



GOVERNMENT OF GHANA

MINISTRY OF ROADS & HIGHWAYS

GHANA HIGHWAY AUTHORITY
DEPARTMENT OF URBAN ROADS
DEPARTMENT OF FEEDER ROADS

RESETTLEMENT POLICY FRAMEWORK FOR ROAD SECTOR OPERATIONS



REVISED MARCH 2017

Presented by

FREDERICK AMOAKO ADDISON, PHD.

Tel. +233249443075

FADDISON@HOTMAIL.COM

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LIST OF ACRONYMS

AIT	Agency Implementation Team
ALTTFP	Abidjan-Lagos Transport and Transit Facilitation Project
BP	Bank Policy
CEPS	Customs Excise and Preventive Service
CHRAJ	Commission for Human Rights and Administrative Justice
DA	District Assembly
DBOMT	Design-Build-Operate-Maintain-Transfer
DFR	Department Feeder Roads
DUR	Department of Urban Roads
DVLA	Driver and Vehicle Licensing Authority
EA	Environmental Assessment
ECOWAS	Economic Community Of West African States
EMU	Environment Management Unit
EPA	Environmental Protection Agency
ESAP	Environmental & Social Action Plan
ESMU	Environmental & Social Management Unit
GASIP	Ghana Agricultural Sector Improvement Program
GRC	Grievance Redress Committee
GHA	Ghana Highway Authority
GhIS	Ghana Institute of Surveys
GoG	Government of Ghana
GPHA	Ghana Ports and Harbors Authority
GRFS	Ghana Road Fund Secretariat
GRO	Grievance Resolution Officer
HIV/AIDS	Human Immuno-deficiency Virus/Acquired Immune-Deficiency Syndrome
IA	Implementing Agency
IDA	International Development Association
IFAD	International Fund for Agricultural Development

KTC	Koforidua Training Centre
LAP	Land Administration Project
LC	Lands Commission
LGU	Local Government Unit
LI	Legislative Instrument
LRD	Lands Registration Division
LRP	Livelihood Restoration Plan
LUSPA	Land Use and Spatial Planning Authority
LVD	Land Valuation Division
MLGRD	Ministry of Local Government & Rural Development
MMDAs	Metropolitan, Municipal and District Assemblies
MOA	Memorandum of Agreement
MOFA	Ministry of Food and Agriculture
MoT	Ministry of Transport
MRH	Ministry of Roads and Highways
NGO	Non Governmental Organisation
NMMTMP	National Multi Modal Transport Management Plan
NRSC	National Road Safety Commission
OD	Operational Directive
OP	Operational Procedures
OPRC	Output and Performance-based Road Contracting
PAPs	Project Affected Persons
PEIR	Public Expenditure Institutional Review
PIT	Project Implementation Team
PPD1	Policy Planning Division of MRH
PPD2	Physical Planning Department of District Assembly
PPP	Public Private Partnership
PS	Performance Standards
PVLMD	Public & Vested Lands Management Division
PWD	Public Works Department

RAPs	Resettlement Action Plan
RCC	Regional Coordinating Council
RLC	Regional Lands Commission
ROW	Right of Way
RPF	Resettlement Policy Framework
RTTFP	Road Transport and Transit Facilitation Program
RSDP	Road Sector Development Program
RSED	Road Safety and Environmental Division
SAC	Site Advisory Committee
SIA	Social Impact Assessment
SMD	Survey and Mapping Division
TCPA	Town and Country Planning Authority
TOR	Terms of Reference
TSDP	Transport Sector Development Program
TSIP	Transport Sector Improvement Project
UEMOA	West African Monetary Union
UTP	Urban Transport Project
WATTFP	West African Transport and Transit Facilitation Program
WB	World Bank

EXECUTIVE SUMMARY

Background and Objectives

This Resettlement Policy Framework (RPF) is an update of the Road Sector Resettlement Policy Framework prepared for the Transport Sector Development Program (TSDP) in 2007. The main objective of the RPF is to clarify the policies, principles, institutional arrangements and procedures that will govern the mitigation of adverse social impacts induced by future road project operations under the Ghana Highways Authority (GHA), the Department of Urban Roads (DUR) and the Department of Feeder Roads (DFR).

The Government of Ghana (GoG) through the Ministry of Roads and Highways (MRH) intends to adopt, in addition to the traditional contracting arrangement, the concept of Output and Performance-based Contracting (OPRC) and Public Private Partnership (PPP) as instruments for the financing, construction and maintenance of roads to be implemented under the Transport Sector Improvement Project (TSIP) and in future projects and programs. This type of contract significantly expands the role of the private sector, from the simple execution of works to the management and conservation of road assets over the duration of the contract period.

Legal, Policy and Institutional Framework

Road projects are land based, and various interests and titles to parcels of land will be impacted. It is therefore pertinent to consider the various land holding arrangements in the assessment of compensation and resettlement for the various interests on lands to be affected. Regulatory oversight of road sector land acquisition and resettlement activities and actions is mostly governed by the following: the 1992 Constitution of the Republic Of Ghana (Article 20 especially); the State Lands Act, 1962 (Act 125) and State Lands (Amendment) Act, 2000 (Act 586) – which is the principal law under which private lands could be compulsorily acquired by the President for the public benefit; The Administration of Lands Act, 1962 (Act 123) – which facilitates the management and administration of stool lands; the Lands Statutory Wayleaves Act, 1963 (Act 186) which deals with the creation and enforcement of Right of Ways (ROW).

The National Land Policy (1999), provide guidelines aimed at enhancing land management systems, land use, conservation of land resource and enhancing environmental quality. The policy give protection to proprietary rights and promotes the concept of prompt payment of adequate and fair compensation for compulsorily acquired lands and also create the enabling environment for community participation in sustainable land management.

The World Bank policy on Involuntary Resettlement (OP 4.12) will be applied. The resettlement and rehabilitation principles adopted for the road sector projects (both traditional and OPRC/PPP) will provide compensation at replacement cost, resettlement and rehabilitation assistance to all project affected persons (loss of land, residences, business establishments and other such immovable properties), including the informal dwellers/squatters in the corridor footprint.

Various institutions and agencies participate in the implementation of resettlement/rehabilitation processes of the road sector in Ghana. The ultimate responsibility, however, rests with the Ministry of Roads and Highways and its implementing agencies (namely, Ghana Highways Authority, Department of Urban Road and Department of Feeder Roads) and the Land Valuation Division of Lands Commission. For the purpose of this RPF, the roles of the major institutions are highlighted in Section 2 of the document.

RAP Preparation Process

A “harmonized” step by step process that road sector projects will take to determine whether the project/subproject will result in physical or economic displacements, and therefore whether a resettlement action plan (RAP) is required and if so, how to prepare and implement one is outlined. A Screening process to identify the land/areas that are being impacted will be the first stage in the process of preparing the project/subproject-specific resettlement and compensation plans. Other steps include: the establishment of appropriate and accurate baseline socio-economic impacts and census to identify the persons who will be affected; preparation of project specific resettlement action plan; Implementation of RAP and monitoring of RAP implementation.

Assessment of Project Affected Persons

According to the World Bank policy (OP4.12) Project Affected Persons (PAPs) refers to people who are directly affected socially and economically by bank-assisted investment projects. A good knowledge of the population affected, their categories and special needs early in the planning process is critical to a successful resettlement operation. Once a project/subproject road has been selected and the detailed designs of corridors and associated activities have been completed, a baseline, socio-economic, census and impact study will be conducted (as described previously). The census/ socioeconomic survey and impact study will be undertaken to obtain the total number, categories and needs and preferences of PAPs as part of the RAP preparations. This will inform the choice of resettlement/compensation options and help estimate compensation cost.

Organizational Procedures for Delivery of Entitlements

Implementing Agencies and Contracting Entities will follow appropriate procedures for assessing and delivering entitlements to affected persons. These procedures will be specified in the RAPs and will cover: Eligibility Criteria and Entitlements.

Any person who suffers loss of, or damage to an asset or loss of access to productive resources, as a result of the carrying out of any road sector operations 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 the socio-economic survey). This is consistent with the laws of Ghana and the World Bank policy on involuntary resettlement, and will cover the following categories of loss: loss of land; loss of structure; business losses; residential or industrial accommodation or room; loss of location for temporary structure; loss of training or apprenticeship; and loss of economic or perennial trees, food crops and grazing land.

An Entitlement Matrix which sets the measure for the payment for all losses or impacts will be included in all RAPs. The Entitlement Matrix will list the type of loss, criteria for eligibility and define entitlement as presented in Table 6.2.

Valuation Procedures

The valuation procedures of all assets to be affected, as a result of the implementation of the programmes have been outlined in section 7. The valuation of lost assets induced by the project will be undertaken jointly by the Valuation Unit of GHA/DUR/DFR, Consultants and the Land Valuation Division which is the statutory body mandated for valuation of government projects. The basis of valuation is the stated legal provisions of Ghana and also the World Bank Policy on

involuntary resettlement. Compensation will be assessed at the “ Market Capital Value” which ensures that compensation is paid at full replacement cost.

Provisional Budget and Sources of Funding

An estimated budget of USD2.11M will be required to implement safeguards instruments, with provisional breakdown as presented below.

Item	Description	Amount (USD)
1	Hiring of Safeguards Specialist(s) for AIT	450,000
2	Implementing Agency safeguards capacity development	200,000
3	Training for various relevant stakeholder groups	260,000
4	Allowances for preparation of subproject safeguard documents	300,000
5	Annual reviews	200,000
6	Equipment for Safeguards Teams	100,000
7	Vehicles (3No)	300,000
8	Operating Cost	200,000
9	Sensitization & Grievance Management by NGO	100,000
	Total	2,110,000

The resettlement/rehabilitation component is currently unknown as detailed designs of intended road projects are yet to emerge to allow for estimation of cost of mitigating associated impacts. It is extremely difficult to estimate the proportion of project costs that can be expected to be devoted to mitigation measures. However, a rough rule of thumb is that it can be estimated to cost between 3% and 5% of the total project cost.

All future road sector operation/projects specific resettlement action plans will include a budget and identification of source of funding for payment of compensation. The RAPs will also include a time table for the payment of such compensation.

Counterpart funding from the Government of Ghana will be used to fund resettlement/rehabilitation cost of road projects.

Consultation and Participation

To ensure effective participation of PAPs in resettlement/rehabilitation planning and implementation, section 9 of the document addresses the consultation and participation of PAPs, indicating that persons affected by the project, communities, NGOs and all stakeholders will be given opportunity to participate in the resettlement/rehabilitation process. The specific plans/mechanisms for consultation and participation will be detailed in the RAP and will include resettlement committees for PAPs and communities and interagency committees for participating stakeholders.

Monitoring and Evaluation

The RPF underscores the importance of monitoring and evaluation of road sector project/subprojects and highlights mechanisms for internal and external monitoring in section 10. Internal monitoring of the resettlement/rehabilitation process will be undertaken by the Ministry of Roads and Highways and its agencies following schedules itemized in the RAP, while external monitoring will be done by the Environmental Protection Agency. World Bank supervision missions will also serve as external monitoring mechanisms. Cost of monitoring will be taken care of by individual implementing agencies or stakeholders.

Disclosure of Social Safeguard Instruments

The Ministry of Roads and Highways will disclose this RPF and the RAPs by making copies available at its head office and those of the agencies in Accra and will make copies available to the local government agencies and other stakeholders of the road sector and at the local communities. The Government of Ghana will also authorize the World Bank to disclose this RPF and other social safeguard instruments electronically through its Info Shop.

1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction

This Resettlement Policy Framework (RPF) is an update of the Road Sector Resettlement Policy Framework prepared for the Transport Sector Development Program (TSDP) in 2007. The main objective of the RPF is to clarify the policies, principles, institutional arrangements and procedures that will govern the mitigation of adverse social impacts induced by the Transport Sector Improvement Project (TSIP) and all road project operations under the Ghana Highways Authority (GHA), the Department of Urban Roads (DUR) and the Department of Feeder Roads (DFR).

The Government of Ghana (GoG) through the Ministry of Roads and Highways (MRH) intends to adopt, in addition to the traditional contracting arrangement, the concept of Output and Performance-based Contracting (OPRC) and Public Private Partnership (PPP) as instruments for the financing, construction and maintenance of roads to be implemented under the Transport Sector Improvement Project (TSIP) and in future projects and programs. This new concept is designed to increase the efficiency and effectiveness of road asset management and maintenance operations. It ensures that the physical condition of the road and other included infrastructure under contract is adequate for the needs of road users over the entire contract period which is normally several years. This type of contract significantly expands the role of the private sector, from the simple execution of works to the management and conservation of road assets over the duration of the contract period.

The rationale for preparing the RPF is that: a) detailed designs of road operations are yet to be carried out, consequently, the impacts are not known. b) The Ministry of Roads and Highways found it useful to have a policy document establishing principles and procedures that will govern the mitigation of adverse social impacts induced by future road sector operations, to share with various stakeholders in the road transport sector.

1.2 Review of Resettlement Policy Framework

The 2007 edition of the Resettlement Policy Framework (RPF) is being updated for use in the implementation of all future Projects in the road sector. The proposed Transport Sector Improvement Program (TSIP) will utilize this generic Framework.

1.2.1 Rationale for Review

Over the past few years, the World Bank (WB) has revised and/or updated its Safeguard Policies.

The 2007 edition of the RPF is updated to take into consideration the aforementioned OPRC and PPP schemes of contracting and the revised/updated WB Safeguards Policies. The Framework will apply to all road sector programs and provide the basis for the works contractors or Contracting Entities (in the case of OPRC and PPP ventures) to prepare site specific mitigation plans (Resettlement Action Plans (RAPs), Livelihood Restoration Plans (LRPs), Supplemental Resettlement Plans (SRP), Environmental and Social Action Plan (ESAP) etc.). In addition, the current traditional mode of contracting for the construction

and maintenance of road projects shall continue under other programs. Therefore, the revised RPF shall also apply to these Projects.

The World Bank has prescribed measures which must be followed by implementing agencies. The World Bank's current policy on Involuntary resettlement, OP 4.12 compliment national laws in ensuring that adequate safeguards are made for PAPs resulting from involuntary land acquisitions.

The preparation of the resettlement policy framework is in accordance with the World Bank policy OP4.12 Paragraph 26 states:

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, paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

Again, OP 4.12 paragraph 28 and 29 specify:

(para. 28) For other Bank-assisted project with multiple subprojects ²⁷ 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, paras. 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.

(para 29). For each subproject included in a project described in para. 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.

1.3 Objectives of the Resettlement Policy Framework

The main objective of the Resettlement Policy Framework (RPF) is to clarify the policies, principles and procedures that will govern the mitigation of adverse social impacts induced by all road project operations. Specifically, the RPF is designed to ensure:

- All types of losses are identified, clearly defined and properly categorized to reflect the nature of the loss;
- A standard or uniform measure for defining eligibility and entitlement in order to have a fair basis for assessing compensation for the loss or impact suffered;

- Compliance with provisions under the World Bank Operational Policies OP 4.12: that resettlement activity would be conceived and executed as development programs, providing sufficient investment resources to enable the PAPs to share in project benefits;
- Displaced persons will be compensated for their losses at full replacement cost, provided relocation assistance and disturbance allowance prior to the beginning of civil works;
- A comprehensive database, based on which values will be assessed, validated in the event of disputes and more importantly serve as the database for monitoring and evaluation of the resettlement instrument; and
- The project affected persons would be consulted and given the chance of participating in the design, implementation and monitoring of the resettlement.

2.0 INSTITUTIONAL FRAMEWORK

Various institutions and agencies participate in the implementation of resettlement/rehabilitation processes of the road sector in Ghana. The ultimate responsibility, however, rests with the Ministry of Roads and Highways and its implementing agencies. For the purpose of this RPF, the activities of the major institutions are highlighted.

2.1 Ministry of Roads and Highways (MRH)

The Ministry of Roads and Highways (MRH) has overall responsibility for the road sector with the mandate of policy formulation, sector coordination and oversight, and sector performance monitoring and evaluation of the following broad areas:

- Road infrastructure development and maintenance; and
- Road maintenance financing.

The MRH has the specific task of coordinating and guiding the activities of the executing agencies in the road sector under the ministry. These are the Ghana Highway Authority (GHA), the Department of Urban Roads (DUR), the Department of Feeder Roads (DFR), the Ghana Road Fund Secretariat (GRFS) and the Koforidua Training Center (KTC).

The MRH has a Road Safety, Environment and Social Officer under the Policy and Planning Directorate, who has direct responsibility to coordinate resettlement related issues. The organogram of MRH is depicted in Annex 1.

2.2 The Ghana Highway Authority (GHA)

Ghana Highway Authority is a semi autonomous body with a responsibility for the provision and management of trunk roads. It was originally established in 1974 as the organisation responsible for the development and administration of the entire national road network. Since the GHA Act of December 1997, its role is limited to the administration, control, development and maintenance of trunk roads and related facilities subject to the policies of the MRH.

GHA has a 4-person Environmental and Social Management Unit (EMU) that has oversight on environmental and social issues of the authority and has direct responsibility together with the GHA's Valuation Section, for resettlement operations. The organisational structure of GHA and that of the Road Safety and Environment Division are as presented in Annex 2.

2.3 The Department of Feeder Roads (DFR)

The DFR is a civil service institution responsible for rural roads. It was set up under Government instrument in 1981 to have the sole responsibility for the administration, planning, control, development and maintenance of feeder roads and related facilities in the country.

The DFR has environmental & Social Safeguards unit which falls under the planning section and reports to the Deputy Director (Planning). However, the unit works also with the Deputy Directors (Maintenance and Development). It has two staff, a Principal

Engineer and an Environmental Engineer. Annex 3 presents the organogram of the DFR and its environmental and social safeguards units.

2.4 The Department of Urban Roads (DUR)

The DUR is a civil service institution responsible for the administration, planning, control, development and maintenance of urban roads and related facilities in the country. It was established in 1989 as an implementing agency within the then Ministry of Roads and Transport (MRT) (now MRH).

The DUR has an Environmental Unit responsible for handling environmental and social issues that arise in the pursuit of the DUR's functions and activities. The Environmental Desk is located within the Planning and Development Unit. The unit has two staff, a Principal Planner and an Environment Officer. The organogram of DUR is shown in Annex 4.

2.5 The Lands Commission (LC)

The passage of the Lands Commission Act, 2008 (Act 767), integrating four of the public sector land agencies (Survey and Mapping Division (SMD), Land Registration Division (LRD), Land Valuation Division (LVD) and the Public and Vested Lands Management Division (PVLMD)) into a single entity – the Lands Commission (LC) – streamlined land administration in Ghana with the aim to secure efficiency and effectiveness in land administration.

