COMMUNITY WATER AND SANITATION PROJECT II
PHASE 2
(CWSP II Phase 2)

RESETTLEMENT POLICY FRAMEWORK

Submitted by:

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List of Acronyms

CSIR- Council for Scientific and Industrial Research
CWSA- Community Water and Sanitation Agency
DA- District Assembly
DWST- District Water and Sanitation Team
EPA- Environmental Protection Agency
ESMF- Environmental and Social Management Framework
GoG- Government of Ghana
GIPC- Ghana Investment Promotion Centre
GPRS- Ghana Poverty Reduction Strategy
GWCL- Ghana Water Company Limited
IDA- International Development Agency
LI- Legislative Instrument
LVB- Land Valuation Board
NDPC- National Development Planning Commission
NGO- Non-Governmental Organisation
POM- Project Operational Manual
RAPs- Resettlement Action Plans
RCC- Regional Coordinating Council
RP- Resettlement Plan
RPF- Resettlement Policy Framework
RWST- Regional Water and Sanitation Team
SEA- Strategic Environmental Assessment
WATSAN- Water and Sanitation Committee
WB- World Bank
WRC- Water Resources Commission
WRI- Water Research Institute
WSDB- Water and Sanitation Development Board
Executive Summary

The development of a RPF is a requirement for projects that may entail involuntary resettlement, acquisition of land, impact on livelihood, or restricted access to natural resources under the World Bank safeguard policy on involuntary resettlement (OD 4.12, Dec 2001). Apart from meeting World Bank requirements, the RPF will provide support to stakeholders during the implementation of the project.

The contract to prepare this document includes the preparation of an Environmental and Social Management Framework as a separate document.

Brief Description of Project

The CWSP II was launched in 2000, as a long term project of over 10 years, to enable selected districts and communities play a central role in provision of water supply and sanitation facilities. Four regions benefited from the CWSPII Phase 1 comprising the Upper East, Upper West, Brong Ahafo, and Ashanti Regions. Under the proposed CWSP II Phase 2, the project is being expanded to cover two more regions, namely Central and Western Regions.

The specific objectives of the project are:

- Implementing demand- responsive and sustainable CWS facilities, structures and services by providing basic drinking water and sanitation facilities in rural communities and small towns through the construction and rehabilitation of water points, piped systems and sanitation facilities
- Strengthening community capacity to manage facilities by assisting communities in planning, implementation and administering services, forming and training gender- balanced Water and Sanitation Boards and WATSAN Committees, and training community members in better hygiene practices;
- Developing district level capacity to deliver CWS facilities, encouraging an active role by the private sector and NGOs in the delivery of goods and services and assisting District Assemblies in planning and providing community support in facility planning, implementation and management.

The three main components of CWSP II are (1) Community sub- projects; (2) Sector strengthening; and (3) Programme management.

The project will provide grants to communities, both village communities and small towns, and schools through their DAs for construction of water and sanitation facilities and also finance technical assistance and community development activities.
National legal and regulatory provisions

The relevant legal and regulatory provisions include:

- The State Lands Act, 1962
- The Lands (Statutory Wayleaves) Act, 1963

Land ownership may be categorized into these 2 main forms:

- Customary land comprising stool and family lands; and
- Public land comprising state and vested lands.

Public Institutions involved in Land Administration include:

- Land Commission
- Land Title Registry
- Survey Department
- Land Valuation Board
- Department of Town and Country Planning
- Office of the Administrator of Stool Lands
- Ministry of Lands and Forestry

Valuing entitlement eligibilities

Buildings, kiosks
Replacement cost method would be used to determine market value and will be based on (1) land in comparable site, (2) drawings of buildings, related structures and support services, (3) average replacement costs of different types of buildings based on information on quantities and types of materials for construction, (4) prices of items on the local market, (5) costs of transportation, (6) estimates for construction of new buildings.

Farm crops
Market value as at the time of replacement

Tree felling
Follow EPA requirement. Pay cash for every tree felled and in addition plant two more at location similar to where the other was felled.

Loss of income
Estimation of net monthly profit for business based on records; application of net monthly profit to the period when business is not operating.

Disturbance allowance
10-15% of total compensation
Eligibility criteria

Assets
Physical and non-physical assets such as homes, communities, productive lands, farmlands, cultural sites commercial/business properties tenancy, income earning opportunities, and social and cultural networks and activities.

Category of affected persons and compensation

Persons with formal legal rights to land- To be provided compensation for land lost and other assistance

Persons without formal legal rights to land at time of notification but have claims to property recognisable by the resettlement plan- To be provided compensation for land lost and other assistance

Persons with no recognizable legal right or claim to land they are occupying, eg squatters- To be provided resettlement assistance in lieu of compensation for land occupied.

Persons encroaching on land after the notification- Not eligible for compensation or any form of resettlement assistance.

Mitigating measures and cost

Detailed social assessment studies will be carried out within specific communities on project by project basis, as and when required. The framework for the compensation/resettlement will then be applied incorporating specific (1) institutional arrangements, (2) resettlement/compensation eligibility criteria, (3) implementation procedures, (4) financial responsibilities, and (5) monitoring and evaluation plan.

Livelihood restoration measures will consider issues such as (1) income levels of affected persons, (2) other non-monetary sources of livelihood, (3) constraints and opportunities for income generation, (4) number of persons not able to revert to previous occupation, and (5) existing skills of affected persons.

