REPUBLIC OF GHANA
MINISTRY OF LANDS AND FORESTRY

GHANA LAND ADMINISTRATION PROJECT

RESETTLEMENT POLICY FRAMEWORK

JANUARY, 2003
TABLE OF CONTENTS

Executive Summary ........................................................................................................ 4

1. Background.................................................................................................................. 4
4. Rationale for Preparing a Resettlement Policy Framework ........................................ 5
9. Status of Proposed Sites for Civil Works Under the Project........................................ 5
10. Proposed Mitigation Measures .................................................................................... 5
11 Consultation With Affected Persons ............................................................................. 5
12. Proposed Administrative and Institutional Framework .......................................... 6
13. Monitoring and Evaluation ......................................................................................... 6

1. Introduction ................................................................................................................. 7
1.3 Objectives of the Resettlement Policy Framework (RPF) ........................................... 7

2.0 The Lands Administration Project ............................................................................... 8

3.0 Principles and Objectives Governing Resettlement Preparation ............................... 8

4.0 Description of the National Legal, Regulatory and Administrative Framework .......... 9

4.1 Resettlement and compensation Policy in Ghana ....................................................... 9

5. Land Ownership and Land Tenure in Ghana .............................................................. 11
5.2 Customary Ownership ................................................................................................. 11
5.6 State Lands ................................................................................................................ 12
5.7 Vested Lands .............................................................................................................. 12

6.0 Review of Ghana’s Land Laws and World Bank OP 4.12 ......................................... 12

7.0 Description of Eligibility Criteria ............................................................................... 13

8.0 Methods and Techniques used in Assessing and Valuing Resettlement Entitlement Eligibilities ........................................................................................................................ 13
8.1 Building Structures and Business ............................................................................. 13
8.5 Compensation for Trees ............................................................................................. 14
8.8 Assessment of Entitlement ........................................................................................ 14
8.9 Procedures for Delivery of Entitlements ..................................................................... 15
8.11 Timeframe ................................................................................................................ 16
8.12 The Entitlement Matrix ............................................................................................. 16
9.0 Proposed Mitigation Measures and Cost Estimates .................................. 18
9.1 Socio-economic Assessment........................................................................ 18
9.2 Step 1: Preparation of a Social Assessment............................................ 18
9.3 Step 2: Application of framework for compensation / resettlement ........ 18
9.4 Step 3 Design a compensation / resettlement plan where applicable ......... 18
9.5 Relocation.................................................................................................. 18
9.7 Income restoration...................................................................................... 19
9.10 Budgeted Cost of Relocation and Income Restoration........................... 19

10.0 Proposed Administrative and Institutional Framework for Prevention and Mitigation .................................................................................. 20
10.2 Institutional Arrangements/Responsibilities............................................ 20
10.3 Conflict Management................................................................................ 21
10.4 Financial Responsibilities.......................................................................... 21
10.5 Monitoring and Evaluation (M&E).......................................................... 22

11.0 Implementation and Monitoring Plans Including Description of Indicators .......................................................... 22

Annex 1............................................................................................................ 24
References........................................................................................................ 25
EXECUTIVE SUMMARY

Background
1. The Land Administration Programme is a long-term commitment by the Government of Ghana to reduce poverty and enhance economic and social growth by improving security of land tenure, accelerating access by the populace to land and fostering efficient land management. It is a 15-year programme to be implemented in three 5-year phases. The first five-year phase is the Ghana Land Administration Project (project).

2. The general objectives of the project are to harmonise the policy and legislative framework needed to support the development of the Land Administration Programme, formalise institutional arrangements in a strengthened and decentralised land administration system, improve security of tenure and develop a sustainable, self financing system.

3. The project design is based on certain pre-implementation activities that aim to demonstrate readiness for the project and provide a degree of continuity between the design and implementation of the project. These activities include:
   - Strengthening of the Project Implementation Management.
   - Design and specification of civil works
   - Small-scale pilot studies to prototype:
     i. Allodial Boundary Demarcation and Registration
     ii. Systematic Titling and Registration

Rationale for Preparing a Resettlement Policy Framework
4. While most of the expected outputs of the project will be achieved through studies, reviews and policy, legislative and institutional reforms that will not trigger any of the World Bank’s Safeguard Policies, the Environmental Impact Assessment (EIA) that was conducted on the project indicated that implementation of activities under components two and three are likely to trigger WB’s Safeguard Policy on Involuntary Resettlement (OP/BP 4.12). The Ministry of Lands and Forestry (MLF) intends to use project funds to provide infrastructure facilities at selected sites in the country as part of the institutional capacity building process for land administration agencies (private, customary and public) in Ghana. The proposed sites for these civil works are lands belonging to either the state, tertiary institutions such as the university and polytechnic, and traditional authorities. In anticipation that there would be possible displacement of squatters and any associated deprivation of rights of occupiers to land and property, loss of access to land and property, loss of source of income and means of livelihood, MLF, on behalf of the Government, has prepared a Resettlement Policy Framework (RPF) that proposes measures that would be employed to mitigate or reduce any adverse impacts.