The PVLMD is charged primarily with the management and administration of state and vested lands. The LC's role in the area of compulsory acquisition is that it serves as a Member/Secretary to the permanent site advisory committee, a technical committee that considers request for compulsory acquisition by state agencies and recommends its acceptance or otherwise. The proprietary plan covering the site to be acquired is plotted by the Commission in the government records. Also recommendation on the acquisition is processed by the Commission for the approval of the Minister responsible for lands, before an Executive Instrument (EI) would be issued and gazetted.

The LVD is the government agency mandated for the processing of compensation claims on compulsory acquisitions on government projects. LVD receives and verifies documentation on affected persons and properties. This is to ensure that payments are made to all eligible PAPs at Full Replacement Cost, as required by the national laws and the World Bank policy.

The certified compensation valuation list from the LVD is forwarded to the acquiring agency for processing for payment. Subsequent to clearance being given by LVD the acquiring agency makes a request to the MoF for the release of funds for compensation payment.

The Survey and Mapping Division (SMD) of LC is the government agency responsible for supervision, regulation and control of the survey and demarcation of land for the purposes of land use and land registration in Ghana. It is also the custodian and preserver of records and operations relating to the survey of any parcel of land. SMD plays a critical role in the mapping and preservation of road RoWs.

2.6 Ministry of Finance

The Ministry of Finance is the agency that manages the central government's budget. The Finance Ministry is responsible for releasing money to be paid to persons affected by projects undertaken by state.

Upon receipt of the approval of the compensation data, the Ministry, subject to the availability of funds releases the total amount of compensation to the acquiring agency for subsequent payment to the affected people.

2.7 Ministry of Local Government and Rural Development

The Ministry of Local Government and Rural Development (MLGRD) is the central government agency responsible for the promotion of government policies and projects at local levels in Ghana. It also promotes governance and balanced rural based development.

The local government structures (District Assemblies and Regional Coordinating Councils) in the various districts and regions within which the road projects will be implemented will participate in the planning, implementation and monitoring of the resettlement/rehabilitation operations.

The Physical Planning Departments (PPDs) of the various District Assemblies are set up among others to ensure that developments are done orderly and that land use is optimized. The PPDs are responsible for the preparation of layouts for towns and cities. It also vets and approves layout by prospective developers (especially the Private Estate Developers) and specifies all reservations based on projected land use plans. It ensures that the ROW is implemented as per the approved planning schemes on each road.

2.8 Land Use and Spatial Planning Authority (LUSPA)

The Land Use and Spatial Planning Authority (LUSPA) (formerly Town and Country Planning Department (TCPD)), with the passage of the Land Use and Spatial Planning Act, 2016 (Act 925) is the national oversight authority for land use and spatial planning in Ghana. Consistent with the new three tier planning model formulated under Land Administration Project (LAP - 2), the LUSPA is charged with the formulation of long term national spatial development strategy/framework for achieving defined social, economic and environmental policies.

LUSPA has completed the preparation of the National Spatial Development Framework (2016 – 2035). It is intended that from the national spatial development strategy/framework, regional and MMDA spatial development frameworks will be developed. Act 925 is expected to provide the clear institutional framework for preparation and enhancement of comprehensive spatial development plans for all MMDAs, sub-regions and regions, and requires the preparation of structure and local plans for all urban areas to guide future development and redevelopment and upgrading of existing communities (including slum areas). These new arrangements would significantly inform corridor selection and planning and implementation of resettlement projects in road sector operations. This would require closer working relationships amongst road sector agencies and the various levels of planning authorities (from national, regional and MMDA levels).

2.9 Environmental Protection Agency

The Environmental Protection Agency (EPA) was established by Environmental Protection Agency Act, 1994 (ACT 490). The EPA has the mandate to decide (and conduct) on project screening, guide the conduct of any EA studies and to grant environmental approval for road sector projects to commence. Its mandate also covers monitoring of implementation phase of road projects to ensure compliance with approval conditions, mitigation measures, and other environmental commitments and quality standards.

The Environmental Assessment Regulation, 1999 has listed the developments that require clearance with the EPA. Development of road network is one of the undertakings that require Environmental Impact Assessment (EIA) and the issuance of environmental permit before construction could be done. The EPA will monitor the resettlement/rehabilitation operations.

2.10 Attorney General's Department

The Attorney General's Department has redress mechanisms in place for aggrieved persons. Affected persons who are not satisfied with compensation due them and project grievance redressal outcomes are empowered by the constitution to seek redress in the court of law. When this happens, the Attorney General's Department represents the government in the court proceedings. The Attorney Generals Department is also responsible for drafting the Executive Instrument for acquiring the needed land for the project.

2.11 Utility Service Agencies

Utility service providers (especially water, electricity, telecommunications, and petroleum transmission and storage) play some role in the resettlement schemes.

These agencies at the appropriate times disconnect and reconnect PAPs to their services before and after relocation as the case may be. Thus special consideration is given to PAPs so that they are not treated as normal applicants for services to their new places. A Utilities Coordinator and/or the Grievance Committee would ensure that PAPs have access to utility services without difficulty and added cost.

2.12 Traditional Authorities

Traditional authorities possess deep institutional relevance, particularly in rural areas where they continue to command considerable respect. These authorities play a particularly important role in land allocation and management, and in grievance resolution.

3.0 LEGAL AND POLICY FRAMEWORK

This section will summarise the key features of the nature of interest / rights in land in Ghana (tenure regime) and proceed to highlight the relevant national laws/framework and the World Bank policy requirements on involuntary resettlement; compare and contrast and then make proposals on how to bridge the gaps where differences may exist between them. Where there are differences between national laws and Bank policy requirements, the provisions that best offers the highest level of protection to PAPs will be applied. The legal and policy framework lays the foundation for four key elements of the RPF: 1) Approach to land access and management; 2) Defining the loss to be compensated for and establishing rates of compensation; 3) Determining eligibility for compensation and resettlement assistance, including development initiatives aimed at improving the social and economic well-being of affected populations; and 4) Establishing mechanisms to resolve grievances among affected populations related to compensation and eligibility.

The legal context of compensation and resettlement in Ghana is complex due to the different levels of interests and rights in land and how they are derived and regulated. As in many parts of Africa, dual, customary and titled ownership exist. Road projects are land based, and various interests and rights to parcels of land will be impacted differently. It is therefore pertinent to understand the nature of land holding arrangements likely to be found in the project area and how these should be considered in the assessment of compensation.

3.1 Interest in Land

Six main interests in land would potentially be assessed, and these are:

- Allodial Title
- Customary Law Freehold
- Customary Tenancies
- Common Law Freehold
- Leasehold Interest
- Usufructuary Interest

3.1.1 Allodial Title

In the Ghanaian context, this is a) the highest or ultimate interest in land; b) communally owned under customary law; c) held by a stool, skin, clan or family; and d) usually acquired through conquest, pioneer discovery and settlement, gift, purchase or agreement.

The allodial title is generally in the form of communal interest in land and it accrues to the entire community and is held and administered by the recognized traditional authority such as a chief or *Tendana* (land owner). 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.

3.1.2 Customary Law Freehold

The customary freehold: a) is an absolute interest in land and it is not subject to any proprietary obligations except the jurisdictional and cultural rights of the stool, skin, clan or family which holds the allodial title; b) is acquired when a person or group of persons

purchase land outright from the stool, skin, clan or family which holds the allodial title; and c) is of perpetual duration and is inheritable and alienable without the consent of or payment to the stool, skin, clan or family.

3.1.3 Customary Tenancies

A customary tenancy: a) is a lesser interest in land which is created by contract; b) arises where a stool, skin, clan or family which holds the allodial title or a person who holds a customary freehold or usufructuary interest enters into an agreement with another person to grant that other person an interest in land upon agreed terms and conditions; and c) may involve the payment of rent, the sharing of the produce of a farm or the physical partition of the farm or land.

3.1.4 Common Law Freehold

1) A common law freehold arises from a transaction to which the rules of law generally known as common law are applicable, and

- is of perpetual duration or for any other uncertain period.
- subject to the jurisdictional and cultural rights of the stool, skin, clan or family which holds the allodial title, is held free from obligations to any other person.

2) The holder of a common law freehold may create lesser interests in the land including leases in which case the holder of the freehold retains a reversionary interest.

3.1.5 Leasehold Interest

A lease: a) is an interest in land for a duration which is certain or capable of being made certain; b) arises when a person who holds an allodial title, customary freehold, common law freehold or usufructuary interest conveys to another person an interest in land for a specified term subject to terms and conditions; and c) does not exhaust the interest of the grantor in the land.

In Ghana, leasehold may be for a maximum duration of 99 years. (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.

3.1.6 Usufructuary Interest

(1) The usufruct is an interest in land is: a) acquired in the exercise of an inherent right by a subject or a member of a group which holds the allodial title through the development of an unappropriated portion of the group's land or by virtue of an express grant; b) acquired through settlement by permission of the holder of an allodial title to a non-indigene or group of non-indigenes for a period of not less than fifty years; and c) which is inheritable and alienable.

(2) Where alienation of the usufruct is to: a) a person who is not a member of the stool, skin, clan or family which holds the allodial title, or b) a member of a group of non-indigenes or a non-indigene who is not an indigene granted permission to settle as provided in paragraph (b) of subsection (1), the alienation is subject to the consent of the stool, skin, clan or family and the performance of established customary obligations.

3.2 Ghana Laws on Compulsory Acquisition

Regulatory oversight of road sector land acquisition and resettlement activities and actions is mostly governed by the following:

3.2.1 The 1992 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. The state's inherent powers to compulsorily acquire private property rights have been reconsidered and somewhat controlled. Article 20 of the constitution (See Annex 5) 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.

3.2.2 The State Lands Act, 1962 (Act 125) and State Lands (Amendment) Act, 2000 (Act 586)

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 (State Lands Regulation 1962, LI 230) (see Appendix 6) 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 possessing 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 situated.

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. To ensure that projects implementation achieve the desired results, the acquiring agency will conduct thorough consultations with all the stakeholders especially communities to be affected at every stage of project; planning, implementation and monitoring

3.2.3 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.

According to section 7 of 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 compensated.

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.

3.2.4 Lands Statutory Wayleaves Act, 1963 (Act 186)

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 (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 public participation procedure and 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 person's total land holdings.

3.2.5 The National 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 and fair compensation for compulsorily acquired lands and also create the enabling environment for community participation in sustained land management.

3.3 World Bank Safeguards Policies

The World Bank safeguards policy applicable to the road sector operations envisaged under this RPF is OP 4.12 (Involuntary Resettlement) (see Annex 7).

3.3.1 OP 4.12 – Involuntary Resettlement

The World Bank's policy on involuntary resettlement (OP 4.12) will be applied in any road sector operation executed under the traditional contracting arrangement or undertaken by a road sector agency by itself that displaces people from land or productive resources and which results in relocation, the loss of shelter, loss of assets or access to assets important to production, the loss of income sources or means of livelihood.

The policy is triggered not only by physical relocation caused by the project but by any loss of land or other assets resulting in:

- relocation or loss of shelter;
- loss of assets or access to assets; or
- loss of income sources or means of livelihood, whether or not the affected people must move to another location.

The policy applies to all components of a project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that in the judgement of the Bank, are:

- directly and significantly related to the Bank-assisted project;
- necessary to achieve its objectives as set forth in the project documents; and
- carried out, or planned to be carried out, contemporaneously with the project.

Objectives

The objectives of the involuntary resettlement policy are to:

- avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs;
- assist displaced persons in improving their former living standards, income earning capacity, and production levels, or at least in restoring them;
- encourage community participation in planning and implementing resettlement; and
- provide assistance to affected people regardless of the legality of land tenure.

The policy safeguards against impoverishment risks of involuntary resettlement that may be associated with a development project. It addresses risks that the production systems may be dismantled; people may face impoverishment when their productive assets or income sources are lost; people may be relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority, and the potential for mutual help may be diminished or lost.

The OP 4.12 further requires particular attention to be given to the needs of vulnerable groups, especially those below the poverty line including;

- Landless individuals and households
- Elderly persons
- Women and children
- Indigenous groups and ethnic minorities and
- Other disadvantaged persons

The World Bank's Policy requires that where OP4.12 is applied, a resettlement action plan (RAP) shall be prepared and cleared by the Bank prior to the implementation of resettlement activities. It is a requirement of the Bank for adequate provision to be made for compensation and other assistance to Project Affected Persons, to restore livelihoods when these are affected appreciably and this must be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RPF.

3.4 Comparing the Ghana Law and the World Bank OP 4.12

The World Bank Operational Policies explicitly makes adequate provision for project affected persons who are either displaced or suffer other losses, as a result of projects, to be adequately catered for. Livelihoods of persons to be affected must be preserved, but in cases when this is inevitable, minimal displacements 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 compensation 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 WB Policies 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 the World Bank OP 4.12, advocates the involvement of the project affected persons through for surveys etc. to ensure that the project enjoys the full support of the Bank and affected persons.

The WB Policies advice that 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 3.1** displays a comparison of domestic regulations with the requirements set out by WB operational policy for involuntary resettlement, and strategies to address noted deviations.

Table 3.1: Comparison of National Legislation and WB Requirements for Involuntary Resettlement

Resettlement Topic	Ghanaian Legislative Requirement	WB Policy	Gap	Strategy
Timing of compensation payment	Prompt	Prior to displacement and relocation and must be transparent and consistent	National Law does not stipulate transparency or consistency as requirement in payments	Compensation payments will be prompt, transparent, and consistent, through compensation policies developed and agreed with stakeholders prior to displacement.
Amount of compensation	Market value or replacement value and disturbance cost. The amount of compensation be approved by the LCB & agreed to by the parties concerned.	Cash compensation should be sufficient to replace the lost land and other assets at full replacement cost in local markets	National law requires approval of Government Valuers. WB Standards stress compensation must be assessed at full market replacement costs	Compensation rates will be determined by independent Valuer at full replacement cost (market rates without depreciation), certified by LVD, and agreed to by the parties
Squatters	No provisions. Squatters are deemed ineligible for compensation.	Establish a cut-off-date for eligibility for inhabitants regardless of tenure. Are to be provided supplementary assistance.	WB recognizes Squatters rights to cash compensation for investments made on land before cut-off regardless of legal tenure	All eligible owners of pre-cut off date assets (buildings, crops, land, etc.) will be considered for compensation and treated equally regardless of legal tenure.
Resettlement	Displaced inhabitants are to be resettled on suitable land with due regard for their economic well-	Physically displaced persons will be offered a choice of replacements property of equal or higher value, equivalent or better characteristics and advantages of location.	WB specifies that replacement properties must be equal or higher value, and that there must be both a	Resettlement, relocation and compensation framework will meet both national and WB standards such as

Resettlement Topic	Ghanaian Legislative Requirement	WB Policy	Gap	Strategy
	being and social and cultural values.	Compensation in kind is preferred option, but cash compensation at full replacement value where appropriate	choice of properties (replacement in kind being the preferred option), and a cash alternative where appropriate	Land for land compensation for land-based losses such as farmlands and appropriate cash compensation where <5% of productive land is impacted or as may be agreed
Livelihoods Restoration & Resettlement Assistance	No provision	Provide additional targeted assistance (e.g. credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income earning capacity, production levels and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected. For a transitional period.	National Law does not specify assistance, but WB requires targeted assistance in terms of livelihood supports	Resettlement assistance in terms of moving allowances, loss of earnings etc will form part of compensation framework, in addition to longer term livelihood development programs
Vulnerable Groups	No provision	Must develop RAP with particular attention being paid to the needs of the poor and the vulnerable.	WB requires focused measures for vulnerable groups	Specific efforts will be made to identify vulnerable, or potentially vulnerable, households at time of baseline surveys, for special consideration based on scale of impact
Consultation & Information Disclosure	The owner/ tenants on the land must be formally notified at least a week in advance of the	Ensuring that resettlement activities are implemented with appropriate disclosure of timely and relevant information, consultation and the	Displaced persons and their communities are provided timely and relevant information, consulted on	Detailed Public Consultation Plan and Communications Strategy will ensure informed

Resettlement Topic	Ghanaian Legislative Requirement	WB Policy	Gap	Strategy
	intent to enter, and be given at least 24 hours notice before actual entry.	informed participation of those affected.	resettlement options, and offered opportunities to participate in planning, implementation and monitoring of resettlement	participation through life of project, from inception to completion. A feedback system will be ensured during project life
Grievances	Formal and informal mechanisms and formal access to court of law	Must establish a grievance mechanism to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.	WB requires specific grievance mechanism to be in place	Detailed grievance mechanism in place and articulated through Public Consultation and Disclosure Plan, with recourse to court of law if need be. The GRM will be accessible at no cost, reliable and transparent
Monitoring & Evaluation	No provision	Requires monitoring and reporting on effectiveness of RAP implementation	WB requires effective monitoring and evaluation of the effectiveness of RAP implementation	Detailed monitoring, evaluation and monitoring program built into the overall project management Process. Monitoring will be internally and externally done

3.5 Principles Governing the Resettlement Policy Framework

From the legal and policy frameworks discussed above, the resettlement and rehabilitation principles adopted for the road sector projects (both traditional and OPRC/PPP) will provide compensation at replacement cost, resettlement and rehabilitation assistance to all project affected persons (loss of land, residences, business establishments and other such immovable properties), including the informal dwellers/squatters in the corridor footprint. The basic resettlement principles and guidelines include:

1. Involuntary resettlement would be avoided where possible and where population displacement is unavoidable, it would be minimized by exploring all viable project options. The following mitigation principles will be followed:
 - Choosing route locations away from built-up areas and restricting the extent of road works to avoid interference with existing activities;
 - Adoption of a reduced speed design, reduced right-of-way land requirements, or design changes (underground drainage, for instance) to reduce impacts on properties and activities;
 - Alternative considerations in route selection; and
 - Integration of mitigation measures in road designs, where appropriate.
2. Persons affected by land acquisition and face relocation or loss of incomes associated with change in land use due to the project would be given prompt and effective compensation that reflect current market realities so that they can improve or at least maintain their former standard of living.
3. The estimation of the compensation cost and/or benefit will be based on the Full Replacement method so that the cost of land and other properties taken and demolished are accounted for. This will ensure that the living standards of the project affected persons are maintained or improved above the pre-displacement level.
4. Resettlement/rehabilitation of affected persons where needed (preparation of resettlement action plan). Make provision for multiple options for resettlement (self-relocation or assisted relocation) of the affected residential structures, including informal dwellers/squatters.
5. Consult affected persons meaningfully and provide opportunities for them to participate in planning and implementing resettlement programs. Inform affected persons about their rights/options pertaining to land acquisition/resettlement.
6. Project Affected Persons would be given full information on the qualification (eligibility), mode of compensation, the restoring plan of production income, and the project's progress and be involved in the enforcement of resettlement arrangements (community participation).
7. Compensation and rehabilitation assistance will be paid before displacement. The land and/or property affected would be taken only when the PAPs are satisfied with the compensation arrangements. No civil works will be initiated unless compensation for land and assets and rehabilitation assistance is provided to all eligible PAPs.