The cost will be derived from expenditures relating to (1) the preparation of the resettlement and compensation plan, (2) relocation and transfer, (3) income and means of livelihood restoration plan, and (4) administrative costs.

Administrative and institutional framework

The Community Water and Sanitation Agency has the overall responsibility for preparing the RPF and implementing the Resettlement Plan with World Bank approval. It will ensure that all compensation, resettlement and rehabilitation activities are carried out satisfactorily before the
disbursement of funds for construction work to commence. The Regional Water and Sanitation Team will organize the regional and district orientation and training for the District Assemblies and the various government departments likely to be involved in the process, to be ready to implement payment of compensations, and other activities in a timely manner. The RWST will ensure that progress reports reach the head office regularly. The project administration and resettlement planning will run concurrently.

Much of the work will be done at the district level. The RWST through the District Assembly which is the local administrative authority, will ensure that

- Communities are properly and adequately informed of the Plans, and also their rights and options relating to their properties that may be affected by the project
- Coordinate activities between different communities implementing the resettlement plans
- Ensure timely provision of compensation, in cash and/ or kind
- Attend to any grievances submitted by the affected persons

The DWST through the WATSANs/ WSDBs will engage and involve all sections of the community in discussions on the Plan. They will

- Schedule open meetings to ensure that all community members are informed and they are fully aware of their rights and options regarding the resettlement activity
- Identify impacts on lands and assets and the members of the community to be affected and to what extent they will be affected
- Consider voluntary contributions or else negotiated land acquisition
- Facilitate alternatives including compensations in kind and exemptions from local contributions

Procedures for delivery of entitlements

Entitlements may range from cash payments and/ or building materials to the provision of new land, new homes and compensation for other lost properties. Compensation will be paid before owners/ occupiers are made to vacate their properties for commencement of construction works. Payments will be funded like any other activity under the project’s administrative and financial management rules and manuals. Procedures for establishing Committees, consultations, notifying affected persons, documentation, preparation of contract agreements, redress of grievances etc will be established.

Monitoring plans and indicators

The monitoring programme will provide a continuous feedback on the implementation of the RPF and the Plan itself. Monitoring teams at the district and regional levels will be constituted and will report regularly at the national level (Ministry of Works and Housing) through the CWSA. The district team will comprise the DA, DWST, WATSAN/ WSDB, and RWST while the regional team will be constituted by the RWST, DAs, and RCC.
The monitoring indicators will cover areas such as (1) basic information on affected persons’ households, (2) restoration of living standards and livelihoods, (3) levels of affected persons’ satisfaction determined by number of grievances registered, and (4) effectiveness of resettlement planning.

An evaluation programme will be implemented to periodically check on compliance with policy and provide lessons to amend strategies, especially in the longer term. The evaluation will be based on current WB procedures and also national provisions on resettlement.

Recommendations

The capacity of the CWSA at this time to administer and implement Resettlement Plans is inadequate. Some capacity building at the regional level in particular will be necessary. It is recommended that a training programme be organized for the RWST as part of the CWSP II Phase 2. A consultant may be engaged for the purpose that is, to prepare the training plan and implement it with guidance from the World Bank.

The POM is largely quiet on resettlement issues. It is proposed that the RPF be provided as an addendum to the manual.
1.0 INTRODUCTION

The Community Water and Sanitation Project (CWSP) is within the general framework of the National Community Water and Sanitation Programme (NCWSP) launched in 1994 to address the problems of water and sanitation in rural communities and small towns. This Resettlement Policy Framework is prepared to contribute to the execution of the CWSP II Phase 2 which begins in 2005 and covers a 3-year implementation period.

The development of a RPF is a requirement for projects that may entail involuntary resettlement, acquisition of land, impact on livelihood, or restricted access to natural resources under the World Bank safeguard policy on involuntary resettlement (OD 4.12, Dec 2001). Apart from meeting World Bank requirements, the RPF will provide support to stakeholders during the implementation of the project.

The contract to prepare this document includes the preparation of an Environmental and Social Management Framework as a separate document.
2.0 BRIEF DESCRIPTION OF THE PROPOSED PROJECT

The CWSP II was launched in 2000, as a long term project of over 10 years, to enable selected districts and communities play a central role in provision of water supply and sanitation facilities. Four regions benefited from the CWSP II Phase 1 comprising the Upper East, Upper West, Brong Ahafo, and Ashanti Regions. Under the proposed CWSP II Phase 2, the project is being expanded to cover two more regions, namely Central and Western Regions.

The specific objectives of the project are:

- Implementing demand- responsive and sustainable CWS facilities, structures and services by providing basic drinking water and sanitation facilities in rural communities and small towns through the construction and rehabilitation of water points, piped systems and sanitation facilities.

- Strengthening community capacity to manage facilities by assisting communities in planning, implementation and administering services, forming and training gender- balanced Water and Sanitation Boards and WATSAN Committees, and training community members in better hygiene practices.

- Developing district level capacity to deliver CWS facilities, encouraging an active role by the private sector and NGOs in the delivery of goods and services and assisting District Assemblies in planning and providing community support in facility planning, implementation and management.