5. The RPF describes eligibility criteria, categories of persons affected and measurers that MLF will take to ensure that project-affected persons are not disadvantaged. The EIA was clear on the nature of impact that could arise as a result of constructing a headquarters building on state-owned land currently occupied legally by the Survey Department, but settled on partially by squatters who may have to be physically displaced. They will be disadvantaged because they will, in addition to losing their shelter, lose their sources of income and means of livelihood. The Government has agreed to prepare, in a
participatory and consultative manner, a Resettlement Plan (RP), which it will discuss with the Bank prior to its implementation on commencement of construction and rehabilitation work on the headquarter site in Accra. This Plan will include proposals for full compensation payment to project-affected persons and channels for dispute resolution. The Government will also commission project-specific environmental impact assessments to be conducted on sub-projects, whose implementation may result in adverse impacts to the physical, biological and social environments.

National Policy Framework Related to Resettlement and Compensation

6. The Lands (Statutory Wayleaves) Act 186, 1963 provides the State rights of eminent domain for entry on any land for the purpose of 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. The Government of Ghana's policy to pay compensation or offer resettlement assistance to people whose properties, lands or landed property are affected by projects being undertaken by the Government is based on Act 186. Section 6 (1) which provides that any person whose property is affected by public projects shall be entitled to compensation. Where appropriate, Government offers land swaps. The same Act provides avenues of redress for people who are not satisfied with compensation provided.

Ghana's Property Compensation Laws vs. World Bank OP 4.12

7. 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.

8. As the project will be partly financed by the World Bank, the principles of OP 4.12 must be strictly adhered to. In compliance with the requirements of the OP 4.12 in all cases where land would be acquired by the Government or persons are required, under the project, to evacuate from land they are occupying, the land acquisition processes and resettlement must be consistent with Ghana’s Land Laws and the World Bank OP 4.12. Where there are gaps or differences, the World Bank OP 4.12 will apply.

Status of Proposed Sites for Civil Works Under the Project

9. The sites proposed for these civil works are lands belonging to either the state, tertiary institutions such as the university and polytechnic, and traditional authorities. It is expected that there will be no encroachment problems at the proposed construction sites for the tertiary institutions and for the public land agencies in Kumasi. The latter is currently occupied by the Kumasi Regional Land Administration with no encroachment problem. Development of the Kumasi sites may therefore not give rise to issues of involuntary resettlement, thus World Bank OP 4.12 may not be not triggered. Contrary to the situation prevailing at Kumasi, the Accra site proposed for construction of the headquarters of the public land agencies has been encroached by squatters who have put up small temporary residential and business structures, thus triggering World Bank OP 4.12.

Proposed Mitigation Measures

10. It is proposed that a site survey is conducted by an independent private valuer and supervised by the Land Valuation Board to identify relocation needs and value the assets of the affected persons in accordance laid down in this RPF to ensure income restoration. The valuer will take into account the recommendations made in this RPF on the eligibility criteria for affected person and the asset valuation methodology. A resettlement plan indicating the required budget and the financing plan would then be
Consultation With Affected Persons

11. The people who may be displaced from the construction sites should be informed ahead of time and should be engaged in discussions and consultations from the beginning to the end so that they are not simply notified that they have to vacate the land. They should be briefed on the purpose for which the site will be vacated and why it is necessary for them to move. The procedures for fair assessment of their resettlement and compensation and their rights; the procedures for resettlement and payment of compensation; and the procedures for redress if they feel aggrieved by the resettlement and compensation entitlement they receive have to be explained to them properly and adequately to minimize misunderstandings and false expectations. They should also be represented in the Resettlement Committee that oversees the whole process of the preparation and implementation of the RP.

Proposed Administrative and Institutional Framework

12. To minimise the major problem of resettlement management and implementation, the establishment of an appropriate institutional framework at both the agency and field levels is essential. Administrative and institutional responsibilities have been defined and assigned to the Environmental Protection Agency (EPA), the Land Valuation Board and MLF to ensure a successful implementation of the RPF. A Resettlement and Compensation Committee composed of the representatives of these agencies and three representatives of affected persons will be established to guide and monitor the preparation and implementation of the RP, taking into account the provisions made in this RPF.

Monitoring and Evaluation

13. A monitoring team comprising the MLF, Ministry of Manpower Development and Employment, Ministry of Finance and EPA will be constituted. The team will work closely with key institutions involved in the compensation/resettlement process (e.g. the independent valuer, the Legal Department of MLF, leaders of the project-affected persons and the Lands Valuation Board) to monitor the implementation of the RPF and the Resettlement Plan. The primary aim of the M&E process is that the MLF will carry out continuous process monitoring of the RPF and RP in order to correct and catch any inconsistencies in how the resettlement is being implemented and to rectify them. Monitoring of the RPF and RP would provide the managers and other stakeholders with continuous feedback on implementation. Evaluation of the RPF and RP shall take place during and after implementation. Upon completion of the programme, MLF shall commission an independent NGO or firm to undertake impact and beneficiary assessment to determine whether the objectives of the resettlement policy have been achieved.
1.0 INTRODUCTION

1.1 The Government of Ghana has requested support from the World Bank and other development partners to reform land administration in the country which is heavily dependent on primary land-based products for its socio-economic sustenance. Agriculture, mining, timber and construction dominate sector contributions to the country’s gross domestic product. Ease of access to land, security of land tenure and prudent use of the nation’s land resources determine the pace of socio-economic growth. The land ownership and management regime based on a duality of customary and common law is beset with a number of problems, contributing to the slow pace of socio-economic development.