8. The implementing agency and/or contracting entity (in the case of OPRC or PPP projects) would supervise the resettlement activities including the payment of compensation as well as monitoring and evaluation.
9. Appropriate grievance redress mechanism will be established at multiple levels to ensure speedy resolution of disputes, if any. The following principles will be followed:
 - Simplicity: procedures in filing complaints are understandable to users and easy to recall;
 - Accessibility: filing complaints is easy through means that are commonly used by stakeholders, especially by the project-affected people;
 - Transparency: information about the system is made widely available to all stakeholders and the general public;
 - Timeliness: grievances are attended to and resolved in a timely manner;
 - Fairness: feedback or complaints are validated thoroughly and subjects of complaints are given due process and opportunities for appeal;
 - Confidentiality: the identity of complainants remains confidential;
 - Provide multiple uptake points to build trust and confidence in the GRM. Complainants will be provided with multiple channels to submit their complaints;
 - Develop a simple system (possibly electronic based) for receiving, sorting, verifying, and tracking complaints for more effective management of grievances; and
 - Publicly disclose the complaints/grievance redress arrangements so that people are aware of where and how complaints will be managed.
10. All activities related to resettlement planning, implementation, and monitoring will ensure involvement of vulnerable groups (including women and people living with disabilities). Incorporate special measures and assistance for vulnerable groups.

4.0 OPERATIONAL PROCEDURES

As stated earlier, the World Bank policy triggered by road transport operations envisaged under this RPF is the policy on Involuntary Resettlement (OP 4.12).

The policy applies because future road projects may require the involuntary taking of land, other assets or economic impact. During implementation of future projects, in a process defined here below, the identification of project locations will be made. When that happens, land will be acquired and people will be affected. At that stage, OP 4.12 calls for the preparation of project-specific RAPs that must be consistent with this RPF.

4.1 RAP Implementing Agencies

4.1.1 Traditional Contract Road Projects

The three road infrastructure agencies under the Ministry of Roads and Highways, namely, Ghana Highways Authority (GHA), Department of Urban Roads (DUR) and Department of Feeder Roads (DFR) are the main executing bodies that will have a responsibility in ensuring that the proposed screening and impact mitigation mechanisms are implemented. Each of these three agencies has internal Environmental Management Units (EMUs), albeit with limited staff strength and capacities as discussed in section 2 and further elaborated later in this document. It is advised that a *Resettlement Specialist* be assigned to each of these agencies.

The EMUs, with the support of the *Resettlement Specialists*, will be responsible for addressing issues related to the RAPs. The main responsibilities of the *Resettlement Specialist* include monitoring the implementation of the RPF, and subsequent RAP, ensuring that gaps are addressed where necessary, and undertaking the responsibilities outlined in the RPF, and subsequent RAP, where appropriate.

4.1.2 OPRC and PPP Contract Road Projects

The GoG intends introducing Output and Performance Based Road Contracting (OPRC) on road links of the GHA, DFR, and DUR. These contracts are based on Design-Build-Operate-Maintain-Transfer (DBOMT) contracting principles and will include the initial rehabilitation works and maintenance services in lump sum contracts where payments are based on achieving performance targets. Under the arrangement the successful Contractors would prepare detailed Environmental and Social Impact Assessment (ESIA), an Environmental Management Plan (EMP) and a Resettlement Action Plan (RAP) based on the agreed engineering design, the revised ESMF, this RPF and the environmental and social screening reports. It is again advised that the contract with the Contracting Entity shall stipulate that the contracting entity hire a *Safeguards Specialist or Firm* (depending on the magnitude of the project and anticipated environmental and social impacts) to be responsible for addressing the ESIA, EMP and RAP related issues.

The Contracting Entity, with the support of the *Safeguards Specialist or Firm*, will be responsible for addressing issues related to the RAP. The main responsibilities of the *Safeguards Specialist or Firm* include monitoring the implementation of the RPF, and subsequent RAP, ensuring that gaps are addressed where necessary, and undertaking the responsibilities outlined in the RPF, and subsequent RAP, where appropriate. The

respective EMUs of the three road infrastructure agencies will monitor implementation of the RPF and RAPs to ensure compliance with its provisions. The agencies shall also hire **Monitoring Consultants** to assist with monitoring of all environmental and social mitigation measures for the duration of the contract.

4.2 Procedure for Compulsory Acquisition of Right-of-way

Acquisition of rights-of-way (where necessary) for projects envisaged under this RFP will follow laid down procedures and be in conformance with Ghana laws. In Ghana, right-of-way acquisition for road projects follows a three-stage process namely, 1) Before Approval; 2) Approval Processing; and 3) After Approval - Field Implementation.

i) Before Approval

This stage involves the preparation of site plan(s) of the intended acquisition area, preparation of feasibility report, preparation of interim valuation report, gathering of evidence of ability to pay compensation, and conduction and compilation of report on consultations with stakeholders (including PAPs) on the acquisition.

The above package is submitted in the form of an application to the Lands Commission (LC) office in the region where the ROW to be acquired is located.

ii) Approval Processing

This stage encompasses the submission of the application package by the Regional Lands Commission (RLC) for the consideration of the Site Advisory Committee (SAC), approval of the decision of the SAC by the Regional Minister, submission of the approved plan to the RLC office for processing and preparation of draft Executive Instrument (EI), the approval of plan and draft EI by the Ministry responsible for Lands, submission of plan and draft EI to the Attorney-General's office for legal clearance, submission of EI to Assembly Press for gazetting, and publication of EI by the LC in the national dailies.

iii) After Approval – Field Implementation

This stage entails the setting out of the acquired ROW by the Survey and Mapping Division (SMD) of LC or a licensed Surveyor, measurements of affected properties by LVD for the assessment of compensation, and other processes leading to payment of due compensation and the eventual demolition of properties within the acquisition corridor.

The existing procedure for acquisition of ROW is included as *Annex 8*.

4.3 Process for Screening

A Screening process to identify the land/areas that are being impacted will be the first stage in the process of preparing the project/subproject-specific resettlement and compensation plans. In all cases, the primary object of screening will be to see whether land take can be avoided by realignment or change in design.

A “harmonized” step by step process that road sector projects will take to determine whether the project/subproject will result in physical or economic displacements, and whether a resettlement action plan (RAP) is required and if so, how to prepare and implement one is outlined in this section.

The paragraphs that follow describe the screening process, while sections thereafter describe the detailed actions required to prepare RAPs. The screening process presented below will ensure that projects/subprojects comply with the requirements of OP 4.12 and Ghana's controlling legislations.

Note: The process described is applicable to both Traditional road operations and OPRC/PPP road operations (unless otherwise specified).

Screening for Involuntary Resettlement

Road Project/Subproject screening is used to identify the types and nature of potential impacts related to the activities proposed and to provide adequate measures to address the impacts. As detailed in the ESMF, Screening for resettlement issues shall be part of the environmental and social screening (refer to *Annex 9*). The goal is to identify and consider land acquisition and resettlement issues as early as possible, in order to see if land take can be avoided by realignment or change in design.

The primary responsibility to conduct the screening of sub-projects rests on the EMUs of implementing agencies (i.e. GHA, DUR & DFR) and the Project Implementation Team (PIT) that are responsible for implementing OPRC and PPP contracts.

Annexes 10 and 11 show the screening checklist form and is based on the same format to be used in the implementation of the ESMF. This is designed to ensure that the process for screening remains simple and concise.

Once a Projects/Subproject that has potential resettlement issues has been identified through screening, it will then be subjected to a comprehensive sensitization and consultation process with the potentially impacted communities (as part of the screening process). The outcome of this process would be documented (Screening Report) for the road corridor and for each community. The screening process is so designed to give it the integrity and transparency it needs to allow all stakeholders to have confidence in the process.

The World Bank will provide technical assistance for Project/Subproject screening and RAP processes to ensure proper implementation.

4.4 Baseline, Socio-Economic Impacts, Census and Asset Surveys

The establishment of appropriate and accurate baseline socio-economic impacts and census to identify the persons who will be affected by the specific road project/subproject is an important aspect of preparing a RAP. This helps to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

Typically, PAPs may be classified into three groups:

- Those who have formal legal rights to the land they occupy;
- Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national, local, or traditional laws including those measures put in place by the draft land policy; or
- Those who have no recognizable legal right or claim to the land they occupy.

Resettlement planning is preceded by resettlement impact assessment. However, before a resettlement impact study is undertaken, it is required that preliminary engineering design and land acquisition assessment be conducted. The engineering design will establish site specification or alignment with tentative linear alignments thus establishing the corridor of impacts, while the land acquisition assessment will help identify project boundaries, land owners or claimants and data on existing land or resource use.

These surveys and impact studies consolidates information that 1) provides initial information on the scale of impacts; 2) gives an indication of further socioeconomic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and 3) establishes indicators that can be measured at a later date during monitoring and evaluation.

An illustrative example of a census survey and land asset inventory form is provided in *Annex 12*.

With respect to traditional road contract projects, the Resettlement Specialist will in collaboration with staff of the EMU prepare the terms of reference (TOR) for the baseline socio-economic survey, census and asset surveys and impact studies.

For OPRC/PPP projects, the Assessment Consultant (in the first instance) in collaboration with staff of the EMU will prepare the TOR for these surveys and impact studies as part of the assessment based on the concept design.

4.5 Preparation of Project Specific Resettlement Action Plans

A RAP shall be prepared by the EMUs of the implementing road sector agency, with the technical support of the aforementioned assigned Resettlement Specialist, in the case of Traditional road projects that have been determined to result in potential involuntary resettlement and/or land acquisition.

With respect to OPRC/PPP operations, the Assessment Consultant, in collaboration with staff of the agency EMU (in the first instance), shall prepare a preliminary resettlement action plan (RAP) based on the concept design. Once a contract is finally awarded, the Contracting Entity in collaboration with the Safeguards Specialist/Firm will update and revise the resettlement action plan (RAP) based on the detail design and complete implementation of the RAP (refer to *Section 4.1*).

The principles of compensation will be applied wherever there will be land acquisition and adverse social impacts (including involuntary resettlement). However, where the aforementioned baseline socio-economic surveys and social screening/impact assessment findings reveal that more than 200 persons are likely to be affected by a project/subproject a full resettlement action plan (RAP) shall be prepared. Where less than 200 persons would be affected, an abbreviated resettlement action plan (ARAP) shall suffice.

For projects or programmes involving involuntary displacement of people, social preparation of the project affected people through campaigns, household visits, meetings, and open discussions on both positive and negative aspects of resettlement is the best way to obtain their cooperation to proceed with the project.

Detailed guidelines for preparing a RAP and an abbreviated RAP are available on the World Bank's website (www.worldbank.org) and in the *World Bank's Resettlement and Rehabilitation Guidebook*.

The basic elements of a RAP, as outlined in OP 4.12, are as follows:

- Identification of project impacts and affected populations;
- Baseline socio-economic data and census
- Legal framework for land acquisition and compensation;
- Compensation framework;
- Description of resettlement assistance and restoration of-livelihood activities;
- Detailed budget;
- Implementation schedule;
- Description of organizational responsibilities;
- Framework for public consultation, participation, and development planning;
- Description of provisions for redress of grievances; and
- Framework for monitoring, evaluation, and reporting.

Review of Project/Subproject RAPs

Road sector RAPs (irrespective of contracting arrangement) are not subject to the review, approval and monitoring of the EPA as part of the social impact mitigation tools of the Ghana EA process. Social impact mitigation are treated as part of EIAs and dealt with under that process.

For road sector operations to be funded by the World Bank, the processes of corridor selection, screening/impact assessment and the RAP are all subject to final review and approval by the Bank in order to ensure compliance with Bank social safeguards requirements. At its sole discretion the Bank may delegate through the Government to the implementing agencies or other regulatory agencies this responsibility to ensure compliance with the provisions in this RPF after it is satisfied that effective monitoring of this process is in place.

Capacity will be built at the levels of Steering Committee, PIT, AIT, Technical Planning Teams, road sector consultants and contractors, local governments and communities through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.

Table 4.1 below summarizes roles and responsibilities for RAP implementation.

Table 4.1: Roles and Responsibilities for RAP Implementation

Activity	Lead Role for preparation and/or implementation	Lead role for review, approval & monitoring
Completion of screening using the form in Annex 10: Social Screening Form.	AIT/PIT/ and EMU; Safeguards Specialist or Firm	World Bank for review and clearance of RAP documents.
RAP preparation	AIT/PIT/ and EMU; Contracting Entity (OPRC) + Independent consultants;	
Implementation of RAP	AIT/PIT/ and EMU;	
Monitoring of RAP implementation.	Contracting Entity; Contractor; Monitoring Consultant; Beneficiary Stakeholder Institutions (e.g. NRSC, DVLA) + Contractor + Regulatory Authorities	
Annual Audit		
RAP Completion report	The RAP implementation Team:	

4.6 Typical Ghana Road Sector Project Activities and Institutional Responsibilities

Road sector projects involving WB or development partner funding proceed through a number of processes and involves a variety of institutional entities who play various roles. Table 4.2 presents a summary of activities and the responsible institutions.

Table 4.2: Summary of Activities and Responsible Institutions in a Typical World Bank Funded Road Project in Ghana

No.	ACTIVITY	RESPONSIBILITY
1	Liaising with World Bank/other Donors	MRH/Road Sector Agencies
2	Coordination of Activities of Agencies	MRH/ Policy Planning Directorate
3	Preparation and Disclosure of RPF	MRH/Agencies/Contracting Entities
4	Alignment of ROW to approved planning scheme	Agencies/MMDAs (Physical Planning Depts)/LUSPA
5	Vetting of request for compulsory acquisition of land	Lands Commission/Ministry of Land and Natural Resources, Regional Coordinating Council
6	Social Impact Studies (conduct social impact assessment and property impact studies)	Agencies/ Contracting Entities / Consultants
7	Internal Monitoring	MRH (P&P)/Agencies

No.	ACTIVITY	RESPONSIBILITY
8	Consultations, planning and Preparation of RAP	Agencies/Contracting Entities/Consultants
9	Disclosure of RAP	Agencies/Contracting Entities/MRH/World Bank
10	External Monitoring and Clearance	NGO, World Bank, Consultants, EPA
11	Gazette/Publishing of E.I	Attorney General's Office, Ministry of Land and Natural Resources - Lands Commission
12	Marking of affected properties Inventory of affected properties Notifications Request for proof of eligibility - Consultations	Agencies, Consulting Entities, MMDAs
13	Valuation of Properties	LC-LVD, Agencies, Contracting Entities, Consulting Valuers
14	Approval/Clearance of Valuation Report	LCB
14	Establishing of Committees - Utilities Committee to conduct an inventory of properties with utility services - Grievance Committee establish procedures for dispute resolutions - Payment Committee establish payment modalities	Agencies Utility companies Agencies/MRH/Contracting Entities LC-LVD Agencies/MRH/Contracting Entities LC-LVD
15	Disclosure of values. Making of offers Processing for payments	Agencies/MRH/Contracting Entities LC-LVD
16	Release of funds for payment	Ministry of Finance/ Agencies/ MRH/ Contracting Entities
17	Payments	Agencies/ Contracting Entities)
18	Grievance and dispute resolutions	Grievance Committee (Agencies/MRH /Contracting Entities/ LC-LVD)
19	Taking possession of site	Agencies/Contracting Entities
20	Relocation of Utilities	Relocation Manager (Agencies, Utility Companies)
21	External Monitoring	NGO, World Bank, Monitoring Consultants
22	Representing government for any law court redress cases	Agencies, Attorney General's Office
23	Preparation of Monitoring and Evaluation Report of RAP and Disclosure	Agencies/ Contracting Entities/ MRH (Policy Planning and M&E Directorates)

5.0 ASSESSMENT OF PROJECT AFFECTED PERSONS

Project affected persons (PAPs) according to the World Bank policy refers to people who are directly affected socially and economically by bank-assisted investment projects. A good knowledge of the population affected, their categories and special needs early in the planning process is critical to a successful resettlement operation.

Future road sector projects which are subject to this RPF are unknown at this stage. It is therefore impracticable to estimate the number or likelihood of people to be negatively impacted by these road sector operations, at this stage.

Once a project/subproject road has been selected and the detailed designs of corridors and associated activities have been completed, a baseline, socio-economic, census and impact study will be conducted (as described in the previous chapters). The census/ socioeconomic survey and impact study will be undertaken to obtain the total number, categories and needs and preferences of PAPs as part of the RAP preparations. This will inform the choice of resettlement/compensation options and help estimate compensation cost.

The likely displaced persons will be categorized using identifiable groupings or demographics and their standards of living and specific needs identified, described and assessed. The likely displaced persons can be categorized into four groups, namely;

- i. *Affected Individual* – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economic resources as a result of the project/sub-project activities and to whom compensation is due. For example, an affected individual is a person who farms a land, or who has built a structure on land that is now required by a subproject for purposes other than farming or residence by the initial individuals;
- ii. *Affected Household* – A household is affected if one or more of its members is affected by sub-project activities, either by loss of property, land, loss of access, or otherwise affected in any way by project activities;

This provides for:

- a. any members in the households, men, women, children, dependent relatives and friends, tenants;
- b. vulnerable individuals who may be too old or ill to farm along with the others;
- c. relatives who depend on one another for their daily existence;
- d. relatives who may not eat together but provide housekeeping and other domestic chores; and
- e. other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately. Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the “household”. For example, among polygamous groups, each wife has her own home.

- iii. *Affected local community* – A community is affected if project activities affect their socio-economic and/or social-cultural relationships or cohesion. For example project activities could lead into such improvement of socio-economic welfare that class-consciousness arises coupled with cultural erosion etc.;
- iv. *Vulnerable Households* – Vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them. This group include:
 - female headed households with dependents
 - disabled or ill household heads
 - households falling under the generally accepted indicator for poverty
 - elderly households with no means of support
 - indigenous/ethnic minorities

6.0 ORGANISATIONAL PROCEDURES FOR DELIVERY OF ENTITLEMENT

Implementing Agencies and Contracting Entities will follow appropriate procedures for assessing and delivering entitlements to affected persons. These procedures will be specified in the RAPs and will cover: Eligibility Criteria and Entitlements.

6.1 Eligibility Criteria

Any person who suffers loss of, or damage to an asset or loss of access to productive resources or restricted access (temporarily), as a result of the carrying out of any of the road projects under the TSIP or other future road sector operations 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 eligibility including the cut-off date (which will be set as the end date of the socio-economic survey). This is consistent with the laws of Ghana and the World Bank policy. For instance, provisions under the World Bank's OP 4.12 suggest the following three criteria for eligibility which will be followed in the road sector:

- 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 affected community. Eligible persons would include, but not be limited to those listed in Table 6.1.

