



GOVERNMENT OF GHANA

MINISTRY OF ENVIRONMENT AND SCIENCE

**SUSTAINABLE LAND AND WATER MANAGEMENT
PROJECT**

RESETTLEMENT PROCESS FRAMEWORK (RPF)

31 JULY 2010

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EXECUTIVE SUMMARY

INTRODUCTION

The Government of Ghana has requested funds for the implementation of the Sustainable Land and Water Management (SLWM) Project. The Project presents a comprehensive approach to sustainable land and watershed management that combines soft and hard investments at the community level, including in maintenance of ecological infrastructure, with planning activities which would eventually integrate these into a much larger program of water and flood management infrastructure across the Northern Savanna eco-agricultural zone.

The Project has triggered World Bank social safeguard policy OP 4.12 on Involuntary Resettlement. Although no involuntary land-taking or resettlement of people is envisaged, there are potentials for individual access to resources to be restricted as the result of community-level choices to engage in certain NRM and SLM activities under components 2 and 3.

This Resettlement Policy Framework has been prepared to meet the requirement for additional documentation and safeguards procedures to cover the remainder of project activities, to be financed from the GEF. The policy framework describes the community based participatory process by which project components will be prepared and implemented.

PRINCIPLES AND OBJECTIVES

The objective of the RPF is to identify and minimize potential social impacts. It will also ensure that there is a systematic process to guide processes at the community level, which may restrict the access of individuals to natural resources, and in some cases land.

PROJECT DESCRIPTION

The Project has three integrated components:

Component 1: Capacity building for integrated spatial planning (\$1.0m from GEF)

Component 2: Water & Land Management (\$5.95m from GEF):

- *Subcomponent 2.1: Strengthening capacities of districts and rural communities for micro-watershed and land use planning (0.75m)*
- *Subcomponent 2.2: Systems and capacity to promote SLWM. (\$1.2m)*
- *Subcomponent 2.3: Implementation of SLWM in micro-watersheds (\$3.0m)*
- *Subcomponent 2.4: Management of riparian biological corridors (\$1m GEF [Biodiversity window])*

Component 3: Project management, monitoring and coordination (\$1.2m from GEF [Land Degradation])

SOCIAL BASELINE CONTEXT

- The three regions of northern Ghana take up 97,700 km², which is 41 percent of the total land area but comprise only 17.4 percent of the national population. The Northern Region, even though is the most populous of the three, remains sparsely populated. The Northern Region covers 70,383km² with a population density of 26 persons per km², which is less than that of the Upper East (104 persons per km²) which is the smallest of the three regions (8,842 km²). The

population density of the Upper West Region is 31 persons per km² with a land area of 18,478 km².

- Agriculture, hunting, and forestry are the main economic activities in the region. About 80 percent of the economically active population are into agriculture; engaged in the production of millet, guinea-corn, maize, groundnut, beans, sorghum, and dry season tomatoes and onions.
- Land in the three northern regions is owned by the Skins¹ although families (Tindaanas) and some individuals own land. Land for agriculture is provided by the Skins, the family head, or outright sale.
- Employment within the three northern regions is seasonal. The majority of the employable population are engaged in agriculture (crop production, animal husbandry or fishing), at subsistence level. Agriculture employs over 70% of the employable labour force
- Migration within the three northern regions is an annual phenomenon. The people from the North migrate to the various districts in the south for farming, fishing or other activities like head porter (Kaya Yei) in the urban centers.
- Tourism is an emerging industry that can create employment and therefore increased incomes of the people in the northern regions.
- Land disputes, ethnic issues, sharing of land resources, and hierarchy of ascending to throne are potential areas of conflict in the Northern, Upper East and West Regions.

INSTITUTIONAL ARRANGEMENTS

For the activities undertaken under the SLWM project, a participatory planning process utilizing the following community-based natural resource management systems will be followed.

The Environment Protection Agency (EPA) of MEST will be responsible for supporting much of the implementation of activities under Component 2. Under guidance of NSLMC, the EPA will be responsible for the selection of SLWM technologies for inclusion, and convening the expert conference to define the environmental services index. Technical support to most field activities in the three northern Regions will be provided through a Technical Coordination Office (TCO) to be established at the EPA office in Bolgatanga. It will function to support frontline implementation of SLWM-related activities via: (i) coordination of district implementing agencies and staff, particularly dialoguing and providing guidance on the design of SLWM implementation and PES processes within each pilot district; and (ii) coordinating and overseeing specialized technical activities for which NGOs or technical institutes will be engaged.

Activities in reserves and Wildlife Corridors will be coordinated and managed from the Forestry Commission Regional Office in Bolgatanga. Via its regional offices in the three northern regions (Upper East, Upper West and the Northern region) the Forestry Commission will be responsible for the planning and implementation of activities in the selected sites in the Western Corridor and for establishment of CREMAs and local monitoring in participation with local communities.

District staff, with guidance and support from the TCO, will have responsibility for most of the on-the-ground implementation, including community engagement, participatory planning, establishing appropriate incentive mixes for community-selected SLWM technology options, establishing contracts with individual farmers, provision of extension services for agricultural SLWM investments and routine field monitoring. In the context of implementing the PES system, NGOs and/or private sector organizations may be contracted to undertake some of these functions. The District Project Steering

¹ The Term "Skin" is used to refer to a traditional ruler's office and authority in the three northern regions of Ghana.

Committees, aided by DPCUs, will be responsible for mobilizing District Agriculture Officers, and other technical staff (e.g. water, planning), and where necessary seeking support from the District Assemblies in the form of by-laws to codify community NRM systems.

IMPACTS AND FRAMEWORK

Land acquisition is not anticipated under activities funded by the GEF project. The only civil works planned under the GEF project are a limited number of small spillway dykes to be constructed within watercourses in the Gbele Resource Reserve and potentially within community conservation lands. These will not impact private land. The Social Opportunities Project (SOP) which is linked to this project will provide small infrastructure investments. The social safeguards procedures for this are detailed within the Resettlement Process Framework for that project, the main text of which is annexed to this document (see annex 2).

There is potential for community-based decision-making to restrict the access of individuals to resources – either via local natural resource management systems, or introduction of sustainable land management options which limit the access of tenant farmers to current agricultural land. As these are community-based decisions in the common interest, government compensation for these restrictions are not envisaged, but the project will ensure that an inclusive approach to decision-making is followed, that affected persons have livelihood alternatives, and recourse to a grievance mechanism.

RESOURCE ACCESS RESTRICTION FROM CBNRM DECISIONS

Community-Led Decision-Making

The means for the regular and effective participation of resource users in CBNRM decision-making within Community Resource Management Areas (CREMAs) will be through the regular CREMA governance structures to be established in areas where the project will be initiating activities.

Benefit-sharing

A variety of enhanced livelihood opportunities will be developed by the project with CREMA members both to increase incentives for long-term sustainable management of resources, and to assist in circumstances where resource harvests are curtailed to allow stocks to recover and/or establishment of more productive types of resource use.

Conflict resolution

Assuming the system of village-based resource user groups and CRMCs linked to an umbrella CREMA executive works as it should, separate mechanisms for mediating and resolving conflicts within or between affected communities should not be necessary. These first two levels of organization will take precedence as far as the airing of any grievances and resolution of any conflicts are concerned. However, should any conflicts arise that cannot be solved at this level, they will be referred to an ad-hoc body that will be created within the local administration with support of the project.

LOSS OF USE RIGHTS FOR AGRICULTURAL LAND DUE TO TINDANA / COMMUNITY SLWM DECISIONS

Community participation in decision-making

In certain circumstances, SLWM options chosen by Tindanas, communities or community groups may restrict the rights of individual tenant farmers to use specific areas of agricultural land. This may include e.g. decisions to restrict cultivation in very sensitive areas, such as river banks, or decisions to control use of fire.

Compensation for loss of use rights

In cases where agricultural use is significantly restricted, compensation is expected to be through provision of access to alternative suitable land by the community, although arrangements by which displaced farmers are compensated through the project incentives being offered to the land holder may also be considered.

Conflict Resolution

As conflicts in relation to land use involve decisions within the community, existing community structures will be used to address them. Parties to the conflict will have access to the project grievance procedure, and where satisfactory agreements cannot be reached within the community, they may be referred there.

OVERSIGHT

Arrangements for monitoring should fit with the overall monitoring plan and regular implementation arrangements of the SLWM Project. Full monitoring responsibilities and formats will be detailed in the Project Implementation Manual. Monitoring responsibilities directly related to the RPF are as follows:

Table E1: Monitoring Responsibilities

| Activity | RFP-related monitoring | Responsibility (instruments) |
|-----------------------|---|---|
| SLWM technologies | <ul style="list-style-type: none">• Community participation in micro-watershed planning• Compensation for restriction of access to agricultural land | <ul style="list-style-type: none">• District extensionists (reports on planning exercises)• District extensionists (records appended to SLWM contracts & field verification) |
| CREMAs | <ul style="list-style-type: none">• Community participation in CREMA planning• Appropriate targeting of livelihood enhancement opportunities | <ul style="list-style-type: none">• Wildlife Division staff (CREMA & CRMC records)• Wildlife Division staff (CREMA plans) |
| Grievance & conflicts | <ul style="list-style-type: none">• Maintain records of cases, including details, stage and process reached and (eventually) outcome | <ul style="list-style-type: none">• TCO (grievance & conflict resolution log); records from CREMAs will be provided by FC. |
| Verification | <ul style="list-style-type: none">• Checks of all of the above | <ul style="list-style-type: none">• FC, TCO, MEST, World Bank (mandatory safeguards sections in regular progress reports & spot checks during field supervision. |

GRIEVANCE MECHANISM

The scale and scope potential impacts of the SLWM project may not be that massive or very significant taking cognizance of the nature of proposed projects to be undertaken, but may nevertheless give rise to grievances among the affected population over issues ranging from inclusion, equity of treatment or adequacy of compensation for restriction of access to land or natural resources.

CONSULTATION

Consultation with affected communities has taken place a number of times during project preparation, through development of the social baseline and project design missions. A formal public consultation event was held on 4th & 5th May in the project area. This provided details of the project design, safeguards

procedures and rights of affected persons, and is documented in annex 1.

CAPACITY DEVELOPMENT

Project institutions need to understand the purpose of the RPF, their expected roles and the extent to which the RPF will facilitate the respective statutory functions. This will engender the required collaboration for the RPF implementation and preparation of Resettlement Action Plans (RAPs) where necessary. The broad areas for capacity building have been defined.

BUDGET

The table below describes the capacity strengthening programme for the implementation of the RPF.

Table E2: Resettlement Cost Estimates and Budget

| Activity | | Target Audience/Responsibility | Duration (WEEKS) | Estimate Budget (GH ¢) |
|--------------------------------|--|--|--------------------------|------------------------|
| CAPACITY DEVELOPMENT PROGRAMME | The requirements of the World Bank's Policy on Involuntary resettlement, clarification of resettlement and resource access restriction principles and applicable design criteria to sub-projects under the SLWM project, | Regional Coordinating Council, District Assemblies, Relevant Departments and Agencies,(EPA, TCO & FC staff working on project) | 3 WEEKS ² | 25,000 |
| | Resettlement and resource access restriction issues related to the SLWM Project | DAs, District staff, Land Commission, Forestry Commission and other extension service providers. | | |
| | CBNRM decision making approach and CREMA Governance Structures; Livelihood enhancement opportunities; | FC (including Wildlife & Forest Services Divisions), Lands Commission, DA's, Communities, staff working on project. | | |
| OVERSIGHT ACTIVITIES | Livelihood enhancement and benefits monitoring. | NLSC, EPA,DA's, Beneficiary communities and affected persons | Quarterly or half yearly | 25,000 |
| | Safeguards procedures and rights of affected persons and communities | World Bank, MEST,NLSC, EPA,DA's, Beneficiary communities and affected persons | Quarterly or half yearly | |
| TOTAL | | | | 50,000 |

² The Capacity development programme is proposed to be done on regional basis covering the three (3) beneficiary regions. A week will be used for each region. Hence the three (3) weeks for the three beneficiary regions.

INTRODUCTION

The Government of Ghana has requested funds for the implementation of the Sustainable Land and Water Management (SLWM) Project. The Project presents a comprehensive approach to sustainable land and watershed management that combines soft and hard investments at the community level, including in maintenance of ecological infrastructure, with planning activities which would eventually integrate these into a much larger program of water and flood management infrastructure across the Northern Savanna eco-agricultural zone. The operation has four integrated components: (1) Capacity building for integrated spatial planning; (2) Water & Land Management (3) Payment for Environmental Services and (4) Project Management and M&E.

The Project has triggered World Bank social safeguard policy OP 4.12 on Involuntary Resettlement. Although no involuntary land-taking or resettlement of people is envisaged, there are potentials for individual access to resources to be restricted as the result of community-level choices to engage in certain NRM and SLM activities under components 2 and 3. In some cases these may include instances where tenant farmers are required to vacate land that communities and tindanas have elected to set aside as a protective riverine buffer. Such instances are expected to be dealt with through community action to make available other suitable land to the affected farmers, but nevertheless, the potential for these instances to occur necessitates the preparation of an outline RPF. The most significant environmental and social impacts are likely to be associated with the construction of small-scale infrastructure under component 2. As these activities are financed under the Social Opportunities Project, however, they are subject to the safeguards documents and procedures for that project. This Resettlement Policy Framework has been prepared to meet the requirement for additional documentation and safeguards procedures to cover the remainder of project activities, to be financed from the GEF. The policy framework describes the community based participatory process by which project components will be prepared and implemented. If it is determined that a project activity will impact individual(s) assets, a simple Resettlement Action Plan will be prepared and implemented prior to impacting stakeholder(s).

PRINCIPLES AND OBJECTIVES

The objective of the RPF is to identify and minimize potential social impacts. It will also ensure that there is a systematic process to guide processes at the community level, which may restrict the access of individuals to natural resources, and in some cases land. The process shall also consider the participation of affected persons, involvement of relevant institutions and stakeholders, adherence to World Bank and Government Policies, procedures and requirements. The preparation of the RPF will follow the requirements of the World Bank's Policy on Involuntary Resettlement, OP 4.12, clarify resettlement and access restriction principles, organizational arrangements, and design criteria to be applied to sub-projects to be prepared during project implementation. The framework will describe eligibility criteria for resettlement of affected households or businesses in the planned projects; categories of affected persons and measures for restoration of living standards and livelihoods; provide for compensation payments on the basis of market replacement costs; identify potential circumstances within the three northern regions where resettlement, access restriction and compensation issues could arise; recommend an appropriate institutional framework for the implementation and tracking of the resettlement framework in the three northern regions; prepare a manual for implementing resettlement schemes; and describe dispute resolution mechanisms.

The objectives of this policy are the following:

- (i) Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternatives.
- (ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share in project benefits. Displaced and compensated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (iii) Displaced and compensated 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 levels prevailing prior to the beginning of project implementation, whichever is higher.

Affected people, according to the Bank policy, refers to people who are directly affected socially and economically by the bank assisted investment projects, caused by either:

- (a) The involuntary taking of land and other assets resulting in:
 - (i) relocation or loss of shelter
 - (i) loss of assets or access to assets
 - (ii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location;or
- (b) The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
- (iv) Monitoring mechanisms development, implementation and reporting on the effectiveness of resettlement framework, including the physical progress of resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of income restoration and development efforts among affected communities.

As discussed above, a separate resettlement instrument, a Resettlement Policy Framework (See Annex) has been prepared which applies to all activities under Component 2: The Labor Intensive Public Works (LIPW) of the SOP, whether or not they are funded in whole or in part by the World Bank. This Policy Framework applies to the activities under Component 2 and 3 of the SLWM project which may involve restriction of access to natural resources or land. This policy framework has been established for dealing with issues arising from communal resource management decisions, such as establishment of natural resource (e.g. firewood, NTFPs, wildlife) management regulations, or fire management systems, particularly expected under the development of Community Resource Management Areas (CREMAs). As such systems are expected to be to the long-term benefit of all community members, the framework is not expected to provide for compensation, per se, but should include provision for ensuring equitable representation and decision-making in deciding on communal resource management systems.

PROJECT DESCRIPTION

Project Development Objective / Global Environment Objective: To (a) demonstrate improved sustainable land and water management practices aimed at reducing land degradation and enhancing maintenance of biodiversity in selected micro-watersheds, and (b) strengthen spatial planning for identification of linked watershed investments in the Northern Savanna region of Ghana.

Key indicators for PDO/GEO:

- Area of land in selected micro-watersheds under new sustainable land and watershed management (SLWM) technologies (ha).
- Management effectiveness according to METT score in Gbele Resource Reserve and Wuru Kayero & Wahabu Wiasi corridor sites (score, disaggregated).
- Pre-feasibility studies conducted for new large-scale multipurpose water storage investments (number).

PROJECT COMPONENTS

The Project presents a comprehensive approach to sustainable land and watershed management that combines soft and hard investments at the community level, including in maintenance of ecological infrastructure, with planning activities which would eventually integrate these into a much larger program of water and flood management infrastructure across the Northern Savanna eco-agricultural zone.

The Project has three integrated components:

Component 1: Capacity building for integrated spatial planning (\$1.0m from GEF)

This component will provide integrated spatial planning tools to strengthen the capacity of SADA and relevant implementing agencies to guide and undertake decision-making for investment across the northern savanna region. Spatial planning will take into account ecological units such as watershed and is expected to result in the identification of both large-scale water and flood management infrastructure investments, and the community and individually based land and natural resource management programs that should complement them.

Component 2: Water & Land Management (\$5.95m from GEF):

This component will fund technical assistance, equipment, incremental operating costs, and direct incentives (a mixture of inputs and direct payments) to support community flood and land management at the micro-watershed level, including both management of agricultural land and ecological infrastructure. It will also be integrated with labour-intensive civil works investments in small-scale flood & water management infrastructure through SOP to provide for a comprehensive approach.

Subcomponent 2.1: Strengthening capacities of districts and rural communities for micro-watershed and land use planning (0.75m)

This subcomponent will (1) strengthen the capacity of district agencies in micro-watershed management techniques, and to conduct a participatory micro-watershed planning exercise; and (2) strengthen the organizational and planning capacity of communities and local government through conducting the

participatory exercises.