1.2 The Land Administration Programme is an attempt to implement much of the framework for action contained in the 1999 National Land Policy document. It is a long-term commitment by the Government of Ghana to reduce poverty and enhance economic and social growth by improving security of tenure, accelerating access by the populace to land and fostering efficient land management by the development of an efficient system of land titling, registration and administration based on clear, coherent and consistent policies and laws supported by appropriate institutional structures. The five primary objectives of the Programme are to:

- Develop a clear coherent and consistent set of land administration policies and laws;
- Ensure formal recognition of the rights of all categories of land holders and facilitation of recording of these rights in an enhanced and decentralized land administration system;
- Establish an efficient decentralized land administration system operating throughout Ghana in accordance with Government policy and compatible with cultural usage and responsive to the needs of the people, within an eventually self-sustaining financing mechanism;
- Establish an up to date efficient land information system that supports good land records management and transparent transactions in land; and
- Develop a well functioning land market operating in both urban and rural areas.


1.3 Under the proposed Land Administration Project (project), which is the first implementation phase of the long-term Land Administration Programme, the Ministry of Lands and Forestry (MLF) intends to provide infrastructure facilities at selected sites in the country as part of the reform process of streamlining the roles and functions of land administration institutions in Ghana. The Environmental Impact Assessment (EIA) of the project was clear on the nature of impact that could arise as a result of constructing a headquarters building on state-owned land currently occupied legally by the Survey Department, but settled on partially by squatters who may have to be physically displaced. In anticipation that the implementation of the project may cause some squatters to be moved from government lands, a resettlement policy framework (RPF) and a resettlement plan (RP) need to be prepared prior to project implementation to meet the requirements of the World Bank’s safeguard policies. This RPF clarifies resettlement principles, organisational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation and describes eligibility criteria, categories of persons affected and measures that MLF will take to ensure that project-affected persons are not disadvantaged. In addition, MLF will prepare where applicable, in a participatory and consultative manner, a Resettlement Plan which it will discuss with the Bank prior to commencement of construction and rehabilitation of buildings. This plan will identify project-affected people, inventory and value their assets and include proposals for full compensation payment and channels for redress if they feel they are aggrieved by the compensation they receive. MLF will also commission specific environmental impact assessments to be conducted on sub-projects, whose implementation may result in adverse impacts to the physical, biological and social environments.
2.0 THE LANDS ADMINISTRATION PROJECT

2.1 The specific objective of the Land Administration Project for which this resettlement policy framework is being prepared is to develop a sustainable and well functioning land administration system that is fair, efficient, cost effective, decentralized and that enhances land tenure security. It would seek to (a) harmonize land policies and the legislative framework with customary law for sustainable land administration; (b) undertake institutional reform and capacity building for comprehensive improvement in the land administration system; (c) establish an efficient, fair and transparent system of land titling, registration, and valuation; and (d) issue and register land titles in selected urban and rural areas as a pilot to test (b) and (c) above and innovative methodologies, including community level land dispute resolution mechanisms.

2.2 The project has four components; i.e. (i) harmonizing land policy and regulatory framework for sustainable land administration; (ii) institutional reform and development; (iii) improving land titling, registration, valuation and information systems; and (iv) project management, monitoring and evaluation. The second and third components involve civil works for construction of office building at selected land administration centres in the country on lands belonging to the government, university and polytechnic institutions and traditional authorities. The civil works are for:

- Headquarters of the public land sector agencies in Accra and for their regional office in Kumasi.
- Classrooms and laboratories at the Kwame Nkrumah University of Science and Technology for the Geodetic Engineering Department and the Institute of Land Management and Development.
- Classrooms for the Kumasi Polytechnic and
- Offices for the customary land administration secretariats in Accra, Kumasi, Wassa-Akropong, Sanerigu, Issaah and Bolgatanga.

3.0 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION.

3.1 The impact of involuntary resettlement from development projects, if left unmitigated, often gives rise to severe economic, social and environmental risks. These risks include the dismantling of production systems, people facing impoverishment when their productive skills may be less applicable and the competition for resources greater; the weakening of community institutions and social networks; dispersal of kin groups; and loss of cultural identity and the erosion of traditional authority. In addition, often, the potential for mutual aid, through reciprocity, is lost as groups are dispersed. It is triggered when project activities cause physical displacement of people from land they are occupying because the land is required for public use. Such affected people may be cultivating on that land, have buildings, use the land for water and grazing of animals or may otherwise access the land economically, spiritually or in any other way that is not possible during and after the project is implemented. In compliance with the World Bank’s OP/BP 4.12, all such people should be compensated for their loss (of assets or access to assets, sources of income or means of livelihood) either in kind or in cash.

3.2 Therefore, the objectives of this policy are:

(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.