Table 6.1: Type of Loss and Eligible Persons

Type of Loss	Eligible persons
<ul style="list-style-type: none"> ▪ Loss of Land (Urban or Rural) 	<ul style="list-style-type: none"> ▪ Various interest and rights – allodial title holder, usufruct, freeholder, leaseholder, tenant, licensees
<ul style="list-style-type: none"> ▪ Loss of Structure 	<ul style="list-style-type: none"> ▪ Various interest and rights – freeholder, leaseholder
Business Losses <ul style="list-style-type: none"> ▪ Loss of business income ▪ Loss of business goodwill ▪ Loss of rent income ▪ Loss of wage income ▪ Loss of fees from trainees or apprentices 	<ul style="list-style-type: none"> ▪ Business owner/operator ▪ Business owner/operator ▪ Landlord/Lessor ▪ Business employees/attendants ▪ Trainer/Person offering apprenticeship job training
<ul style="list-style-type: none"> ▪ Loss of Business, Residential or Industrial Accommodation or Room 	<ul style="list-style-type: none"> ▪ Residential/Commercial/Industrial Tenant ▪ Owner of building during the reinstatement period
<ul style="list-style-type: none"> ▪ Loss of location for temporary structure 	<ul style="list-style-type: none"> ▪ Owner of temporary structure
<ul style="list-style-type: none"> ▪ Loss of training or apprenticeship 	<ul style="list-style-type: none"> ▪ Apprentice/Trainee
<ul style="list-style-type: none"> ▪ Loss of economic or perennial trees ▪ Loss of food crops ▪ Loss of grazing land 	<ul style="list-style-type: none"> ▪ Various rights and interest holders – Sharecroppers, Licensees, Lessees

6.2 Proof of Eligibility

The implementing Agencies or Contracting Entities will consider various forms of evidence as proof of eligibility to cover:

- Affected persons with formal legal rights, documents 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 unrecognised 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.

6.3 Defining Entitlements and Preparing an Entitlement Matrix

The basis of what is to be paid as compensation will be determined by identifying the most appropriate entitlement for each loss. Based on the entitlements, resettlement options would be selected in accordance with Bank Policy OP 4.12 (6a (ii)) and the merits of the option.

An Entitlement Matrix which sets the measure for the payment for all losses or impacts will be included. The Entitlement Matrix will list the unit of entitlement, type of loss, criteria for eligibility and define entitlement as presented in Table 6.2.

Table 6.2: Entitlement Matrix

Type of Loss	Eligibility Criteria	Entitlement
Loss of Land (Urban or Rural)	Various interest and rights – allodial title holder, freeholder, leaseholder, tenant, licensee	Compensation – Capital Market Value of Asset; Replacement land of equal quality or value where livelihoods are land based
Loss of Structure	Various interest and rights – freeholder, leaseholder	Compensation – Full Replacement Cost at Capital Market Value of Asset
Business Losses <ul style="list-style-type: none"> ▪ Loss of business income ▪ Loss of business goodwill ▪ Loss of rented income ▪ Loss of wage income ▪ Loss of fees from trainees/ apprentices 	<ul style="list-style-type: none"> ▪ Business owner/operator ▪ Business owner/operator ▪ Landlord/Leaser ▪ Business employees/attendants ▪ Trainer/Person offering apprenticeship job training 	Supplementary Assistance based on:- <ul style="list-style-type: none"> ▪ average net monthly profit; ▪ monthly rent passing; ▪ equivalent of rent advance to be refunded ▪ monthly wages earned; ▪ training fees to be refunded Calculated for a specific period taking into consideration reinstatement period.
Loss of Business, Residential or Industrial Accommodation or Room	<ul style="list-style-type: none"> ▪ Residential/Commercial/Industrial Tenant ▪ Owner of building during the reinstatement period 	Supplementary Assistance based:- <ul style="list-style-type: none"> ▪ comparable open market rent for alternative accommodation based on specific period (reinstatement period); and ▪ transportation rates for the transfer of chattels or movable properties
Loss of location for temporary structure: <ul style="list-style-type: none"> ▪ expense for moving structure ▪ Loss of utility service line 	<ul style="list-style-type: none"> ▪ Owner of temporary structure ▪ Squatters 	Supplementary Assistance based on: <ul style="list-style-type: none"> ▪ transportation rates for the transfer of structure ▪ Disconnection of utility service lines at old site ▪ Reconnection of utility service lines at new site
Loss of training or apprenticeship	Apprentice/Trainee	Comparable fees for alternative training
<ul style="list-style-type: none"> ▪ Loss of economic or perennial trees ▪ Loss of food crops ▪ Loss of grazing land 	Various rights and interest holders – Sharecroppers, Licensees, Lessees	Market Value for assessed crops/plants

7.0 VALUATION PROCEDURES

7.1 The Process of Valuation Inspection/Referencing

Currently, the process of valuation inspection and referencing differs depending on the implementing agency. GHA is the only road sector agency with an internal Valuation Unit. For GHA projects, the Valuation Unit jointly undertakes the inspection/referencing exercise with the regional offices of the Land Valuation Division according to the regions where the project is located. The GHA Valuation Unit then prepares independent reports/valuations (interim assessments) applying rates of value/costs determined by the LVD. DUR and DFR depend on Consultants and/or LVD directly. In all cases, the final Assessment (Certified Valuation Report) emanates from LVD, and it is the basis for payment of compensation to affected persons. The Ministry of Finance rely on the Certified Valuation Report from LVD to release funds for the payment of compensation.

Lessons from previous and ongoing road projects suggest that the above processes are regularly fraught with bureaucracy and delays. This is attributable to the lack of adequate human resource capacity within LVD to deal expeditiously with the preparation and/or certification of Final Assessment Reports to enable prompt payment of compensation as required by Ghanaian laws. Another source of delay in the resettlement/compensation process is Ministry of Finance's inability to release funds for compensation payments on demand. Again, the attitude of implementing agencies whereby in some cases project activities begin before the necessary processes for survey, assessment of impacts and payment of adequate compensation begins or completed (contrary to the provisions of Ghanaian laws) leading to agitation from affected persons causing delays to projects at times. The result is that road projects suffer undue delays (and with it cost over-runs), and in some cases, due compensation has still not been settled even though the impacts have long happened and the projects duly completed.

To address the challenges pointed out above, the following actions and process are proposed for the RPF:

1. MRH, GHA, DUR and DFR shall work with LVD to formalize the use of private certified valuation companies and individual Valuers in undertaking road sector asset surveys, assessment and valuation reporting for compensation payments. This shall be done in the form of Memorandum of Agreement (MOA) between the road sector agencies and LVD, which agreement shall spell out the modalities, outline the processes and procedures and reporting format acceptable to LVD to guide the private sector entities in conducting the surveys, assessments and valuation reporting. A generic terms of reference (TOR) for the asset surveys, assessment and valuation reporting shall be included in the MOA.
2. Pursuant to the MOA, the parties shall work to create a pool of certified Valuation Firms and Individuals; who shall be members of the Ghana Institution of Surveyors (GhIS) and in good-standing at all times to qualify to be in the pool. LVD shall assess the qualification, capacities and capabilities of the firms and individuals to satisfy itself of their competence to undertake the tasks on the behalf of LVD.

3. Once it is determined that a road project/subproject requires land acquisition/resettlement at the screening stage, the implementing agency shall promptly inform LVD about the project, the nature and extent of land acquisition/resettlement, the tentative project schedule and the road agencies desire to use a firm or individual from the pool to undertake the survey, assessments and valuation reporting.
4. The implementing agency shall publish request for proposals (RFP) in accordance with the existing procurement laws of Ghana and this shall be done within ten (10) working days of receipt of the response letter and list from LVD.
5. The procurement of a Firm/Valuer shall be done by the implementing agency Procurement Entity in accordance with the existing procurement laws of Ghana.
6. The Valuer undertakes the inspection/referencing exercise (with the regional offices of the Land Valuation Division, if LVD so desires) and then prepares independent reports/valuations (interim assessments) for submittal to LVD. (the duration of this will be dependent on the scale of the project and the level of impacts)
7. LVD shall review and validate the Interim Assessment and prepare a Final Valuation Report for compensation payments to the Implementing Agency or Contracting Entity within six (6) weeks of the submittal of the Interim Assessments by the private Valuer.

Key points which the valuation will cover are as follows:

- i. Collection of all relevant primary and secondary data on the affected property during final detailed valuation inspection and referencing to serve as basis for assessment of loss; and
- ii. A comprehensive primary database for monitoring, evaluation and audit.

Some relevant data to be captured by the valuers will be:

1. Land
 - Capture location details of the land
 - Identify the boundaries of the area/section of the land to be affected.
 - Take detailed measurement of the land area to be affected along the affected boundaries.
2. Buildings (Immovable Structures)
 - Photograph all affected immovable properties
 - Detailed internal measurement of buildings will be done
 - Collate property details which will include noting affected accommodation details, constructional details of affected parts and external works (fence walls, gates, pavements) affected owner's details etc.
3. Crops

During the inspection and enumeration exercise details such as type, age, stage of growth, size of farm (or number of crops for isolated economic/perennial trees), and nature of farm etc. are captured.

4. Temporary Structures (Movable Properties)

Collate data on temporary structures by categorizing temporary structures based on constructional details (wall materials, affixed to concrete slabs or not), size of structure and use of structure (business/residential) and type of business.

5. Borrow pit

Royalties on borrow pits will be assessed based on quantities of materials taken from the pits. Contractors will be advised to keep record of or find a way of calculating quantity of materials taken from each borrow pit. The recorded quantities will be submitted to the Valuation Section of the GHA and other implementing agencies for assessment of the appropriate royalties

6. Intangible Assets (loss/impact arising from disturbance)

Obtain relevant data on households affected (tenants, owners, relatives), apprentices/trainees and determine intangible loss on households, business and livelihoods.

7.2 Identification and Categorization of Loss and Impact

Project affected persons will be identified by the types of losses they suffer or the impact of the project on them. Project personnel will:

- i. Ensure that identification and categorization of the likely loss or impact is undertaken during the planning and design stages of each sub-project;
- ii. Establish the magnitude and coverage of impacts early in the project planning in order to justify the resettlement instrument to adopt. General categorization of losses will be done to reflect extent of loss in terms of the following:-
 - Permanent or Temporary Loss;
 - Full or Partial Loss;
 - Minimal or Significant Loss.
- iii. Determine specific losses or impacts to reflect the exact nature of loss whether visible and tangible or intangible and categorize into the following losses:-
 - Physical loss of assets which will be determined by assessing the interest or right to ownership, occupation and possession;
 - Loss of income, loss of livelihood and opportunities to employment; and
 - Impacts arising from disturbance/disruptions

Categories of losses will be as indicated in Tables 7.1, 7.2 and 7.3 below:

Table 7.1: Physical Loss of Assets

Category	Type of Loss
Land	<ul style="list-style-type: none">▪ Loss of urban land for residential, commercial or industrial use▪ Loss of rural land for agriculture, forestry, pasturing
Structures	<ul style="list-style-type: none">▪ Main Buildings▪ Ancillary Buildings▪ Fence walls▪ Other Civil works e.g., pavements, concrete kerbs, concrete wells or reservoirs

Table 7.2: Loss of Income and Livelihood

Category	Type of Loss
Business	<ul style="list-style-type: none">▪ Loss of business income▪ Loss of business goodwill▪ Loss of rented income▪ Loss of wage income▪ Loss of fees from trainees or apprentices
Impact on accommodation	Loss of business, residential or industrial accommodation or room
Opportunity to Livelihood	Loss of training or apprenticeship
Plants & Crops	<ul style="list-style-type: none">▪ Loss of economic or perennial trees▪ Loss of food crops▪ Loss of grazing land

Table 7.3: Impacts Arising from Disturbance/Disruptions

Category	Type of Loss
Temporary structures	Loss of location and expense for moving structure
Impact on Access to Utilities	Disconnection of utility services
Disturbance	<ul style="list-style-type: none">▪ Removal of chattels, movable assets – incurring removal expenses▪ Loss of peaceful enjoyment of property

7.3 The Basis and Method of Valuation

The basis of valuation would comply with the stated legal provisions and policies. Compensation will be assessed and granted at Full Replacement Cost. The methods for valuation for the various losses are presented in Table 7.4.

Table 7.4: Method of Valuation

Type of Loss	Method of Valuation	Basis
▪ Loss of Land	▪ Comparative Sales Method	▪ Based on the market value of comparable recent land transactions
▪ Loss of Buildings and Other Civil Works	▪ Replacement Cost Method or Comparative Sales Method (which ever gives a commensurate value)	▪ Full replacement cost value as if new – recent construction cost rates. No cost of depreciation will be deducted
▪ Loss of Trees, Perennial Crops, Food Crops	▪ Comparative Sales Method/ Replacement Cost Method	▪ Based on going market rates
▪ Loss of Business Income and Loss of Business Goodwill	▪ Comparative Method	▪ Based on the average monthly net profit
▪ Loss of Income from Rent and Expenditure Incurred for Alternative Accommodation during reinstatement period	▪ Comparative Sales Method	▪ Based on the comparable rent passing, rent advance paid
▪ Expenditure incurred for Transfer of Chattels, Movable Properties and Temporary structures	▪ Comparative Method	▪ Based on truck/ transport hiring charges
▪ Loss of Wages ▪ Loss of Fees from Apprentice ▪ Loss of Job Training	▪ Comparative Method	▪ Based on Passing or Going Fees and Wages

7.4 Procedures for Delivery of Entitlements

The procedure for delivery of entitlements will be detailed in each RAP. The Implementing Agencies and/or the Contracting Entity will follow approved procedures ensuring that full payment of compensation is done before possession of acquired sites.

7.4.1 Traditional Contract Projects

- Land Valuation Division communicates the amount to be paid to the **Implementing Agency** and the Ministry shall within Ten (10) working days of receipt of communication from LVD ensure that the amount is assessed at Full Replacement Cost and presents fair and adequate compensation. Approval for payments shall be given concurrently (10 working days as above) by the Minister for Roads and Highways.
- The **Implementing Agency** formally makes an offer to affected persons within Ten (10) working days of granting of approval by Minister, and allow persons Twenty (20)

working days to accept or reject offer, offer a counter claim and seek redress under the grievance procedures established;

- Payments are made to the affected person personally by the **Implementing Agency** in the presence of Land Valuation Division (or the Independent Valuer) and an independent witness of the affected person/opinion leader. Payments start Ten (10) working days following communication of first offer to PAPs;
- Cheques shall be the preferred and 1st mode of payment; however payment may be by banker's draft or cash where the amounts involved are "minimal". The **Implementing Agency** shall make arrangements with nearest bank to effect payments by banker's draft why that is agreeable with the PAPs;
- Proper receipts are issued by the **Implementing Agency** and copies given to the affected person, the Accounts Department of the Agency and the Land Valuation Division; and
- Comprehensive reports on payment made are submitted by the **Implementing Agency** for review by MRH and the Land Valuation Division at the close of every quarter until all compensation duly cleared.

7.4.2 OPRC/PPP Projects

With respect to OPRC/PPP arrangements, compensation assessment and payment will occur at two levels:

- 1) Preliminary assessment of compensation will be done based on the concept design by the **Assessment Consultant**, and used to pay interim compensation prior to award of contract; and
- 2) Final Assessment of compensation will be done based on the detailed design when completed by the **Contracting Entity**. This will be used to top-up the interim payments or make new payments as necessary.

Only the final valuation based on the detailed design shall be cleared by LVD before final payment is effected. The procedure for delivery of entitlements shall be as follows:

- Land Valuation Division communicates the validated Final Valuation Report (including the amounts to be paid) to the **Contracting Entity** and the Implementing Agency and the PIT. The **Contracting Entity** formally makes an offer to affected persons within Ten (10) working days of receipt of validated Final Valuation Report from LVD, and allow persons Twenty (20) working days to accept or reject offer, offer a counter claim and seek redress under the grievance procedures established;
- Payments are made to the affected person personally by the **Contracting Entity** in the presence of Implementing Agency, the Independent Valuer and an independent witness of the affected person/opinion leader. Payments start Ten (10) working days following communication of first offer to PAPs;
- Cheques shall be the preferred and 1st mode of payment; however payment may be by banker's draft where the amounts involved are "minimal". The **Contracting Entity** shall make arrangements with nearest bank to effect payments by banker's draft;
- Proper receipts are issued by the **Contracting Entity** and copies given to the affected person, the Implementing Agency and the Land Valuation Division;

- Comprehensive reports on payment made are submitted by the *Contracting Entity* for review by PIT, the Implementing Agency and the Land Valuation Division at the close of every quarter until all compensation duly cleared.

7.5 Arrangements for Demolition

Demolition shall occur only after full payment of compensation has been made. Adequate notice will be served to affected persons concerning date of demolition, removal or destruction, to afford affected persons the opportunity to conveniently move out and/or salvage any building materials.

Adequate notice includes serving individual notices, notice through local media, posters at churches/mosque/community buildings and publicity through public address systems and consistently over an adequate period of time, usually two weeks. The presence of affected persons or representatives on the actual date of demolition, removal or destruction shall be ensured to avert any dispute in portions marked to be affected and those actually affected.

8.0 PROVISIONAL BUDGET AND SOURCES OF FUNDING

This section of the RPF presents a consolidated budget estimate for the implementation of this instrument. The budget components include: implementing agency safeguards capacity development activities; training program for all relevant entities to implement their RPF responsibilities; allowances for the preparation of project-specific ESIAs, EMPs, RAPs, etc.; and annual reviews. Table 8.1, below, presents a provisional estimate of the budget needed to implement the instrument.

Table 8.1: Provisional Safeguards Implementation Budget

Item	Description	Amount (USD)
1	Hiring of Safeguards Specialist(s) for AIT	450,000
2	Implementing Agency safeguards capacity development	200,000
3	Training for various relevant stakeholder groups	260,000
4	Allowances for preparation of subproject safeguard documents	300,000
5	Annual reviews	200,000
6	Equipment for Safeguards Team	100,000
7	Vehicles (3No)	300,000
8	Operating Cost	200,000
9	Sensitization & Grievance Management by NGO	100,000
	Total	2,110,000

The above provisional budget will be funded from TSIP Sub-Component 3.3.

The resettlement/rehabilitation component is currently unknown as detailed designs of intended road projects are yet to emerge to allow for estimation of cost of mitigating associated impacts. It is extremely difficult to estimate the proportion of project costs that can be expected to be devoted to mitigation measures. However, a rough rule of thumb is that it can be estimated to cost between 3% and 5% of the total project cost.

