citizens and 50 for non-Ghanaian), usually against the payment of a rent. 	None Cited
<p>Allodial Title. In the Ghanaian context, this is the highest interest capable of being held in land. The Allodial title is customarily communally owned and is generally held or vested in stools or skins. In some traditional areas, it is held by clans, families, or individuals. Being generally in the form of communal interest in land it accrues to the entire community and is administered by the recognized traditional authority. The owner of the allodial title has complete and absolute freedom to use and dispose of the land only subject to the restrictions, or limitations or obligations as may be imposed by the general laws of the country.</p> <p>The mode of acquisition of the allodial title is by: discovery by hunters or pioneers of the stool etc of unoccupied land and subsequent settlement thereof and use by the subject; conquest, purchase or gift.</p>	None Cited
<p>Customary Freehold. The customary freehold is an interest or title which a member of the larger community which holds the allodial title acquires in the communal land. It is an interest which is held as of right by virtue of being a member of the community. It is of indefinite duration and thus potentially subsists forever.</p> <p>The member who holds such interest has the right of beneficial occupation; unfettered use (also subject to the laws of the country). Upon death, the interest devolves on his/hers successors in title and infinitum. This interest prevails against the whole world including the allodial title from which it was derived. The customary freehold may however be terminated by the occurrence of any of these occasions; failure of successors, compulsory acquisition by the state; sale or gift by owner, abandonment or forfeiture in rare circumstances where for example the holders denies the absolute title of the allodial owner.</p>	None Cited
<p>Customary Tenancies. These are lesser interests in land and are created by the holder of the allodial title or customary freehold (or common law freehold). These types of tenancies are in nature share cropping arrangements. They are quite common in Ghana and occur when a tenant-farmer gives a specified portion of the farm produce to the land owner at each harvest time in consideration for use of the land. The two popular tenancy arrangements are the 'Abusa' and 'Abunu' schemes.</p>	None Cited

<p>Other forms of customary tenancies in which the consideration from the tenant is not sharing of crops but cash or a combination of crops and money exist. The customary license is in this category.</p>	
<p>The Common Law Freehold. This is an interest held for an indefinite period. It is derived from the rules of common law. The holder of this interest has the right of beneficial occupation and may subject to the laws of the land use in any manner.</p> <p>This type of freehold is created only by express grant. The grantor may thus impose terms on the grantee provided such terms are reasonable and not contrary to public policy or unconscionable. Currently, the laws of the land forbid non- Ghanaians from acquiring freehold in lands in Ghana</p>	None Cited
<p>The Leasehold. This type of interest is also a creation of the common law and not Ghanaian customary law. It is an interest in land for a specified period. The leasehold may be granted by the allodial holder in respect of lands in which no conflicting interest exists; or by a customary freeholder; or common law freeholder.</p> <p>In Ghana, leasehold may be for a maximum duration of 99 years. (Again non-Ghanaians can only acquire leases up to 50 years). Various terms and conditions may be imposed by the grantor including the payment of rent as consideration for the grant.</p>	None Cited
<p>Land owned customarily is governed by customary laws prescribed by the local community and therefore varies greatly from place to place.</p> <p>Allodial titles are vested in stool lands and it is the highest right to ownership of land. Family land is vested in the head of the family and is not under government control as Stool lands are under the Administrator of Stool Lands.</p>	None Cited
<p>State lands have been compulsorily acquired by government for public purposes or in the public interest and administered by the Lands Commission. Vested land is customarily owned but vested in the government which manages it on behalf of the owner (e.g. stool).</p>	None Cited
<p>State land. State land is land that the State has compulsorily acquired for public purposes or in the public interest. It is administered by the Lands Commission.</p>	None Cited
<p>State lands are those specifically acquired by government under an appropriate enactment using the state powers of eminent domain. Currently the principal acquiring legislation is the State Lands Act of 1962, Act (122) for public purposes or in the public interest. Under such ownership the <i>allodial</i> rights become vested in government who can then proceed to dispose of the lands by way of leases, certificate of allocations, licenses etc to relevant beneficiary state institutions as well as private individuals and organizations. The boundaries of these lands are cadastrally surveyed but are scattered throughout the country.</p>	State Lands Act of 1962

<p>Vested land. Vested land is still owned by a customary landowner, typically a stool, but has been 'vested" in the Government which manages it on behalf of the customary owner. This should mean that the customary owners still retain the land economic benefits, whereas the Government, through the Lands Commission, manages the land (i.e. has a right to sell or lease it for instance).</p>	None Cited
<p>The third category of land in Ghana is the generally referred to as vested lands and they are lands owned by a stool but managed by the state on behalf of the land owning stool. Under such ownership the legal rights to sell, lease, manage, collect rent, is taken away from the customary landowners by the application of specific law to that land and vested in the state. The landowners retain the equitable interest in the land i.e. the right to enjoy the benefits from the land. This category of land is managed in the same way as state lands. Unlike state lands however, the boundaries are not cadastral surveyed and they are usually larger in size, covering wide areas.</p>	None Cited
<p>In Ghana there is no land without an owner, it is presumed that any parcel of land in Ghana would fall within one of the above-discussed categories and since state and vested lands are acquired expressly through legislation, all other lands outside these categories belong to the class of customary lands - stools, clans or families.</p>	None Cited
<p>Stool land. Stool land is land the allodial title of which is vested in a stool. Although under customary law, stool land has a customary custodian (the chief of the stool); the 1992 Constitution has created the Office of the Administrator of Stool Land, which is in charge of collecting fees and royalties, which amount to land taxes.</p>	None Cited
<p>Act 123 of 1962 was enacted to facilitate the management and administration of stool lands (and other lands). The Act empowers the Minister responsible for lands to manage stool lands in accordance with the provision of the law.</p>	Act 123, Administration of Lands Act 1962
<p>Family land. Family land is vested in the head of the family. These lands are not placed under the control of the Government, as stool lands are, and are less regulated.</p>	None Cited
<p>Ghana Land Policy provides guidelines and policy actions for land use (e.g., agriculture, forestry, extractive industry, settlement, and infrastructure). These guidelines are aimed at enhancing conservation and environmental quality, thus preserving options for present and future generations.</p>	Ghana Land Policy 1999
<p>The main objective of Ghana Land Policy is to provide guidelines aimed at enhancing land management systems, land use, conservation of land resource and enhancing environmental quality. All these are intended to ensure coordinated and orderly use of land, a vital resource, by present and future generations.</p> <p>Ultimately the policy seeks to give protection to proprietary rights and promote the concept of prompt payment of adequate and fair compensation for compulsorily acquired lands and also create the enabling environment for community participation in sustained land management.</p>	Ghana Land Policy 1999
<p>The Forestry Commission Act confirms the constitutional position of the Forestry Commission and reaffirms it as sole implementing agency of government policy in the</p>	Forestry Commission Act

forestry sector.	
Inhabited and cultivated land is generally exploited by individuals. Clearing bush requires heavy labor and usually occurs from September to the start of the April -June season. Customary rights recognize the labor that an individual invests in clearing and maintaining land. Individual farmers have control over the land they clear as long as they keep it in cultivation. Among all ethnic groups, immediate blood kin also have residual rights to any land a recently deceased person was cultivating. If there are no close classified relatives, or once the individual ceases to use this land, it begins to revert back to the community. For this reason, individuals may not relinquish land they are using to an outsider without the general agreement of the village.	None Cited
Exploited bush is considered community land. Even if a village moves, it still retains residual rights to its exploited land. Others can use it but generally check first with the village. When a village falls apart or ceases to exist, its land reverts to the district wide pool.	None Cited
Bush that is not regularly exploited may be used by anyone. However, bush may contain trees that have been protected by individual farmers who once farmed this land. These farmers would have first claim to the fruits of these trees, even though the land has reverted to bush.	None Cited
Conservation sites are considered communal or open access land where exploitation of the natural resources is free to all members of the village community. Each village claims primary, though not exclusive, rights to its perceived village territories usually identified using natural features (trees, rivers or streams). These boundaries, it is believed, are determined by village founders and elders and knowledge of them is passed from generation to generation. Community members normally live, farm, gather and hunt within their perceived territories. People from other communities are free to hunt in perceived territories of other villages if they are passing through or pursuing an animal, but would ask permission to make more than a casual hunting or gathering expedition. Within each perceived village territory, an individual looking for land to cultivate, after ensuring that no one else has a prior claim to the plot, approaches the village chief and/or village council for permission to cultivate it. Once an individual has obtained permission to clear the land for cultivation, a claim is established. People moving into tribal areas not owned by them and wanting land to farm may either rent or buy. Land over which there are no individual claims is communal, implying that all community members have equal rights to it and its resources.	None Cited
The Lands Commission is to manage, on behalf of the Government, public lands and any land vested in the President by the 1992 constitution or by another law or any land vested with the Commission.	Land Commission
The Lands Commission is to advise the Government, local Authorities and Traditional Authorities on the framework for the development of a particular area of Ghana to ensure that the development of individual piece of land is coordinated with the relevant development plan for the area in concern	Land Commission

The Lands Commission must formulate and submit to Government on national policy with respect to land use and capability	Land Commission
The Lands Commission must advise on and assist in the execution of a comprehensive program for the registration of title to land throughout Ghana.	Land Commission
The Town and Country Planning in the districts would scrutinize and approve, or otherwise, the building plans and would provide a Zoning Report. The Building Plans and the Zoning Report are to be attached to the filled EAI Form and submitted to EPA for each project component.	Town and Country Planning