3.3 Affected people, according to the Bank’s policy, refers to people who are directly affected socially and economically by Bank-assisted investment projects, caused by involuntary taking of land and other assets resulting in:

(i) relocation or loss of shelter
(ii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
(iii) the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

3.4 The resettlement policy applies to all components under the project, whether or not they are directly funded in whole or in part by the Bank. 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, and indigenous groups 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)

3.5 The Bank’s policy also requires that the implementation of individual resettlement plans are a prerequisite for the implementation project activities requiring land acquisition causing displacement of people. This is to ensure that displacement or restriction to access does not occur before 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.

4.0 DESCRIPTION OF THE NATIONAL LEGAL, REGULATORY AND ADMINISTRATIVE FRAMEWORKS

Resettlement and Compensation Policy in Ghana.

4.1 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. Land swap is offered 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. The Lands (Statutory Wayleaves) Act 186, 1963 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, 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.

4.3 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 way leave is to ensure; and
- Such other particulars of the said works as the President thinks necessary or expedient to include in the instrument.

4.4 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 or 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.”

4.4 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.

4.5 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:

- where the alleged damage is to land, that land has been sufficiently reinstated; or
- where 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;
- where the alleged damage is to movable property, that property has either been replaced or sufficiently restored; or
- the works constructed do not substantially interfere with the enjoyment of the land;
4.6 The Act empowers dissatisfied compensation claimants to seek redress when not satisfied with assessment and volume of claims by first notifying the Minister who refers the case to a tribunal. Such a tribunal will have three persons (one being a judge of the High Court) appointed by the President, following consultations with the Chief Justice. Despite the existence of these legal policies regarding compensation, the records show that, in the past, Government has defaulted in most cases and failed to pay full compensation or provide assistance for relocation to displaced persons. To avoid such eventuality and to comply with the World Bank’s safeguard policies on resettlement, the Government will prepare a Resettlement Plan acceptable to the Bank, detailing the loss categories, type of loss, type of assistance, categories of affected people, dispute resolution channels, etc. and commit and compensate project-affected persons fully prior to implementation of all civil work sub-projects that have been identified to impact on people occupying project sites.

5. LAND OWNERSHIP AND LAND TENURE IN GHANA

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

i. Customary owned,
ii. State owned
iii. Customary owned but state managed lands also known as vested lands.

Customary Ownership

5.2 Customary ownership occurs where the right to use or to dispose of use-rights over land rest governed purely by customary laws of the land owning community. Customary laws in Ghana vary from one community to another and Ghanaian society is made up of various ethnic communities with their varying social structure, customary practices and norms. These customary laws and norms rest neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that they are recognised 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:

i. Discovery and long uninterrupted settlement
ii. Conquest through war and subsequent settlement
iii. Gift from another land owning group or traditional overlord
iv. Purchase from another land owning group.

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

5.4 Other lesser interests such as usufructuary interest, tenancies, licenses and pledges emanates from the Allodial title. Customary lands are managed by a custodian (a chief or a head of clan or 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.

5.5 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

5.6 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 government who can then proceed to dispose of the lands by way of leases, certificate of allocations, licences etc to relevant beneficiary state institutions as well as private individuals and organisations. The boundaries of these lands are cadastrally surveyed and are scattered throughout the country.

Vested Lands

5.7 The third category of land in Ghana is generally referred to as vested lands and they are lands owned by a stool or skin, but managed by the state on behalf of the land owning stool or skin. Under such ownership the legal rights to sell, lease, manage, collect rent, is taken away from the customary landowners by the application of specific laws on 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 cadastrally surveyed and they are usually larger in size, covering wide areas.

5.8 Because there is no land without an owner in Ghana, it is presumed that any parcel of land would fall within one of the above-three 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 owned by stools, clans or families.

6.0 REVIEW OF GHANA’S LAND LAWS AND WORLD BANK OP 4.12

6.1 The Lands (Statutory Wayleaves) Act 186, 1963 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, etc., compensation, regulations, interpretations and other enactments relating to entry on and acquisition of land.

6.2 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.

6.3 As the project is partly financed by the World Bank the principles of OP 4.12 must be strictly adhered to. In compliance with the requirements of the OP 4.12 all areas where land would be
acquired by the Government under the project, the land acquisition processes and resettlement must be consistent with Ghana’s Land Laws and the World Bank OP 4.12. Where there are gaps or differences, the World Bank OP 4.12 will apply.
7.0 DESCRIPTION OF ELIGIBILITY CRITERIA

7.1 The category of affected persons is defined as those who stand to lose, as a consequence of the proposed 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, and social and cultural networks and activities. Persons may be classified affected according to the following three groups of criteria and shall be eligible for compensation and resettlement assistance:

i. Those who have formal legal rights to land (including customary and traditional rights recognized under the Lands Act;

ii. Those who do not have formal legal rights to land at the time of notification and when the census and inventory to identify affected people begins but have a recognizable legal right or claim to such land or assets; and

iii. Those who have no recognizable legal right or claim to the land they are occupying i.e. squatters, ownerships under dispute etc.

7.3 Those covered under (i) and (ii) above are to be provided compensation for the land they lose, and other assistance in accordance with the policy. Persons covered under (iii) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance as necessary to achieve the objectives set out in this policy. All persons included in the three categories above are to be provided with compensation for loss of assets. All affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the date of notification that the land would be required by the government for public purposes. Persons encroaching on the land after the notification date are not eligible for compensation or any form of resettlement assistance.

8.0 METHODS AND TECHNIQUES USED IN ASSESSING AND VALUING RESETTLEMENT ENTITLEMENT ELIGIBILITIES

Methods of Valuing Entitlement Eligibilities

Building, Structures and Businesses

8.1 Compensation for land and buildings, and other temporary structures would be assessed taking into account the market value of the affected property. The market value would be arrived at by the “Replacement Cost”. Replacement values will be based on:

- Land in a comparable site
- Drawings of buildings, related structures and support services;
- 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. bricks, wood, steel plates, rafters, doors etc);
- Prices of these items collected from different local markets;
- Costs of transportation and delivery of these items to acquired/replacement building site;
- Estimates of construction of new buildings including labour required.

8.2 Where particulars on transactions of similar properties are readily available and easily accessible, the simple comparative approach could be adopted, with the necessary adjustment made as a result of any minor differences in the conditions of the properties.

8.3 “Drink” money to be paid to the traditional land owners for building plots would be added to the
figure obtained. This in turn would be topped up by 10-15%, representing contingencies, to arrive at the compensation payable.

8.4 Compensation will be made for structures that are either abandoned because of relocation or resettlement of an individual or business persons or damaged in course of executing construction activities. Buildings, structures and businesses will be replaced by an equivalent structure or on an exception basis cash and/or credits will be paid based on replacement costs.

Table 1: Compensation for Buildings, Structures and Businesses

<table>
<thead>
<tr>
<th>Item</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings and Structures</td>
<td>Bricks, cement, roofing sheets, doors, woods, paint, sand and stones etc</td>
</tr>
<tr>
<td>Businesses</td>
<td>Kiosks, containers, automobile workshop, communication centres, telephones and phone booths, hair dressing saloons, carpentry workshops, eating spots (chop bars), cafeteria, African art shop, cane workshop etc.</td>
</tr>
</tbody>
</table>

Compensation for Trees:

8.5 Crops and fruit trees will be compensated for at a market value.

8.7 However, considering the significance of standing trees in terms of providing shade and other environmental benefits, which could be negatively impacted by the project, the following measures must be put in place to minimise the potential impacts:

- Replanting of tree species that would be felled or destroyed during the constructional activities;
- Financial provision must be made for the replacement or replanting of the similar trees to conserve the biodiversity of the neighbourhood. The EPA guideline and permitting procedures for cutting and replanting trees would be followed.

Assessment of Entitlement

8.8 Assessment of entitlement will cover cost of the physical assets that may be lost, cost of relocation of property and affected persons, incomes and means of livelihood that may be lost during the period when affected persons are moved and when their income source or means of livelihood are fully restored. Inspection and valuation of all these will be contracted out to an independent valuer who will be supervised by the Land Valuation Board, a state valuation agency. The Regional Land Commission office should also prepare independent reports/valuations, applying rates of value/cost determined by the Board. The method of depreciated replacement cost of the development plus the value of the land should be used in the assessment. The two independent reports/valuations should be submitted to the Board at the national level, for vetting and final approval for compensation.

Procedures For Delivery Of Entitlements

8.9 Entitlements for project affected people would range from cash payments and/or building materials to the provision of new land, new homes and compensation for other lost properties in accordance with the identification of the impact on their property to which they will have needed to agree. The approved entitlements or amounts would be communicated to the MLF 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 expansion works. MLF will ensure that no construction begins until project-affected people have been resettled if physical relocation is necessary and/or received their compensations (according to World Bank Operational Policies OP/BP 4.12). All compensation, whether cash payments and/or alternative land and house provisions, would be given to project-affected people, prior to any request for vacation of land/property and before commencement of construction.

8.10 Although funds for payment of compensation (and resettlement) will be provided by the Government, it is expected that payments be funded like any other activity eligible under the projects’ administrative and financial management rules and manuals. Funding would be processed and effected through the Finance and Administration Unit at MLF. The unit is headed by a Financial Controller who has responsibility for all financial management issues at the Ministry. The compensation process should incorporate the following:

- **Resettlement and Compensation Committee.** It is recommended that a Resettlement Committee composed of public agencies and representatives of the persons affected is formed to guide and oversee the resettlement and compensation process. The relevant public institutions to be represented on the committee are the EPA, Accra Metropolitan Assembly (AMA) for Accra and Kumasi Metropolitan Assembly (KMA) for Kumasi, Town and Country Planning Department, Ministry of Finance, MLF, Survey Department and the Land Valuation Board (LVB). Three representatives elected by the affected persons would complete the membership of the Resettlement and Compensation Committee.

- **Consultation With Affected Persons.** The people who may be displaced from the construction sites should be informed ahead of time and should be engaged in discussions and consultations from the beginning to the end so that they are not simply notified that they have to vacate the land. They should be briefed on the purpose for which the site will be vacated and why it is necessary for them to move. The procedures for fair assessment of their resettlement and compensation and their rights; the procedures for resettlement and payment of compensation; and the procedures for redress if they feel aggrieved by the resettlement and compensation entitlement they receive have to be explained to them thoroughly and adequately to minimize misunderstandings and false expectations. Each affected person should be given the chance to speak on a draft resettlement and compensation plan, particularly on issues of concern to him/her. The final compensation and resettlement plan should be presented to the affected persons before it is implemented. They should also be encouraged to form a committee and elect its members who will assist them in consultations with the Resettlement Team. Three members of this committee will sit on the Resettlement and Compensation Committee as mentioned above.

- **Notification of land resource holders.** All property owners or users would have to be identified and located through a socio-economic survey. The affected persons or their representatives will be informed through both a formal notification in writing, posting of bills at the sites, using the print and audio media and, as some people may be illiterate, by verbal notification delivered at a public forum in the presence of all stakeholders or their representatives.

- **Documentation of Holdings and Assets.** Names and contact addresses should be compiled for a database at MLF and the Land Valuation Board. All claims and assets will be documented in writing. For each individual or household affected, the officers of the MLF and LVB should maintain 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 is confirmed and witnessed by EPA and District/Municipal Assembly. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it will provide the
necessary information for monitoring affected persons over time.

- **Agreement on Compensation and Preparation of Contracts** – All types of compensation are clearly explained to the individual or household. A contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected should be prepared. A person selecting in-kind compensation has an order form which should be 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** – All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and the Resettlement and Compensation Committee.

**Time frame**

8.11 Processing of compensation application for payment by MLF should not take more than an average of four months. 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, property owners must be given at least three months notice to quit after payment of compensation.

**The Entitlement Matrix**

8.12 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 identified types of losses (e.g., land, housing, businesses, other income sources, temporary loss of income, displacement, and moving costs). It sets standards for compensation.

**Table 2: Possible Types of Losses from Land Eviction**

<table>
<thead>
<tr>
<th>Category</th>
<th>Types of Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land and Vegetation</td>
<td>• Shelter plot (owned or occupied)</td>
</tr>
<tr>
<td></td>
<td>• Business premises (owned or occupied)</td>
</tr>
<tr>
<td>Structures</td>
<td>• Shelter or living quarters</td>
</tr>
<tr>
<td></td>
<td>• Other physical structures used in commercial/business/Artesanal activity</td>
</tr>
<tr>
<td></td>
<td>• Displacement from rented or occupied commercial/business premises</td>
</tr>
<tr>
<td>Income and livelihood</td>
<td>• Income from wage earnings</td>
</tr>
<tr>
<td></td>
<td>• Access to work opportunities</td>
</tr>
<tr>
<td></td>
<td>• Income from affected businesses</td>
</tr>
<tr>
<td></td>
<td>• Subsistence from any of these sources</td>
</tr>
<tr>
<td>Community and cultural sites</td>
<td>• Meeting places, markets</td>
</tr>
<tr>
<td></td>
<td>• Places of worship (mosque)</td>
</tr>
<tr>
<td>Environment related</td>
<td>• Losses due to environmental impacts that might result from land acquisition or from the programme itself</td>
</tr>
</tbody>
</table>
### Table 3: Entitlement Matrix of a Proposed Resettlement and Compensation Policy

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of Entitled Person</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of non-arable land</td>
<td>a) Non arable land located in the site for the infrastructure</td>
<td>a) Persons with no formal legal right or claim to the land b) Squatters and persons in ownership dispute</td>
<td>a) Provide equivalent land nearby b) If land is not available elsewhere then provide full compensation.</td>
<td>a) A list of available non arable land in each affected commune is required b) Compensations provided. c) List of persons affected d) If agreements have been reached on mode of compensation settlement, provide evidence.</td>
</tr>
<tr>
<td>Loss of residential land</td>
<td>a) Residential land located in the sub-project site.</td>
<td>a) Persons with no formal legal right or claim to the land b) Squatters and persons in ownership dispute</td>
<td>a) Provide equivalent land nearby b) If land is not available elsewhere then provide full compensation.</td>
<td>a) A list of available residential land in each affected commune is required b) Compensations provided. c) If agreements have been reached on mode of compensation settlement, provide evidence.</td>
</tr>
<tr>
<td>Loss of commercial, businesses and industrial/artesianal activities</td>
<td>a) Loss of commercial, and industrial activities located or operated in the site of the infrastructure</td>
<td>a) Owner and workers of the commercial, business and industrial activities or whoever operates the business at the site of the infrastructure.</td>
<td>a) Full compensation payment to the owner, workers and operators b) Relocate business, or commercial and industrial activity to site acceptable to the affected persons.</td>
<td>a) A list of available commercial, business or industrial activity land in each affected commune is required b) Compensations provided. c) If agreements have been reached on mode of compensation settlement, provide evidence.</td>
</tr>
<tr>
<td>Loss of structures</td>
<td>a) Structures located in the site project site.</td>
<td>a) Persons who own structure b) Persons with no formal legal right or claim to the structure c) Squatters and persons in ownership dispute</td>
<td>a) Full compensation payment to the owner, workers and operators b) Relocate business, or commercial and industrial activity to site acceptable to the affected persons.</td>
<td>a) A list of available structures at the sub-project site is required b) Compensations provided. c) If agreements have been reached on mode of compensation settlement, provide evidence.</td>
</tr>
</tbody>
</table>
Table 3: Entitlement Matrix of a Proposed Resettlement and Compensation Policy (continued)

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of Entitled Person</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of income sources and means of livelihood</td>
<td>(a) Loss of space to vendor, sell or trade (b) Loss of customers</td>
<td>Persons who own wares</td>
<td>Full compensation payment to cover loss of income during period the affected person could not reap any income</td>
<td>(a) A list of affected persons                                                                 (b) Compensations provided                                                                 (c) If agreements have been reached on mode of compensation settlement, provide evidence.</td>
</tr>
</tbody>
</table>
| Loss of trees and other plants species | a) Trees and other plant species located on the land for the infrastructure | a) Land owner, concession holders, tenants, squatters, communities who utilize the land where trees and other plant species are located. | a) Full compensation payment based on type, age and diameter of trees.  
  
  b) Provide equivalent land nearby for replanting.                                                                 | a) Make an inventory of the tree and plant species list.  
  
  b) Determine individual need or compensations volumes.  
  
  c) Effect payment of compensation to affected persons or communities.  
  
  c) An assessment for maintaining that kind of vegetation  
  
  e) If agreements have been reached on mode of compensation settlement, provide evidence. |
9.0 PROPOSED MITIGATION MEASURES AND COST ESTIMATES

Socio-economic Assessment

9.1 The construction sites under the proposed project have been identified at Accra, Kumasi, Wassa Akropong, Sanerigu, Issaah and Bolgatanga. It appears that displacement will occur only on the Accra construction site for headquarters of the public land agencies. Detailed socio-economic assessment needs to be carried out at each site to confirm this and for the preparation of a resettlement plan (s). The following steps would be followed:

9.2 Step 1: Preparation of a Social Assessment
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,
- Suggestion of mitigation plans if applicable.

9.3 Step 2: Application of 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.

9.4 Step 3: Design a compensation/resettlement plan where applicable.

Relocation

9.5 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;
- The patterns of settlement;
- Location of affected persons relative to each other at the respective sites;
- The present community social needs in the affected areas;
- The frequency of usage of various facilities;
- The range of plot sizes and average plot in the affected areas;
- The density of settlement; and
- The patterns of utilising cultural and religious facilities.
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 minimised as much as possible by weighing the alternative options for the investment project. In the case of this project, relocation can be reduced by changing the location of the sites causing relocation.

- On-site relocation is possible if the number of the affected persons is limited, if population density is relatively low, and where the project involve 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 disorganisation 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 would 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;
- 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 itemised to cover all resettlement activities including compensation. The budget would show the scheduled expenditure for key items. The income restoration and resettlement costs will be provided by the Ministry of Finance through MLF.
Table 4: Sample Resettlement Cost Estimates and Budget

<table>
<thead>
<tr>
<th>Category</th>
<th>Cost Item</th>
<th>Cost (Cedis)</th>
</tr>
</thead>
</table>
| Resettlement and compensation plan preparation| • Cost of census and survey of affected people, valuation and inventory of assets;  
• Cost of information and consultation;  
• Compensation payments for assets lost (structures); |              |

Sub-total

| Relocation and transfer                        | • Cost of moving and transporting items;  
• Cost of site and infrastructure development and services;  
• Subsistence allowance during transition;  
• Cost of replacement of businesses and downtime |              |

Sub-total

| Income and means of livelihood restoration plans| • Cost of estimating income losses  
• Cost for income restoration plans (e.g., small businesses, enterprises); |              |

Sub-total

| Administrative costs                          | • Operation and support staff;  
• Training and monitoring;  
• Technical assistance;  
• Evaluation by independent agency            |              |

Sub-total

| TOTAL                                         |                                                                          |              |

10.0 PROPOSED ADMINISTRATIVE AND INSTITUTIONAL FRAMEWORK FOR PREVENTION AND MITIGATION

10.1 To minimise 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

10.2 Although the Project Coordination Secretariat under the Office of the Chief Director, MLF will coordinate the preparation of the resettlement plan, the institutions and agencies indicated in Table 5 should form the Resettlement and Compensation Committee to guide and oversee the preparation and implementation of the resettlement plan.
### Table 5: Institutional Arrangement for Implementation of the Resettlement Policy Frame

**Work and Resettlement Plan**

<table>
<thead>
<tr>
<th>Task</th>
<th>Institution(s) Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall coordination of implementation of RPF and RP.</td>
<td>Ministry of Lands and Forestry (MLF)</td>
</tr>
<tr>
<td>Implementation and monitoring of EA</td>
<td>Environmental Protection Agency (EPA)</td>
</tr>
<tr>
<td>Determination of affected persons and compensation levels.</td>
<td>An independent valuer in collaboration with the Land Valuation Board</td>
</tr>
<tr>
<td>Payment of compensation</td>
<td>Government of Ghana through the Ministry of Lands and Forestry.</td>
</tr>
<tr>
<td>Affected persons representation</td>
<td>Three elected representatives of affected persons</td>
</tr>
<tr>
<td>Monitoring and evaluation of RPF and RP</td>
<td>MLF, Ministry of Manpower Development and Social Welfare, Ministry of Finance and EPA</td>
</tr>
<tr>
<td>Dispute resolutions</td>
<td>The Lands Tribunal, the Metropolitan Assemblies and MLF.</td>
</tr>
</tbody>
</table>

### Conflict Management

10.2 Adequate and proper consultation with affected people from start to end should minimize grievances. During the consultation processes and at discussion 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 inadequacy of compensation paid, the law, Section 4 of the Lands Act 1963, provides for appeal to the "Lands Tribunal"—an adjudicatory body. The Resettlement Plan, which is to be prepared by MLF should contain a section that deals with the description of the institutional arrangements and mechanisms for dispute or grievance resolution. It is recommended that aggrieved persons could appeal against compensation through the project coordination secretariat or the district assembly and to the Minister of MLF.

### Financial Responsibilities

10.3 It should be the responsibility of the Government of Ghana to pay compensation as provided under section 6 (1) of the State Land Act of 1963. The same Act directs people with claims to forward these to the Minister of Finance?
Monitoring and Evaluation (M&E)

10.4 A monitoring team comprising the MLF, Ministry of Manpower Development and Social Welfare, Ministry of Finance and EPA will be constituted. The team will work closely with key institutions involved in the compensation/resettlement process (e.g. the independent valuer, the Legal Department of MLF, leaders of the project-affected persons and the Lands Valuation Board) to monitor the implementation of the RPF and the Resettlement Plan. The primary aim of the M&E process is that the MLF will carry out continuous process monitoring of the RPF and RP in order to correct and catch any inconsistencies in how the resettlement is being implemented and to rectify them. Monitoring of the RPF and RP would provide the managers and other stakeholders with continuous feedback on implementation.

10.5 The RPF/RP's relevance, performance, efficiency, and impact (both expected and unexpected) in relation to the objectives shall be periodically monitored and evaluated. Evaluation of the RP would assess whether resettlement objectives were appropriate and whether they were met, specifically, whether livelihoods and living standards have been restored or enhanced. Evaluation of the RPF and RP shall take place during and after implementation of the RPF. Upon completion of the programme, the MLF shall commission an independent NGO or firm to undertake impact and beneficiary assessment to determine whether the objectives of the resettlement policy have been achieved.

10.6 Further, the MLF annual sector wide performance review will include a special session on the implementation of the resettlement policy. The special report on the RPF during annual sector wide performance reviews would cover progress and impacts in implementing activities such as:

- 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
- Inputs, outputs, and outcomes for resettlement activities, involvement of the displaced persons and evaluation of the impact of resettlement especially on the beneficiaries.

10.7 As an additional measure but not to substitute responsibility of the Government, World Bank staff will, as part of their supervision of the project, regularly evaluate progress and impacts of RP, identify constraints and suggest remedies as well as impact made on the implementation of the resettlement plan.

11.0 IMPLEMENTATION AND MONITORING PLANS INCLUDING DESCRIPTION OF INDICATORS

11.1 The indicators to be monitored by the respective institutions under the M&E need to be selected to address the contents of the activities and entitlements matrix. Appropriate indicators should be identified according to the circumstances prevailing at the sites proposed for the civil
works under the project and monitored. Monitoring indicators should cover the following aspects:

- Basic information on AP households;
- Restoration of living standards;
- Restoration of Livelihoods;
- Levels of AP satisfaction;
- Effectiveness of resettlement planning; and
- Other impacts.

**Table 6: Monitoring indicators**

<table>
<thead>
<tr>
<th>Type of Monitoring</th>
<th>Basis of Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget and Time Frame</strong></td>
<td></td>
</tr>
<tr>
<td>Delivery of Affected Persons (AP)</td>
<td></td>
</tr>
<tr>
<td>Entitlements</td>
<td></td>
</tr>
<tr>
<td>Consultation, Grievance and Special issues</td>
<td></td>
</tr>
<tr>
<td>Benefit monitoring</td>
<td></td>
</tr>
</tbody>
</table>

- 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 RP?
- Has the social preparation phase taken place as schedule?
- Has all land been acquired and occupied in time for project implementation?
- Have all APs received entitlements according to numbers and categories?
- Have APs 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 APs 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?
- Have consultations taken place as scheduled including meetings, groups, community activities?
- How many APs know their entitlements?
- Have any APs used the grievance redress procedures?
- Have conflicts been resolved?
- What were the outcomes?
- Was the social preparation phase implemented?
- 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?
Annex 1

LIST OF INDIVIDUALS/ORGANISATIONS CONTACTED

<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Lands and Forestry</td>
<td>Mr. Tekyi Mensah</td>
</tr>
<tr>
<td>Ministry of Lands and Forestry</td>
<td>Mr Sulemana Mahama</td>
</tr>
<tr>
<td>Ministry of Lands and Forestry</td>
<td>Mrs Dorothy Boateng</td>
</tr>
<tr>
<td>World Bank, Ghana Office</td>
<td>Dr. E. Dwumfour</td>
</tr>
<tr>
<td>Ashanti Regional Lands Commission</td>
<td>Mr Kwasi Poku</td>
</tr>
<tr>
<td>“37” Small and Medium Scale Business Services Association at the Survey Training School.</td>
<td></td>
</tr>
</tbody>
</table>
REFERENCES

• Ghana Land Administration Project - Social Assessment Report, Accra, 2001

• Ghana Land Administration Project Environmental Impact Assessment Report, Accra, 2002

• The World Bank Operational Manual: Safeguard Policies


• State Lands (Statutory Wayleaves) Act 186, 1963.