Counterpart funding from the Government of Ghana will be used to fund resettlement/rehabilitation cost of road projects. This arrangement has been one of the main sources of delays in payment of prompt compensation as GoG seldom has funds readily available on demand to effect these payments. With the introduction of OPRC/PPP arrangements, the continuation of the status quo could jeopardize the attractiveness of contracts and could lead to the failure of the concept. To address this, GoG will set up an escrow account for all subprojects and the funds allocated for resettlement activities lodged in the account for timely access when required.

All future road sector operation/projects specific resettlement action plans will include a budget and identification of source of funding for payment of compensation. The RAPs will also include a time table for the payment of such compensation.

Final Resettlement cost estimates and budget will consider items covered in the following matrix (Table 8.2) as necessary:

Table 8.2: Resettlement Cost Estimation format

Cost Item	Description
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 of housing▪ Cost of site and infrastructure development and services▪ Subsistence allowance during transition▪ Cost of replacement of businesses and downtime
Livelihood 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▪ Operational staff (managerial, technical) and support staff▪ Training and monitoring▪ Technical assistance▪ Evaluation by independent agency

Source: Cernea, Michael, 1988. Involuntary Resettlement in Development Projects, the World Bank, Washington DC

9.0 PUBLIC CONSULTATION AND PARTICIPATION

International best practice suggests that Projects involving communities owe their success to community participation and involvement from the planning stage through to implementation. For this reason public consultations through participatory tools conducive to local circumstances shall be mandatory for all road sector projects requiring land acquisition, compensation and resettlement.

9.1 Engagement and Participation Strategy

The key elements of the engagement and stakeholder participation strategy for road sector operations and projects will include the following: (i) Disclosure of important project related information by the implementing agencies and contracting entities on its website and at the appropriate local level and other disclosure procedures agreed with the Bank, (ii) framework for consultation with the key stakeholders including the affected communities and important road user groups (e.g., GPRTU) during planning, design and implementation of all sub-projects; (iii) ensuring free, prior, informed consultation with the affected communities and key road user groups and their representatives for obtaining broad community support as a part of preparation of specific sub-projects relevant to that area; (iv) the establishment of Grievance Redress Mechanisms (GRM) at national level (to be managed by steering committee and PIT), regional level (to be managed by AITs in concert with their regional offices) and project site level (to be managed by district offices of IA in concert with district assemblies) to meet specific grievance redress requirements of operations/projects; (v) promoting community based risk reduction initiatives with the participation of and networking with relevant stakeholders including women, school children, youth, civil society organizations, and local bodies.

9.2 Consultations Strategy and Participation Framework

To ensure peoples' participation in the planning phase and aiming at promotion of public understanding of project scope, activities and impacts, various sections of project affected persons and other stakeholders will be engaged in various consultation throughout the project planning and implementation.

Public participation, consultation and information dissemination in all road sector operations/projects will begin with initial social assessment activities during the initial phases of project preparation. Public consultation activities and information dissemination to PAPs and local authorities will continue as the project preparation activities proceeds in a project.

Mechanisms for community entry, consultation and participation of PAPs will be addressed in the RAPs for the sub-projects and will be defined by cultural prescriptions which will be carefully studied and adhered to in each affected community. The mechanisms will include public meetings, participation in site preparation, resettlement committees for PAPs and communities and interagency committees for participating stakeholders.

- a) **Public meetings:** Meetings with Community leaders, opinion leaders, utility agencies, Assembly men and PAPs as individuals (as during the surveys) and in their

groups shall be arranged. At the meetings with the project affected persons, the resettlement team shall explain the various options of resettlement so that PAPs can choose what they want; for instance cash compensations, alternative land or building, or group resettlement.

As much as feasible resettlements will be designed having in mind social networks and community institutions, so that they are not disintegrated and is appropriate for projects affecting whole settlements or sites. Usually, transport projects such as highways, railways, canals etc. often involve linear resettlement.

PAPs will also be informed about the resettlement process and each affected person shall be given the chance to participate to express their concerns on a draft resettlement plan.

- b) **Involvement in site preparation:** Participation will also be fostered through use of local know-how and materials; the contractor will be encouraged to use local people to supply materials and goods needed for the sub-project implementation.
- c) **Group formation:** Using existing groups or assisting PAPs to form groups provides institutional framework for participatory resettlement
- d) **Involvement in resettlement committees and monitoring teams:** participation in committees would be one of the key mechanisms for involvement of PAPs in the planning, implementation and monitoring of the RAPs.

This framework shall be a sub-set of the overall communication strategy of all road sector operations/projects. Some potential methods for the purpose of communication will include provisions of information boards, pamphlets distribution, wall paintings, gong-gong beating, organizing meetings with key informants and village committees and opinion gathering through post cards, phones and SMSes. All road sector projects will be required to prepare and disclose Public Consultation and Communication Plans as part of the project preparation process. A percentage of the project cost shall be allocated for preparation and implementation of communication strategy.

Details of all public meetings held with people and local government officials shall be documented with dates, location and the information provided and the major emerging issues. It is recommended that RAP and other documents include this list, as an attachment. Where public announcements are made, the details, together with a copy of the text of the announcements should be provided in the documents. A template for consultation framework is presented in *Annex 13*.

9.2.1 Public Consultation and Participation at Screening Stage

Screening must involve adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked locations for activities, facilities and structures involved in the road project. The affected persons must be made aware of:

- their options and rights pertaining to resettlement and compensation;

- specific technically and economically feasible options and alternatives for resettlement sites (if applicable);
- process of and proposed dates for resettlement and compensation;
- effective compensation rates at full replacement cost for loss of assets and services; and
- proposed measures and costs to maintain or improve their living standards.

The aim of public consultations at the screening stage will be to:

- disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities;
- promote sense of ownership for the project and resettlement activities;
- invite contributions and participation on the selection of project sites;
- determine communities' willingness to contribute in kind towards the implementation of the project; and
- determine community willingness to contribute towards long term maintenance of the project facilities.

Once a project has been identified, the EMUs (under the leadership of the Resettlement Specialist) and the Contracting Entities (under the guidance of the Safeguards Consultant or Firm in the case of OPRC/PPP projects) shall draw up a work program indicating the different organs/institutions to be involved and their responsibilities vis-à-vis the implementation of the resettlement activity. The program should specify clearly who should be consulted, when they should be consulted and in the case of information to be collected, indicating why the information is being sought and the relevance either during the planning stage or implementation of the resettlement plan. The work program shall also highlight important activities (e.g., conduction of census, socio-economic and asset surveys) and when they are likely to be implemented as well as indicating the persons or institutions responsible for implementation. The work program shall be submitted to the various parties involved and their comments sought. Once everyone has agreed on the substantive activities to be conducted and their particular responsibilities, implementation of the activities could then be activated.

10.0 GRIEVANCE PROCEDURES

The Ministry of Roads and Highways and its implementing agencies shall be responsive to the concerns of the people affected by road sector operations as it recognizes that, unsatisfactory handling of the effects of developmental projects may lead to upheavals and social discontent, which may trigger negative public reactions, thereby affecting project implementation.

Consistent with World Bank safeguard policies (particularly OP 4.10 and OP 4.12), accessible procedures appropriate to the context of projects/subprojects shall be instituted to address grievances in the affected communities arising from project implementation (including land acquisition and resettlement). The implementing agencies and/or contracting entities (in the case of OPRC and PPP arrangements) shall establish information and grievance management systems as part of the environmental and social management planning of operations/projects in the road sector.

10.1 Features of Grievance Redress System

Both formal and informal grievance resolution mechanisms shall be employed. Road sector project Grievance Redress Mechanism (GRM) shall be set up with the following features:

- **Multiple Uptake Points:** To build trust and confidence in the GRM, complainants shall be provided with multiple channels to submit their complaints. These include, among others, postal mail, electronic messages, telephone, SMS, personal delivery/walk-in, or through the mainstream and social media. A road sector agency-level project GRM hotline will be established to be managed by the respective environmental and social safeguards Focal Person of the implementing agency and/or the contracting entity (in the case of OPRC and PPP arrangements).
- **Timely resolution at the lowest possible level:** All road sector operations/projects shall strive to attend to complaints in a timely manner and at the lowest level of operation to the extent practicable. To do this, each project/subproject shall designate a GRM contact person (Grievance Resolution Officer) at the site level. In addressing and resolving complaints, the projects/subprojects shall build on existing mechanisms in the community (community leaders, local government officials, traditional justice system, etc.). It is only when the complaint is not resolved at this level that the complaint goes to the next level of the GRM for resolution.
- **System for receiving, sorting, verifying, and tracking:** A simple system (preferably computer based) shall be developed for more effective management of complaints to guide the implementing agency/contracting entity, particularly the environmental and social safeguards unit, on the steps and arrangements for receiving, sorting, verifying, acting and tracking complaints. These will be detailed out in the RAP and project operational manual. Complaints shall be categorized and actions on the complaints will depend on the complaint category. All road sector projects shall maintain a database documenting the salient details of complaints, including the dates they were received and when and what actions were taken. These documents shall be available to the external monitoring team and the World Bank. The projects shall monitor complaints and coordinate with the concerned host local government units (LGUs) and relevant government agencies as needed to resolve them adequately and

expeditiously. MRH, MOT, GHA, DUR and DFR shall keep the EPA and the World Bank Task Team informed about significant complaints and the steps taken to resolve them through routine supervision and provide details in progress reports provided to the EPA and the World Bank.

- Publicly disclosed and easily accessible. The complaints/grievance redress arrangements shall be publicly disclosed so that people are aware of where and how complaints will be managed. The GRM contact person (GRO) assigned to specific projects will further ensure that people in the project's area of influence are aware of grievance management arrangements.

Complaints shall be written, ideally, but if received verbally, the project contact person will ensure written documentation is made and that the complaint is dated and recorded.

10.2 Grievance Redress Structure

The Grievance Redress structure shall constitute the following:

1. Each road sector project/subproject shall designate a site-based Grievance Resolution Officer (GRO) who shall be the first point of contact and for resolution of grievances. The GRO shall work closely with the leadership and representatives of project affected communities and individuals, drawing on the existing local systems to preempt and resolve grievances.
2. There shall be constituted for all road projects/subprojects an ad hoc District-level Grievance Redress Committee (GRC) for each district affected by any road project/subproject. The GRC shall mediate all grievances that remain unresolved after site-based or local community level interventions. The membership of the GRC shall draw from nominated representatives of project affected communities and persons, the highest traditional authority in the district, the district administration, religious/faith-based organizations, NGOs and the project implementing agency and/or Contracting Entity.
3. For traditional road projects, the implementing agency project management teams and the Ministry of Roads and Highways project oversight team shall constitute a third level grievance redress mechanism for all projects/subprojects. For OPRC/PPP ventures the Project Implementation Team (PIT) and the Steering Committee shall constitute a third level grievance redress mechanism. Grievances that remain unresolved after intervention of the GRC shall be referred to this level for resolution.
4. The Commission for Human Rights and Administrative Justice (CHRAJ) and/or the courts shall constitute the fourth level grievance redress mechanism. Any of the parties affected by a grievance have the liberty to resort to CHRAJ or the courts for resolution of their concerns.

The 1992 Constitution and the State Lands Act allow for the right of access to the High Court by any person who has an interest or right over any property. In practice, judicial intervention in dispute resolution is not often invoked or resorted to, as most of the affected people are generally satisfied with the administrative responses. In some cases the PAPs are able to negotiate for acceptable awards.

10.3 Procedure for Handling Grievances

Consensus and negotiations are central to addressing grievances. In general, people are aware of their rights, their commitments to the country as citizens and their allegiance to village and family issues. For this reason, many Government funded development projects have been implemented without obstacles from project affected persons.

However some projects have been known to stall due to delays in disbursement of compensation and unaddressed complaints and grievances from project affected person(s) and communities. Prior negotiations, between implementing agencies and project beneficiaries, are therefore crucial to the success or failure of the projects. As a guiding principle emphasis shall be placed on simplicity and proximity of the conflict resolution mechanisms to the affected persons and the following shall be noted:

- a. Negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual landowners or households affected by road projects.
- b. The project execution teams shall ensure that the main parties involved achieve any consensus freely. The relevant implementing agency and/or Contracting Entity shall clearly advise the general public, as to who is responsible for the activity and the procedure for handling grievances or compensation claims.
- c. Grievances shall be addressed at all stages of the road project process as they occur. If a suitable solution is not found, the project execution teams shall defer consent of the project and the concerned project activities shall not be allowed to proceed.

Action taken to address complaints and grievances would follow one of the following:

- Direct resolution, if the grievance is with a direct activity of the project, and within the remit of the project to resolve.
- Referral to a mediation body appropriate to the nature of the grievance, e.g., community elders, traditional authority, Area Council, District Assembly, etc.
- Detail case and pass to a higher authority with appropriate power to resolve or mediate. If this authority is outside of the project's own institutional structure, the case must in parallel be notified to an equivalent level within the project structure, which can follow up with the authority in question.

The procedure for handling grievances under this RPF shall be as follows:

- 1) All grievances (irrespective of mode of receipt or level where lodged) shall be referred to the site-based Grievance Resolution Officer (GRO) for resolution. A grievance form shall be completed for all grievances received and logged into the site-based grievance system for tracking. If the affected person appears in person, the affected person should file his/her grievance in writing. The grievance form should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should be assisted to complete the grievance form and emboss the form with his/her thumbprint. A sample grievance redressal form is provided in *Annex 14*.
- 2) The GRO shall respond within 10 working days during which time any meetings and discussions to be held with the aggrieved person(s) should be conducted. The

- GRO may draw on existing mechanisms in the community (community leaders, local government officials, traditional justice system, etc.) in his attempt to address the grievance. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the GRO that his/her complaint is being considered.
- 3) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time the grievance is escalated/lodged to the District level Grievance Redress Committee (GRC).
 - 4) The GRC will then attempt to resolve the problem (through dialogue and negotiation) within 15 working days of the complaint being escalated/lodged. The GRC shall attempt to redress the matter through mediation according to traditional methods of mediation/conflict resolution. The resolution will then be documented on the relevant consent forms and verified.
 - 5) If an agreement cannot be reached at District GRC level the aggrieved party or parties shall raise their concerns to the Implementing Agency and/or Contracting Entity who shall refer the matter to the Project Implementation Team and Steering Committee (in the case of OPRC/PPP subprojects) for redress.
 - 6) The Implementing Agency or Project Implementation Team or Steering Committee shall have 15 working days to address the grievance to the satisfaction of the affected person(s). If no agreement is reached at this stage, then the grievance is taken to the Commission for Human Rights and Administrative Justice (CHRAJ) or the court, whose verdict shall be binding on the parties.

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). Project-affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after these concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS): www.worldbank.org/grs; for information on how to submit complaints to the World Bank Inspection Panel: www.inspectionpanel.org.

11.0 MONITORING AND EVALUATION

Monitoring and evaluation will be a continuous process and will include internal and external monitoring.

11.1 Internal Monitoring

Internal monitoring of the resettlement/rehabilitation operations will be undertaken by the Ministry of Roads and Highways (MRH) and its agencies following the schedules to be outlined in the RAPs.

The day-to-day field supervision will be conducted by the Resident Engineers and captured in the monthly and quarterly progress reports which are subject to review by the MRH and its agencies. The MRH will continuously take stock of all expropriation and compensation report and discuss them on regular basis. GHA, DUR and DFR will produce quarterly report for the MRH. Cost of monitoring will be taken care of by individual implementing agencies or stakeholders as part of the project operating expenses.

With respect to OPRC and PPP ventures, to assist with the monitoring of the implementation of resettlement/rehabilitation, the road sector agencies will employ Monitoring Consultant(s) for the duration of the full implementation of the resettlement/rehabilitation schedule. Monitoring Consultants shall be required to submit monthly and quarterly reports to the road sector agencies.

11.2 External Monitoring

External monitoring will be done by the Environmental Protection Agency (EPA) national and regional offices. Also, NGOs, will be considered in the external monitoring. Again, under OPRC and PPP arrangements, private sector monitoring consultants may be utilized to ensure effective monitoring of resettlement/rehabilitation operations to assure timely redress of adverse findings.

11.3 Completion Audit

An audit will be done to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed. This completion audit will verify that all physical inputs earmarked in the RAP have been delivered and all services provided. The audit will also evaluate if the mitigation actions prescribed in the RAP have had the desired effect. The baseline conditions of the affected parties before the relocation will be used as a measure against their socio-economic status after the resettlement.

To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the financial commitments to the programme are finished. This will allow the flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

12.0 DISCLOSURE OF SOCIAL SAFEGUARDS INSTRUMENTS

The Ministry of Roads and Highways will disclose this Resettlement Policy Framework, and all RAPs to be prepared under future road sector operations pursuant to this RPF. These instruments will be disclosed at the national, regional, district and local levels as outlined in the following paragraphs.