Subcomponent 2.2: Systems and capacity to promote SLWM. (\$1.2m)

This subcomponent will design systems and put in place local extension capacity to promote SLWM technologies on the ground, specifically encouraging experimentation with the design of incentive packages and extension provision systems between districts to allow alternate models to be evaluated:

- *Development of SLWM menu of options, manual & environmental index.* An environmental services index will be devised that allocates to each SLWM technology package a composite score related to the basket of environmental services it provides. The level of support available for each option will be linked to this index under a PES-based framework.
- *Develop district extension approaches and incentive structures for promoting SLWM.* Packages of incentives will be designed for farmers, conditioned on SLWM agreements signed with individual farmers (and in some cases communities) of their own free will. Direct payments to farmers will be included for evaluation as part of the incentive mix, but other forms of support (including training, assistance with inputs and potentially equipment) will also be included.
- *Build capacity of extension services to develop and support SLWM contracts with local farmers.* A SLWM training program and set of training materials for extension service providers will be developed, and a capacity strengthening program will be conducted with extensionists.

Subcomponent 2.3: Implementation of SLWM in micro-watersheds (\$3.0m)

This component will finance operational costs of extension service providers and direct incentives (as a mixture of inputs and direct payment incentives) for adoption of SLWM technologies by farmers.

Develop, monitor & verify performance under SLWM contracts. Operational costs will be provided for District staff to establish SLWM contracts with participating farmers, specifying the support to be received in return for implementing the technology. District staff will also monitor contract performance on an annual basis. To address risks of collusion, an independent verification of SLWM contracts will be carried out, on a sample basis, to certify District monitoring.

Support individual SLWM agreements. This will finance support directly to farmers under SLWM contracts, including demonstration and training, input subsidies and direct incentive payments. Support would be conditioned on improvements in environmental services associated with changes in land use, as measured by the environmental index. The contract period and amount of the payments will be related to the economics of specific SLWM technologies.

Linking soft and hard community SLWM investments. The GEF project will not carry out civil works apart from very minor on-farm works (such as bunding and construction of small rainwater harvesting structures), but will exploit opportunities to complement its soft investments with small-scale watershed infrastructure investments through the IDA Social Opportunities Project.

Subcomponent 2.4: Management of riparian biological corridors (\$1m GEF [Biodiversity window])

This subcomponent will support natural habitat and wildlife management activities focused on maintaining and enhancing key habitat values as part of the broader approach to watershed management.

Activity 1: Implementation of Corridor Management Plan in the Western Corridor (\$0.6m)

The approaches taken in the corridors and wider watersheds will begin with a community-level planning exercise, with emphasis on building of community institutions for the establishment of Community Resource Management Areas (CREMAs) in the corridors. Direct support will be provided to two sites for:

1. Creation and operationalization of CREMAs
2. Promoting Ecotourism
3. Training of Local Communities
4. Awareness Creation for Wildfire Management

Activity 2: Support to Gbele Resource Reserve Management (\$0.4m).

This will implement selected activities within the Tourism and Waterhole development plans that support project objectives, including:

1. Ecological Studies and Monitoring
2. Training and Capacity building in Fire Management
3. Establishing waterholes for wildlife use

Component 3: Project management, monitoring and coordination (\$1.2m from GEF [Land Degradation])

This component will support technical assistance, operating costs and where necessary equipment for incremental project management and coordination activities. The component will also finance national monitoring of SLWM policy and implementation, and an evaluation and strategy for PES to support SLWM in northern Ghana.

SOCIAL BASELINE CONTEXT

POPULATION CHARACTERISTICS

The three regions of northern Ghana take up 97,700 km², which is 41 percent of the total land area but comprise only 17.4 percent of the national population. The Northern Region, even though is the most populous of the three, remains sparsely populated. The Northern Region covers 70,383km² with a population density of 26 persons per km², which is less than that of the Upper East (104 persons per km²) which is the smallest of the three regions (8,842 km²). The population density of the Upper West Region is 31 persons per km² with a land area of 18,478 km². The selection of areas for project interventions within these northern regions is based on the following criteria:

- Selection of sub-watershed areas with sufficient concentration of activities to see impacts at the sub-watershed level.
- Severity of flood risk and land degradation issues.
- Included in the Social Opportunities Project (SOP), or other investment programs that can support similar small-scale water management infrastructure.
- Presence of biodiversity corridors and proposed CREMAs, to synergize SLWM activities in both agricultural land and natural habitats.
- Existing or high potential for future investment in complementary large-scale water and flood management infrastructure.

ECONOMIC ACTIVITIES

Agriculture, hunting, and forestry are the main economic activities in the region. About 80 percent of the economically active population are into agriculture; engaged in the production of millet, guinea-corn, maize, groundnut, beans, sorghum, and dry season tomatoes and onions. Infrastructure for dry season agriculture is inadequate and as such a large number of people are left with no source of income during the dry season. Migration becomes pronounced during these periods, with a large number of the youth moving to urban centers in search of employment. Apart from a few farmers who practice some form of irrigation, the rest practice rain-fed farming on a subsistence level. Due to the single rainfall season in the regions, farming activities are limited to a few months.

LAND TENURE SYSTEM

Land in the three northern regions is owned by the Skins³ although families (Tindaanas) and some individuals own land. Land for agriculture is provided by the Skins, the family head, or outright sale. There is large acreage of land available for farming in some districts such as the Mamprusi District. In other districts such as Bawku District the farmlands have low soil fertility thereby encouraging encroachment on the forest reserves. The skin ownership of farmlands in most communities is a hindrance to registration of such lands. Generally, the tenure of land for farming purposes is one year but renewable there after. This does not offer the users of such lands enough security for the lack of ownership to make the necessary investment for land improvement.

³ The Term "Skin" is used to refer to a traditional ruler's office and authority in the three northern regions of Ghana.

EMPLOYMENT

Employment within the three northern regions is seasonal. The majority of the employable population are engaged in agriculture (crop production, animal husbandry or fishing), at subsistence level. Agriculture employs over 70% of the employable labour force. For the greater part of the year during the long dry period when no agriculture activity takes place, they become virtually unemployed. Wood harvesting and charcoal production are other means of livelihood of the people in the northern regions. Wood harvesting is both for income generation and source of energy. Charcoal production for commercial purposes is on the increase.

The incidence of poverty in most districts is very high. There are poverty incidence levels of 92, 99 and 98 respectively in the rural areas of West Mamprusi, Bawku West and Bolgatanga Districts. Similarly, the urban areas in these districts have poverty incidence levels of 52, 51 and 62 respectively. Generally, the levels of income for most households are also very low.

MIGRATION

Migration within the three northern regions is an annual phenomenon. The people from the North migrate to the various districts in the south for farming, fishing or other activities like head porter (Kaya Yei) in the urban centers. The population of the Northern regions are youthful, therefore are easily tempted to migrate because agriculture is not attractive to the youth. With the envisaged activities under the SOP it is expected that there will be:

- ③ A reduction of rural-to-urban migration as employment opportunities increases and amenities become available in the rural areas;
- ③ A sense of ownership of the infrastructure created with communities who perceive themselves as partners in their development with the government;
- ③ Provision of a buffer against adverse incidents of poverty caused by natural calamities such as drought; and
- ③ Development of local small-scale contractors due to low equipment requirements.

TOURISM

Tourism is an emerging industry that can create employment and therefore increased incomes of the people in the northern regions. Almost all the districts have one or more tourist attraction sites like festivals and game reserves which if well harnessed could attract people from both home and abroad become a good source of employment and income generation for the various district assemblies.

CONFLICT ISSUES

Land disputes, ethnic issues, sharing of land resources, and hierarchy of ascending to throne are potential areas of conflict in the Northern, Upper East and West Regions. These potential conflict issues have implications for land tenure and security as well as the following related areas:

- Compulsory acquisition and compensation payments
- Resolution of land disputes

- Spousal conflict arising from payment of women in lieu of loss of user rights (crops, economic trees, buildings etc)
- Methods of addressing land disputes
- Capacity of land sector agencies to get affected persons engaged.

COMPARISON OF WORLD BANK POLICY & GHANAIAN LAW

The World Bank Operational Policy 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 Operational Policy expects all forms of losses without exception to be catered for.

Under the Ghanaian statute, it is the preserve of the minister to assess loss due to works done but 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 Operational Policy advises 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 1 highlights some comparison between the Ghanaians Laws and the World Bank policy.

To operate within the directives of the Bank, the Resettlement Policy Framework has been developed in line with the OP 4.12 with the involvement of affected persons through consultations and compensation to be paid based on full replacement cost, disturbance and restoration of livelihood.

Table 0-1: Comparison of Ghanaian Laws with World Bank Policies

| TOPIC | GHANAIAN LAWS | WORLD BANK REQUIREMENTS |
|--------------------------------|--|--|
| Timing of Compensation Payment | Prompt. | Prior to displacement and relocation. |
| Calculation of Compensation | Fair and adequate. | Full replacement cost. |
| Squatters | No provision, they are deemed not to be eligible. | Are to be provided transitional allowance. |
| Resettlement | In situations where inhabitants have to be displaced, the state is to resettle all on “suitable land with due regards for their economic well-being and social and cultural values”. | Affected persons who are physically displaced are to be provided with residential housing, or housing sites, or as required, agricultural sites at least equivalent to old site. Preference to be given to land-based resettlement for displaced persons whose livelihoods are land-based. |
| Resettlement Assistance | No specific provision with respect to additional assistance and monitoring. | Affected persons are to be offered support after displacement, for a transitional period. |
| Information and Consultation | The owner/tenants on the land must be formally notified at least a week in advance of the intent to enter, and be given at least 24 hour notice before actual entry. | Displaced persons and their communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementation and monitoring of resettlement. |

| | | |
|------------|---|--|
| Grievances | Formal and informal mechanisms and formal access to court of law. | Appropriate and accessible grievance mechanisms to be established. |
|------------|---|--|

INSTITUTIONAL ARRANGEMENTS

For the activities undertaken under the SLWM project, a participatory planning process utilizing the following community-based natural resource management systems will be followed.

The Environment Protection Agency (EPA) of MEST will be responsible for supporting much of the implementation of activities under Component 2. Under guidance of NSLMC, the EPA will be responsible for the selection of SLWM technologies for inclusion, and convening the expert conference to define the environmental services index. Technical support to most field activities in the three northern Regions will be provided through a Technical Coordination Office (TCO) to be established at the EPA office in Bolgatanga. It will function to support frontline implementation of SLWM-related activities via: (i) coordination of district implementing agencies and staff, particularly dialoguing and providing guidance on the design of SLWM implementation and PES processes within each pilot district; and (ii) coordinating and overseeing specialized technical activities for which NGOs or technical institutes will be engaged.

Activities in reserves and Wildlife Corridors will be coordinated and managed from the Forestry Commission Regional Office in Bolgatanga. Via its regional offices in the three northern regions (Upper East, Upper West and the Northern region) the Forestry Commission will be responsible for the planning and implementation of activities in the selected sites in the Western Corridor and for establishment of CREMAs and local monitoring in participation with local communities. More specifically the responsibility for establishing the CREMAs will fall to the Collaborative Resource Management unit within the Wildlife Division. This unit will have a network of Community Wildlife Officers (CWO) based in the field with locally selected field workers in each community.

District staff, with guidance and support from the TCO, will have responsibility for most of the on-the-ground implementation, including community engagement, participatory planning, establishing appropriate incentive mixes for community-selected SLWM technology options, establishing contracts with individual farmers, provision of extension services for agricultural SLWM investments and routine field monitoring. In the context of implementing the PES system, NGOs and/or private sector organizations may be contracted to undertake some of these functions. The District Project Steering Committees, aided by DPCUs, will be responsible for mobilizing District Agriculture Officers, and other technical staff (e.g. water, planning), and where necessary seeking support from the District Assemblies in the form of by-laws to codify community NRM systems.

The EPA will clear the safeguards framework, on behalf of the Government of Ghana while all frameworks and action plans will be subject to final clearance from the World Bank. GECCA, with support from the EPA, will be responsible for ensuring appropriate inclusion of safeguards procedures in project manuals, reviewing investment plans for compliance and monitoring of safeguards performance overall. Districts and the Forestry Commission offices implementing activities on the ground will be responsible for implementation of safeguards measures reflected in the safeguards documents and various sections of the PIM.

The Technical Support Office will have responsibility for monitoring the safeguards performance of front-line implementing agencies, as well as ensuring that suitable material is incorporated into training programs. Safeguards issues will be specifically addressed in project reporting formats, and on the basis of work plans, the TCO will identify activities and settings where safeguards issues are a particular risk, and focus its monitoring and oversight activities on those.

The TCO will also establish and maintain a complaints and response database, based on the complaints resolution system designed under the safeguards documents.

DAs will also be represented on the CREMA management team and participate in planning of activities particularly negotiation and agreements of CREMA boundaries. They will also be responsible for legalizing the CREMA constitution within the district and in respect of the Local Government Act (Act 462) by the passing of a district by-law.

Through the participatory micro-watershed mapping and planning process, village communities (and where several villages are involved, Unit Committees) will play a key role in identifying community infrastructure investments, prioritizing SLWM interventions, and establishing the incentive frameworks for adoption of SLWM technologies by individual farmers. Community consultation protocols will ensure representation of potentially vulnerable and under-represented groups. In addition, Water User Committees may be established or strengthened if necessary for management of community infrastructure investments.

The CREMAs established within the Western Corridor will be managed through a three layer governance structure (1) The CREMA Executive (Management Team), which will be the executive and operational part of the CREMA. It will be formed out of the Community Resource Management Committees (or CRMCs) with participation from the Wildlife Division, District Assembly, Traditional authorities and any relevant local organization, and its powers will be determined in the constitution, (2) The CRMC will be the local unit of organization and will be formed at the level of each community, based on existing community decision-making institutions. The composition and function of the CRMC will be outlined by the constitution. This committee advised by village leaders and with guidance from the Wildlife Division will establish management strategies for the CREMA of the village, (3) the individual farmers or land holders will constitute the membership of CREMA. They, through the CRMC, will determine the policies and activities of the CREMA and hold the Executive accountable through their own CRMC. Critical decisions will take place within the CREMA Management Committees, which identify, prepare, execute, supervise, operate and maintain their subprojects, assisted by the wildlife division.

Community activities will be developed and approved through consultative processes for both micro-watershed and CREMA planning. The project will not fund any investment that is not acceptable to the majority of villagers involved, and all of the villagers directly affected. Decisions on the use of funds are made by community members themselves, through a negotiation process, and with information provided by project facilitators and technicians.

IMPACTS AND FRAMEWORK

Land acquisition is not anticipated under activities funded by the GEF project. The only civil works planned under the GEF project are: (i) a limited number of small spillway dykes to be constructed within watercourses in the Gbele Resource Reserve and potentially within community conservation lands, which will not impact private land; and (ii) minor on-farm earthworks, such as bunding or ridging, and more rarely rehabilitation or construction of water harvesting structures up to dugouts (of maximum capacity 250m³), but not including dam or irrigation channel construction. On-farm earthworks are intended to increase the productivity of existing agricultural land, and therefore will only be supported at the request of the farmers involved with agreement of the land owner. In-field earthworks, such as bunding or ridging, represent improvements to individual plots, must be requested by the specific land user, and do not involve any change in ownership or use for agriculture. Near-field water-harvesting structures, such as dugouts would typically be sited in between fields and raise the productivity of surrounding plots via replenishing groundwater and or allowing for hand or piped irrigation during part of the dry season. They are likely to therefore be strongly desired by farmers on whose land they are situated, even if their construction involves taking a small amount of agricultural land out of production. Given that they may benefit a small group of farmers, however, there is a possibility for disagreements between a group of farmers or a landowner requesting construction of a dugout, and an individual land user, who may lose a disproportionate area of his/her individual plot. In the event that construction of a dugout is requested by a group of farmers or land owner, without free and willing agreement all the land users whose plots are directly affected (rarely more than one farmer), (i) there would be an attempt to find an alternate location that avoids disagreement, and if not possible (ii) this would be treated as a case of group SLWM decision-making restricting individual use rights to agricultural land, as discussed below.

The Social Opportunities Project (SOP) which is linked to this project will provide small infrastructure investments. The social safeguards procedures for this are detailed within the Resettlement Process Framework for that project, the main text of which is annexed to this document (see annex 2).

The issues addressed under the current Resettlement Policy Framework are only those related to activities directly funded under the GEF project. These are:

1) Community management of CREMAs will involve establishing community-based natural resource management (CBNRM) systems that could restrict access of some users to some resources (e.g. firewood, NTFPs, wildlife). These users could be within the community, in neighboring communities or outsiders. No specific compensation is expected in these cases, because CBNRM should benefit resource users in general over the longer term, but nevertheless, there should be a process by which these issues should be dealt with by inclusion of affected groups in governance structures and/or discussions, and in benefit-sharing from the overall benefits.

2) Individual farmers, land-owners and communities may decide to implement improved SLWM technologies in return for the incentives offered by the project. It is therefore possible that decisions made by land owners or communities could restrict the access of individual tenant farmers to arable land (e.g. a decision to replace cropping along river banks with trees to prevent bank erosion). In these cases, the community would need to compensate, either by making alternate suitable land available, or by agreeing to structure the incentives provided by the project in a way that compensates the individuals involved.

RESOURCE ACCESS RESTRICTION FROM CBNRM DECISIONS

Community-Led Decision-Making

The means for the regular and effective participation of resource users in CBNRM decision-making within Community Resource Management Areas (CREMAs) will be through the regular CREMA governance structures to be established in areas where the project will be initiating activities. A CREMA is a geographically defined area that includes one or more communities that have agreed to manage natural resources in a sustainable manner. The CREMA serves as a community-based organization built on existing community decision making structures including an executive body and a constitution that guides the activities and regulations of the CREMA. A district Assembly bylaw gives legal recognition and backing to the constitution. The community benefits as the CREMA provides a structure which enables collective decision making for these shared resources while also enabling the community to make collective rules and establish a means by which to enforce these rules. The CREMA approach has both financial incentives and increased feelings of ownership/responsibility through control of access to the area by outsiders.