2.1 Project Components

The three main components of CWSP II are the following:

1. Community sub- projects;
2. Sector strengthening; and
3. Programme management.

Component 1: Community sub- projects

The project will provide grants to communities, both village communities and small towns, and schools through their DAs for construction of water and sanitation facilities and also finance technical assistance and community development activities. The latter is designed to strengthen community capacity to plan, implement, operate and maintain water and sanitation facilities in an effective and sustainable manner. Priority is given to the rehabilitation of existing facilities. In addition, communities, WATSANs, WSDBs, and schools may apply for follow- up technical assistance (TA) to strengthen their capacity for managing their services.

The sub- project cycle which was followed under CWSP II Phase 1 and will largely be used also in Phase 2 includes these steps:
(1) promotion; (2) application; (3) community pre-selection; (4) proposal formulation; (5) proposal appraisal; (6) subproject approval and disbursement; (7) contracting; (8) construction and community development; (9) supervision and completion report; (10) operation and maintenance; (11) auditing, monitoring and evaluation.

The DAs and communities/schools will be responsible for all aspects of sub-project implementation with due diligence and efficiency in accordance with sound technical, financial, environmental and managerial standards. They will be responsible for maintaining adequate records and will be subject to periodic technical and financial audits.

Component 2: Sector strengthening

The project will finance related sector strengthening activities of the various relevant stakeholders concerned with the planning, management and implementation of the project at various levels. This will involve DAs and DWST strengthening, support to providers of goods and services, and sector and national programme development. Institutional strengthening to the DAs and DWST will be specific to the needs of each DA. The RWSTs will also organize orientation and training workshops for the DA staff and relevant committees of the DAs. In support of the private sector and NGOs, the RWST will work with the DAs to assess the capacity of the providers of goods and services in the DA and region, including technical assistance (partner organizations, small town consultants and operators, accountants), latrine artisans, hand dug well contractors, area mechanics and drillers.

Component 3: Programme management

There is an annual budget to cover the costs of project management with 50% contribution from GoG. This takes care of the costs of salaries of core staff and all normal operating costs of the CWSA. In addition, the project funds will be used to remunerate the Agency on a fee-for-service basis. The IDA financed management fee will be used by the Agency to cover incremental operating costs associated with project implementation, vehicles and equipment, staff development and other expenditures such as the annual and mid-year reviews.
3.0 DESCRIPTION OF THE RELEVANT NATIONAL LEGAL, REGULATORY AND ADMINISTRATIVE FRAMEWORKS

A National Land Policy was prepared in 1999, and a 5-year Land Administration Project has just begun to among other things, seek to streamline the myriads of laws regulating land administration and/or establishing mandates for different land administration agencies in the country. Some relevant laws and regulations are the following:

- The State Lands Act, 1962
- The Lands (Statutory Wayleaves) Act, 1963


The Constitution includes some provisions to protect the right of individuals to private property, and also sets principles under which citizens may be deprived of their property in the public interest (described in Articles 18 and 20). Article 18 provides that

“Every person has the right to own property either alone or in association with others.”

In Article 20, the Constitution describes the circumstances under which compulsory acquisition of immovable properties in the public interest can be done:

“No property of any description, or interest in, or right over any property shall be compulsorily taken possession of or acquired by the State unless the following conditions are satisfied:

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

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

Article 20 of the Constitution provides further conditions under which compulsory acquisition may take place: no property “shall be compulsorily taken possession of or acquired by the State” unless it is, amongst other purposes, “to promote the public benefit (Clause 1).

Clause 2 of Article 20 further provides that:

“Compulsory acquisition of property by the State shall only be made under a law which makes provision for:
a) The prompt payment of fair and adequate compensation; and
b) A right of access to the High Court by any person who has an interest in or right over the property whether direct or on appeal from any other authority, for the determination of his interest or right and the amount of compensation to which he is entitled.”

Clause 3 adds that:

“Where a compulsory acquisition or possession of land effected by the State in accordance with clause (1) of this article involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values.”

The State Lands Act, 1963

The Act 125 vests the authority to acquire land for the public interest in the President of the Republic. It also gives responsibility for registering a claim on the affected person or group of persons, and provides details of the procedure to do this. The State Lands Act, 1962 provides some details to be taken into consideration when calculating compensation such as definitions for (1) cost of disturbance, (2) market value, (3) replacement value, and so on.

The Lands (Statutory Wayleaves) Act, 1963

This Act describes the process involved in occupation of land for the purpose of the construction, installation and maintenance of works of public utility, and for creation of rights of way for such works. The provisions include:

- The owner/occupier of the land must be formally notified at least a week in advance of the intent to enter, and be given at least 24 hours notice before actual entry;
- Any damage due to entry must be compensated in accord with the procedures established by the Minister unless the land is restored or replaced;
- In the case of highways, no compensation shall be paid, unless the land taken is more than one fifth of the total holdings of an affected person;
- Where a right of way must be established in the public interest, the President may declare the land to be subject to such statutory wayleave;
- On publication of a wayleave instrument specifying the area required, and without further assurance, the land shall be deemed to be subject to wayleave. Compensation is then determined and paid, with the right of appeal to a tribunal established by the President, in parallel with the Lands Act, 1962.
3.1 Land Tenure

Land ownership may be categorized into these 2 main forms:
- Customary land comprising stool and family lands; and
- Public land comprising state and vested lands.