National Level:

- Print Media
- Institutions – hard and soft copies to be deposited at MRH, Ministry of Local Government and Rural Development, Ministry of Lands and Natural Resources, EPA, LUSPA etc

Regional Level:

- Institutions: Regional offices (EPA, Lands Commission, Highway Authority, Feeder Roads and also Urban Roads as relevant, LUSPA, etc)

District Level:

- District Assemblies within the affected areas

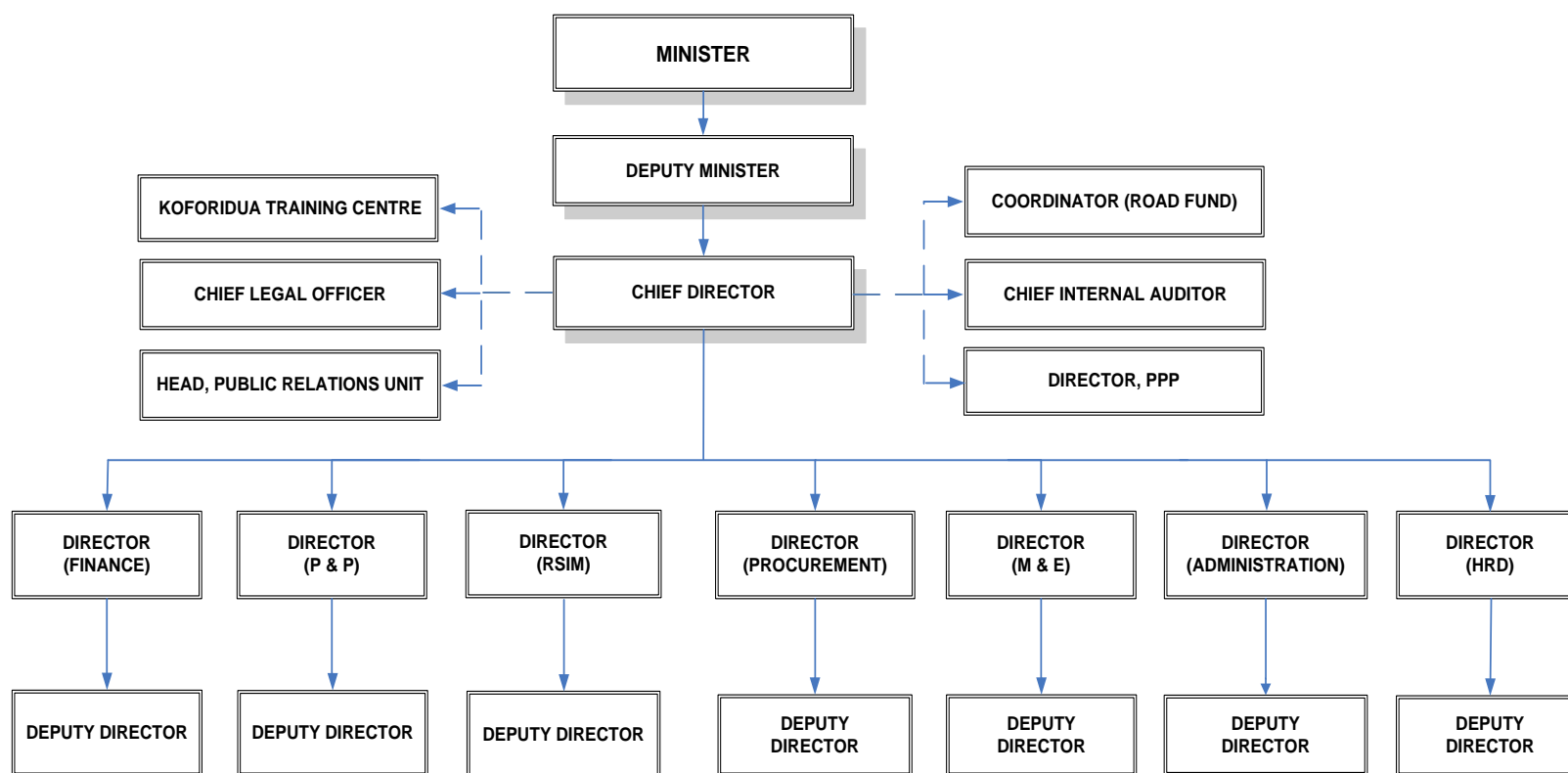
Local level:

- Local Communities - community durbars will be organized in the local communities and document explained in the local languages. A copy of the RPF/RAP/ARAP will be left with the local authorities and at the Chief's palace. A resident local person who is fluent in the local language will be hired as a Liaison Officer to facilitate discussions.
- Local FM station: Radio discussions with Phone in for Q&S
- Interested CSOs and CBOs

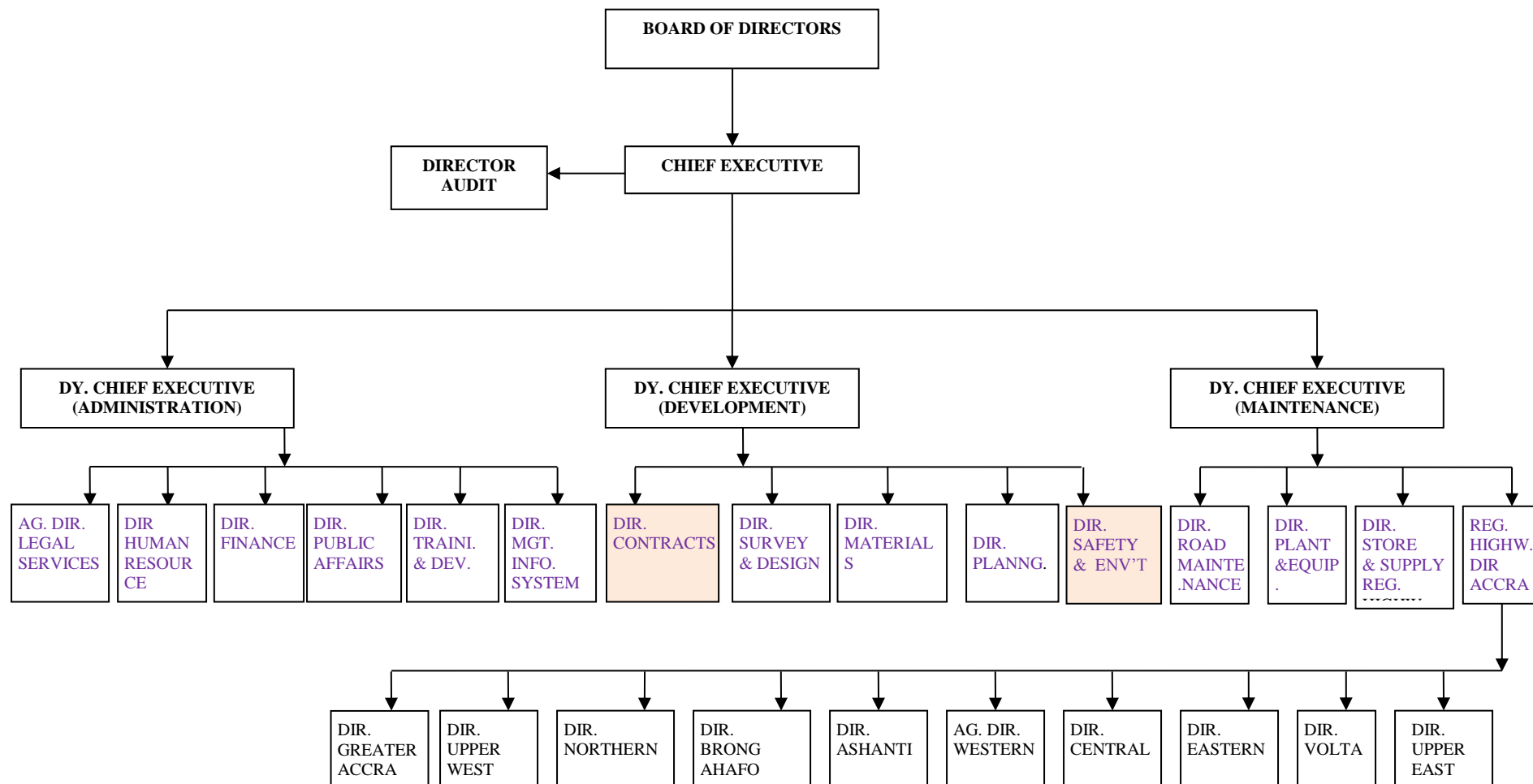
The Government of Ghana will also authorize the World Bank to disclose this RPF and subsequent RAPs electronically through its InfoShop for Bank funded projects.

ANNEXES

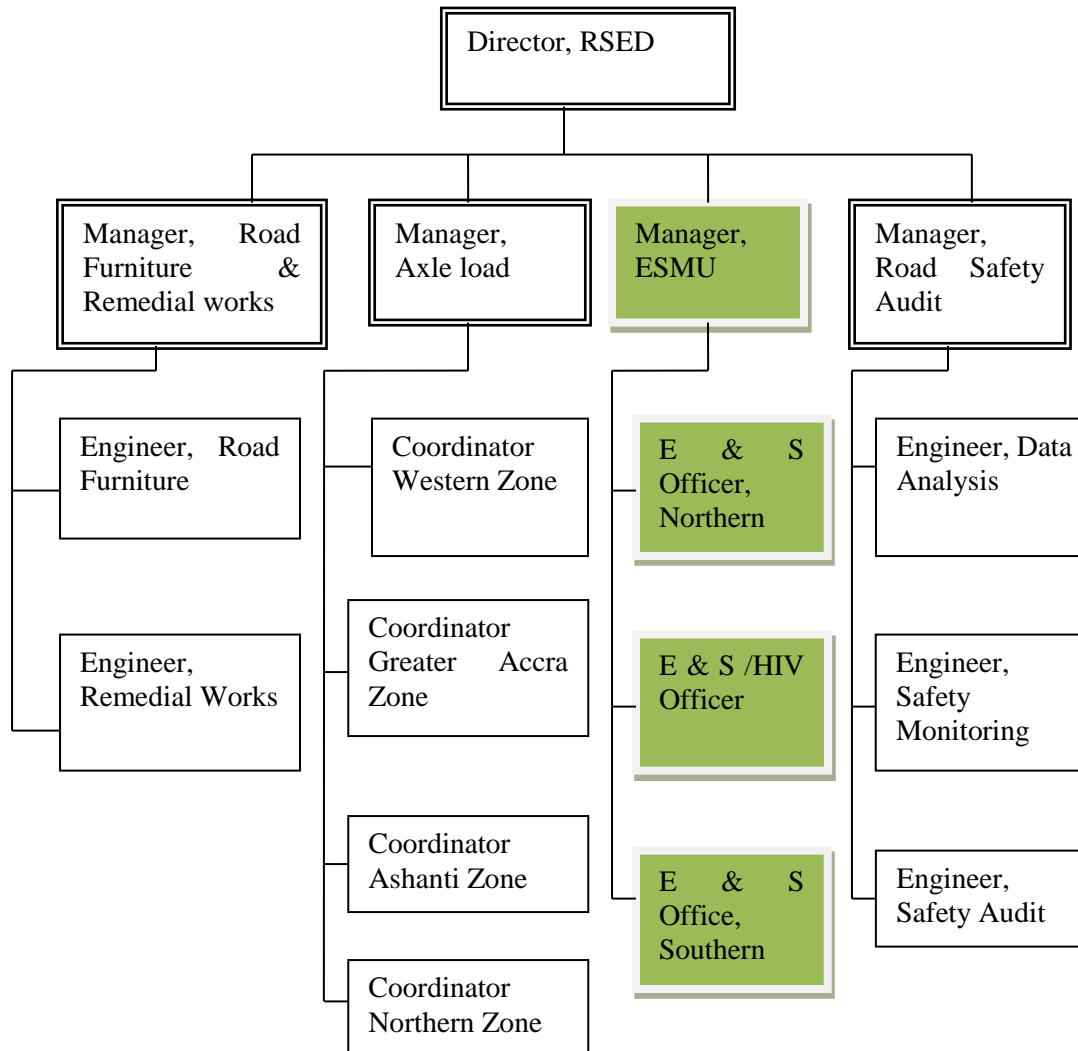
Annex 1: Organizational Structure of Ministry of Roads and Highways (MRH)



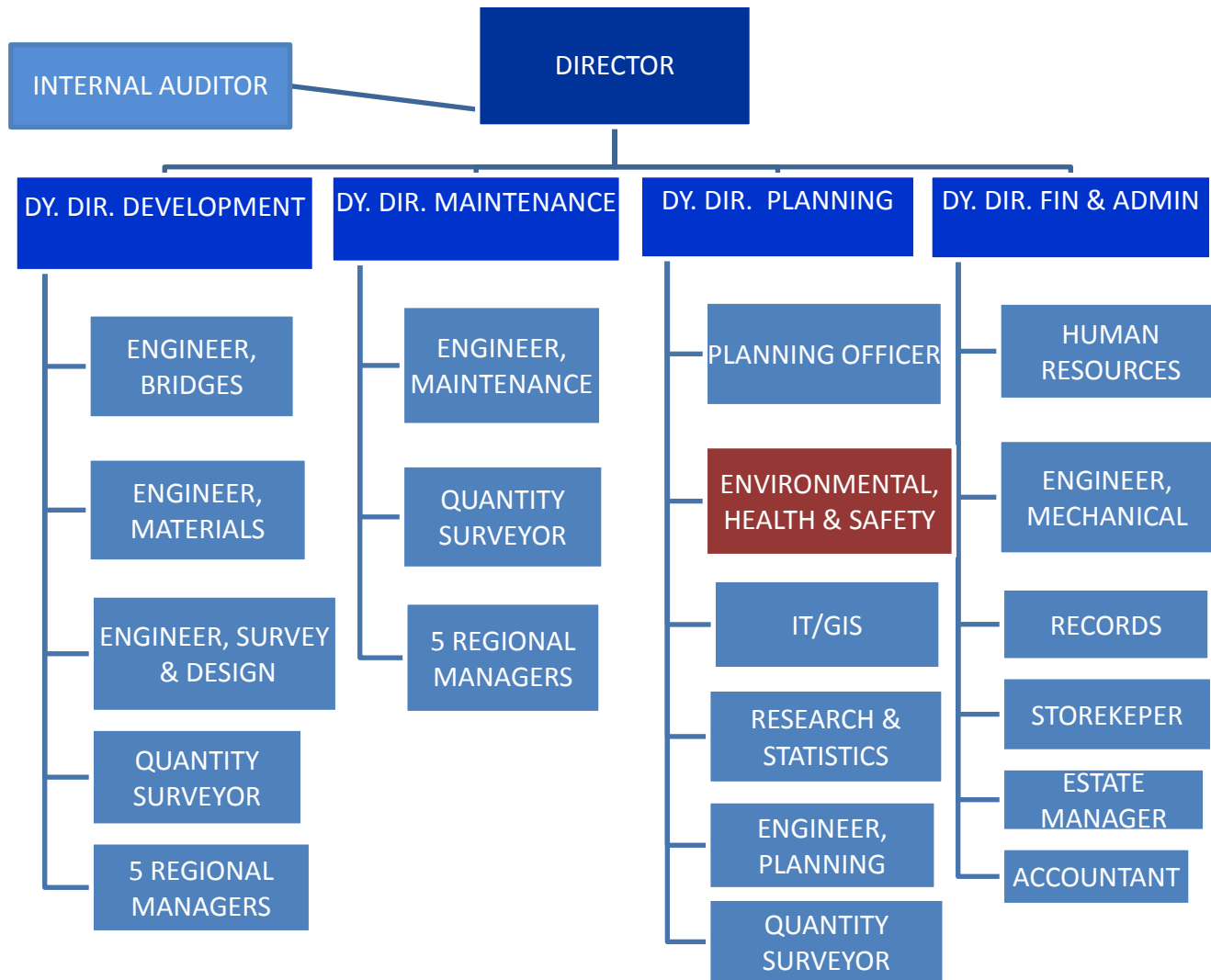
Annex 2a: Organizational Structure of Ghana Highways Authority (GHA)



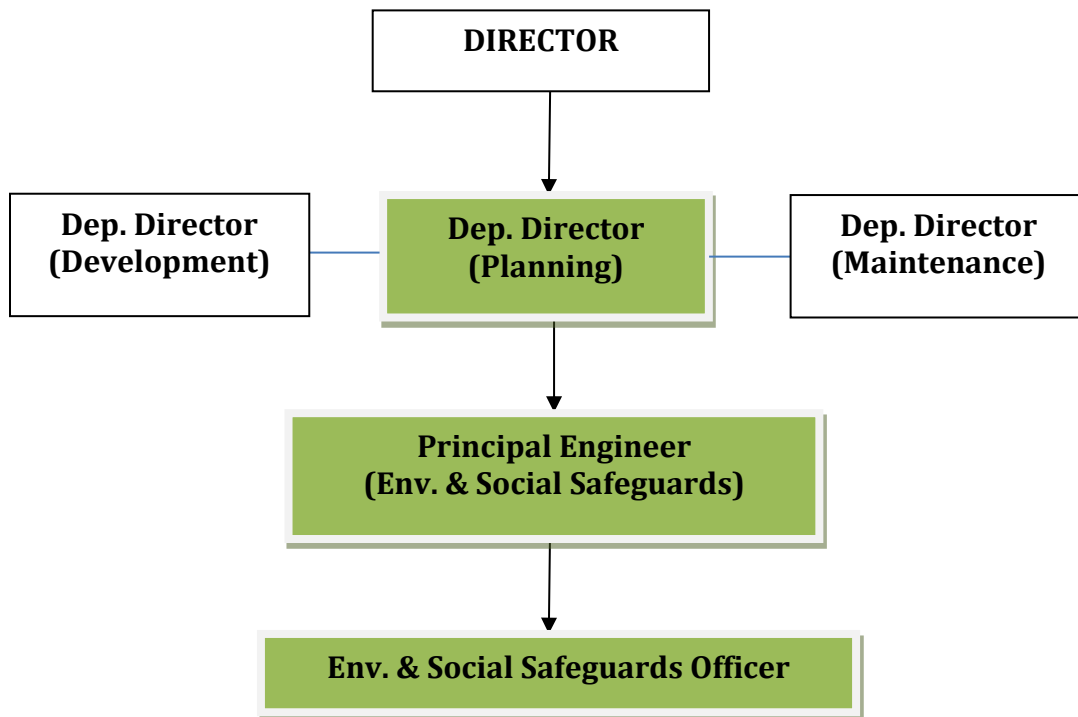
Annex 2b: Organogram of Road Safety & Environment Department – GHA



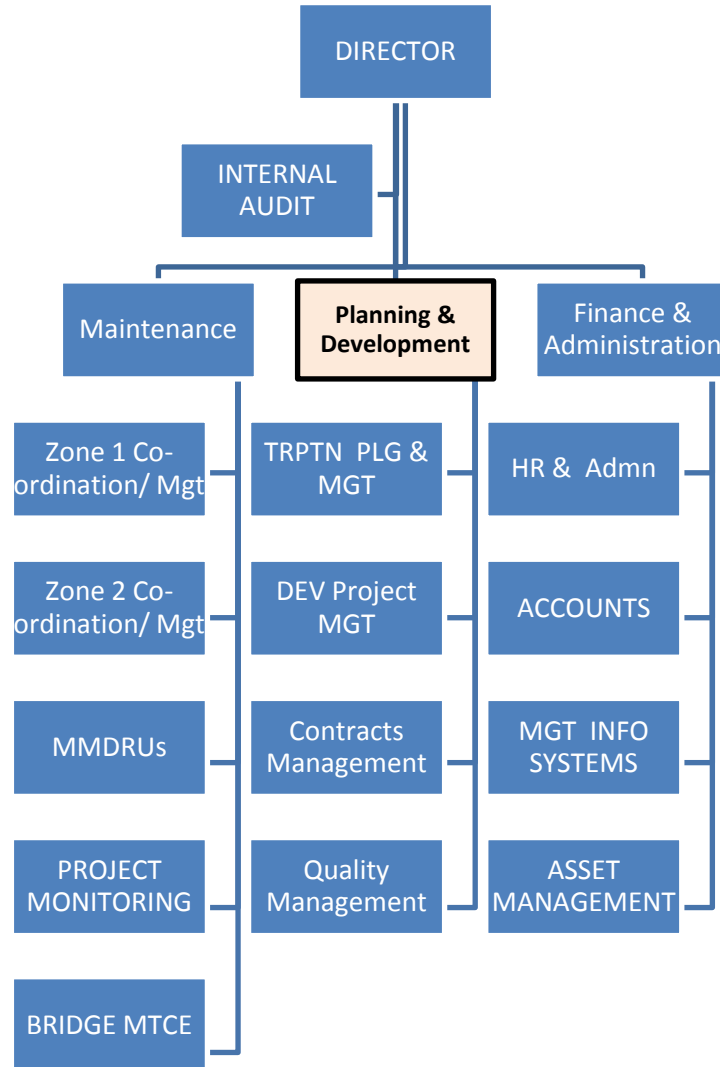
Annex 3a: Organizational Structure of Department of Feeder Roads (DFR)