The CREMA operates at three levels:

- CREMA Executive – this is the executive and operational part of the CREMA. It is formed primarily out of community committees and its powers are determined in the CREMA constitution.
- Community Resource Management Committee (CRMC) is formed at the level of each individual community. Ideally it is based on existing community governance structures. The composition and function of the CRMC is outlined by the constitution.
- Individual farmers or land holders are the membership of the CREMA or incorporate terms the shareholders of this structure. They through the CRMC determine the policies and activities of the CREMA and hold the Executive accountable through their own structures at the community level. They are responsible for constructing and amending the constitution to ensure the effective operation of the CREMA.

The CREMA approach is not the first attempt in Ghana to involve communities in natural resource management and conservation but it is the first to use devolution of management authority to a community based organisation. The CREMA approach is established by a set of guiding principles detailed in a policy for “Collaborative Community Based Wildlife Management and the Establishment of Community Resource Management Areas” prepared by the Wildlife Division in September 2000. This policy defines the following concepts:

- a) Effective management of wildlife is best achieved by giving it focussed value for those who live with it.
- b) Those who live with and bear the cost of wildlife must be the primary beneficiaries of its management.
- c) The control of access and benefit from wildlife whether by the individual or collectively must be determined by those who live with the resource.
- d) Wildlife should be recognized in its own right as an integral and viable component of national land use policy.
- e) Wildlife is a unique natural resource offering various opportunities for sustainable rural development and economic utilization. To achieve this, the protected areas of Ghana serve as a valuable reserve of wildlife resources for neighboring communities.
- f) To create the incentive for sustainable wildlife management at community level the authority to manage and benefit from wildlife must be devolved to an appropriate representative community institution.

- g) The role of traditional authorities, traditional knowledge and other cultural aspects in wildlife management is recognized and encouraged. Such appropriate traditional institutions, knowledge and forms of management should be enhanced and incorporated into national strategies and wildlife management techniques.
- h) The role of women is central to achieving sustainable wildlife use, women must be integrated into the development and implementation of wildlife management programs at all levels.
- i) The role of the Wildlife Division as the national authority for wildlife is recognized and it is accepted and that it may in cases control levels or modes of use even where authority is devolved if it is in the national interest to do so.

Adult community members are all members of the CREMA, and able to provide input into CRMC decisions, which must be presented to the wider community. In addition, where considered to be effective, resource user groups may be established to develop and oversee the CBNRM regulations for specific resources, acting as sub-committees of the CRMC for these purposes. These resource user groups would consist of individuals and groups most dependent on the resource in question.

Representation of vulnerable groups, to include landless, livestock-less and single-parent households, will also be encouraged, especially given that these are often amongst the most important users of natural resources. An overall gender target for representation of women in all CREMA management positions will be set at a minimum of 30%.

The CREMA executive provides a structure through which neighbouring communities can coordinate management or shared resources and/or develop reciprocal rules for access to each other's resources. The CREMA also provides a forum whereby external entities are able to access communities and their resources in a structured way, on the basis of appropriate compensation or reciprocal agreements.

Benefit-sharing

A variety of enhanced livelihood opportunities will be developed by the project with CREMA members both to increase incentives for long-term sustainable management of resources, and to assist in circumstances where resource harvests are curtailed to allow stocks to recover and/or establishment of more productive types of resource use. These may include:

- i. Beekeeping,
- ii. Shea butter processing,
- iii. Dry season gardening,
- iv. Planting woodlots,
- v. Improved charcoal burning and sustainable exploitation of firewood,
- vi. Domestic livestock rearing,
- vii. Wildlife rearing
- viii. Establishing wildlife “production” zones and controlled bush meat exploitation,
- ix. Ecotourism activities, including cultural tours, home strays, and eventually game viewing and sport hunting,
- x. Small community enterprises related to ecotourism development (food services, guiding services, wild art and craft making, production of natural honey and soap products)

Conflict resolution

Assuming the system of village-based resource user groups and CRMCs linked to an umbrella CREMA executive works as it should, separate mechanisms for mediating and resolving conflicts within or between affected communities should not be necessary. These first two levels of organization will take precedence as far as the airing of any grievances and resolution of any conflicts are concerned. However, should any conflicts arise that cannot be solved at this level, they will be referred to an ad-hoc body that will be created within the local administration with support of the project. This would be at the Area Council or District Assembly level, depending on the gravity and spatial extent of the issue. This conflict-resolution group will be co-chaired by the Chair of the AC or District Chief Executive and the Chairperson of the CREMA Executive, and will include a representative of the appropriate inspecting body (e.g. the Wildlife Division), and any CRMC or resource user group heads considered to be impartial with respect to the particular conflict or grievance under consideration. Together these group members will consider the nature of the conflict or grievance, hear any statements or supporting evidence presented by the parties to the conflict, gather additional evidence as appropriate, and recommend solutions that they have arrived at by consensus. This process will be supported by the project, which will also provide training to participants on conflict resolution techniques if deemed necessary.

The project will strengthen the ability of communities to address outside interests through community organization and creation of representative, transparent legal entities able to enter into contractual arrangements, and through provision of legal advice where needed, including mechanisms to enable communities to seek redress against what they regard as unfair practices by investment partners. Conflicts with external parties may occur within CREMAs, however, which cannot be readily solved through participatory, community-based structures, or through civil proceedings. These may include potentially serious conflict with itinerant pastoralists or cases where powerful commercial interests are involved. Such cases would be reported through CREMA structures to the appropriate authority, i.e. the DA or Regional Coordinating Council, with notification of project officers. The project would then be responsible for monitoring the response of authorities to these issues.

LOSS OF USE RIGHTS FOR AGRICULTURAL LAND DUE TO TINDANA / COMMUNITY SLWM DECISIONS

Community participation in decision-making

In certain circumstances, SLWM options chosen by Tindanas, communities or community groups may restrict the rights of individual tenant farmers to use specific areas of agricultural land. This may include e.g. decisions to restrict cultivation in very sensitive areas, such as river banks, or decisions to control use of fire. Note that this only applies to cases in which the decision is made by someone other than the direct land user, and not to cases in which individuals agree to restrict cultivation on a portion of their land in return for introduction of more productive systems on the rest of it.

All SLWM contracts, however, must be consistent with the participatory micro-watershed plans developed under component 2.1 of the project, which will include participatory planning and zoning of areas suitable for various SLWM technologies. The process for developing the plans will provide all community members with opportunities to participate in the decision-making process. The participatory planning process will be open to all community members through public discussion and feedback sessions, and through disaggregated focus group discussions which will target (i) particular types of land/resource users, and (ii) inclusion of vulnerable groups such as women, single-parent and landless households. Broad community support must be obtained for the participatory micro-watershed plan through these mechanisms, in order for it to be accepted by the project.

Compensation for loss of use rights

In cases where agricultural use is significantly restricted, compensation is expected to be through provision of access to alternative suitable land by the community, although arrangements by which displaced farmers are compensated through the project incentives being offered to the land holder may also be considered.

The entity (individual, community, group) with whom the SLWM contract is being signed must list any such cases, which must be documented and verified by the project extension agent. These records would be appended to the contract, and would include the follow detail:

- a) Area and type (according to local classification and agricultural use) of land to which access is restricted.
- b) Nature of access restriction.
- c) Area and type (according to local classification and agricultural use) of replacement land.
- d) Certification that date of provision of replacement land will not involve undue disruption of agricultural activities, and that the period of access right of the tenant to the replacement land is no less than that enjoyed for the original land.
- e) Name of affected farmer.
- f) Agreement of affected farmer with compensation.

Conflict Resolution

As conflicts in relation to land use involve decisions within the community, existing community structures will be used to address them. Parties to the conflict will have access to the project grievance procedure, and where satisfactory agreements cannot be reached within the community, they may be referred there. Project officers may therefore offer advice on solutions, mediation, or conflict resolution training as appropriate. Unresolved cases that are deemed to involve significant impact on one or more parties would result in the project declining to support the introduction of the changed land use in question.

OVERSIGHT

MONITORING

Arrangements for monitoring should fit with the overall monitoring plan and regular implementation arrangements of the SLWM Project. Full monitoring responsibilities and formats will be detailed in the Project Implementation Manual. Monitoring responsibilities directly related to the RPF are as follows:

Table 0-1: Monitoring Responsibilities

| Activity | RFP-related monitoring | Responsibility (instruments) |
|-----------------------|---|--|
| SLWM technologies | <ul style="list-style-type: none"> • Community participation in micro-watershed planning • Identification of any SLWM subprojects involving conversion of agricultural land & determination whether any involuntary individual access restriction is involved. • Compensation for restriction of access to agricultural land | <ul style="list-style-type: none"> • District extensionists (reports on planning exercises) • District extensionists (SLWM subprojects guidelines) • District extensionists (records appended to SLWM contracts & field verification) |
| CREMAs | <ul style="list-style-type: none"> • Community participation in CREMA planning • Appropriate targeting of livelihood enhancement opportunities | <ul style="list-style-type: none"> • Wildlife Division staff (CREMA & CRMC records) • Wildlife Division staff (CREMA plans) |
| Grievance & conflicts | <ul style="list-style-type: none"> • Maintain records of cases, including details, stage and process reached and (eventually) outcome | <ul style="list-style-type: none"> • TCO (grievance & conflict resolution log); records from CREMAs will be provided by FC. |
| Verification | <ul style="list-style-type: none"> • Checks of all of the above | <ul style="list-style-type: none"> • FC, TCO, MEST, World Bank (mandatory safeguards sections in regular progress reports & spot checks during field supervision. |

GREIVANCE MECHANISM

The scale and scope potential impacts of the SLWM project may not be that massive or very significant taking cognizance of the nature of proposed projects to be undertaken, but may nevertheless give rise to grievances among the affected population over issues ranging from inclusion, equity of treatment or adequacy of compensation for restriction of access to land or natural resources.

The project field staff, FC, TCO and the District Assemblies must ensure that procedures are in place to allow affected persons to lodge a complaint or a claim without cost and with the assurance of a timely and satisfactory resolution of that complaint or claim. In addition, the SLWM should make sure that all affected communities are aware of the mechanism, with special provisions for women and members of vulnerable groups to ensure that they understand and are ensured equal access.

The grievance cases must be reported by project staff to the TCO, who will maintain a grievance and conflict resolution log, periodically follow-up on open cases, and report summary information to the MEST as part of regular progress reports. Action taken to address the grievance 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 / Tindanas, chiefs, AC, DA.
- 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.

Recourse to the legal system should be avoided except as a last resort.

CONSULTATION

Consultation with affected communities has taken place a number of times during project preparation, through development of the social baseline and project design missions. A formal public consultation event was held on 4-5th May 2010 in the project area. This has provided details of the project design, safeguards procedures and rights of affected persons, and has been documented in annex 1.

More extensive consultations at the level of affected local communities will take place early in project implementation through the participatory micro-watershed planning exercises and the development of CREMA structures and plans. Social safeguards processes and rights of all project affected persons will be explained in the course of these activities, which will also lay the basis for the participatory mechanisms discussed above.

LOGISTICAL ARRANGEMENTS

CAPACITY DEVELOPMENT

Project institutions need to understand the purpose of the RPF, their expected roles and the extent to which the RPF will facilitate the respective statutory functions. This will engender the required collaboration for the RPF implementation and preparation of Resettlement Action Plans (RAPs) where necessary.

To make these institutions effective and efficient in implementing, coordinating, supervising and monitoring programs and projects under the sustainable land and water management project, proper institutional arrangements will have to be established. The target groups for training, sensitization and capacity building at the national, regional, district and community levels should include the following:

- Project coordinators (MEST,SADA, NLSC, PAC)
- District Assemblies and their District Environmental Management Committees (DEMCs);
- District Coordinating Office staff (including the Planning officers);
- Relevant Decentralized Departments of the DAs (particularly Lands Commission, Valuation Board, agricultural extension staff etc);
- EPA staff in the three Regional Offices;
- Wildlife and Forest Services Division staff involved in the project;
- Involved NGOs and Local Service Providers;
- Beneficiary Communities (esp. CWMAAs and CREMAAs); and
- Consultants and Contractors.

The broad areas for capacity building include the following:

- General project planning and management inter-faced with involuntary resettlement and resource access restriction framework;
- The requirements of the World Bank’s Policy on Involuntary resettlement, clarification of resettlement and resource access restriction principles and applicable design criteria to sub-projects under the SLWM project,
- Community Consultation and participation
- Project components, planning and associated potential social impacts and management framework.
- CBNRM decision making approach and CREMA Governance Structures;
- Livelihood enhancement opportunities;
- Conflict resolution;
- Community participation and mechanisms for compensation of loss of use rights; and
- Livelihood enhancement and benefits monitoring.

BUDGET

The table below describes the capacity strengthening programme for the implementation of the RPF.

Table 0-1: Resettlement Cost Estimates and Budget

| Activity | Target Audience/Responsibility | Duration (WEEKS) | Estimate Budget (GH ₵) |
|----------|--------------------------------|------------------|------------------------|
|----------|--------------------------------|------------------|------------------------|

| | | | | |
|--------------------------------|--|--|--------------------------|---------------|
| CAPACITY DEVELOPMENT PROGRAMME | The requirements of the World Bank's Policy on Involuntary resettlement, clarification of resettlement and resource access restriction principles and applicable design criteria to sub-projects under the SLWM project, | Regional Coordinating Council, District Assemblies, Relevant Departments and Agencies,(EPA, TCO & FC staff working on project) | 3 WEEKS ⁴ | 25,000 |
| | Resettlement and resource access restriction issues related to the SLWM Project | DAs, District staff, Land Commission, Forestry Commission and other extension service providers. | | |
| | CBNRM decision making approach and CREMA Governance Structures; Livelihood enhancement opportunities; | FC (including Wildlife & Forest Services Divisions), Lands Commission, DA's, Communities, staff working on project. | | |
| OVERSIGHT ACTIVITIES | Livelihood enhancement and benefits monitoring. | NLSC, EPA,DA's, Beneficiary communities and affected persons | Quarterly or half yearly | 25,000 |
| | Safeguards procedures and rights of affected persons and communities | World Bank, MEST,NLSC, EPA,DA's, Beneficiary communities and affected persons | Quarterly or half yearly | |
| TOTAL | | | | 50,000 |

The total incremental cost of the institutional strengthening and capacity building for the implementation of the RPF is estimated at a lump sum of GH ¢ 50,000.00. These estimates include local travel expenses.

⁴ The Capacity development programme is proposed to be done on regional basis covering the three (3) beneficiary regions. A week will be used for each region. Hence the three (3) weeks for the three beneficiary regions.

TECHNICAL ANNEXES

ANNEX 1: MINUTES OF CONSULTATION

MINUTES OF STAKEHOLDER CONSULTATION EVENTS WITH STAKEHOLDERS FOR THE SUSTAINABLE LAND AND WATER MANGEMENT (SLWM) PROJECT ON 4TH & 5TH MAY, 2010, BOLGATANGA.

1.0 INTRODUCTION

Two consultative workshops were held on the mornings of the 4th and 5th of May 2010 to discuss the design and safeguards provisions of the Sustainable Land and Water Management Project, for Local Government & NGO members, and for community representatives respectively. At each of the events, presentations were given by members of the Project Team on:

1. Overview of the sustainable land and water management project and activities under agricultural lands by Mr. I.C. Acquah, EPA- Accra.
2. Activities under the wildlife corridors by Yaw Kwakye, Forestry Commission, Accra
3. Environmental issues and World Bank safeguard policy (s) by Steve- World bank.
4. Mitigation of negative social and environmental impacts by Dr. Nicholas Iddi, MEST, Accra

The presentations at each event covered the same material and used the same Powerpoint display, but the presentation on the second day was made a little shorter and clearer, to better communicate the ideas to an audience of community representatives, and simply as a result of improvements following the experience gained on the first day.

2.0 **Comments & responses – MDA / NGO consultation**

- What is to be done under this project on awareness creation, and establishment of byelaws on bushfire control and management? There is the need for incorporation of local expert knowledge (LEK) in project design and implementation. There is the need for the design of a communication strategy.
 - Awareness creation is cardinal to the success of the project especially at the communities and the 8 districts involved in the three (3) northern regions. Local people would be involved in the planning and implementation of the project, and the primary dialogue would be through this process of engagement, which will be supported by NGOs. Use of media, such as local radio will also be considered as a way of disseminating information on project activities, and highlighting the efforts of participating communities.

- Is there a provision for a gender component to address the issue of gender in Northern Ghana.
 - There is not a separate gender component, but SLWM like all other environmental management projects aims at incorporating gender issues in the implementation approach. Women are very important to natural resource and land management. A gender action plan is being developed under GEMP, which will be very useful to inform the approach under the SLWM.

- How is the project going to collaborate with District Assembly's on the issue of mining in reserves and protected areas?
 - Mining won't be allowed in protected areas. Within community lands and forest reserves, the issues may be more numerous, and sometimes outside the scope of the project, but the project can still assist in identifying the issues with local communities, ensuring they are referred to the appropriate authorities, and then monitored by the project.

- Watering points provided for wildlife can become baiting and trapping points for hunters. How will the project protect against this?
 - Water points are key for wildlife management, but this is a very serious concern. Within the Gbele Reserve, patrolling will ensure it does not occur, but any plans for water point development in CREMAs will have to consider very carefully the purpose and the ability of the communities to manage hunting there.

- How would the project address conflict management in resource use among various stakeholders? Can the project offer capacity building on conflict resolution for organisations in the project implementation area?
 - Conflict management is part of the functions of the CREMA governance structures. If conflicts arise that cannot be readily solved at the local level, the project will advise and if appropriate help provide resources (including specific training) or involve higher parties to bring the conflict to resolutions, as discussed in the RPF.

- Why is extensive mono-cropping an issue with the World Bank, is it the scale or the continuous nature that is the issue? The intensity should be the matter for consideration. Why is the project going in for solar pumps, MOFA has already acquired some diesel pumps?
 - Mono-cropping can be more susceptible to disease and climate / market fluctuations. The project is not trying to prevent mono-cropping, but the safeguard documents simply note that the types of activities to be introduced by the project will in general promote diversified livelihoods, rather than mono-cropping. Similarly with pumped irrigation, the project will not prevent Districts using diesel pumps, but for the activities financed directly by the project itself a very high environmental standard must be set, so alternatives to diesel pumps will be promoted if feasible.