Customary land

Land owned customarily is governed by customary laws prescribed by the local community and therefore varies greatly from place to place. Allodial titles are vested in stool lands and it is the highest right to ownership of land. Family land is vested in the head of the family and is not under government control as Stool lands are under the Administrator of Stool Lands.

Public land

State lands have been compulsorily acquired by government for public purposes or in the public interest and administered by the Lands Commission. Vested land is customarily owned but vested in the government which manages it on behalf of the owner (eg stool).

3.2 Public Institutions involved in Land Administration

These include:
- Land Commission
- Land Title Registry
- Survey Department
- Land Valuation Board
- Department of Town and Country Planning
- Office of the Administrator of Stool Lands
- Ministry of Lands and Forestry

Their roles and responsibilities are summarized in the following table:
<table>
<thead>
<tr>
<th>Public Institution</th>
<th>Legal backing</th>
<th>Mandate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Commission</td>
<td>Lands Commission Act, 1994</td>
<td>Manage public lands on behalf of the Government; Advise Government and local authorities on policy matters, and to ensure that the development of individual parcels of land is consistent with area development plans; Advise on, and assist in the execution of a comprehensive programme of land title registration</td>
</tr>
<tr>
<td>Land Title Registry</td>
<td>Land Title Registry Act, 1986</td>
<td>Provides for compulsory registration of land transactions, and requires that a cadastral map and a title search be attached to any application for title registration</td>
</tr>
<tr>
<td>Survey Department</td>
<td>Survey Act, 1962</td>
<td>Plan all national surveys and mapping; License and supervise licensed surveyors Responsible for production of cadastral maps</td>
</tr>
<tr>
<td>Department of Town and Country Planning</td>
<td>Established in 1945</td>
<td>Responsible for designing plans and controlling settlements.</td>
</tr>
<tr>
<td>Office of the Administrator of Stool Land</td>
<td>Stool Land Act, 1994</td>
<td>Manage revenue drawn from stool/ skin lands; establish stool land account; collect revenue into account; disburse monies to stool, traditional authority and District Assemblies.</td>
</tr>
<tr>
<td>Ministry of Lands and Forestry</td>
<td>-</td>
<td>Policy formulation for Lands Administration in Ghana</td>
</tr>
</tbody>
</table>
4.0 METHODS AND TECHNIQUES USED IN ASSESSING AND ANALYZING THE RELEVANT SOCIAL IMPACTS AND VALUING ENTITLEMENT ELIGIBILITIES

4.1 Assessment of social impacts

Structures to be affected will mostly be along the RoW in respect of the pipelines for small town water supply projects whereas the water supply points and the reservoirs may be situated on farm lands and open spaces in both rural communities and small towns. These will be confirmed from the social surveys, and will determine the magnitude of any displacement and the impact of the project implementation, both positive and negative.

From field observations, it will be possible to enumerate persons and properties (households, commercial activities including farms, and other commercial undertakings) whether renters, owners or squatters to be affected wholly, totally or marginally. The survey may suggest mitigation measures if possible.

4.2 Valuing entitlement eligibilities

The District Valuation Board officials will greatly assist the communities to calculate the rates based on government approved standards. However, table 2 provides the general guideline and method for the preparation of the costs.
**Table 2: General guidelines and methods for costs preparation**

<table>
<thead>
<tr>
<th>Item</th>
<th>Types</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building, structures</td>
<td>Cement, roofing sheets, doors, wood, paint, sand, stones etc</td>
<td>Replacement cost method would be used to determine market value and will be based on (1) land in comparable site, (2) drawings of buildings, related structures and support services, (3) average replacement costs of different types of buildings based on information on quantities and types of materials for construction, (4) prices of items on the local market, (5) costs of transportation, (6) estimates for construction of new buildings.</td>
</tr>
<tr>
<td>Businesses</td>
<td>Kiosks, containers, workshops, communication centres, chop bars, saloons</td>
<td></td>
</tr>
<tr>
<td>Farm crops</td>
<td>Crops and fruit trees</td>
<td>Market value as at the time of replacement</td>
</tr>
<tr>
<td>Standing trees</td>
<td></td>
<td>Follow EPA requirement. Pay cash for every tree felled and in addition plant two more at location similar to where the other was felled.</td>
</tr>
<tr>
<td>Forests</td>
<td>Dedicated community forest areas, sacred groves, cemeteries, shrines</td>
<td>Replacement cost method would be used and will be done in consultation with and acceptable to the traditional authorities or community leaders</td>
</tr>
<tr>
<td>Losses of income and livelihood</td>
<td>-</td>
<td>Estimation of net monthly profit for business based on records; application of net monthly profit to the period when business is not operating.</td>
</tr>
<tr>
<td>Disturbance allowance</td>
<td>-</td>
<td>10- 15% of total compensation</td>
</tr>
</tbody>
</table>
5.0 DESCRIPTION OF ELIGIBILITY CRITERIA

Project affected persons are described as persons affected by land acquisition, relocation, or loss of incomes associated with the acquisition of land and/or other assets, and restriction of access to legally designated parks and protected areas.

It is not possible to provide an exhaustive list of such persons at this project preparatory stage. However, based on an understanding of the social structure of the rural community and the nature of the sub-projects, it is possible to suggest that the most likely affected persons will be individuals.