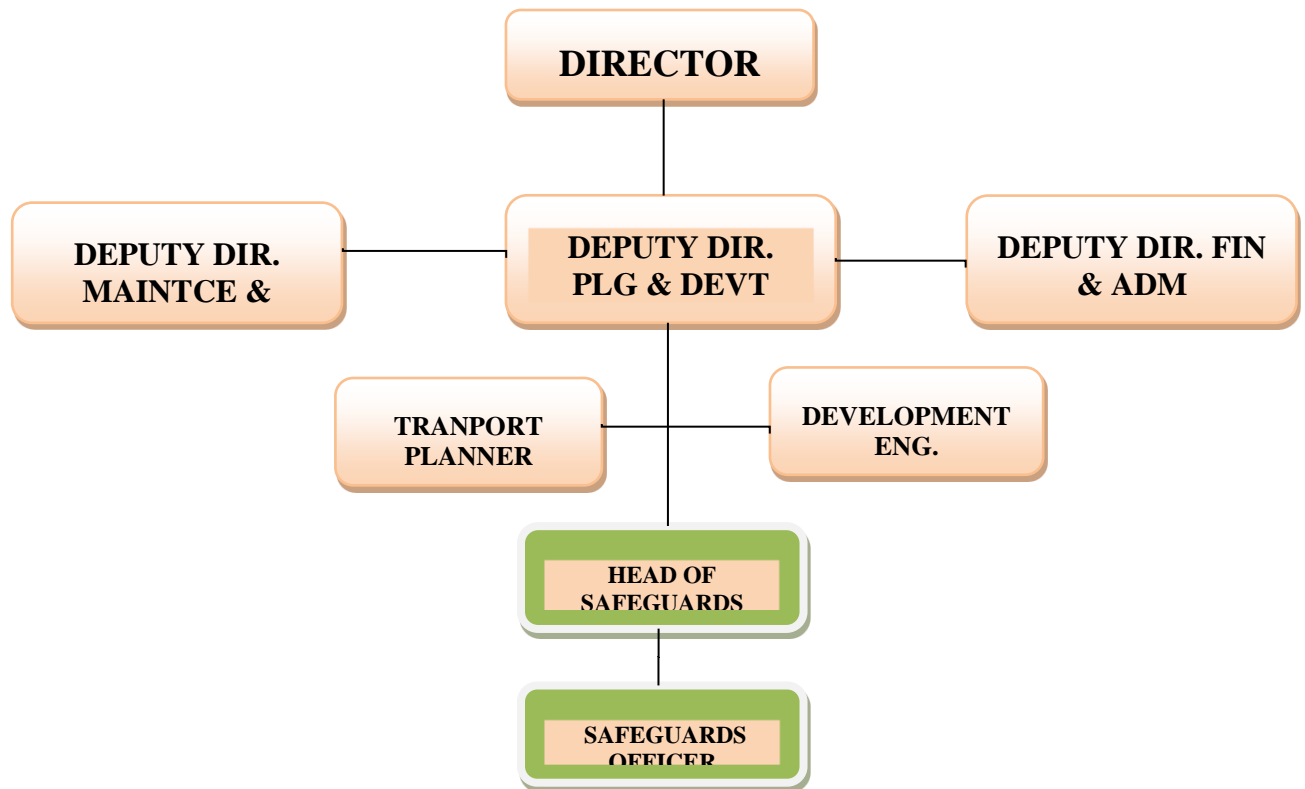
Annex 3b: Organogram of Environmental, Health & Safety Unit - DFR



Annex 4a: Organizational Structure of Department of Urban Roads (DUR)



Annex 4b: Organogram of Safeguards Unit of DUR



Annex 5: Constitution of Republic of Ghana (1992), Article 20

(1) 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 the following conditions are satisfied.

The taking of possession or acquisition is necessary in the interest of defence, 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 an interest in or right over the property.

(2) Compulsory acquisition of property by the State shall only be made under a law which makes provision for the prompt payment of fair and adequate compensation; and a right of access to the High Court by 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.

(3) Where a compulsory acquisition or possession of land effected by the State in accordance with clause (1) of this article 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.

(4) Nothing in this article shall be construed as affecting the operation of any general law so far as it provides for the taking of possession or acquisition of property by way of vesting or administration of trust property, enemy property or the property of persons adjudged or otherwise declared bankrupt or insolvent, persons of unsound mind, deceased persons or bodies corporate or unincorporated in the course of being wound up; or in the execution of a judgment or order of a court or by reason of its being in a dangerous state or injurious to the health of human beings, animals or plants; or in consequence of any law with respect to the limitation of actions; or for so long as may be necessary for the purpose of any examination, investigation, trial or inquiry; or for so long as may be necessary for the carrying out of work on any land for the purpose of the provision of public facilities or utilities, except that where any damage result from any such work there shall be paid appropriate compensation.

(5) Any property compulsorily taken possession of or acquired in the public interest or for a public purpose shall be used only in the public interest or for the public purpose for which it was acquired.

(6) Where the property is not used in the public interest or for 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 to him 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.

Annex 6: The State Lands Act, 1962

THE HUNDRED AND TWENTY FIFTH ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED THE STATE LANDS ACT, 1962

An act to provide for the acquisition of land in the national interest and other purposes connected therewith.

DATE OF ASSENT: 14TH JUNE, 1962

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:

1. Acquisition

Whenever it appears to the President in the public interest so to do, he may, by executive instrument, declare any land specified in the instrument, other than land subject to the Administration of land Act, 1962 (Act 123), to be land required in the public interest; and accordingly on the making of the instrument it shall be lawful for any person, acting in that behalf and subject to a month's notice in writing to enter the land so declared for any purpose incidental to the declaration so made.

An instrument made under the preceding subsection may contain particulars in respect of the date on which the land so declared shall be surrendered and any other matter incidental or conducive to the attainment of the objects of the instrument including an assessment in respect of the compensation that may be paid.

On the publication of an instrument made under this section, the land shall, without any further assurance than this subsection, vest in the President on behalf of the Republic, free from any encumbrance whatsoever.

2. Publication of Instrument

A copy of the instrument made under the preceding section shall, be served personally on any person having an interest in the land; or be left with any person in occupation of the land; and be affixed at a convenient place on the land; and be published on three consecutive occasions in a newspaper circulating in the district where the land is situate.

3. Tribunal

The President may, in consultation with the Chief Justice by executive instrument, establish a Tribunal consisting of three persons one of whom shall be a Judge of the High Court who shall be chairman.

The decision of the Tribunal on any matter referred to it under this Act shall be final save that the Tribunal may reserve for the consideration of the Supreme Court any question of law and section 11 of the Court Act, 1960 (C.A. 9) shall apply accordingly.

The President may, by legislative instrument, and after consultation with the Chief Justice, make Rules governing the functions and procedure of the Tribunal.

4. Claims and Compensation

(1) Any person claiming a right or having an interest in any land subject to an instrument made under section 1 of this Act or whose right or interest in any such land is affected in any manner shall, within three months from the date of the publication of the instrument made under the said section 1, submit in writing to the Minister,

Particulars of his claim or interest in the land;

The manner in which his claim or interest has been affected by the instrument;

The extent of any damage done;

The amount of compensation claimed and the basis for the calculation of the compensation, and the Minister may, having regard to the market value or the replacement value of the land or the cost of disturbance or any other damage suffered thereby, pay compensation in respect of that land or make an offer land of equivalent value.

(2) Where there is a dispute as to the right or interest claimed by reason of conflicting claim or interest, or any person is not satisfied with the compensation assessed by the Minister, the Minister may refer the matter to the Tribunal.

(3) In assessing compensation under this Act no account shall be taken of any improvement on the land made within two years previous to the date of the publication of the instrument made under section 1 of this Act unless the improvement was *bona fide* and not made in contemplation of acquisition under this Act.

5. Leases and Licenses

The President may grant a lease or license in respect of any land acquired under this Act.

6. Regulation

The Minister may, by legislative instrument, make Regulations prescribing fees to be paid under this Act and for the better carrying into effect of the principles of this Act.

7. Interpretation

In this Act, unless the context otherwise requires, “cost of disturbance” means 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;

“market value” means the sum of money which the land might have been expected to realize if sold in the open market by a willing seller at the time of the declaration made under section 1 of this Act;

“Minister” means the Minister responsible for lands;

“other damage” means damage sustained by any person having a right or interest in the land or in adjoining land at the date of the declaration made under section 1 of this Act, and shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the said declaration.

8. Repeals

The provisions of section 4 to 18 of the State Property and Contracts Act, 1960 (CA. 6) in so far as they relate to land shall cease to have effect.

The Housing Schemes (Acquisition of Land) Ordinance (Cap. 85) is hereby repealed.

9. Saving

Notwithstanding the repeal of the enactments specified in the preceding section, any subsidiary legislation made thereunder and in force immediately prior to the commencement of this Act shall continue to have effect as if made under this Act.

Annex 7: World Bank Operational Policies on Involuntary Resettlement (OP 4.12)

OP 4.12 - Involuntary Resettlement

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

OP 4.12
December, 2001

Note: OP/BP 4.12, *Involuntary Resettlement*, were revised on April 2013 to take into account the recommendations in "Investment Lending Reform: Modernizing and Consolidating Operational Policies and Procedures" (R2012-0204 [IDA/R2012- 0248]), which were approved by the Executive Directors on October 25, 2012. As a result of these recommendations: (a) OP/BP 10.00, *Investment Project Financing*, have been revised, among other things, to incorporate OP/BP 13.05, *Supervision* and OP/BP 13.55, *Implementation Completion Reporting*, (which have consequently been retired); and (b) OP/BP 8.60, *Development Policy Lending*, and OP 9.00, *Program-for-Results Financing*, have also been revised. OP/BP 4.12 have consequently been updated to reflect these changes, to clarify the extent of applicability of OP/BP 4.12 to Development Policy Lending and Program-for Results-Financing, and to reflect the updated title of the Bank's policy on access to information.

Questions on this OP/BP may be addressed to the Safeguard Policies Helpdesk in OPCS (safeguards@worldbank.org).

Revised April 2013

1. Bank¹ experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

Policy Objectives

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

- (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

Impacts Covered

3 . This policy covers direct economic and social impacts⁵ that both result from Bank-assisted investment projects,⁶ and are caused by

- (a) the involuntary⁷ taking of land⁸ resulting in
 - (i) relocation or loss of shelter;
 - (ii) loss of assets or access to assets; or
 - (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- (b) the involuntary restriction of access⁹ to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are

- (a) directly and significantly related to the Bank-assisted project,
- (b) necessary to achieve its objectives as set forth in the project documents; and
- (c) carried out, or planned to be carried out, contemporaneously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see [BP 4.12, para. 7](#)).¹⁰

Required Measures

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:

(a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

- (i) informed about their options and rights pertaining to resettlement;
- (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
- (iii) provided prompt and effective compensation at full replacement cost¹¹ for losses of assets¹² attributable directly to the project.

(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

- (i) provided assistance (such as moving allowances) during relocation; and
- (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.¹³

(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are

- (i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;¹⁴ and
- (ii) provided with development assistance in addition to compensation measures described in paragraph 6(a);
- (iii) such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which

- (a) specific components of the project will be prepared and implemented;
- (b) the criteria for eligibility of displaced persons will be determined;
- (c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and
- (d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children,

indigenous peoples,¹⁵ ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival.

For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them (see [Annex A](#), para. 11).

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).¹⁶

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area,¹⁷ or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction¹⁸ of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:

(a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.

(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

(c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.

Eligibility for Benefits¹⁹

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the [Annex A](#), para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which

displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. *Criteria for Eligibility.* Displaced persons may be classified in one of the following three groups:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) 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 (see [Annex A](#), para. 7(f)); and²⁰

(c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance²¹ in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank.²² Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

Resettlement Planning, Implementation, and Monitoring

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

(a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and [Annex A](#));

(b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see [Annex A](#); and

(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs.²³ The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.²⁴

23. The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also [BP 4.12](#), para. 16).

Resettlement Instruments

Resettlement Plan

25. A draft resettlement plan that conforms to this policy is a condition of appraisal (see [Annex A](#), para. 2-21) for projects referred to in para. 17(a) above.²⁵ However, where impacts on the entire displaced population are minor,²⁶ or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower (see [Annex A](#), para. 22). The information disclosure procedures set forth in para. 22 apply.

Resettlement Policy Framework

26. 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](#), paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. 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](#), paras. 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 subborrowers 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.

28. For other Bank-assisted project with multiple subprojects²⁷ 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](#), paras. 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.

29. For each subproject included in a project described in para. 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.

30. For projects described in paras. 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 be in compliance with Bank policy, are 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.

Process Framework

31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

Assistance to the Borrower

32. In furtherance of the objectives of this policy, the Bank may at a borrower's request support the borrower and other concerned entities by providing

- (a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;
- (b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
- (c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and
- (d) financing of the investment costs of resettlement.

33. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionalities, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.

1. "Bank" includes IBRD and IDA; "loans" includes IDA credits and IDA grants, guarantees, Project Preparation Facility (PPF) advances and grants; and "projects" includes projects under (a) PPFs advances and Institutional Development Fund (IDF) grants, if they include investment activities; (b) grants under the Global Environment Facility and Montreal Protocol, for which the Bank is the implementing/executing agency; and (c) grants or loans provided by other donors that are administered by the Bank. The term "project" does not include programs supported by Development Policy Lending (for which the environmental provisions are set out in [OP/BP 8.60, Development Policy Lending](#)), or by Program-for-Results Financing (for which environmental provisions are set out in [OP/BP 9.00, Program-for-Results Financing](#)). "Borrower" also includes, wherever the context requires, the guarantor or the project implementing agency.

2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include [OP 4.01, Environmental Assessment](#), [OP 4.04, Natural Habitats](#), [OP 4.10, Indigenous Peoples](#), and [OP 4.11, Physical Cultural Resources](#).

3. The term "displaced persons" refers to persons who are affected in any of the ways described in para. 3 of this OP.

4. Displaced persons under para. 3(b) should be assisted in their efforts to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.

5. Where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments.

6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see [OP 8.00, Rapid Response to Crises and Emergencies](#)).

7. For the purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice.

8. "Land" includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.
9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a). Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).
10. The *Involuntary Resettlement Sourcebook* provides good practice guidance to staff on the policy.
11. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see [Annex A](#), footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6.
12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.
13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.
14. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements.
15. See [OP 4.10](#), *Indigenous Peoples*.
16. Where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of escrow or other interest-bearing deposit acceptable to the Bank, and has provided a means satisfactory to the Bank for resolving the dispute concerning said offer of compensation in a timely and equitable manner.
17. See [OP 4.04](#), *Natural Habitats*.
18. As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.
19. Paras. 13-15 do not apply to impacts covered under para. 3(b) of this policy. The eligibility criteria for displaced persons under 3 (b) are covered under the process framework (see paras. 7 and 30).
20. Such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.
21. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.
22. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.
23. For projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel of independent, internationally recognized resettlement specialists to advise on all aspects of the project relevant to the resettlement activities. The size, role, and frequency of meeting depend on the complexity of the resettlement. If independent technical advisory panels are established under [OP 4.01](#), *Environmental Assessment*, the resettlement panel may form part of the environmental panel of experts.
24. See *The World Bank Policy on Access to Information*, para. 34 (Washington, D.C.: World Bank, 2002).
25. An exception to this requirement may be made in highly unusual circumstances (such as emergency operations) with the approval of Bank Management (see [BP 4.12](#), para. 8). In such cases, the Management's approval stipulates a timetable and budget for developing the resettlement plan.
26. Impacts are considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost.
27. For the purpose of this paragraph, the term "subprojects" includes components and subcomponents.

Annex A - Involuntary Resettlement Instruments

Annex 8: Procedure for Acquisition of Right-of-way**COMPULSORY ACQUISITION PROCESS**

	ACTIVITY
1	Engagement of Consultant to undertake feasibility studies by Road Agency (show evidence of consultation with the affected people)
2	Submission of Final Feasibility Report to Road Agency by Consultant
3	Production of Acquisition drawing to a Scale of 1:2500 by Consultant
4	Production of Interim Valuation Report by Consultant
5	Show Evidence of ability to pay compensation - by Road Agency
6	Submit drawings to Site Advisory Committee by Road Agency
7	Approval of application by of Site Advisory Committee (SAC)
8	Submission of plans and minutes by the SAC to Regional Minister
9	Approval of plans and minutes by the Regional Minister
10	Submission of approved plans to Lands Commission Secretariat
11	Preparation LD plans and draft EI to Ministry of Lands & Natural Resources (MLNR) by LC
12	Approval of LD plans and EI by MLNR
13	Submission of LD plans and EI to Attorney-General's Office
14	Submission of EI to Assembly Press for gazetting
15	Publication of EI by Lands Commission in the national dailies
16	Demarcation of ROW by Survey & Mapping Division (SMD) of LC / Consultant
17	Formal letters to affected property owners by Road Agency
18	Referencing & Filming (video & photographs) of affected property by Road Agency
19	Measurement of affected properties by Lands Valuation Division (LVD) of LC and assessment of compensation
20	Preparation of site plans to determine landtake by SMD
21	Offer letters to Claimants by LVD
22	Acceptance / Rejection of offer by Claimants
23	Request for fund from Ministry of Finance by Road Agency
24	Payment of compensation by Road Agency
25	Demolition of acquired properties by Road Agency
26	Preparation of proprietary plans by LVD

PROCEDURES FOR COMPULSORY ACQUISITION OF ROW (BEFORE APPROVAL)

An application for Compulsory Site Acquisition should be submitted to the Secretariat (Regional Lands Officer). Attached to the application letter should be two (2) copies of the site plan approved by the Regional Surveyor.

The submission should meet the following conditions:

- Site Plan for Acquisition (to accord with the standard format)
- Feasibility Report
- Interim Valuation Report
- Evidence of ability to pay compensation
- Evidence of consultations on acquisition

Site Plan for Acquisition

The site plans should conform to the Town and Country Planning Scheme for the area (Scale 1: 2500) In preparing this, the TCP should be contacted for sites already zoned for the intended purposes or for possible sites that could be rezoned. Where there is no scheme at all a broad land use plan should be prepared for the area.

Right of way Drawings for Roads and Utility Services should conform to the Planning Schemes of the areas that the road passes through. Where there are deviations, the applicant must clearly indicate such deviations and their implications.