- How are some of the interventions going to be sustained after the project implementation phase?
 - The SLWM technologies should be self-sustaining where already introduced. The project also aims to demonstrate an effective model that would be scaled up elsewhere, in part through accessing environmental service markets.
- What is the mandatory distance for cropping along a river bank?
 - Differs in different legislation, although there are efforts to establish one standard. The project will promote river bank protection by providing incentives to more agriculture back from the river channel, but it will not finance the direct enforcement of river bank protection laws.
- How does the issue of involuntary settlement arise in the context of this project? Land acquisitions are an important issue in local development? How would affected farmers who may lose their land be dealt with under this project?
 - Land acquisition by the state is not expected under the project. Communities may make decisions that impact the access of individuals to resources, and these issues will be dealt with through participation in decision-making, benefit-sharing and conflict resolution, as described in the RPF.

3.0 Comments & responses – Community consultation

- Sacred groves can be important for wildlife management. Will they be incorporated into the project?
 - Sacred groves can certainly be integrated under CREMA plans, and also microwatershed planning. It is however important to note that activities will be community led, so communities have to have the interest in managing the groves themselves.
- Trees should be introduced that have economic value that would provide direct economic benefits to the communities instead of growing trees that would otherwise force farmers into forfeiting their farm lands for the establishment of reserves.
 - Project activities will be led by communities and demand driven. Therefore the project will try to find and use those methods which provide the best rewards and incentives to participants, whilst achieving environmental goals.
- Project will depend on the commitment of District Assembly Members.
 - District Assemblies will be directly engaged by the project and will also be formally linked to the CREMA management structures. Moreover, Assembly Members and

their various communities would be encouraged to constantly organize durbars to serve as platforms for deliberations of issues affecting them.

- It is necessary to embark more on vigorous sensitization exercises about some bad human activities such as bushfires which could destroy the prime goal of the project within a single day. Also need to curb the activities of Fulani Herdsmen. Others then pointed out that Fulani don't act in isolation, but are often invited by local cattle owners – a local solution should be found in discussion with all parties.
 - The issue of Fulani herdsmen is beyond the direct scope of the project to address, but the project can help through organizing communities to resolve internal conflicts and to discuss and report external issues. The response of the appropriate authorities may then be monitored by the project.
- The need to provide impartial mechanisms for the resolution of conflicts among members. This is because of the possibility of occurrence of conflict of interest among members in the same community. For instance, the situation where some members may agree on a particular decision while others may oppose it. This situation in the view of participants could bring about misunderstanding among members which may eventually lead into disunity among them and might thwart the efforts to effectively implement, manage and achieve the main objectives of the project.
 - The project will help to strengthen community structures that should deal with disputes within and between communities, particularly in the areas where CREMAs are established. More formal conflict resolution training and support can be provided where this is insufficient, as discussed in the RPF.
- The need to ensure strict enforcement of existing environmental laws and by-laws to deal with problems from mining, and even unregulated activities of some road contractors who open borrow pits anywhere they want.
 - Project is not designed to deal directly with existing issues, but will support better spatial planning in future. Communities can play a role in addressing them, by reporting offences and by talking directly to the companies themselves. Project activities can help communities to organize for this better.
- CREMA members need financial support to carry out management activities of the community resources.
 - Financial and other types of support will be provided under the project. In the longer run, the CREMA concept is based on the idea that improved management will earn revenues for the community that will cover their management costs.

4.0 CONCLUSION

Overall there was a high level of support for the project and its objectives, with valuable suggestions provided for its improvement, but without any serious criticism of the project approach or the measures proposed for mitigation of social and environmental impacts.

Invitation list

| MDA / NGO consultation | | |
|--|----------------|--|
| Ministry / Department / Agency (MDAs) & NGOs | # participants | Remarks |
| District Planning Officers | 8 | Builsa, Bawku-West, Bolgatanga, Kassena-Nankana West |
| District Coordinating Directors (DCD) | 8 | Builsa, Bawku-West, Bolgatanga, Kassena-Nankana West |
| Regional Planning Coordinating Unit (RPCU) | 1 | Bolga |
| Regional Coordinating Council (RCC) | 4 | Bolga |
| Wildlife Division | 3 | Bolga, Gbele, Mole |
| White Volta Basin Office | 1 | Bolga |
| MOFA | 11 | 3 Regional Directors and 8 District heads |
| Forestry Services Division (FSD) | 3 | Bolga, Wa, Tamale |
| GNADO | 1 | Kassena-Nankana West |
| ZOVFA | 1 | Bawku-West |
| TRAX | 1 | Bolgatanga Municipality |
| Sub-total | 42 | |
| Community consultation | | |
| District | # Participants | Remarks |
| BAWKU-WEST DISTRICT | 5 | Zongoyiri, Bazua, Kusanaba, Sapeliga, & Binaba community representatives |
| TALENSI –NABDAM DISTRICT | 4 | Nangodi, Numou, Datoko & Pwalugu community representatives |
| KASSENA -NANKANA WEST DISTRICT | 4 | Kayoro, Nakong, Katiu & Wuru community representatives |
| BUILSA DISTRICT | 4 | Siniensi, Fumbisi, Doninga & Wiasi community representatives |
| MAMPRUSI WEST | 3 | Yagaba, Manga & Karimenga community representatives |
| SISSALA- EAST | 3 | District Assembly, and Duwie & Gbele community representatives |
| Sub-total | 26 | |

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ANNEX 2: RPF FOR SOP



GOVERNMENT OF GHANA

MINISTRY OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT

SOCIAL OPPORTUNITIES PROJECT (SOP)

RESETTLEMENT POLICY FRAMEWORK (RPF)

EEMC
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7TH FLOOR, TRUST TOWERS
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January 2010

ABBREVIATIONS AND ACRONYMS

| | |
|-------|--|
| AC | Area Council |
| AIDS | Acquired Immune Deficiency Syndrome |
| CBRD | Community-Based Rural Development Project |
| DA | District Assembly |
| DCEs | District Chief Executives |
| EA | Environmental Assessment |
| EI | Executive Instrument |
| EIA | Environmental Impact Assessment |
| EIS | Environmental Impact Statement |
| EMP | Environmental Management Plan |
| EOP | End of Project |
| EPA | Environmental Protection Agency |
| GAP | Good Agricultural Practices |
| GIDA | Government Irrigation Development Agency |
| GoG | Government of Ghana |
| GPRS | Ghana Poverty Reduction Strategy |
| GSB | Ghana Standard Board |
| HIV | Human Immunodeficiency Virus |
| km | Kilometer |
| LEAP | Livelihood Empowerment Against Poverty (Social Grants Program) |
| LI | Legislative Instrument |
| LIPW | Labor Intensive Public Works |
| MA | Metropolitan or Municipal Assembly |
| MDAs | Ministry Department and Agencies |
| MDG | Millennium Development Goals |
| MLGRD | Ministry of Local Government and Rural Development |
| MFEP | Ministry of Finance and Economic Planning |
| MFA | Ministry of Food and Agriculture |
| MTR | Mid-Term Review |
| NEP | National Environmental Policy |
| NEAP | National Environmental Action Plan |
| NPSC | National Project Steering Committee |
| PAPs | Project-Affected Persons |
| NGO | Non-Governmental Organization |
| RAP | Resettlement Action Plan |
| RCC | Regional Coordinating Council |
| ROW | Right - Of - Way |
| RPF | Resettlement Policy Framework |
| SMEs | Small and Medium-Sized Enterprises |
| TOR | Terms of Reference |

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15.2 Consultations Photo Gallery **Error! Bookmark not defined.**

15.3 Terms of Reference for RPF **Error! Bookmark not defined.**

15.3.1 Introduction and Project Description **Error! Bookmark not defined.**

15.3.2 Project Components **Error! Bookmark not defined.**

15.3.3 Objective for the Assignment **Error! Bookmark not defined.**

15.3.4 Specific Requirements of the RPF **Error! Bookmark not defined.**

15.3.5 Scope of Assignment **Error! Bookmark not defined.**

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EXECUTIVE SUMMARY

BACKGROUND

The Resettlement Policy Framework (RPF) has been prepared for the proposed Social Opportunities Project (SOP), a social protection program by the Government of Ghana. The RPF will be used principally by the participating District Assemblies and other collaborators in ensuring that resettlement policies have been adequately addressed in the sub-projects to be implemented under the SOP. The project will be an opportunity for rural employment creation and income generation in the slack agricultural period in about 10 to 15 districts of the three northern regions of Ghana.

The components of the project will include rationalization of a national social protection policy, labor intensive public works (LIPWs), support to the LEAP program, capacity building and project management and coordination. The project would be scaled-up as an emergency response to natural disasters or other external shocks, in order to alleviate transient poverty.

The activities to be undertaken under the labour intensive public works (Component A) have triggered a number of World Bank safeguard policies including OP4.12 on involuntary resettlement. This means that the project is likely to have impacts on land access, restriction of access to assets, displacement and loss of livelihoods among others. Initial reviews indicate that the project can generate positive social, environmental and economic impacts. In spite of these potential positive impacts, there is also the recognition of potential negative impacts, which calls for appropriate mitigation measures and institutional arrangements for their implementation.

The objective for the RPF is to set out the policies, principles, institutional arrangements, schedules and indicative budgets to cover of anticipated resettlements and other social impacts.

The main component of the SOP that may give rise to resettlement is the Labor Intensive Public Works (LIPW). It is expected that LIPWs will target mainly the following: assets-rehabilitation and maintenance of rural feeder and access roads, rehabilitation of small dams and related public infrastructure (main channels/dams and associated labor intensive afforestation/grassing activities in the immediate micro-catchment to reduce run-off and siltation) and dugouts—all of which are in high demand in the northern regions.

③ **Rehabilitation of Feeder Roads and Utility Rights-of-Way (ROWS).** These will include:

- Feeder road rehabilitation and maintenance: In instances where ROWs of existing feeder roads have been encroached upon, the rehabilitation of such feeder roads require surveys to determine the consequent resettlement impacts.
- Water systems: Surveys along the drainage ROWs (including the locations of the retention ponds) will be necessary to determine the consequent resettlement impacts.

- ③ **Clearance of the areas to be designated for Irrigation Infrastructure rehabilitation.** The SOP for the three northern regions has an irrigation activity intended to support the expansion of crop production by smallholder farmers, as well as various farmer groups, by rehabilitating small dams. Depending on the scope of the rehabilitation and the design of irrigation facility, there could be associated resettlement impacts.

POTENTIAL RESETTLEMENT IMPACTS

The potential resettlement impacts that could arise as a result of the rehabilitation of feeder roads and irrigation infrastructure are covers the loss of:

- Agricultural land;
- Residential buildings and structures;
- Livelihood (business premises and structures);
- Non-productive fruit and shade trees;
- Access to resources such as grazing land; and
- Economic trees such as shea-butter trees.

A compensation matrix, providing the general description of the resettlement impacts, mechanisms and approach for compensation, implementation, monitoring and evaluation, and institutional responsibilities is presented in Table 10.1.

DESCRIPTION OF THE NATIONAL LEGAL, REGULATORY AND ADMINISTRATIVE FRAMEWORKS

Resettlement/Compensation Policy in Ghana

It is the policy of the Government of Ghana to pay compensation or offer resettlement assistance to people whose properties, lands or landed property are affected by projects being undertaken by the government. This section has been prepared in accordance with the laws of Ghana.

Land Acquisition and Compensation Laws

Land-for-land will be provided where appropriate. The State Lands Act 1963 section 6(1) provides that any person whose property is affected by public projects shall be entitled to compensation. The same Act provides avenues for people who are not satisfied with compensation to seek redress.

Land Ownership in Ghana

The land ownership system in Ghana is governed by a complex operation of both customary, statute and common law resulting in a rather uniquely complicated land ownership structure. There are three principal land ownership geneses in Ghana namely:

- ☞ Customary-owned;
- ☞ State-owned; and
- ☞ Customary-owned but state-managed lands also known as vested lands.

Review of Ghana's Land Laws and World Bank OP 4.12

Ghana has laws on land that is being harmonized to streamline the land sector and facilitate development. For instance, the Lands (Statutory Wayleaves) Act, 1963 Act 186 has sufficiently spelt out the relevant provisions regarding the creation of statutory wayleaves, works for which statutory wayleaves may be created, rights of entry of survey, rights of entry of construction, rights of entry for inspection, maintenance, as well as compensation, regulations, interpretations and other enactments relating to entry on and acquisition of land.

However, Act 186 is not explicit on the eligibility criteria for compensation. Additionally, compensation payment seems to be essentially based on right of ownership. This is contrary to the requirement of the World Bank OP 4.12 Section 15, which clearly defines the criteria for eligibility. Sections 15 (b) and (c) classify those who have no formal legal rights to land or those who have no recognizable legal right or claim to the land they are occupying as eligible for compensation.

SOCIO-ECONOMIC CHARACTERISTICS

Population Characteristics

Statistics from all the districts indicate that the rural–urban divide is widening. The population of the three northern regions is predominantly rural and young. In some districts, there are more males than females and vice-versa.

Economic Activities

Agriculture is the dominant economic activity in the three northern regions. Over 70 percent of the people are engaged in Agriculture. Crop production, animal husbandry and fishing constitute the main activities although a small percentage of the people are into service and small cottage industries.

Land Tenure System

The land in the three northern regions is owned by the Skins⁵ although families (Tindaanas) and some individuals do own land. Land for agriculture is provided by the Skins, the family head or through outright sale.

Social Infrastructure

Social infrastructure within the three northern regions is lacking in several dimensions. The Educational, Electricity, Health, Water and Sanitation, Telecommunication, Transport and Markets Sectors, like the rest of the country, are concentrated in the few urban areas. There are several primary and junior high schools in the districts but the number diminishes at the senior high and tertiary levels. There is also a high level of out-of-school children in the northern regions. The potable water supply is limited to the urban areas, leaving many without safe drinking water. As a result, numerous water-borne diseases afflict those living in the various districts.

⁵ The Term "Skin" is used to refer to a traditional ruler's office and authority in the three northern regions of Ghana.

The road network in the area is very poor and rudimentary. Apart from the main highway, most of the roads are feeder roads while many are non-engineered tracts, especially in the rural communities within the various districts. This poor nature of road infrastructure affects the easy movement of people and goods from the farm gate to the various market centers scattered throughout the districts within the three northern regions.

VALUATION AND COMPENSATION PAYMENT

Losses due to displacement will be compensated on the basis of replacement costs. The acquisition should commence with consultations with the aim of achieving the following:

- Identifying the rightful owners;
- Identification of the boundaries;
- Current occupants;
- Extent of loss to be suffered due to the project activities; and
- Negotiation of compensation and resettlement.

Prior to the commencement of the compensation and resettlement activities, an Executive Instrument⁶ should then be passed to confirm the acquisition. This procedure will reduce antagonism towards the project and elicit the required co-operation from the project-affected persons, as well as to demonstrate to the World Bank that the required steps have been taken to reduce the negative effects of the project.

DESCRIPTION AND CATEGORIZATION OF AFFECTED PERSONS

The category of affected persons are defined as those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as farm lands, or important cultural sites, commercial/business properties, tenancy, income-earning opportunities, farming and social and cultural networks and activities as well as cultural land use. Some of the main land-use types noted in the project-affected areas are farming, residential, quarrying activities, schools, and small commercial / business activities.

The Entitlement Matrix

Based on analysis of the impact of the project and eligibility policies, an entitlement matrix has been developed based on categories of affected persons according to losses and their entitlement benefits. The matrix proposes eligibility and payments for all kinds of losses (e.g., land, housing, businesses, and other income sources, temporary loss of income, displacement, and moving costs). It sets standards for compensation.

⁶ The term "Executive Instrument" refers to "subsidiary legislation" of a main ACT or Decree that spells out the compulsory acquisition of lands or any property for the purposes of public use or public good. It is issued by the president or any member of the executive. In the case of land administration and acquisition, the main Act is the State Lands Act of 1960 (Act CA6).

DESCRIPTION OF ELIGIBILITY CRITERIA

Lands Policy and World Bank OP 4.12

Under the SOP, efforts are being made to minimize the impact on land, people, and property and access to resources due to the execution of civil works. However, in cases where land acquisition will cause adverse impact on people and property or people's access to land or property, the resettlement and compensation payment shall be made in accordance to the World Bank OP 4.12 as well as the Lands Act 1963 Section 6(1).

Eligibility

Persons that may be classified according to the following three groups as displaced persons shall be eligible for compensation and resettlement assistance:

- Those who have formal legal rights to land (including customary and traditional rights recognized under the Lands Act;
- Those who do not have formal legal rights to land at the time the census begins but have a recognizable legal right or claim to such land or assets; and
- Those who have no recognizable legal right or claim to the land they are occupying (e.g., squatters, ownerships under dispute, etc.).

TEMPLATE FOR RAPs

The RPF applies to all project components for which a RAP will be required. The below steps would be followed during the preparation of the RAP:

Step I: Prepare a Social and Economic Assessment;

Step II: Based on the socio-economic assessment, develop a matrix of compensation for the different categories of affected persons/resettlement;

Step III: Design a compensation/resettlement implementation plan; and

Step IV: Implement, monitor, and evaluate the compensation and resettlement plan.

Relocation

Depending on the relocation needs the following relocation options could be pursued:

- No relocation is the best option. However, if relocation of affected persons is unavoidable, it should be reduced or minimized as much as possible by weighing the alternative options for the investment project.
- On-site relocation is possible if the number of the affected persons is limited, if population density is relatively low, and where the project involves small, scattered sites. The affected persons may be allowed to occupy part of the site not required for wayleave. In such a situation, the on-site relocation would not affect existing socio-economic settings. As a result the resettlement would be limited.

Income Restoration

Income restoration should be an important component of resettlement where affected persons have lost their productive base, businesses, jobs, or other income sources. Affected persons who lose housing as well as income sources may be at great risk.

Budgeted Cost of Relocation and Income Restoration

Resettlement Action Plans (RAPs) to be prepared under the SOP, where applicable, will include a detailed budget for compensation and other rehabilitation entitlements. They will also include information on how funds will flow as well as compensation schedule. Furthermore, the RAP will clearly state where the sources of land and funds will come from.

As the Borrower, the Government of Ghana carries official responsibility for meeting the terms of this framework, including financial obligations associated with land acquisition. In practice, government funds will not be regularly available for land acquisition. Therefore, where an SOP that requires land acquisition is proposed, and where no sufficient sources of necessary compensation funds can be identified, the proposal will be disqualified. An estimated resettlement budget of US\$145, 000.00 will be needed to facilitate the undertaking of the relevant resettlement activities under the SOP (see Table 12.1).

PROPOSED ADMINISTRATIVE AND INSTITUTIONAL FRAMEWORK FOR PREVENTION AND MITIGATION

Management and coordination of the Social Opportunities Project will largely rely on existing government institutions and structures through the District Assemblies (Department of Feeder Roads, GIDA, DSW, NADMO, etc.). The main entry point for implementation will be the DAs and ACs. The Ministry of Local Government and Rural Development (MLGRD), which is responsible for national decentralization and rural development, has the overall implementation responsibility for the project. The MLGRD is currently successfully implementing the Community-Based Rural Development Project (CBRDP), which is supporting the development of productive and social infrastructure at the district and community levels.

The project will establish a National Project Steering Committee (NPSC) to be responsible for the overall coordination of the SOP. The NPSC would be chaired by the minister of LGRD and will include representatives of all relevant ministries and agencies.

Regional Coordination Offices (RCO) for the SOP will be established to strengthen the MLGRD's coordination and supervision activities and ensure efficient project implementation. The RCO would be mainstreamed within the existing structures of the MLGRD over the duration of the project. It would have functions such as project coordination and provision of technical backstopping and implementation support at the regional, district and sub-district levels.

The DAs, in close collaboration with the RCO and targeted communities, will implement the activities selected from the development plans. The main responsibilities will include preparation of annual work

programs and budget, detailed design of LIPWs, procurement, supervision, and payment. The DAs will undertake monitoring and evaluation and submit monitoring reports to RCO and RPCU for evaluation.

The Department of Feeder Roads (DFR) will be responsible for technical support to the DAs in feeder road sub-projects. The Ghana Irrigation Development Authority (GIDA) will be responsible for the technical design and supervision of dam works, and in related feasibility studies.

To minimize the major problem of resettlement management and implementation, existing structures within the MLGRD, RCC, DAs, and ACs will be used. The Ministry of Local Government and Rural Development (MLGRD), Ministry of Finance and Economic Planning (MEFP), Lands Commission, Land Valuation Board, The Metropolitan and Municipal Assemblies, Town and Country Planning Department, and Environmental Protection Agency (EPA) will play their respective roles for compensation, livelihood restoration, and rehabilitation programs.

Disclosure of Information

During the consultation processes and at community fora, the extent of damage to properties should be disclosed. When the amount of compensation to be paid is made known, the affected people have the right to appeal if not satisfied.

Monitoring and Evaluation Including Description of Indicators

The primary aim of the M&E process is to ensure that the SOP carries out continuous process monitoring of the RPF in order to detect and address any inconsistencies in how the resettlement plan is being implemented. The monitoring of the RPF would provide the project managers and other stakeholders with continuous feedback on implementation. A periodic assessment of the relevance, performance, efficiency, and impact of resettlement measures will be undertaken as part of resettlement objectives evaluation. The evaluation will include the assessment of resettlement effects and their potential sustainability. The allocation of responsibilities for monitoring and evaluation under the resettlement policy framework are presented in Table 12.1.

INTRODUCTION

The Government of Ghana has developed a comprehensive Social Protection Strategy (SPS) that addresses the basic needs of the poorest and most vulnerable groups. The project is designed to respond to emergency or natural disasters in a flexible manner by allowing for the implementation of mitigation and coping strategies. The main pillars of the strategy are cash transfers, human development, and employment generation for the chronically poor. The government is already implementing a number of social protection programs (e.g., LEAP, Youth Employment Program, health insurance, school feeding and school uniform programs), which support the SPS. The missing element is an employment-generation program targeted at the chronically poor households who have the ability to work but face high levels of (seasonal) unemployment. The proposed Social Opportunities Project (SOP) would develop such an instrument that, in addition to addressing the needs of the chronically poor, could be quickly and efficiently scaled-up as an emergency response to natural disasters or other external shocks, in order to alleviate transient poverty.

The project has five components: (i) rationalization of a national social protection policy; (ii) Labor Intensive Public Works Program (LIPWs); (iii) support to Livelihood Empowerment Against Poverty Program (LEAP); (iv) capacity building; and (v) project management and coordination. The project duration is estimated to be over five (5) years at a total cost of about US\$90 million. If successful, it could be scaled-up at the national level to help reduce transient poverty.

The activities proposed in the labor intensive public works component have triggered a number of World Bank safeguard policies, including OP4.12 on involuntary resettlement. This means that the project is likely to have impacts on land access, restriction of access to assets, displacement, and loss of livelihood among others. Initial reviews indicate that the project can generate positive social, environmental, and economic impacts. In spite of these potential positive impacts, there is also the recognition of potential negative impacts, which call for appropriate mitigation measures and institutional arrangements to implement the measures.

To ensure that the project either completely avoids or minimizes such negative impacts as per World Bank requirement for safeguards, the Government of Ghana is required to prepare a Resettlement Policy Framework (RPF).

The Ministry of Local Government and Rural Development (MLGRD), in complying with the World Bank safeguard policies as well as with the EPA Act of 1994 (Act 490) and the Environmental Assessment Regulations (LI 1652), has prepared this Resettlement Policy Framework (An Environmental and Social Management Framework (ESMF) has also been prepared under a separate contract). This document therefore reports on the Resettlement Policy Framework (RPF) in accordance with the Terms of Reference in Annex 1.

The objective for the RPF is to set out the policies, principles, institutional arrangements, schedules, and indicative budgets to cover anticipated resettlements and other social impacts. These

arrangements are also to ensure that there is a systematic process (versus an ad hoc one) to guide the different stages of the implementation of the measures outlined in the framework. This process shall also consider the participation of affected persons, involvement of relevant institutions and stakeholders, and adherence to both World Bank and government policies, procedures, and requirements on involuntary resettlement; and shall delineate compensation for affected persons as appropriate.

PRINCIPLES AND OBJECTIVES GOVERNING RPF PREPARATION AND IMPLEMENTATION

The impacts due to involuntary resettlement from development projects, if left unmitigated, often give rise to severe economic, social, and environmental risks resulting in production systems being dismantled; people facing impoverishment when their productive skills may be less applicable and the competition for resources greater; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost. The resettlement policy, in most cases, is not triggered because people are being affected by physical replacement per se; it is rather triggered because the project activity causes land acquisition, where a physical piece of land is occupied by people for farming or cultivation, has buildings on it, or used to water and graze animals. There could also be situations where the land is used economically, spiritually, or in any other way which may not be possible during and after the project is implemented. Therefore, people are in all cases compensated for their loss (of land, property, or access) either in kind or in cash in compliance with OP 4.12.

The main purpose of this RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects to be prepared during project implementation. The framework will describe eligibility criteria for resettlement of affected households or businesses in the planned projects; categories of affected persons and measures for restoration of living standards and livelihoods; provide for compensation payments on the basis of market replacement costs; identify potential circumstances within the three northern regions where resettlement and compensation issues could arise; recommend an appropriate institutional framework for the implementation and tracking of the resettlement framework in the three northern regions; prepare a manual for implementing resettlement schemes; and describe dispute resolution mechanisms. The RPF will be used in the preparation of Resettlement Action Plans (RAPs) to be developed by others for specific sub-projects

The objectives of this policy are the following:

- (i) Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternatives.
- (ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share in project benefits. Displaced and compensated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (iii) Displaced and compensated 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 levels prevailing prior to the beginning of project implementation, whichever is higher.

Affected people, according to the Bank policy, refers to people who are directly affected socially and economically by the bank assisted investment projects, caused by either:

- (a) The involuntary taking of land and other assets resulting in:
 - (ii) relocation or loss of shelter
 - (iii) loss of assets or access to assets
 - (iv) loss of income sources or means of livelihood, whether or not the affected persons must move to another location;or
 - (b) The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
- (iv) Monitoring mechanisms development, implementation and reporting on the effectiveness of resettlement framework, including the physical progress of resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of income restoration and development efforts among affected communities.

The resettlement policy applies to all activities under Component A: The Labor Intensive Public Works (LIPW) of the SOP, whether or not they are funded in whole or in part by the World Bank. It is expected that LIPWs will target mainly the following assets-rehabilitation and maintenance of rural feeder and access roads, rehabilitation of small dams, and related public infrastructure (main channels/dams and associated labor intensive afforestation/grassing activities in the immediate micro-catchment to reduce run-off and siltation), and dugouts, all of which are in high demand in the northern regions. The proposed existing assets to be selected for rehabilitation may be on lands belonging to the government, private individuals, families, and traditional authorities. Hence, virgin land seizure may not arise in most cases of the kind of projects to be selected for rehabilitation under the SOP. However, in situations that virgin land may be required or persons might be encroaching on existing project land, such a situation will give rise to the potential of involuntary resettlement of persons whose rights of interests, assets, and means of livelihood may be adversely affected.

The policy applies to all displaced persons regardless of the total number affected, the severity of impact, and whether or not they have legal title to the land. Particular attention should be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, groups or original settlers, and ethnic minorities or other displaced persons who may not be protected through Ghana's Lands (Statutory Wayleaves) Act, 1963, Act 186, section 6(1).

The implementation of resettlement plans are a prerequisite for the implementation of project activities requiring land acquisition, to ensure that displacement or restriction to access does not occur before the necessary measures for resettlement and compensation are in place. It is further required that 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, the taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services, and moving allowances have been provided to displaced persons. Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons are implemented in accordance with the resettlement plan of action.

DESCRIPTION OF THE SOP

The Social Opportunities Project is a proposed GoG social protection intervention targeted at the chronically poor in northern Ghana. The project will combine employment creation with income generation for rural poor households, who have the ability to work but face high levels of seasonal unemployment. It will be implemented in three northern regions during the slack agricultural periods. The majority of the rural poor live in the three northern regions, where poverty levels are more than double that of the national average (i.e., 63 versus 29 percent).

The project has five components: (i) rationalization of a national social protection policy; (ii) Labor Intensive Public Works Program (LIPWS); (iii) Support to Livelihood Empowerment Against Poverty (LEAP) Program; (iv) capacity building; and (v) project management and coordination. The project duration is estimated to be over five (5) years at a total cost of about US\$90 million. If successful, it could be scaled-up at the national level to help reduce transient poverty.

The following key indicators will be used to evaluate project performance:

- Modifications to the national social protection strategy to make it better targeted to those below the poverty line;
- Total number of poor rural persons in target districts temporarily employed in labor intensive public works (LIPWs) during the slack agricultural season (November to March/April), disaggregated by district;
- Average number of days that participating individuals have thus been employed in LIPWs during the slack agricultural season;
- Average cash earnings per poor rural person participating in LIPWs; and
- Number of households benefiting from LEAP grants.

PROJECT COMPONENTS

The five main components of the project are described below.

Rationalization of a National Social Protection Policy

This component would provide support to the government to help redirect its social protection expenditures to the most effective areas and reduce those in less effective activities. This would allow greater coverage of the poor despite current fiscal constraints. To facilitate the process, the component would finance technical assistance, studies, training, and Secretariat services. The cost of this component is estimated at US\$3 million.

Labor Intensive Public Works (LIPWs)

The objective of the LIPWs will be to provide targeted rural poor household with access to employment and income-earning opportunities during the slack farming season. This will be mainly through rehabilitation and maintenance of sub-project infrastructure assets that have the potential of generating

secondary employment effects in target districts and protect households and communities against external shocks. The main payment modality will be cash and the cost of this component is US\$47 million.

The sub-projects under the LIPWs are:

- Feeder roads rehabilitation/maintenance;
- Small dams rehabilitation/maintenance;
- Dugouts rehabilitation/maintenance.

The main activities under the feeder roads are clearing, digging, filling and compaction, culverts, borrow pits and re-instatement of borrow pits, etc. The key features of small dams include trenching, dam wall or embankment (maximum 4m), spillway, riprap, channels, valves and in-takes. Other activities may include clearing, digging, filling/compaction, concrete works and plumbing works. Dugout rehabilitation/maintenance activities are similar to those of small dams.

Support to the LEAP

In 2008, the Government of Ghana launched a pilot cash transfer program known as LEAP targeted at very poor households in 68 districts. The objective of this component is to support the full rollout of the pilot phase of the LEAP program, by strengthening its management and administration, improving targeting, and by providing incentives to ensure that the government's annual budget allocations are sufficient. The LEAP pilot signifies a major step towards Ghana's fight against poverty and is the first response to the recommendations of the National Social Protection Strategy (NSPS), which identified the lack of cash transfer program for the extremely poor households as a gap. LEAP is considered a flagship program of the NSPS due to its direct targeting of the extreme poor.

Capacity Building

The main objective of this component is to create capacity at the national and local levels to implement the government's social protection strategy in selected project districts, with the view to enabling a gradual scale-up and targeting at the national level. In line with the government's on-going decentralization process, the activities would be implemented by the relevant line agencies through District Assemblies. The cost of this component is estimated at US\$5.4 million, which will support establishing a supportive policy and institutional framework and building capacity to support implementation of LIPWs. Five distinct sets of capacity-building activities will be supported:

Establishing a LIPW supportive policy and institutional framework, supporting the government to amend and adapt the existing policy and regulatory framework to stimulate a wider use of labor-based methods, both as social protection and infrastructure-generation mechanisms.

Capacity building to support LIPW implementation, aimed at decision-makers, DA technical staff, relevant line agencies and private contractors with the sub-categories of: (i) rehabilitation and maintenance of roads and (ii) rehabilitation of small dams and water storage infrastructure.

Capacity building to support implementation of LEAP, complementing ongoing technical support financed by DFID and UNICEF/USAID as needed, with the objective of strengthening and improving the targeting and monitoring of the government's social protection instruments and programs (e.g., LEAP).

Capacity building for disaster risk management, building on the close link between disaster response planning and the utilization of social safety nets to effectively respond to the needs of those who are affected. By support a series of inter-related capacity-building activities in the three northern regions and in proposed project districts.

District and regional capacity building, strengthening the technical and management capacities of the three Regional Coordinating Committees (RCCs), ten to fifteen District Assemblies (DAs), and at least two Area Councils (ACs) in each of the selected districts.

The project will further support a comprehensive capacity building for the LIPWs for technical staff of DAs and relevant line agencies and contractors. These will be for rehabilitation and maintenance of roads, small dams and water storage infrastructure, capacity building to support implementation of LEAP and disaster risk management. There will also be District and Area Council capacity building in support of government decentralization process.

Project Management and Coordination

The institutions, structures, and capacities of the Government of Ghana will serve as the foundation for project management and coordination. With the aim of bolstering GOG operations, the Social Opportunities Project will fund costs (US\$6 million) associated with: project management and coordination; relevant technical assistance; project monitoring and evaluation; consultancy services; communication and training; equipment and vehicles; and incremental operating cost. In addition, the component will take up the cost of annual impact evaluation surveys, including a baseline study and an end-of-the-project comprehensive impact evaluation.

- Project implementation arrangement will be underpinned by the need to:
- Strengthen the existing statutory bodies to perform functions assigned to them under the existing laws;
- Coordinate various interventions for service delivery at district level;
- Provide strong coordination on policy matters that affect efficient delivery of services;
- Provide strong technical support and assistance to transfer capacity to statutory bodies; and
- Coordinate inter-sectional and donor activities.

COUNTRY LEGAL AND INSTITUTIONAL GUIDELINES AND REQUIREMENTS

RESETTLEMENT/COMPENSATION POLICY IN GHANA

It is the policy of the Government of Ghana to pay compensation or offer resettlement assistance to people whose properties, lands, or landed property are affected by projects being undertaken by the government. This section has been prepared in accordance with the laws of Ghana.

LAND ACQUISITION AND COMPENSATION LAWS

Land-for-land will be provided where appropriate. The State Lands Act 1963 section 6(1) provides that any person whose property is affected by public projects shall be entitled to compensation. The same Act provides avenues for those who are not satisfied with the compensation to seek redress.

The Lands (Statutory Wayleaves) Act, 1963, Act 186 provides for entry on any land for the purpose of the construction, installation, and maintenance of works of public utility, and for the creation of rights of way and other similar rights in respect of such works and for purposes connected with the matters aforesaid. For the creation of statutory wayleaves, it is required under Act 186 that, where the President is of the opinion that it is in the public interest that any right of way or other similar right over any land ("statutory wayleave") be created in respect of the whole or any part of any of the works specified under section 2(1) of Act 186, subject to the provisions of this Act, by executive instrument ("wayleave instrument") declare the land specified in the instrument to be subject to such statutory wayleave as specified therein; and on publication of a wayleave instrument and without further assurance the land shall be deemed to be subject to that wayleave which shall, in accordance with the terms of the instrument, ensure to the benefit of the Republic, any statutory corporation specified in the instrument, or the public generally.

A wayleave instrument shall contain the following particulars:

- A description (with measurements) of the land affected by the statutory wayleave together with a plan showing the position of the works constructed thereon;
- Particulars of the person or body for whose benefit the wayleave is to ensure; and
- Such other particulars of the said works as the president thinks necessary or expedient to include in the instrument.

A copy of every wayleave instrument shall be served on the owner or occupier of the land affected by the statutory wayleave, and if neither the owner nor occupier can be found shall be posted in a conspicuous place on the land and published in a newspaper circulating in the locality. Under section 2(1) a statutory wayleave may be created in respect of any of the following works:

- Any highway; and

- Any other structure or works for the purpose of, or in connection with, any public utility service;
- Any “specified works.”

Under Section 6(1) of the Act, any person who suffers any loss or damage as a result of the carrying out of any survey as a result of installation, construction, inspection, maintenance, replacement, or removal of any specified works that person shall, save in so far as the loss or damage resulted from or arose out of the acts of that person, his servants or agents, and subject to the provisions of this section, be entitled to compensation of an amount assess by the minister in respect of such loss or damage; and in assessing such compensation the minister may take into account in reduction thereof any amount by which the person’s land has increased in value as a result of the installation or construction of the works.

Any claim for compensation under section 6(1) shall be made to the minister in the prescribed form not more than three months (or such longer period as the minister may either generally or in any particular case direct) after the date of declaration made by the president under section 1 of Act 186. Under section 6(3) no person shall be entitled to any compensation for any loss or damage if, in the opinion of the minister:

- ③ The alleged damage is to land, that land has been sufficiently reinstated;
- ③ The alleged loss arises out of the deprivation of the use of any land, the person alleging the loss has been offered other land of equivalent value;
- ③ The alleged damage is to movable property, that property has either been replaced or sufficiently restored; or
- ③ The works constructed do not substantially interfere with the enjoyment of the land.

Where any person is dissatisfied with the amount of compensation assessed by the minister, but in no other case, the matter may be referred by the minister to tribunal. The tribunal shall consist of three persons appointed by the president, following consultation with the chief justice, and one of those persons shall be a judge of the high court who shall be chairman of the tribunal.

LAND OWNERSHIP IN GHANA

The land ownership system in Ghana is governed by a complex operation of both customary, statute, and common law resulting in a rather uniquely complicated land ownership structure. There are three principal land ownership geneses in Ghana namely:

- ☞ Customary-owned;
- ☞ State-owned;
- ☞ Customary-owned but state-managed lands also known as vested lands.

Customary Ownership

Customary ownership occurs where the right to use or to dispose of use-rights over land is governed purely by customary laws of the land-owning community. Customary laws in Ghana vary from one community to another,

and the Ghanaian society is made up of various ethnic communities with their varying social structures, customary practices, and norms. These customary laws and norms rest neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that they are recognized as legitimate by the community, the rules governing the acquisition and transmission of these rights being usually explicitly and generally known, though not normally recorded in writing (Bower, 1993). Such ownership may occur in any one or a combination of the following ways:

1. Discovery and long uninterrupted settlement;
2. Conquest through war and subsequent settlement;
3. Gift from another land-owning group or traditional overlord; and
4. Purchase from another land-owning group.

Within the customary land-owning system, various schemes of interest with varying quantum of rights exist. The *Allodial Title* is the highest quantum of land rights capable of ownership and it forms the basis of all land rights in Ghana. The *Allodial Title* in land is equivalent to the common law freehold rights. These rights are vested either in a Stool,⁷ a clan, a family, an earth priest, or a private individual person.

Other lesser interests such as usufructuary interest, tenancies, licenses, and pledges emanates from the *Allodial Title*. In Ghana customary lands are managed by a custodian (a chief or a head of family) together with a council of principal elders appointed in accordance with the customary law of the land-owning community. The custodian and the elders are necessarily members of the land-owning community and are expected by customary law to hold the land in fiduciary capacity in trust for the members of the land-owning community. They are thus accountable to the members of the land-owning community for their stewardship. Membership is obtained by birth. All grants of land rights by the custodian require the concurrence of at least two of the principal elders for the grant to be valid.

Customary ownership presents considerable land acquisition problems in Ghana. The boundaries of most customary-owned lands are not generally surveyed and in some cases undefined. It is also plagued with land ownership squabbles, and trying to identify the true owner of any piece of land can be risky. There is improper record keeping of judgments, dispositions, and other records relating to the land by the custodians. In many instances, there is the need to distinguish between jurisdictional rights of custodians and propriety rights in land.

State Lands

State lands are those specifically acquired by government under an appropriate enactment using the state powers of eminent domain. Currently the principal acquiring legislation is the State Lands Act of 1962, Act (122) for public purposes or in the public interest. Under such ownership the *Allodial* rights become vested in the government which can then proceed to dispose of the lands by way of leases,

⁷ The Term "Stool" is used to refer to a traditional ruler's office and authority in the three southern regions of Ghana.

certificate of allocations, licences etc. to relevant beneficiary state institutions as well as private individuals and organizations. The boundaries of these lands are cadastrally surveyed but are scattered throughout the country.

Vested Lands

The third category of land in Ghana is the generally referred to as vested lands and they are lands owned by a Stool but managed by the state on behalf of the land-owning Stool. Under such ownership, the legal rights to sell, lease, manage, and collect rent is taken away from the customary landowners by the application of specific law to that land and vested in the state. The landowners retain the equitable interest in the land (i.e., the right to enjoy the benefits from the land). This category of land is managed in the same way as state lands. Unlike state lands, however, the boundaries are not cadastral surveyed and they are usually larger in size, covering wide areas.

In Ghana, there is no land without an owner; it is presumed that any parcel of land in Ghana would fall within one of the above-discussed categories. And since state and vested lands are acquired expressly through legislation, all other lands outside these categories belong to the class of customary lands – Stools, clans, or families.

The acquisition of land for government projects is regulated by the Lands Act 1963. Under Section 6(1) of the Act, any person who suffers any loss or damage as a result of construction, rehabilitation, maintenance, etc. shall be entitled to compensation. A claim for compensation shall be made through the minister in the prescribed form not more than three months after the date of declaration made by the president under Section 1 of the Act.

REVIEW OF GHANA'S LAND LAWS AND WORLD BANK SAFEGUARDS POLICIES

The World Bank Operational Policy 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 Operational Policy expects all forms of losses without exception to be catered for.

Under the Ghanaian statute, it is the preserve of the minister to assess loss due to works done but 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 Operational Policy advises 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 1 highlights some comparison between the Ghanaians Laws and the World Bank policy.

To operate within the directives of the Bank, the RAP has been developed in line with the OP 4.12 with the involvement of affected persons through consultations and compensation to be paid based on full replacement cost, disturbance and restoration of livelihood.

Table 0.1: Comparison of Ghanaian Laws with World Bank Policies

| TOPIC | GHANAIAN LAWS | WORLD BANK REQUIREMENTS |
|--------------------------------|--|--|
| Timing of Compensation Payment | Prompt. | Prior to displacement and relocation. |
| Calculation of Compensation | Fair and adequate. | Full replacement cost. |
| Squatters | No provision, they are deemed not to be eligible. | Are to be provided transitional allowance. |
| Resettlement | In situations where inhabitants have to be displaced, the state is to resettle all on “suitable land with due regards for their economic well-being and social and cultural values”. | Affected persons who are physically displaced are to be provided with residential housing, or housing sites, or as required, agricultural sites at least equivalent to old site. Preference to be given to land-based resettlement for displaced persons whose livelihoods are land-based. |
| Resettlement Assistance | No specific provision with respect to additional assistance and monitoring. | Affected persons are to be offered support after displacement, for a transitional period. |
| Information and Consultation | The owner/tenants on the land must be formally notified at least a week in advance of the intent to enter, and be given at least 24 hour notice before actual entry. | Displaced persons and their communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementation and monitoring of resettlement. |
| Grievances | Formal and informal mechanisms and formal access to court of law. | Appropriate and accessible grievance mechanisms to be established. |

SOCIO-ECONOMIC CHARACTERISTICS

POPULATION CHARACTERISTICS

The three regions of northern Ghana take up 97,700 km², which is 41 percent of the total land area but comprise only 17.4 percent of the national population. The Northern Region, even though is the most populous of the three, remains sparsely populated. The Northern Region covers 70,383km² with a population density of 26 persons per km², which is less than that of the Upper East (104 persons per km²) which is the smallest of the three regions (8,842 km²). The population density of the Upper West Region is 31 persons per km² with a land area of 18,478 km².

In terms of gender and age structure, the three northern regions exhibit slightly lower numbers of females than males in contrast with the national picture, which puts the female population at 50.1 percent. The population of the region can generally be described as young in terms of age structure.

ECONOMIC ACTIVITIES

Agriculture, hunting, and forestry are the main economic activities in the region. About 80 percent of the economically active population are into agriculture; engaged in the production of millet, guinea-corn, maize, groundnut, beans, sorghum, and dry season tomatoes and onions. Infrastructure for dry season agriculture is inadequate and as such a large number of people are left with no source of income during the dry season. Migration becomes pronounced during these periods, with a large number of the youth moving to urban centers in search of employment.

The main crops grown in the three northern regions are maize, vegetables, yams, groundnuts, rice, millet, sorghum and lately, mango in commercial quantities. Apart from a few farmers who practice some form of irrigation, the rest practice rain-fed farming on a subsistence level. Yield per acre is still not enough. Due to the single rainfall season in the regions, farming activities are limited to a few months.

LAND TENURE SYSTEM

Land in the three northern regions is owned by the Skins⁸ although families (Tindaanas) and some individuals own land. Land for agriculture is provided by the Skins, the family head, or outright sale.

SOCIAL INFRASTRUCTURE

The social infrastructure, made up of the educational, electricity, health, water and sanitation, telecommunication, transport, and market facilities are, like the rest of the country, concentrated in the few urban areas in the three northern regions. Although there are several educational institutions at the

⁸ The Term "Skin" is used to refer to a traditional ruler's office and authority in the three northern regions of Ghana.

pre-school to the Junior High School level the number diminishes at the Senior High and Tertiary levels. There is also high level of out-of school children in the Districts in the Northern regions. With the exception of Regional and some District Capitals, most of the communities face inadequate or no social infrastructure. Potable water supply is limited to the urban areas leaving the greater majority of the people without good drinking water. The result of this is the numerous water-borne diseases like Guinea Worm infections.

Like potable water, electricity supply is also limited to the urban areas with low coverage in the rural areas. Road network in the three northern regions is very bad. Apart from a few highways, most of the roads are feeder roads while many are un-engineered tracts especially in the rural communities within the various districts. This bad road infrastructure affects the easy movement of people and goods from the farm gate to the various market centers.

EMPLOYMENT

Employment within the three northern regions is seasonal. The majority of the employable population are engaged in agriculture (crop production, animal husbandry or fishing), at subsistence level. Agriculture employs over 70 percent of the employable labor force. For the greater part of the year during the long dry period when no agriculture activity takes place, they become virtually unemployed. This is why the SOP has the potential of changing the employment status of the people in these districts.

RELIGION AND ETHNICITY

In terms of religious affiliation, the overwhelming majority of the people are Muslims while the Christian community and the traditionalists form a minority. All the districts in the three northern regions show some level of homogeneity in terms of the ethnic composition of the people. In the Mamprusi District, the dominant ethnic group is the Mamprusis, while the Dagombas dominate in the Savelugu-Nanton and Tolon Kunbumbu Districts. Other ethnic groups form a tiny minority in the districts.

MIGRATION

Migration within the three northern regions is an annual phenomenon. The people from the North migrate to the various districts in the south for farming, fishing or other activities like head porter (Kaya Yei) in the urban centers. The population of the Northern regions are youthful, therefore are easily tempted to migrate because agriculture is not attractive to the youth. With the envisaged activities under the SOP it is expected that there will be:

- ③ a reduction of rural-to-urban migration as employment opportunities increases and amenities become available in the rural areas;
- ③ a sense of ownership of the infrastructure created with communities who perceive themselves as partners in their development with the government;
- ③ provision of a buffer against adverse incidents of poverty caused by natural calamities such as drought; and

- ③ development of local small-scale contractors due to low equipment requirements.

TOURISM

Tourism is an emerging industry that can create employment and therefore increased incomes of the people in the northern regions. Almost all the districts have one or more tourist attraction sites like festivals and game reserves which if well harnessed could attract people from both home and abroad become a good source of employment and income generation for the various district assemblies.

HIV/AIDS AND GENDER ISSUES

The Northern Region has an HIV median prevalence rate of 1.7 percent, a rate below the national median prevalence rate of 2.2 percent. However, HIV/AIDS in the northern region is on the increase. It increased from 1.3 percent in 2005 to 1.7 percent in 2007. The upsurge can be attributed to cases of high incidence of poverty (70-80 percent); and out-migration of young women to the urban centers to work as porters (*kayaye*). Some of these young women are young wives who have temporarily left their husbands after the birth of their first child, as custom demanded, to return after two years to join their husbands. Young men apprentices are also vulnerable.

The situation is worsened by the inadequate health facilities, lack of health personnel in specialized fields like psychological counselling and behavioural change education, and nursing for outreach programs, inadequate access to district health facilities; lack of hospitals, poor roads, which make it difficult for rural people to travel to enjoy health service in the urban areas; and inadequate support for the physically challenged and PLWHAs and orphans, a situation that increases their vulnerability.

Girl-child school drop-outs are vulnerable, especially those who become apprentices in informal associations. Dissatisfaction with their situation and the quest for quick money make the girls fall prey to men who take advantage of them.⁹

CONFLICT ISSUES

Land disputes, ethnic issues, sharing of land resources, and hierarchy of ascending to throne are potential areas of conflict in the Northern, Upper East and West Regions. These potential conflict issues have implications for land tenure and security as well as the following related areas:

- Compulsory acquisition and compensation payments
 - Resolution of land disputes
 - Spousal conflict arising from payment of women in lieu of loss of user rights (crops, economic trees, buildings etc)
 - Methods of addressing land disputes
 - Capacity of land sector agencies to get affected persons engaged.
-

CONSULTATIONS

The proposed Social Opportunities Project (SOP) for the three northern regions could be associated with key concerns relating to involuntary resettlement. It is therefore necessary to promote consultation and participation by the project-affected persons (PAPs) and affected communities so as to engender their input, acceptance, and sustainability of the proposed projects. Further, the consultation will help identify and address the needs of the people who may be affected by the project.

To adequately appreciate the views and concerns of stakeholders with regard to the project implementation, a number of persons, individuals, and groups within the local communities as well as relevant MDAs, District Assemblies (DAs), and Area Councils (ACs) were identified and consulted. The consultations focused on:

- (i) Assessing the views and comprehension of the Social Opportunities Projects;
- (ii) Identifying potential social impacts and issues from the project;
- (iii) Potential displacements and categories of affected people; and
- (iv) Reviewing the status of compliance and enforcement of operational policies on involuntary resettlement within the three northern regions.

The consultation were basically done in two forms: (i) group discussions with a cross-section of men and women from the communities, including some who were members of the ACs, chiefs, and family elders; and (ii) interviews with key informants (DCEs, DA officials, MDAs, NGOs, etc.) so that their views and concerns are more broadly captured.

Overall, a total of sixteen (16) consultations were held over a period of two (2) days and over an estimated 100 people were consulted. Annex B presents the details of the consultation. Table 15.1 presents the day, persons met, issues discussed and concerns raised, expressed appreciation for the SOP, and consultants' comments/remarks on the outcomes of the consultation.

Recommendations that emerged from the discussions suggest that the project would be beneficial to many people. However, it also came out that there could be loss of assets and means of livelihood due to involuntary resettlement and for that matter provision of adequate compensation for loss of assets and alternative means of livelihood must be ensured.

DESCRIPTION OF ELIGIBILITY CRITERIA

LANDS POLICY AND WORLD BANK OP 4.12

Under the SOP, efforts are being made to minimize impact on land, people and property, loss of livelihood, and access to resources due to the execution of civil works. However, in cases where land acquisition will cause adverse impact on people and property or people's access to land or property, the resettlement and compensation payment shall be made in accordance to the World Bank OP 4.12 as well as the Lands Act 1963 Section 6(1).

ELIGIBILITY

Persons that may be classified according to the following three groups as displaced persons shall be eligible for compensation and resettlement assistance:

- Those who have formal legal rights to land (including customary and traditional rights recognized under the Lands Act).
- Those who do not have formal legal rights to land at the time the census begins but have a recognizable legal right or claim to such land or assets.
- Those who have no recognizable legal right or claim to the land they are occupying (i.e., squatters, ownerships under dispute, etc.).

It is the policy of the Government of Ghana to pay compensation or offer resettlement assistance to people whose properties, lands or landed properties are affected by projects being undertaken by the government. Land for land will be provided where appropriate. The State Lands Act 1963 section 6(1) provides that any person whose property is affected by public projects shall be entitled to compensation. The same Act provides avenues for people who are not satisfied with compensation to seek redress.

REDRESS

Section 6(4) of the State Lands Act 1963 stipulates that where any person is dissatisfied with the amount of compensation assessed by the minister, the matter may be referred by the minister to a tribunal established in accordance with the following:

The tribunal shall consist of three persons appointed by the president, following consultation with the chief justice, and one of those persons shall be a judge of the high court who shall be the chairman of the tribunal.

VALUATION OF AFFECTED ASSETS

OP 4.12, Paragraph 10 stipulates that a section of the resettlement documentation should present information related to *Valuation of and compensation for losses*.

VALUATION METHODOLOGY

Losses due to displacement will be compensated on the basis of replacement costs. Pursuant to the stipulations of OP 4.12, “*With regard to land and structures, “replacement cost” is defined as follows:*

- ③ *For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.*
- ③ *For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.*
- ③ *For houses and other structures, it is:*
 - *the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure,*
 - *plus the cost of transporting building materials to the construction site,*
 - *plus the cost of any labor and contractors’ fees,*
 - *plus the cost of any registration and transfer taxes.*

In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

LAND ACQUISITION PROCEDURE AND COMPENSATION

Initial consultations should be held with the Community and District Chief Executives. In the Northern, Upper East and Upper West Regions, land is owned by chiefs and individuals. There are also leaseholders who have taken various tenures from chiefs.

As a result of the problems of both private treaty and compulsory acquisition, as well as the volatile nature of issues regarding land acquisition, a hybrid between private treaty arrangement and compulsory acquisition methods should be employed.

The acquisition should commence with private consultations similar to that of private treaty arrangement with the aim of achieving the following:

- Identifying the rightful owners
- Identification of the boundaries
- Current occupants
- Extent of loss to be suffered due to the project activities
- Negotiation of compensation and resettlement

Prior to the commencement of the compensation and resettlement activities an Executive Instrument should then be passed to confirm the acquisition. This procedure will reduce antagonism to the project and elicit the required co-operation from the project-affected persons, as well as to demonstrate to World Bank that the required steps have been taken to reduce the negative effects of the project.

VALUING ENTITLEMENT

Properties to be affected by the proposed SOP projects in the targeted regions and districts should be inspected/referenced or enumerated. This should be contracted out to an independent valuer to avoid any doubts of under-valuation. The Land Valuation Board, which is the government's statutorily accredited valuation body could be involved in the process.

The valuation of buildings/structures should be based on open market valuation. Replacement Cost method of valuation should be used so as to arrived at values which could secure replacement properties for the affected persons.

The replacement cost method should be based on the following:

- Physical inspection of each of the properties affected;
- Average replacement costs of different types of buildings and related structures based on collection of information on the quantities and types of materials used to construct different types of structures (e.g., blocks, bricks, wood, steel plates, rafters, doors, etc.);
- Prices of these items were collected from different local markets and analysed to take account of the minor differences between the comparables and the subject properties;
- Costs of transportation and delivery of these items to acquired/replacement building site; and
- Estimates of construction of new buildings including labor required.

PROCEDURES FOR DELIVERY OF ENTITLEMENTS

Entitlements for Project-Affected People (PAP) would range from cash payments and/or building materials to the provision of new land, new homes, and non-cash compensation for other lost properties in accordance with the identification of the impact on their property.

Subject to the final decision on the exact position of the site and its dimensions, the approved entitlements or amounts would be communicated to the implementing agency or unit for delivery or payment to the beneficiaries. Compensation would be paid before the owners/occupiers are made to vacate their properties for commencement of construction or works. The National Coordination Office (NCO) will ensure that no construction begins until project-affected persons have been resettled if physical relocation is necessary and/or received their compensations (according to World Bank Operational Policies OP 4.12). All compensation, whether cash payments and /or alternative land and house provisions, would be given to project-affected persons prior to any request for vacation of land/property and before commencement of construction.

Compensation and resettlement will be funded by the MLGRD like any other activity eligible under the projects' administrative and financial management rules and manuals. Funding would be processed and effected through the Finance Unit of the Ministry of Local Government and Rural Development. The compensation process which will involve several steps would be in accordance with the individual project site resettlement plans. The compensation process should incorporate the following:

- **Involvement of Public Sector Agencies**
Institutions such as the EPA, District, Municipal and Metropolitan Assemblies and the Town and Country Planning Department must be involved in the process of resettlement and their roles clearly spelled out.
- **Notification** of land resource holders. Through a socio-economic survey, all property owners or users would have to be identified and located. The user or his representative should be informed through both a formal notification in writing and by verbal notification delivered in the presence of all stakeholders or their representative.
- **Documentation** of Holdings and Assets – Officers of the implementing agency and Land Valuation Board should arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, officers of the implementing agency and LVB should compile a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information should be confirmed and witnessed by EPA and District/Municipal Assemblies. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.

- **Agreement on Compensation and Preparation of Contracts** – All types of compensation should be clearly explained to the individual or household. A land acquisition team comprising the Land Owner(s), the Local Community, Area Council, District Assembly with the support of the Regional Lands Commission and Land Valuation offices should draw up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract should be read aloud in the presence of the affected party and other stakeholders prior to signing.
- **Compensation Payments** –The handing over of properties such as land and buildings and compensation payments will be made in the presence of the affected party and officials of EPA and the District/Municipal Assemblies.

TIME FRAME

Taking cognizance of the potentially low scale and scope of resettlement issues that could arise, the processing of compensation application for payment by the government should be expedited over an average maximum period of one month. Some additional one month could be allowed for exceptional circumstances where there could be some complexities or challenges. No construction will begin until project-affected people have been resettled if physical relocation is necessary and/or received their full compensation (according to World Bank Policy OP 4.12). Additionally, the property owners must be given adequate notice of not less than one month after payment of compensation to vacate affected assets and relocate depending on the nature of relocation or resettlement.

RESETTLEMENT ENTITLEMENT POLICY

LEGAL BASIS FOR RESETTLEMENT ENTITLEMENT

Although the Lands Act provides for payment of compensation and resettlement of displaced people, whose lands or landed property are affected by projects being undertaken by the government, where there are gaps or discrepancies between the Lands Act and the World Bank resettlement and compensation policy, the World Bank's Resettlement and Compensation Policy would apply and a Resettlement Action Plan (RAP), based on the guidance set forth in the Resettlement Policy Framework (RPF) completed.

LAND OCCUPATION FOR SUB-PROJECTS

The lands to be acquired and used by the SOP would be governed by the Laws of Ghana as well as the Operational Policy OP 4.12 (Involuntary Resettlement). For the purposes of the project, administrative and financial concerns related to the acquired land shall be decentralized to the level of the DAs and ACs and beneficiary groups or communities.

ENTITLEMENTS RELATING TO VARIOUS CATEGORIES OF IMPACTS

Entitlements Relating to Various Categories of Impacts

Valuing methods for affected land and assets depend on the type of asset. The three land asset types identified under Ghanaian law in this policy framework are:

- ③ State-owned land;
- ③ Privately-owned land; and
- ③ Assets held under customary rights.

State-owned land would be allocated freely (perhaps except for processing and registration fees); however the DAs and ACs, beneficiary communities, and groups would be expected to pay to acquire land in this category in cases where the state-owned land is being used by individual and or household farmers. Privately-owned property and land would have to be acquired at the market value. The guiding principle is that whoever was using the land to be affected by the project would be provided alternative land of equal size and quality or affected person would be paid compensation.

Compensation rates would be market rate as of the date and time that the replacement is to be provided. As such, current prices for cash crops would have to be determined. As part of the compensation processes under the SOP, a cut-off date would have to be established for specific resettlement action plans preparation. Compensation would not be made after the cut-off date in compliance with this policy. SOP the Ministry of Local Government and Rural Development would be responsible for compensations payment for affected assets and investments, including land, buildings, economic trees, crops, etc according to the provisions of the resettlement plan.

Compensation Payments and Related Considerations

Individual and household compensation will be made in cash, in kind and/or through assistance. The type of compensation will be determined by the PAP/PAF, although every effort will be made to instill the importance of accepting in-kind compensation if the loss amounts to greater than 20 percent of the total loss of subsistence assets.

Making compensation payments raises some issues regarding inflation, security, and timing. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices shall be monitored within the time period that compensation is being paid to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payment, needs to be addressed by beneficiary community or group, with oversight from the RICUs. Local banks and micro-finance institutions should work closely with the government at this level to encourage the use of their facilities, which will positively impact the growth of the local economies. The time and place for in-kind compensation payments shall be decided upon by each recipient in consultation with the DAs and ACs and beneficiary communities. Monetary payments should be paid at a time in relation to the seasonal calendar.

COMPENSATION PROCESS

The compensation process shall involve several steps to be carried out in accordance with the measures set out SOP RAPs. These steps include:

Public Participation

Public participation of local communities shall be an ongoing process throughout resettlement planning. PAPs shall be notified by DAs and ACs during the identification SOPs and consulted with as part of the screening process. To ensure that any sensitive areas are accurately identified during this procedure, chiefs, religious leaders, other elders, and individuals who will be affected. The subsequent socio-economic survey will record all relevant information about PAPs, and ensure that this is accurately reflected in the RAPs in order to allocate the appropriate compensation. Periodic monitoring will ensure that PAPs have been consulted and that compensation and relocation have been carried out satisfactorily.

Notification

Notification includes discussing the desire to acquire land for SOP, discussing alternatives and options, discussing compensation arrangements, and discussing grievance mechanisms, together with land owners. The user shall be informed by the DAs and ACs and Beneficiary Community or Group through a formal notification, both written and verbal, to be delivered in the presence of the chief and the National Coordination Office of the SOP. The cut-off date for affected prosperities enumeration and valuation for compensation payment shall be disclosed to affected parties and stakeholders as part of the notification processes.

Documentation of Holdings and Assets

Officials and the local community shall arrange meetings with PAPs/PAFs to discuss the compensation process. For each individual or household affected, the local community shall complete a compensation dossier containing necessary personal information on the affected party and those individuals considered as household members, total land holdings, inventory of assets affected, and information for monitoring future arrangements. The dossier must be confirmed and witnessed by officials and shall be kept up to date. This is necessary as it is possible for an individual to surrender parcels of land over time and can eventually become eligible for resettlement. All claims and assets shall be documented.

Agreement on Compensation and Preparation of Contracts

The types of compensation shall be clearly explained to, and agreed with PAPs/PAFs. The local community shall draw up a contract listing all property and land being surrendered, and types of compensation (cash and/or in-kind) selected and agreed upon by the PAP/PAF and the DAs and ACs and beneficiary communities and groups. This contract shall then be read aloud in the presence of the affected party and the chief and local leaders prior to signing. Agreed terms of compensation shall be signed by PAP/PAF, DA and AC under the appropriate supervision by the Regional Lands Commission and Land Valuation Board.

Table 0.1: Compensation Matrix

| General Description | Definition | Compensation approach/Types | Compensation Mechanism | Implementation Approach | Monitoring & Evaluation |
|---|---|--|--|--|---|
| <i>Loss of Agricultural Land:</i> | Area in cultivation, being prepared for cultivation, or that was cultivated during the last agricultural season | Loss of land, labor, and crop loss shall be compensated by the DAs and ACs and Beneficiary Community and groups with funds from the MLGRD/DA/AC through provision of land of equal productive capacity and which is satisfactory to the PAP/PAF. | Using a single rate regardless of the crop, incorporating the combined at market value of all staple crops lost, preparing new land (the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop), which is to be updated to reflect values at the time compensation is paid. | Land mapping shall be performed at the time of micro screening by the DAs and ACs and Beneficiary Community and groups or a contracted service provider. | The National Coordination Office/Regional Land Valuation Board shall review the compensation determination to ensure transparency and adherence to the policy, subject to World Bank's approval |
| <i>Loss of Residential Buildings and Structures:</i> | Includes abandoned structures as a result of resettlement or relocation, or those, which are directly damaged by construction | Based on drawings of PAP/PAF's home and its related structures/support services. Average replacement costs will vary based on the different types of buildings and structures, as well as the numbers and types of materials used in construction (e.g., bricks, rafters, straw, doors, etc.). | Prices for construction materials shall be based on the average prices in different local markets, costs for transportation and delivery of these land or building site; and estimates of including labor costs. Cash and/or credits will be paid based on replacement costs | Drawings and information construction materials shall be performed at the time of the micro screening. Average prices shall be compensation. | The National Coordination Office/Regional Land Valuation Board shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank's approval. |
| <i>Loss of Residential Buildings and Structures:</i> Tenants | Non-owners who lease a building or structure for residential purposes | Tenants shall receive assistance for rent and moving expenses, but shall not be relocated. | Tenants shall be provided with a cash grant from the project equal to 3 months' rental fees at the prevailing market rate, shall be assisted in identifying alternative accommodation, and shall be provided with a disturbance allowance, as deemed by the project, to account for loss of income and additional expenses incurred by moving. | Tenants shall be identified when site selection is discussed within the DAs and ACs and Beneficiary Community and groups shall be provided with adequate notice of their relocation. | The implementing agency shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank's approval. |

| | | | | | |
|--|---|---|---|---|---|
| <i>Temporary Loss Of Land:</i> By voluntary agreement between a contractor and a landowner only | Land that will be acquired for a set period of time as a result of the project | PAP/PAF shall be compensated for their (temporary) loss of income, standing crops, and or the cost of soil restoration and damaged infrastructure based on prevailing market rates. | All damages to private land or property including crops shall be compensated at prevailing market rates including compensation for tenants, if any, that includes rental fees and dislocation allowances for when the land/structure is inaccessible. | Negotiations between contractors and landowners so that expenses can be included in the bid price. | The DAs and ACs and Beneficiary Community and groups shall provide a mediator/technical assistance if necessary to facilitate negotiations. |
| <i>Loss of Business:</i> Buildings and Structures | Buildings and structures for income-generating activities | Prevailing average market value for building and materials, in addition to cash compensation for lost business. | Compensation shall include (i) provision of alternative business site(s) in an equivalent business area; (ii) cash compensation for lost business structure reflecting full replacement cost of the structures (without depreciation); and (iii) cash compensation for lost income during transition. | Buildings and structures shall be valued at the average prevailing market rate given the nature of their structure and the prices of materials used in construction. Lost income shall be calculated based on the business' past income records, or based on the average incomes of similar stores in the area. | The National Coordination Office/Regional Land Valuation Board shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank's approval. |
| <i>Loss of Other Assets</i> | Fixed assets other than land (e.g., fencing) | Replacement shall be negotiated with the owner and shall form part of the construction contract for the sub-project. | When possible, replacement shall be of an equivalent value and in-kind. Replacement costs shall be determined prior to construction and included as part of the bid price. | The DAs and ACs and Beneficiary Community and groups and the PAP/PAF shall negotiate prices based on prevailing market rates. | The DAs and ACs and Beneficiary Community and groups shall be responsible for inspecting the replacement asset to ensure it is acceptable with the PAP/PAF within two weeks of reinstatement. |
| <i>Loss of non-productive fruit and shade trees</i> | Trees/vegetation that does not provide income-generating activities, but are used for other purposes. | These trees often have recognized local market values, depending on species and age. | Younger trees may be replaced with trees of the same species, in addition to supplies to support the trees' growth (e.g., a water bucket, fencing and a shovel). | No compensation for minor pruning of trees. | The National Coordination Office/Regional Land Valuation Board shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank's approval |

| | | | | | |
|--|--|---|---|---|---|
| <p><i>Loss of access to resources:</i> Grazing Land</p> | | <p>Compensation shall be provided in the form of access to other, equivalent grazing land whenever possible. In-kind compensation may also be offered, if agreed to between the project and the PAP</p> | <p>Compensation shall be determined based on negotiation between the DAs and ACs and Beneficiary Community and groups and the PAP for the current year only, and only for the duration of time when lands are inaccessible; in other words, if the project restricts access at a mid-point of the dry season, then the PAP may be compensated for the remainder of the time the PAP anticipated to graze. If land/sustainable resources of equivalent value are not available for compensation, cash or in-kind compensation shall be provided, based on prevailing local market rate for the specific materials, and the DAs and ACs and Beneficiary Community and groups shall make efforts to provide alternative sources of livelihoods for the PAPs.</p> | <p>Negotiations between the DAs and ACs and Beneficiary Community and groups and the PAP may be mediated by the National Coordination Office.</p> | <p>The National Coordination Office/Regional Land Valuation Board shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank's approval</p> |
| <p>Loss of access to resources: materials (e.g., fruit, wood, herbs, etc.)</p> | | <p>Compensation shall be paid for those resources that provide the foundation for livelihoods – whether these are used for domestic or productive use.</p> | | <p>PAPs losing access to resources shall be identified and notified as part of the compensation process. The DAs and ACs and the Beneficiary Community and groups shall take all possible measures to provide alternative sources of income-generating activities for PAPs, particularly those identified as vulnerable</p> | <p>Any issues with regard to access to resources shall be addressed in the Annual Audit, in collaboration with the National Coordination Office and the Department of Forestry.</p> |

ORGANIZATIONAL ARRANGEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS

To minimize the major problem of resettlement management and implementation, the establishment of an appropriate institutional framework at both the agency and field levels is essential. It is therefore important that appropriate agencies mandated to plan and implement compensation, income restoration, and rehabilitation programs are identified as early as possible in project preparation.

INSTITUTIONAL ARRANGEMENTS/RESPONSIBILITIES

The institutional arrangements should be built on existing structure in the MLGRD, extending the survey and design of environmental and social works to the RCCs and DAs. The Agencies to be involved in the process are as follows:

Table 0.1: Institutional Responsibilities

| Task | Institution(s) Responsible |
|---|--|
| Project coordination and management | PNSC, National Coordination Office (NCO), Regional Coordinating Councils (RCCs), District Assemblies (DAs), and Area Councils (ACs) |
| Implementation and monitoring of EA and RPF | Land Valuation Board, Lands Commission Environmental Protection Agency (EPA), and Ministry of Local Government and Rural Development (MLGRD) |
| Determination of affected persons and compensation levels | An independent valuer in collaboration with the DAs, RCCs, and Land Valuation Board |
| Payment of compensation | GOG through MLGRD |
| Dispute resolutions | MLGRD, EPA, RCCs, DAs, ACs, and a group of persons to be appointed by the PNSC. |

PROJECT COORDINATION AND MANAGEMENT

At the national, regional, district, and community levels, the National Coordination Office, the Regional Coordinating Council, DAs, and ACs will in a collaborative manner be responsible for:

- (i) Ensuring that that communities are informed regarding investments and their rights and options relating to land and other assets that may be involved;
- (ii) Reviewing and approving sub-project proposals prior to appraisal for any investment activities requiring access to privately-owned land or utilized land or other assets;
- (iii) Coordinating activities between different communities;

- (iv) Ensuring timely provision of compensation in-cash or in-kind as required;
- (v) Reviewing contractor performance to ensure that any temporarily utilized land is adequately restored;
- (vi) Responding to any grievance submitted by PAPs;
- (vii) Supervising sub-projects implementation with regular missions in the field; and
- (viii) Involving communities through participatory approaches in the development of sub-projects and in preparing the necessary safeguard requirements.

The DAs and ACs as mentioned shall engage and involve members of the community, farmers, women, youth, children, physically challenged, migrants, and minorities in the discussions on project applications. More specifically, community representatives from the above groups and CBOs should be urged to assist in:

- Scheduling open meetings to ensure that potentially involved residents are informed regarding proposed investments, and their rights and options relating to land or other assets that may be involved;
- Identification of impacts on land and assets, individuals potentially involved, and the amounts and types of lands and other assets sought from each individual;
- Scheduling open meetings for public validation of field measurements and maps relating to siting of proposed activities, and public disclosure and validation of any land related agreements;
- Seeking voluntary contributions or negotiated land acquisition;
- Facilitating compensation in-kind and exemptions from local contributions in relation to land acquisition; and
- Conducting public meetings to review community level annual reviews of implementation performance, to solicit villager's views on the adequacy of implementation, and to address any grievances, if possible.

Consultation and Participation

During the consultation stages of the projects, the affected people would be briefed on the compensation/resettlement process. Each affected person would be given the chance to speak on a draft compensation/resettlement plan, particularly on issues of concern to him/her. Names and contact addresses would be compiled for a database at the Estate Management Unit. The final compensation and resettlement plan would be presented to the affected persons.

A monitoring team comprising the Ministry of Local Government and Rural Development, Ministry of Finance and Economic Planning, and the Environmental Protection Agency would liaise with all those involved in the compensation/resettlement process (e.g., the independent valuer, the Legal Department of MLGRD, and the Lands Valuation Board) to monitor the timing. The affected persons would be kept informed at the various stages of the process.

FINANCIAL RESPONSIBILITIES

Financial responsibility to pay compensation as provided under section 6(1) of the State Land Act 1963 lies with the Government of Ghana represented by the Ministry of Local Government and Rural Development. The same Act directs people with claims to forward these to the minister.

IMPLEMENTATION AND MONITORING ARRANGEMENTS

IMPLEMENTATION SCHEDULE

Upon completion of screening of selected projects within the beneficiary regions of potential involuntary resettlement, each SOP sub-project that triggers the OP 4.12, a detailed implementation schedule of the various activities to be undertaken will be included in each sub-project's Resettlement Action Plan (RAP). Likewise each sub-project resettlement schedule will be coordinated with the civil works schedules applicable to LIPWs. Payment of compensation and provision for other rehabilitation entitlements (in-cash or in-kind), and relocation, if that is the case, will be completed at least one month prior to the scheduled start-up date of works at the respective work site.

Preparation and Review of RAPs during Project Implementation

At this stage in project preparation, it is not possible to determine the number of RAPs that will be required during the first year of project implantation. Once sub-projects applications along are submitted, through screening and feasibility studies or analysis, issues of involuntary resettlement applicable to specific projects could be determined and appropriate recommendations and the TOR for the needed RAP would be prepared by the National Coordination Office (NCO) and Regional Coordinating Council (RCC) in consultation with the World Bank. Accordingly, the required RAP would be prepared for approval by the World Bank's disclosure, and subsequent compensation payment and livelihood restoration prior to project implementation.

Annual Performance Audit

An annual performance audit will be carried out once a year, preferably by independent consultants to be hired by the NCO and RCC, in order to ensure that RAPs are being implemented in compliance with the Resettlement Policy Framework and the OP. 4.12, and that compensation payments have been carried out satisfactorily. The audit report will be submitted to the NCO and to the World Bank for clearance.

CONSULTATION AND INFORMATION DISCLOSURE

Public consultation and participation are essential because they afford potentially displaced persons with the opportunity to contribute to both the design and implementation of sub-projects. Public consultation will take place at the inception of the SOP at the level of local communities assisted by local NGOs, leaders, elders, and service providers.

Consultations will occur throughout the entire project cycle but particularly during the following stages: (i) the socio-economic study; (ii) the preparation of resettlement action plans where applicable; (iii) the environmental impact assessment; (iv) the drafting and reading of the compensation contract; and (v) project planning and implementation.

Prior to any negotiations and land acquisition proceedings, the Community Land Management

Committees to be established by the RCC, DAs, and ACs within the project management framework must provide information to any PAPs about key provisions of this framework. Potentially affected individuals must be informed that they are not obligated to voluntarily contribute land for SOP purposes, that involuntary acquisition of land without appropriate compensation is not permitted, and that lodging of a valid objection by affected landowner will be sufficient cause for SOP approval to be delayed or withheld.

Additional information to be disclosed includes:

- Entitlement to replacement in kind or compensation at the replacement cost;
- Methods to be used in establishing compensation rates; and
- Procedures for pursuing grievances, including contact information.

Information should be presented in a language and medium accessible to those potentially involved or affected.

GRIEVANCE REDRESS MECHANISMS

The scale and scope potential resettlement impacts of the SOP may not be that massive or very significant taking cognizance of the nature of proposed rehabilitation projects to be undertaken. However, regardless of the scale and scope of involuntary resettlement of the SOP, it will inevitably give rise to grievances among the affected population over issues ranging from rates of compensation and eligibility criteria to the location of resettlement sites and the quality of services at those sites. Timely redress of such grievances is vital to the satisfactory implementation of resettlement and to completion of the project on schedule.

The National Coordination Office, the Regional Coordinating Council, and the District Assemblies must ensure that procedures are in place to allow affected persons to lodge a complaint or a claim without cost and with the assurance of a timely and satisfactory resolution of that complaint or claim. In addition, the SOP should make special provisions for women and members of vulnerable groups to ensure that they understand as well as are ensured equal access to grievance redress procedures. Such provisions may include employment of women or members of vulnerable groups to facilitate the grievance redress process or to ensure that groups representing the interests of women and other vulnerable groups take part in the process.

The grievances would be best redressed through the SOP project management structure with the involvement of the local community structures and channels of mediation acceptable to all parties. Customary and traditional institutions such as the chiefs, Tindanaans, and community elders should be involved in the channels for dispute resolution efforts under the SOP. All efforts should be made to resolve grievances at the community level. Recourse to the legal system should be avoided except as a last resort.

During consultation processes and at fora, the extent of damage to properties should be made known. When the amount of compensation to be paid is made known, the affected people have the right to appeal if not satisfied.

Where grievance entails inadequate payable compensation, section 4 of the Lands Act 1963 provides for appeal to an adjudicatory body. Where the grievance relates to implementation of the resettlement plan, the affected persons should appeal to the District Assembly for appropriate action.

Further, in compliance with Section 6(4) of the State Lands Act 1963 stipulates where any person is dissatisfied with the amount of compensation assessed by the minister, the matter may be referred by the minister to a tribunal established in accordance with the following: The tribunal shall consist of three persons appointed by the president, following consultation with the chief justice, and one of those persons shall be a judge of the high court who shall be the chairman of the tribunal.

BUDGET AND SOURCE OF FUNDING

Resettlement Action Plans will include a detailed budget for compensation and other rehabilitation entitlements. It will also include information on how funds will flow as well as compensation schedule. The RAP will also clearly state where the sources of land and funds will come from.

As the Borrower, the Government of Ghana carries official responsibility for meeting the terms of this framework, including financial obligations associated with land acquisition. In practice, government funds will not be regularly available for land acquisition. Therefore, where an SOP is proposed which requires land acquisition, and where no sufficient sources of necessary compensation funds can be identified, the proposal will be disqualified.

Table 0.1: Resettlement Cost Estimates and Budget¹⁰

| Activity | Cost Item | Cost (US\$) |
|--|--|--------------------|
| Resettlement Action Plans | Census and survey of persons and inventory of assets to be affected by selected projects in three northern regions (Northern Region, Upper East Region, and Upper West Region) | 30,000 |
| Livelihood Restoration Programs | Estimate for income restoration plans and skills training (e.g., economic trees, crops, small businesses, enterprises, etc.) | 50,000 |
| Capacity Building and Administrative Costs | Operation and support staff | 10,000 |
| | Training and monitoring | 20,000 |
| | Technical assistance | 15,000 |
| | Evaluation by independent agency | 20,000 |
| TOTAL | | 145,000 |

SUPERVISION, MONITORING AND EVALUATION

Supervision and monitoring of resettlement issues will be carried out systematically with the supervision and monitoring of the environmental and social issues as identified in the Environmental and Social Management Framework (ESMF). The monitoring of these issues will be incorporated into the performance evaluation of the overall project.

Arrangements for Monitoring by Implementing Agency

Arrangements for monitoring should fit with the overall monitoring plan of the SOP, which includes NCO monitoring at the national level and decentralized monitoring through the RCCs. These units are expected to have monitoring and evaluation guides established and functional by the end of the first year in the project cycle.

The monitoring shall focus on the following:

- Whether affected individuals, households, and communities were able to maintain their pre-project standard of living, and even improve on it; and
- Whether local communities remain supportive of the project.

The primary aim of the M&E process is that the NCO/RCCs will carry out continuous process monitoring of the RPF in order to detect and rectify inconsistencies that may emerge in the implementation of the resettlement action plan. The monitoring of the RPF would provide the managers

¹⁰ NB: This budget is an estimate only since the actual amount cannot be determined until project site selections have been finalized, number of people affected determined, and the extent of resettlement impacts established.

and other stakeholders with continuous feedback on implementation. Lessons learnt would be critical to informing NCO and other key stakeholders on the direction of the resettlement and a redesign of elements of the RPF if necessary.

The RPF's relevance, performance, efficiency, and impact (both expected and unexpected) in relation to the objectives shall be periodically monitored and evaluated. The evaluation would assess whether resettlement objectives were appropriate and whether they were met, specifically, whether livelihoods and living standards have been restored or enhanced. The evaluation strategy is to pay attention to timing, tasks, and achievement of RPF objectives. It is imperative to closely monitor asset loss, the income, and livelihood situations of affected persons throughout the resettlement process. Specific responsibilities would be assigned to independent consultants or NGOs. As part of the evaluation process, there is the need to make provision to ensure the participation of the affected community in the monitoring and to use the response as a constructive resource for improvement. Feedback from the affected community is the best yardstick to assess the general satisfaction with the project. Participatory monitoring can be achieved through, for instance, including community representative(s) in the monitoring team, regularly consulting key persons in the community or regular surveys among the affected persons. The resettlement evaluation shall take place during and after implementation.

To ensure an effective evaluation, particularly with reference to benefits to affected persons and communities, it is imperative that during socio-economic survey, baselines for the benefits monitoring are established. The baseline benefits indicators should include the following: Patterns of occupation, production and resource use, income and expenditure patterns, cultural parameters, cost of living, and vulnerable groups.

The RCCs shall be responsible for the monitoring and evaluation of the activities stipulated in the resettlement framework. The Land Valuation Board, Ministry of Finance and the Environmental Protection Agency shall act as independent monitors. Upon completion of the program, RCC shall undertake impact and beneficiary assessment to determine whether the objectives of the resettlement policy have been achieved.

Further, the RCC Quarterly Review and Annual Performance Review Sessions will include a special session on the implementation of the resettlement policy. The special report on the RPF during annual performance reviews would cover progress and impacts in implementing activities such as the following:

- Consultation with stakeholders;
- Socio-economic survey and affected-persons identification;
- Land acquisition;
- Compensation payment;
- Site selection and development;

- Plot distribution;
- Relocation of displaced persons;
- Income restoration programs; and
- Inputs, outputs, and outcomes for resettlement activities, involvement of the displaced persons, and evaluation of the impact of resettlement especially on the beneficiaries.

As an additional measure but not to substitute responsibility of NCO/RCC, the World Bank will regularly, during each implementation supervision mission evaluate progress and impacts of RPF, identify constraints and suggest mitigation measures on the implementation of the resettlement policy.

Monitoring Indicators

The indicators to be monitored by the respective institutions under monitoring and evaluation (M&E) need to be selected to address the contents of the activities and entitlements matrix. Some relevant indicators according to the circumstances prevailing at the sites proposed for the construction works under the SOP shall be identified and included by the implementing agency.

The roles and responsibilities of institutions for monitoring and evaluation include independent or external monitors. For these categories of monitors such as EPA and the District/Municipal Assemblies, the relevant monitoring indicators should cover the following:

- Basic information on affected persons or households;
- Restoration of living standards;
- Restoration of livelihoods;
- Levels of affected person satisfaction;
- Effectiveness of resettlement planning;
- Develop and maintain mechanisms that promote data quality assurance; and
- Other impacts (including unintended ones).

To facilitate the monitoring procedure, the following indicators in the Table 12.1 will be used to evaluate the implementation of the RAPs.

Table 0.2: Indicators for Monitoring and Evaluating RAPs

| Type of Monitoring | Basis of Indicators | Responsible Agency |
|---------------------------|----------------------------|---------------------------|
|---------------------------|----------------------------|---------------------------|

| | | |
|--|--|--|
| Budget and Time Frame | <ul style="list-style-type: none"> • Have all land acquisition and resettlement team been appointed and mobilized for work on schedule? • Are resettlement implementation activities being achieved against implementation plan? • Are funds for resettlement being allocated to resettlement agencies on timely and adequate manner? • Have funds been disbursed according to RAP? • Has the social preparation phase taken place as schedule? • Has all land been acquired and occupied in time for project implementation? | National Coordinating Office and Regional Coordinating Council |
| Delivery Entitlements | <ul style="list-style-type: none"> • Have all affected persons received entitlements according to numbers and categories? • Have the affected persons received payments on time? • Have all replacement land plots or contracts been provided? • Are income and livelihood restoration activities being implemented as set out in the income restoration plan? • Are the affected persons able to access cultural sites and activities? • Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production? | Regional Coordinating Council and District Assemblies |
| Consultation, Grievance and Special issues | <ul style="list-style-type: none"> • Have consultations taken place as scheduled including meetings, groups, and community activities? • How many affected persons know their entitlements? • Have any affected persons used the grievance redress procedures? • Have conflicts been resolved? • What were the outcomes? • Was the social preparation phase implemented? | RCC/DAs |
| Benefit monitoring | <ul style="list-style-type: none"> • What changes have occurred in patterns of occupation, production and resource use compared to the pre-project situation? • What changes have occurred in income and expenditure pattern compared to pre-project situation? • What changes have taken place in key social and cultural parameters relating to living standards? • What have been the changes in cost of living compared to pre-project situation? • What changes have occurred for vulnerable groups? | NCO/RCC |

TEMPLATE FOR THE DESIGN OF RAPs

SOCIO-ECONOMIC INFORMATION

The construction of some of the sub-components of the SOP will require the acquisition of land or temporary access to some lands for the purpose of construction, or may impact in other ways on the population living in the area of influence of the project, which may affect peoples' living arrangements or livelihood. The main purpose of the Resettlement Policy Framework (RPF) is to lay down the resettlement principles, organizational responsibilities, and design criteria to be followed in the preparation of the Resettlement Action Plans (RAPs) for sub-components that invoke the safeguard policies on involuntary resettlement. These are listed in the table on *Summary of Safeguards work done and Included in this Report, and Work to be done* below.

The RPF describes eligibility criteria, categories of affected person, and measures that NCO/RCCs will take to ensure that project-affected persons are not disadvantaged. The future preparation of the RAPs will be guided by the template that is presented here.

The RPF applies to all project components in the three northern regions for which RAPs (if needed) will be prepared. The following steps would be followed during the preparation of the RAP:

Step1: Preparation of a Social Assessment. A socio-economic census or survey would be conducted to cover collection and evaluation of data in the following fields:

- Total number of affected persons;
- Demographic and socio-economic profile of the people in the specific area;
- Inventory of all property and assets affected;
- Economic activities of all affected people, including vulnerable groups;
- Assessment of potential impact on cultural, social and economic spheres; and
- Suggestion of mitigation plans if applicable.

Step II: Apply framework for compensation/resettlement. Such a framework, designed and approved by government, should include information and instructions under the following headlines:

- Laws and regulations;
- Institutional arrangements;
- Resettlement/compensation eligibility criteria;
- Implementation procedures;
- Financial responsibilities; and
- A monitoring and evaluation plan.

All resettlement action plans to be prepared and compensation measures are subject to Government of Ghana and World Bank approval.

Step III: Design a compensation/resettlement plan if applicable. When displacement is unavoidable, a Resettlement Plan must be prepared to ensure that the affected people receive fair and adequate compensation and livelihood restoration opportunities. The objectives of the Resettlement Plan are to:

- Summarize and analyse the information on the area and people affected by the project;
- Define basic criteria, including eligibility criteria for compensation, livelihood restoration and cut-off dates;
- Describe the consultations that have taken place with the people affected by the project, and the program of consultation that will take place before, during, and after implementation of the Resettlement Plan; and
- Analyse the potential environmental impacts of the resettlement program (not the project responsible for the displacement), and proposed mitigation measures.

The Resettlement Plan would guide the implementation program, and has to include a detailed description of the time schedule for the implementation of the plan, with estimates of the costs of each component. It should also describe arrangements for monitoring and evaluation.

The contents of the Resettlement Plan should include the following sections:

☞ Introduction

- Brief description of the project
- List of project components including associated facilities (if any)
- Description of project components requiring land acquisition and resettlement; overall estimates of land acquisition and resettlement

☞ Minimizing Resettlement

- Description of efforts made to minimize displacement
- Description of the results of efforts to minimize displacement
- Description of mechanisms used to minimize displacement during implementation

☞ Census and Socio-economic Survey

☞ Eligibility Criteria

☞ Compensation and Livelihood Restoration Measures

☞ Environmental Impacts and Mitigation Measures

☞ Public Consultation

☞ Institutional Arrangements

☞ Implementation Schedule

☞ Grievance Redress

☞ Monitoring and Evaluation

☞ Costs and Budgets.

RELOCATION

The proposed socio-economic survey to be conducted would define the scale of relocation needs. The identification of the relocation needs would among others cover issues such as:

- Necessity of relocating affected persons;
- Patterns of settlement;
- Gender Issues;
- Location of affected persons relative to each other at the respective sites;
- Social needs of present community in the affected areas;
- Frequency of usage of various facilities;
- Range of plot sizes and average plot area in the affected areas;
- Density of settlement; and
- Patterns of utilizing cultural and religious facilities.

Depending on the relocation needs the following relocation options could be pursued.

- a) No relocation is the best option. However, if relocation of affected persons is unavoidable, it should be reduced or minimized as much as possible by weighing the alternative options for the investment project.
- b) On-site relocation is possible if the number of the affected persons is limited, if population density is relatively low, and where the project involves small scattered sites. The affected persons may be allowed to occupy part of the site not required for wayleave. In such a situation the on-site relocation would not affect existing socio-economic settings. As a result the resettlement would be limited.

INCOME RESTORATION

Income restoration should be an important component of resettlement where affected persons have lost their productive base, businesses, jobs, or other income sources. Affected persons who lose housing as well as income sources may be at great risk. When displaced people are worse-off, they risk impoverishment and alienation, which may result in landlessness, joblessness, homelessness, loss of access to common property assets, and social disorganization including crime and substance abuse.

There is the need to take account of the links between relocation and income generation activities. The standard of living and quality of life of affected persons in the new sites would be linked to good access to and control over resources (e.g., land) or income generating sources (e.g., employment, business).

Income restoration measures should be taken considering issues such as:

- How the project will affect sources of income and livelihood;
- The income levels of the affected persons;
- Other non-monetary sources of livelihood;
- The constraints and opportunities for income generation;

- The number of affected persons who cannot be reabsorbed back into their previous occupations; and
- The existing skills of the affected persons.

BUDGETED COST OF RELOCATION AND INCOME RESTORATION

Upon completion of the socio-economic survey and the identification of relocation and income restoration needs, a resettlement budget and financing plan would be prepared. The budget would be itemized to cover all resettlement activities including compensation. The budget would show the scheduled expenditure for key items. The income restoration and resettlement costs will come from the central government through the Ministry of Local Government and Rural Development (MLGRD).

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