Table 3: Eligibility criteria

<table>
<thead>
<tr>
<th>Category of affected persons</th>
<th>Assets</th>
<th>Type of compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons with formal legal rights to land</td>
<td>Physical and non-physical assets such as homes, communities, productive lands, farm lands, cultural sites commercial/business properties tenancy, income earning opportunities, and social and cultural networks and activities</td>
<td>To be provided compensation for land lost and other assistance</td>
</tr>
<tr>
<td>Persons without formal legal rights to land at time of notification but have claims to property recognisable by the resettlement pan</td>
<td></td>
<td>To be provided compensation for land lost and other assistance</td>
</tr>
<tr>
<td>Persons with no recognizable legal right or claim to land they are occupying, eg squatters</td>
<td></td>
<td>To be provided resettlement assistance in lieu of compensation for land occupied.</td>
</tr>
<tr>
<td>Persons encroaching on land after the notification</td>
<td></td>
<td>Not eligible for compensation or any form of resettlement assistance</td>
</tr>
</tbody>
</table>
### Table 4: Entitlement Matrix

<table>
<thead>
<tr>
<th>Asset</th>
<th>Type of impact</th>
<th>Entitled person</th>
<th>Eligibility criteria</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>Permanent acquisition of land</td>
<td>Landowner (individual, household, stool)</td>
<td>Person with formal legal right to land</td>
<td>Replacement with an equivalent piece of land located in the vicinity of the affected area. If land is not available then cash compensation at full replacement value as well as disturbance allowance (10-15%)</td>
</tr>
<tr>
<td></td>
<td>Temporary acquisition of land</td>
<td>Landowner (individual, household, stool)</td>
<td>As above</td>
<td>Full reinstatement to pre-project conditions; Rent to be agreed upon for the period during which land is occupied.</td>
</tr>
<tr>
<td></td>
<td>Acquisition of RoWs</td>
<td>Landowner (individual, household, stool)</td>
<td>As above</td>
<td>Cash compensation to be negotiated based on value; disturbance allowance (10-15%)</td>
</tr>
<tr>
<td>Crops</td>
<td>Destruction of crops</td>
<td>Landowner/ tenant/ or farmer</td>
<td>Farmer</td>
<td>Cash compensation for crops not ready for harvesting at time of entry, and negotiated with LVB; Disturbance allowance</td>
</tr>
<tr>
<td></td>
<td>Damage of crops</td>
<td>Landowner/ tenant/ or farmer</td>
<td>Farmer</td>
<td>Cash crop compensation for damaged crops, and negotiated with LVB; Disturbance allowance, 10%</td>
</tr>
<tr>
<td>Forests</td>
<td>Destruction of family/ community dedicated trees</td>
<td>Landowner (individual, household, stool)</td>
<td>Person with formal legal right to land</td>
<td>Cash compensation to be negotiated based on replacement value as well as disturbance allowance (10-15%)</td>
</tr>
<tr>
<td>Damage to sacred groves and other cultural heritage such as cemeteries and shrines</td>
<td>Landowner (individual, household, stool)</td>
<td>As above</td>
<td>Relocation of cultural heritage to a similar site in consultation with family/community leaders as well as disturbance allowance (10-15%). If relocation to a new site is not possible then cash compensation at full replacement value (to be negotiated with family/community leaders and LVB) as well as disturbance allowance (10-15%)</td>
<td></td>
</tr>
<tr>
<td>Structures</td>
<td>Owner</td>
<td>Confirmed owner (with evidence) of affected structure irrespective of land ownership</td>
<td>Resettlement to a similar dwelling in a similar location, or Cash compensation at full replacement value of structure. Cost of moving Disturbance allowance (10%)</td>
<td></td>
</tr>
<tr>
<td>Damage to cultural heritage</td>
<td>Tenant</td>
<td></td>
<td>Cost of moving Disturbance allowance (3 months rent)</td>
<td></td>
</tr>
<tr>
<td>Destruction of permanent immovable structures</td>
<td>Owner</td>
<td>Confirmed owner (with evidence) of affected structure irrespective of land ownership</td>
<td>Cost of displacing the affected structure Cost of moving the affected structure back to project affected land Disturbance allowance of 10%</td>
<td></td>
</tr>
<tr>
<td>Temporary displacement of moveable structure</td>
<td>Owner</td>
<td>Confirmed owner (with evidence) of affected structure irrespective of land ownership</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livelihood</td>
<td>Farmer as distinct from affected plot owner</td>
<td>Been using affected land for agriculture irrespective of ownership situation</td>
<td>Cash compensation of any loss of income Assistance to livelihood restoration</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Business person as distinct from owner of structure</td>
<td>Been operating business on project affected land irrespective of ownership (includes squatters)</td>
<td>Cash compensation for temporary loss of income Assistance to livelihood restoration</td>
<td></td>
</tr>
<tr>
<td>Businesses</td>
<td>Use of such resources (individuals/communities)</td>
<td>Use of communal resources for livelihood</td>
<td>Assistance to identify and access similar resource elsewhere Cash compensation of temporary loss of income</td>
<td></td>
</tr>
</tbody>
</table>
6.0 PROPOSED MITIGATION MEASURES AND COST ESTIMATE

The potential social impacts to be addressed within the context of preparing this Resettlement Framework are generalized in the following Table 5 --. It is not possible at this time to prepare specific mitigation measures. It is expected though that detailed social assessment studies will be carried out within specific communities on project by project basis, as and when required. The framework for the compensation/ resettlement will then be applied incorporating specific (1) institutional arrangements, (2) resettlement/ compensation eligibility criteria, (3) implementation procedures, (4) financial responsibilities, and (5) monitoring and evaluation plan.

Furthermore, the livelihood restoration measures will consider issues such as (1) income levels of affected persons, (2) other non- monetary sources of livelihood, (3) constraints and opportunities for income generation, (4) number of persons not able to revert to previous occupation, and (5) existing skills of affected persons.

<table>
<thead>
<tr>
<th>Sub-project</th>
<th>Potential Impact on Assets and Livelihoods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Borehole development</td>
<td>Permanent acquisition of land; Temporary occupation during construction (access)</td>
</tr>
<tr>
<td></td>
<td>Destruction of crops on areas permanently acquired; Damage to crops on temporarily acquired land</td>
</tr>
<tr>
<td></td>
<td>Destruction or damage of family/community dedicated trees or sacred groves; Relocation of shrines and other cultural heritage from areas permanently acquired</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Affected farmers livelihood, including owners, occupants/ users.</td>
</tr>
<tr>
<td>Institutional latrine facilities</td>
<td>Permanent acquisition of land; temporary acquisition during construction for access</td>
</tr>
<tr>
<td></td>
<td>Destruction of crops on areas permanently acquired; Damage to crops on temporarily acquired land</td>
</tr>
<tr>
<td></td>
<td>Destruction or damage of family/community dedicated trees; Relocation of shrines and other cultural heritage from areas permanently acquired</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Affected farmers livelihood, including owners, occupants/ users.</td>
</tr>
<tr>
<td>Small towns- Pipelines and Reservoir</td>
<td>Permanent acquisition of land; acquisition of RoWs for pipes;</td>
</tr>
<tr>
<td></td>
<td>Destruction of crops on areas permanently acquired; Damage to</td>
</tr>
<tr>
<td></td>
<td>Destruction or damage of family/community dedicated trees, sacred groves, cemeteries along</td>
</tr>
<tr>
<td></td>
<td>Temporary displacement of moveable structures located with the RoW of pipelines;</td>
</tr>
<tr>
<td></td>
<td>Affected businesses eg shopkeepers livelihood and may be owner, user etc.</td>
</tr>
</tbody>
</table>
6.1 Budget

The budget will be developed from the specific community social assessment studies and the livelihood restoration plan. It will cover resettlement activities including compensation. The cost will be derived from expenditures relating to (1) the preparation of the resettlement and compensation plan, (2) relocation and transfer, (3) income and means of livelihood restoration plan, and (4) administrative costs. These bullet points give the cost centres:

Preparation of Plan
- Cost of survey of affected persons, valuation and inventory of assets;
- Compensation payments for structures

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

Income and means of livelihood restoration plans
- Cost of estimating income losses
- Cost of income restoration plans

Administrative costs
- Operation and support staff
- Training and monitoring
- Technical assistance
7.0 PROPOSED ADMINISTRATIVE AND INSTITUTIONAL FRAMEWORK FOR PREVENTION AND MITIGATION

This section seeks to preempt future problems with the implementation of the resettlement plan by proposing a workable institutional arrangement. Some institutions to participate in the exercise are identified as follows:

Table 6: Institutional framework

<table>
<thead>
<tr>
<th>Institution</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 Community Water and Sanitation Agency (CWSA)</td>
<td>Overall supervision of the RPF and Resettlement Plan</td>
</tr>
<tr>
<td>2.0 Regional Water and Sanitation Team (RWST)</td>
<td>Regional supervision of Plan and reporting to head office</td>
</tr>
<tr>
<td>3.0 Environmental Protection Agency (EPA)</td>
<td>Review and monitor Social Impact Assessment</td>
</tr>
<tr>
<td>4.0 District Land Valuation Officers</td>
<td>To assist in the valuation process and reporting</td>
</tr>
<tr>
<td>5.0 District Assembly</td>
<td>To oversee implementation of community plans</td>
</tr>
<tr>
<td>6.0 District Water and Sanitation Team (DWST)</td>
<td>Trigger the process and implement plan in close consultation with RWST/WATSANs/ WSDBs/ Consultant</td>
</tr>
<tr>
<td>7.0 WATSANs/ WSDBs</td>
<td>To represent community</td>
</tr>
<tr>
<td>8.0 Consultant</td>
<td>Prepare plans and assist with implementation</td>
</tr>
</tbody>
</table>

The Community Water and Sanitation Agency has the overall responsibility for preparing the RPF and implementing the Resettlement Plan with World Bank approval. It will ensure that all compensation, resettlement and rehabilitation activities are carried out satisfactorily before the disbursement of funds for construction work to commence. The Regional Water and Sanitation Team will organize the regional and district orientation and training for the District Assemblies and the various government departments likely to be involved in the process, to be ready to implement payment of compensations, and other activities in a timely manner. The RWST will ensure that progress reports reach the head office regularly. The project administration and resettlement planning will run concurrently.

Much of the work will be done at the district level. The RWST through the District Assembly which is the local administrative authority, will ensure that
• Communities are properly and adequately informed (timely) by the TAs of the Plans, and also their rights and options relating to their properties that may be affected by the project
• Coordinate activities between different communities implementing the resettlement plans
• Ensure timely provision of compensation, in cash and/or kind
• Attend to any grievances submitted by the affected persons

The DWST through the WATSANs/WSDBs will engage and involve all sections of the community in discussions on the Plan. They will
• Schedule open meetings to ensure that all community members are informed and they are fully aware of their rights and options regarding the resettlement activity
• Identify impacts on lands and assets and the members of the community to be affected and to what extent they will be affected
• Consider voluntary contributions or else negotiated land acquisition
• Facilitate alternatives including compensations in kind and exemptions from local contributions
8.0 IMPLEMENTATION AND MONITORING PLANS INCLUDING DESCRIPTION OF INDICATORS

The sequence of implementation activities and responsibilities are summarized in the table below:

<table>
<thead>
<tr>
<th>No</th>
<th>Task</th>
<th>Institutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Borehole siting or Preparation of designs for pipelines and reservoirs</td>
<td>Hydrogeological consultants/ Small town consultants</td>
</tr>
<tr>
<td>2.0</td>
<td>Preliminary assessment of resettlement issues</td>
<td>TA/DWST/ WATSAN/ WSDB</td>
</tr>
<tr>
<td>3.0</td>
<td>Assessment of the need to do: Re-siting of Boreholes, Re-siting of water reservoirs, or Re-routing pipelines</td>
<td>RWST/ DWST/ WATSAN/ WSDB/ Consultants</td>
</tr>
<tr>
<td>4.0</td>
<td>Re-siting of boreholes Re-siting of water reservoirs, or Re-routing pipelines</td>
<td>Consultants</td>
</tr>
<tr>
<td>5.0</td>
<td>If 4.0 above is not successful inform DWST/RWST</td>
<td>Consultants</td>
</tr>
<tr>
<td>6.0</td>
<td>Confirm need for resettlement action</td>
<td>DWST/RWST</td>
</tr>
<tr>
<td>7.0</td>
<td>Assess the options for land acquisition</td>
<td>RWST/DWST/ WATSAN/ WSDB/ District Land Valuation Board</td>
</tr>
<tr>
<td>8.0</td>
<td>Assess the number of affected persons</td>
<td>DWST/ WATSAN/ WSDB/ District Land Valuation Board</td>
</tr>
<tr>
<td>9.0</td>
<td>Trigger the process required to undertake land acquisition and compensation payments</td>
<td>RWST/ CWSA/ DWST/ District Land Valuation Board/ DA</td>
</tr>
<tr>
<td>10.0</td>
<td>Preparation of abbreviated RAP for minor impact and full RAP for others</td>
<td>Consultant/ DWST</td>
</tr>
<tr>
<td>11.0</td>
<td>Prepare Social Impact Assessments</td>
<td>Consultant/ DWST</td>
</tr>
<tr>
<td>12.0</td>
<td>Prepare livelihood restoration measures</td>
<td>Consultant/ DWST</td>
</tr>
<tr>
<td>13.0</td>
<td>Review Plans</td>
<td>RWST/ CWSA/ DA</td>
</tr>
<tr>
<td>14.0</td>
<td>Budgeting of costs</td>
<td>CWSA/ RWST</td>
</tr>
<tr>
<td>15.0</td>
<td>Confirm arrangements for managing funds</td>
<td>CWSA/ RWST</td>
</tr>
<tr>
<td>16.0</td>
<td>Implement Plans</td>
<td>RWST/ DWST/ WATSAN/ WSDB</td>
</tr>
</tbody>
</table>
8.1 Procedures for delivery of entitlements

Entitlements may range from cash payments and/or building materials to the provision of new land, new homes and compensation for other lost properties. Compensation will be paid before owners/occupiers are made to vacate their properties for commencement of construction works. Payments will be funded like any other activity under the project’s administrative and financial management rules and manuals.

Resettlement committee: The committee will comprise representatives of the affected persons (2 to 3 no.), the WATSAN/WSDB, DWST, DA, LVB, EPA and RWST. The committee will be chaired by the representative of the District Assembly.

Consultations: The affected persons should be engaged in active consultations at the beginning of the project and any displacement should not be last hour notice. Their input to the process is essential and their cooperation will be forthcoming when the project objective of potable water supply provision or a sanitary facility is adequately explained to them. They should have access to the Resettlement Plan and be encouraged to provide input.

Notification: Affected persons will be notified through both formal (in writing) and informal (verbal) manner, for example at community meetings called by WATSANs or WSDBs.

Documentation: The names and addresses of affected persons will be compiled and kept in a database including claims and assets. The DA will maintain records of these persons as well as the RWST. The records are also important especially for future monitoring activities.

Contract Agreement: A contract listing of all property and land/farms being surrendered and the types of compensation (both cash and kind) would be prepared. The contracts will be presented at community meetings/durbars prior to signing. The handing over of property and compensation payments will be made in the presence of the affected persons and the Resettlement Committee, and in public.

Time Provisions: The affected persons may negotiate with the Resettlement Committee on time frames and terms of payment, but no construction work can begin until the project affected persons have been compensated in full or resettled.

Redress of grievances: If affected persons are not satisfied with proposed entitlements or its implementation, they can seek redress through their respective DAs. The DA will liaise with the RWST to address the problems. If the affected persons are still not satisfied they could take it up
further with the RCC and then possibly to the national level. All grievances will be expressed in writing. Where grievances entail inadequate compensations paid, section 4 of the Lands Act 1963 makes provision for appeal to a “Land Tribunal” which is an adjudicatory body. The Resettlement Plan to be prepared for the community must adequately describe mechanisms for resolution of disputes and grievances.

*Financial obligations:* It is the responsibility of the GoG to pay compensations and the CWSA will facilitate this through the sector Minister. These arrangements notwithstanding, voluntary community contributions, and compensations in kind and exemptions from local contributions as compensation mechanisms are options to consider.

### 8.2 Monitoring plans and indicators

The monitoring programme will provide a continuous feedback on the implementation of the RPF and the Plan itself. Monitoring teams at the district and regional levels will be constituted and will report regularly at the national level (Ministry of Works and Housing) through the CWSA. The district team will comprise the DA, DWST, WATSAN/ WSDB, and RWST while the regional team will be constituted by the RWST, DAs, and RCC.

It is necessary to periodically juxtapose the objectives of the resettlement plan alongside achievements regarding whether livelihoods and living standards have been restored or enhanced. In case deviations are observed, then appropriate correcting actions are immediately implemented to fall in line with the original intended results. The scope of monitoring will comprise social and economic considerations as well as technical components, which may further look at physical infrastructure provided the affected persons.

The monitoring indicators should cover areas such as (1) basic information on affected persons’ households, (2) restoration of living standards and livelihoods, (3) levels of affected persons’ satisfaction determined by number of grievances registered, and (4) effectiveness of resettlement planning. Some indicators are suggested in the annex based on similar considerations under the Ghana Land Administration Project, (2003).

An evaluation programme will be implemented periodically to also check on compliance with policy and provide lessons to amend strategies, especially in the longer term. The evaluation will be based on current WB procedures and also national provisions on resettlement. It will identify actions which will improve policy and offer higher guarantees of implementation success. The process will be incorporated in the general assessment and review usually undertaken for the project.
9.0 RECOMMENDATIONS

There is little capacity within the CWSA at this time to administer and implement Resettlement Plans. The human resources may therefore not be immediately available to deal with land, compensation and resettlement issues. Though resettlement issues have not arisen in the past during the implementation of the CWSP, and major issues are not foreseen for the CWSP II Phase 2, it is reasonable to expect that as community awareness on their rights and responsibilities heightens, such matters as considered in the RFP will emerge.

Some capacity building at the regional level in particular will be necessary. It is recommended that a training programme be organized for the RWST as part of the CWSP II Phase 2. The programme should identify and incorporate lessons from the implementation of locally successful and not so successful resettlement plans. On-going activities for example with regard to projects like the Keta Sea Defense Project will provide useful case studies. A consultant may be engaged for the purpose that is, to prepare the training plan and implement it with guidance from the World Bank.

CWSP II Project Operational Manual

The POM is largely quiet on resettlement issues. It is proposed that the RPF be provided as an addendum to the manual.
10.0 LIST OF INDIVIDUALS/ ORGANIZATIONS CONTACTED

Dr Dwumfour, World Bank Office, Accra
Mr Daniel Amlalo, Environmental Protection Agency- Headoffice
Mr Appah- Sampong, Environmental Protection Agency- Headoffice
Ms Zenaibu Wasai, Environmental Protection Agency, Bolgatanga
Mr K Van Ess, CWSA, Accra
Mr Frempah, PPS, Community Water and Sanitation Agency
Mr Lukman Salifu, PPS, Community Water and Sanitation Agency
Dr Asiedu, PPS, CWSA
Mr Gilbert Ayamgah RWST, Upper East, Bolgatanga
Mr Owusu- Konadu, RWST, Ashanti Region, Kumasi
Mr Francis Ennui, RWST, Brong Ahafo Region, Sunyani,
Mr Atakora, RWST, Upper West, Wa
Mr Adams Arafat Tia, Bolgatanga Municipal Assembly, Bolgatanga
Mr Kyei Baffour, Amansie West District Assembly, Ashanti Region
Dr D Adom, Water Resources Commission
Mr Osae Ababio, Water Resources Commission
11.0 REFERENCES


The World Bank- Operational Manual, Safeguard Policies

ANNEX
Annex 1

Monitoring Indicators

**Budget and Time Frame**
- Land acquisition and resettlement team appointed and mobilized for work on schedule
- Resettlement implementation activities achieved against implementation plan
- Funds for resettlement allocated to resettlement agencies on timely and adequate manner
- Funds disbursement according to RP
- Social preparation phase implemented on schedule
- Land acquired and occupied in time for project implementation

**Delivery of affected persons entitlements**
- Affected persons received entitlements according to numbers and categories
- Affected persons received payments on time
- Replacement land plots or contracts provided
- Income and livelihood restoration activities implemented as given in the income restoration plan
- Ability of affected persons to access cultural sites and activities

**Consultation, grievance and other issues**
- Implementation of scheduled consultation including meetings, groups and community activities
- Number of affected persons who know their entitlements
- No of affected persons who have used the grievance redress procedure
- No of resolved conflicts
- Outcomes of resolved conflicts

**Benefit monitoring**
- Comparison of pre- and post project patterns of occupation, production and resource use
- Comparison of pre- and post project income and expenditure patterns
- Changes in key social and cultural parameters relating to living standards
- Comparison of pre- and post project cost of living
- Impact on vulnerable groups.