The Regional Heads of Survey & Mapping Division and Town and Country Planning Department should endorse the site plans.

In a case where acquisitions traverse regional boundaries, the various Regional Coordinating Councils (RCC) connected with the acquisition, should form a Joint Acquisition Committee. The initiator of the acquisition should be at RCC where the project starts.

Format of Site Plan

The site plans should be prepared in a format acceptable to the Lands Commission Secretariat.

On the plans provision should be made for the signature of members of the committee.

**PROCEDURES FOR COMPULSORY ACQUISITION OF ROW
(DURING APPROVAL)(PROCESSING)**

- 1 Submit drawings to Site Advisory Committee
- 2 Consideration of Site Advisory committee (SAC)
- 3 Submission of plans and minutes of SAC to Regional Minister
- 4 Approval of plans and minutes by the Regional Minister
- 5 Submission of Approved plans to Lands Commission Secretariat
- 6 Preparation of LD plans at Lands Commission
- 7 Submission of LD plans and draft EI to Ministry of Lands & Natural Resources (MLNR)
- 8 Approval of LD plans and EI by MLNR
- 9 Submission of LD plans and EI to Attorney-General's office
Submission of EI to Assembly Press for gazetting
- 10 Publication (three times) of EI by Lands Commission in the national dailies

**PROCEDURES FOR COMPULSORY ACQUISITION OF ROW
(AFTER APPROVAL – FIELD WORKS)(IMPLEMENTATION)**

- 1 Setting out of ROW by Survey Department or a licensed surveyor
(Preferably, the consultant who prepare the acquisition drawing)
- 2 Measurements of affected properties by Lands Valuation Division (LVD)
and assessment of compensation
- 3 Offer letters to Claimants by LVD
- 4 Acceptance / Rejection of offer by Claimants
- 5 Payment of compensation by acquiring agency (DUR)
- 6 Demolition of affected properties by acquiring agency (DUR)
- 7 Preparation of proprietary plans by LVD

Annex 9: Social Screening Guide

Ghana EPA			World Bank
Types of Road Project (Infrastructure/Service)	Social Sensitivity Criteria	Screening Outcome (Level of EA)	Screening Outcome (Level of EA)
<p>Routine maintenance:</p> <ul style="list-style-type: none"> Patching of potholes Light grading Trees and bush clearing Cleaning of gutters, drains and culverts <p>Periodic maintenance, minor rehabilitation and minor improvement:</p> <ul style="list-style-type: none"> Spot improvement Repair and resurfacing short stretches of roads Upgrading of gravel to bituminous roads <p>Major rehabilitation:</p> <ul style="list-style-type: none"> Reconstruction of heavy degraded road section Upgrading Placing asphalt concrete overlaps Repair and construction of bridges Repair and construction of culverts and other structures <p>Road construction</p> <p>Asphalt plant</p>	<p><i>Non-socially sensitive site/route, single or few component activities</i></p> <p>Maintenance / installation / culvert, etc. projects</p> <p>Labour-intensive (limited machinery use)</p> <p>Impacts generally localised, less severe, and scope of impacts narrow, short-term and reversible.</p> <p>Mitigations are easy to design and implement.</p> <p>No need to generate much primary data, especially as baseline.</p>	Sectoral	Sectoral
	<p><i>Within/bordering or < 0.20 km from</i></p> <p>A known historical, archaeological or scientific site or infrastructure</p>	Environmental	Environmental
	<p><i>Within/bordering or < 0.20 km from</i></p> <p>A cultural resource or site (e.g. cemetery, sacred grove, shrine, church, mosque)</p>	Impact	Impact
	<p><i>Within/bordering or < 0.20 km from</i></p> <p>A medical or health facility (e.g. a hospital or clinic)</p>		
	<p><i>Within/bordering or < 0.10 km from</i></p> <p>An educational or research facility</p>	Assessment	Assessment
	<p><i>Within/bordering or < 0.20 km from</i></p> <p>A human settlement or community or township</p>		
	<p><i>Involving resettlement</i></p> <p>Or relocation or compensation of more than 20 different persons or families</p>		

Bituminous plant Work Camp Quarries Crushers Borrow Areas Disposal Areas	<i>Program or Plan-like Proposals</i> Many phases involved, precise locations may not yet be fully known; Many activities/sub-projects (but type of sub-projects may not yet be fully determined); Diverse impacts affecting other sectors Implementation/construction spread over long periods.	Strategic Environmental Assessment	Strategic Environmental & Social Assessment
---	---	--	---

Annex 10: Social Screening Checklist

Potential for Involuntary Resettlement Effects*	Not Known	Yes	No	If yes, consider potential scope of resettlement effects
Will the project include any new physical construction work?				
Does the project include upgrading or rehabilitation of existing facilities?				
Are any environmental effects likely which may lead to loss of housing, other assets, resource use or incomes?				
Is land acquisition likely to be necessary?				
Is the site for land acquisition known?				
Is the ownership status and current usage of the land known?				
Will easements be utilized within an existing site or Right of Way?				
Are non-titled people present on the site/within the Right of Way?				
Will there be loss of housing?				
Will there be loss of crops, trees, and other fixed assets through land use related changes?				
Will there be loss of incomes and livelihoods?				
Will people lose access to facilities, services, or natural resources through land use-related changes?				
Will any social or economic activities be affected through land use-related changes?				
Affected Persons and Severity of Impacts				
Any estimate of the likely number of those affected by the project? No () Yes ()				
If yes, approximately how many?				
Any estimate of the severity of impact at the household level?				
If yes, what?				
Any of these people poor, indigenous, or vulnerable to poverty risks? No () Yes ()				
If yes, how?				

Annex 11: Sample Social Screening Form

Social Screening Form

Project name:

Location (include map/sketch): (e.g. region, district, etc)

Type of activity : (e.g. new construction, rehabilitation, periodic maintenance)

Estimated Project Cost:

Proposed Date of Works Commencement:

Technical Drawing and Specifications (circle answer): Yes No

Reviewed :

This report is to be kept short and concise.

1. Site Selection:

Physical data:	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to project	
Any plans for new construction	

Refer to project application for this information.

2. Impact identification and classification:

2.1 Site selection

When considering the location of a project/subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects. The following table should be used as a reference.

Issues	Site Sensitivity			Rating
	Low	Medium	High	
Natural habitats	No natural habitats present of any kind	No critical natural habitats; other natural habitats occur	Critical natural habitats present	
Water quality and water resource availability and use	Water flows exceed any existing demand; low intensity of water use; potential water use conflicts expected to be low; no potential water quality issues	Medium intensity of water use; multiple water users; water quality issues are important	Intensive water use; multiple water users; potential for conflicts is high; water quality issues are important	

Natural hazards vulnerability, floods, soil stability/ erosion	Flat terrain; no potential stability/erosion problems; no known volcanic/seismic/ flood risks	Medium slopes; some erosion potential; medium risks from volcanic/ seismic/ flood/ hurricanes	Mountainous terrain; steep slopes; unstable soils; high erosion potential; volcanic, seismic or flood risks	
Cultural property	No known or suspected cultural heritage sites	Suspected cultural heritage sites; known heritage sites in broader area of influence	Known heritage sites in project area	
Involuntary resettlement	Low population density; dispersed population; legal tenure is well-defined; well-defined water rights	Medium population density; mixed ownership and land tenure; well-defined water rights.	High population density; major towns and villages; low-income families and/or illegal ownership of land; communal properties; unclear water rights.	

3. Checklist of impacts identification and classification

Roads/ Pavements/Drainage/road side furnitures (Construction and Maintenance) Impacts during construction, operation and decommissioning phases	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
Risk of causing disruption to basic utility services (Water supply, power, and telecom)?					
Wet season excavation?					
Significant vegetation removal?					
Cause air pollution? (Dust, etc)					
Aesthetic disruption to the surrounding areas?					
Soil erosion or flooding concerns (e.g., due to highly erodible soils or steep gradients)					
Creation of quarry sites or borrow pits?					
Number of stream crossings or disturbances?					
Affect the quantity or quality of surface waters (e.g. rivers, streams, wetlands), or groundwater (e.g. wells)?					
Be located within or nearby environmentally sensitive areas (e.g. Parks, intact natural forests, wetlands, etc)?					
Require that land (public or private) be acquired (temporarily or permanently) for its development?					
Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forest)?					
Result in temporary or permanent loss of crops, fruit trees or household infrastructure such as granaries, outside toilets and kitchens?					
Displace individuals, families or businesses?					
Cultural or religious sites disturbed?					

Disturbance of economic activities leading to loss of income or property?					
Cause poor water drainage and increase the risk of water-related diseases such as malaria or bilharzias?					
Result in the production of solid or liquid waste, or result in an increase in waste production, during construction or operation?					
Wildlife habitats or populations disturbed?					
Environmentally sensitive areas disturbed?					
Other (specify):					

Reviewer:

Name:

Signature:

Date:

Annex 12: Sample Census Survey and Land Asset Inventory Form

A. STRUCTURE CODE

(Structure Code should be on building from Rapid Asset Survey)

A1. Area ID	A2. Zone Number	A3. Compound Number	A4. Structure Number

B. GPS COORDINATES

GPS No	Point No	E (X)						N (Y)					

C. PHOTOS of STRUCTURE

Camera No:		Photo Numbers:	Front View:		Side View:	
			Rear View:		Roof:	
			Side View:		Floor:	

D. STRUCTURAL INFORMATION

D.1. USE
 Residential ☐ Farmstead ☐ Commercial ☐ Institutional ☐ Annex ☐
 If Annex, specify: _____ If Mixed use, specify: _____

(E.g. WELL, STORAGE SHED, FISH POND) (E.g. RESIDENTIAL WITH SMALL SHOP)

D.2. NUMBER OF ROOMS:

D.3. STATUS
 Complete ☐ Incomplete ☐ Under Construction ☐

D.4. OCCUPATION
 Occupied ☐ Not Occupied ☐ In Use (For Annexes only) ☐

D.5. FACILITIES
 Kitchen (y/n) ☐ Bath (y/n) ☐ Toilet (y/n) ☐ Veranda (y/n) ☐

D.6. WATER
 Borehole ☐ Well ☐ Rainwater ☐ None ☐

D.7. ELECTRICITY

Mains ☐ Generator ☐ None ☐ Other ☐ If Other, specify _____

D.8. Notes/Additional Building Description

E. EXTERNAL MEASUREMENTS

Block No.	% completed		Material Code (use code listed below)						Age	External Dimensions (m)	
	Walls	Roof	Walls	Roof	Door	Window	Floor	Ceiling		Length	Breadth

WALL MATERIALS

Code	Description
BA	Bath Cubicle (detached)
BB	Bamboo
BU	Burnt Bricks
CAS	Corrugated Asbestos Sheets
CP	Clay - with cement plastered
CIS	Corrugated Iron Sheet
LC	Landcrete
MBS	Swish (Atakpame) or Mud Brick
PF	Palm Fronds
PLY	Plywood
RAF	Raffia
SB	Sandcrete Block
ST	Sticks
THA	Thatch
TIM	Timber
VR	Veneer
WB	Wooden Board
WD	Wattle & Daub
ZANA	Zana Mat
FWK	Framework
PLA	Plastic

ROOFING MATERIALS

Code	Description
BB	Bamboo
CAS	Corrugated Asbestos Sheet
CIS	Corrugated Iron Sheet
PF	Palm Fronds
PLY	Plywood
RAF	Raffia
THA	Thatch
VR	Veneer (waste)
WB	Wooden Board
PLA	Plastic
PO	Polythene
N/A	None

WINDOWS/CEILING

Code	Description
WOB	Wooden battened
PLY	Plywood
ZANA	Zana Mats
RAF	Raffia
MET	Metal
LV	Louver Blades
PC	Paper Carton
N/A	None

DOORS

Code	Description
WOJ	Wooden jalousies
WOB	Wooden battened
ZANA	Zana Mats
PLY	Plywood
PA	Paneled
N/A	None

FLOORS

Code	Description
CEM	Cement Screed
EA	Earth
TIM	Timber
TIL	Tile
REA	Rammed Earth
N/A	None

F. INTERNAL MEASUREMENTS

Room No.	Use/Description	Dimensions (m)		Area (m ²)
		Length	Breadth	
Room 1				
Room 2				
TOTAL				

(Use separate line for each room and mark room numbers on Sketch)

G. BUILDING HAS CHANGED FROM RAPID SURVEY?

Yes

No

☐
☐

H. INDICATE SPECIFICALLY WHAT HAS CHANGED SINCE RAS

I. SKETCH PLAN OF COMPOUND AND ALL STRUCTURES

Identify currently surveyed structure on sketch. Clearly indicate any addition made after the RAS

--

J. OWNER/OCCUPIER INFORMATION

J.1. Name of Property Owner _____ J.1.1. Sex: M ☐ F ☐

LAST NAME, FIRST NAME (use capitals)

J.2. Main Address of Owner _____

J.3. Date of Birth _____ J.3.1. Age of Structure Owner _____

J.4. Father's Name _____ J.4.1. Mother's Name _____

J.5. Has owner mandated someone? Yes ☐ No ☐ If Yes:

J.6. Name of mandated person: _____

LAST NAME, FIRST NAME (use capitals)

J.7. Mandate attached to this form? Yes ☐ No ☐

J.8. Form of Identification of the Owner (or mandated person)

Type of ID: _____ ID Number: _____
(E.g. VOTERS, NHIS, PASSPORT, etc)

Aliases 1) _____ 2) _____
3) _____ 4) _____

J.9. Photograph of Owner (or the mandated person) with structure, (showing Structure Code marked on structure)

Camera No:		Photo Number:	
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J.10. Is the building occupied? Yes ☐ (Go to K) No ☐ (Go to L)

J.11. Is Owner (or mandated person) the occupier? Yes ☐ (Go to H12) No ☐ (Go to H10)

J.12. Name of occupier: _____
LAST NAME, FIRST NAME (use capitals)

Relationship with the owner: _____

Type of ID: _____ ID Number: _____
(E.g. VOTERS, NHIS, etc)

K. RESIDENT INFORMATION (ONLY IF OCCUPIED)

#	Name		Gender (M/F)	Age	Relation to Occupier	Present? (Y/N)
	LAST NAME	FIRST NAME				
1					SELF	
2						
3						
4						
5						
6						
7						
8						
9						

Continue on back of sheet if necessary

L. VERIFICATION

I, agree to the assessment of the Survey Team and hereby append my signature/thumb print as evidence that I was present when the survey was undertaken.

Print name of Owner/Mandated person (BLOCK CAPITALS)	Signature / Thumbprint	Date
Print name of Surveyor (BLOCK CAPITALS)	Signature	Date
Print name of LVD representative (BLOCK CAPITALS)	Signature	Date
Print name of CLO (BLOCK CAPITALS)	Signature	Date
Print name of Witness (BLOCK CAPITALS)	Signature / Thumbprint	Date

Annex 13: Consultation Framework

Project Stage	Consultation Activity
Project Preparation	<p>Information dissemination and consultation with PAPs during field surveys:</p> <ul style="list-style-type: none"> ▪ Project description and its likely impacts ▪ Objective and contents of the surveys ▪ General provisions of compensation policy ▪ Mechanics and procedures for public participation and consultation ▪ Resettlement options (reorganization on remaining land, relocation to a fully developed resettlement site, or cash compensation) ▪ Grievance redress procedures <p>It is a good practice to prepare a brief Public Information Brochure (PIB) for distribution to all the PAPs. The PIB will very briefly explain the sub-project objectives, likely benefits and adverse impacts, general provisions of the compensation policy, and grievance redress mechanisms.</p>
	<p>Information dissemination to local authorities after completion of census & inventory and during the ESIA/ESMP/RAP preparation:</p> <ul style="list-style-type: none"> ▪ Sub-project components ▪ proposed policies and procedures including proposed resettlement strategies ▪ a summary of impacts ▪ request for identification of resettlement sites, if necessary ▪ tentative implementation schedule ▪ roles and responsibilities of the sub-project proponents and local authorities
	<p>Consultation with community and other key stakeholders:</p> <ul style="list-style-type: none"> ▪ feedback regarding relocation site(s), if applicable. ▪ Options for the mode of compensation for affected assets ▪ When the draft ESMP and RAP are available they should be provided to key stakeholders and local NGOs in their native language and put in a public place. Feedback should be requested and incorporated into the final documents. The feedback could be received through email, phone, face-to-face interaction, meetings etc. <p>Details of all the public meetings held with people and local government officials with dates, location and the information provided and the major emerging issues should be documented. It is recommended that ESMP and RAP and other documents include this list, as an attachment. Where public announcements are made, the details, together with a</p>

Project Stage	Consultation Activity
	<p>copy of the text of the announcements should be provided in the documents.</p> <p>The draft ESMP and RAP/SIA should be discussed with local authorities and a copy of the document should be kept with regional and district level authorities. PAPs should be informed through public announcements on the availability of the draft documents at the district and local government level.</p>
Project Implementation	<p>Information dissemination and consultation with PAPs during ESMP and RAP implementation:</p> <ul style="list-style-type: none"> ▪ Sharing ESMP and RAP document with local authorities ▪ Major policy resettlement policy provisions and grievance redress mechanism should be informed to the PAPs and beneficiary households in the project area through village level public meetings. ▪ One to one meeting with the PAPs to explain their eligibility ▪ Placing of micro plan for compensation and resettlement in affected villages for review and minimize grievances ▪ Payment of compensation to PAPs in public meeting (of PAPs and community leaders only) to maintain transparency ▪ Household consultation for skill improvement training, use of compensation amount and livelihood restoration
Public Participation in Project Monitoring and Ex-Post Evaluation	<ul style="list-style-type: none"> ▪ Establish Stakeholder Monitoring Group (SMG), consisting of affected people and civil society members. The group will be responsible for monitoring of all aspects of EMP and resettlement implementation and provide feedback to the implementing agency. ▪ Participation of PAPs in monitoring will provide project management with a more accurate reflection of PAPs reactions and perceptions.

Annex 14: Sample Grievance Redressal Form

-GRIEVANCE AND RESOLUTION FORM FOR RESETTLEMENT AND COMPENSATION-

Name (Filer of Complaint):
ID Number (PAPs ID number):
Contact Information (house number/ mobile phone) :.....
Nature of Grievance or Complaint:

<u>Date</u>	<u>Individuals Contacted</u>	<u>Summary of Discussion</u>
.....

Signature..... Date:
Signed (Filer of Complaint):
Name of Person Filing Complaint (if different from Filer):
Position or Relationship to Filer:

Review/Resolution

Date of Conciliation Session:
Was Filer Present?: Yes No
Was field verification of complaint conducted? Yes No
Findings of field investigation:.....

Summary of Conciliation Session Discussion.....

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:

.....
.....

Signed (Conciliator): Signed (Filer):

Signed:
(Independent Observer)

Date: