GOVERNMENT OF GHANA

MINISTRY OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT

SOCIAL OPPORTUNITIES PROJECT (SOP)
FINAL DRAFT

RESETTLEMENT POLICY FRAMEWORK (RPF)

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

BACKGROUND

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

The objectives of the Project are to improve targeting in social protection spending, increase access to conditional cash transfers nationwide, increase access to employment and cash-earning opportunities for the rural poor during the agricultural off-season, and improve economic and social infrastructure in target districts.

The duration of the Ghana Social Opportunities Project is five years, and it will have five components: (i) rationalizing the National Social Protection Strategy; (ii) labor intensive public works (LIPW); (iii) supporting the Livelihood Empowerment Against Poverty Program (LEAP); (iv) building capacity at the central and district levels to plan and implement LIPW and LEAP and to strengthen the decentralization process; and (v) project management and coordination.

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

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

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

3 Rehabilitation of Feeder Roads and Utility Rights-of-Way (ROWs). These will include:
   - Feeder road rehabilitation and maintenance: In instances where ROWs of existing feeder
roads have been encroached upon, the rehabilitation of such feeder roads require surveys to determine the consequent resettlement impacts.

- **Water systems:** Surveys along the drainage ROWs (including the locations of the retention ponds) will be necessary to determine the consequent resettlement impacts.

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

**POTENTIAL RESETTLEMENT IMPACTS**

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

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

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

**DESCRIPTION OF THE NATIONAL LEGAL, REGULATORY AND ADMINISTRATIVE FRAMEWORKS**

**Resettlement/Compensation Policy in Ghana**

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

**Land Acquisition and Compensation Laws**

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

**Land Ownership in Ghana**

The land ownership system in Ghana is governed by a complex operation of both customary, statute and common law resulting in a rather uniquely complicated land ownership structure. There are three principal land ownership geneses in Ghana namely:
Customary-owned;  
State-owned; and  
Customary-owned but state-managed lands also known as vested lands.

**Review of Ghana’s Land Laws and World Bank OP 4.12**

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

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

**SOCIO-ECONOMIC CHARACTERISTICS**

**Population Characteristics**

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

**Economic Activities**

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

**Land Tenure System**

The land in the three northern regions is owned by the Skins1 although families (Tindaanas) and some individuals do own land. Land for agriculture is provided by the Skins, the family head or through outright sale.

**Social Infrastructure**

Social infrastructure within the three northern regions is lacking in several dimensions. The Educational, Electricity, Health, Water and Sanitation, Telecommunication, Transport and Markets Sectors, like the rest of the country, are concentrated in the few urban areas. There are several primary

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1 The Term "Skin" is used to refer to a traditional ruler’s office and authority in the three northern regions of Ghana.
and junior high schools in the districts but the number diminishes at the senior high and tertiary levels. There is also a high level of out-of-school children in the northern regions. The potable water supply is limited to the urban areas, leaving many without safe drinking water. As a result, numerous water-borne diseases afflict those living in the various districts.

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

**VALUATION AND COMPENSATION PAYMENT**

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

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

Prior to the commencement of the compensation and resettlement activities, an Executive Instrument\(^2\) should then be passed to confirm the acquisition. This procedure will reduce antagonism towards the project and elicit the required co-operation from the project-affected persons, as well as to demonstrate to the World Bank that the required steps have been taken to reduce the negative effects of the project.

**DESCRIPTION AND CATEGORIZATION OF AFFECTED PERSONS**

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

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\(^2\) The term "Executive Instrument" refers to "subsidiary legislation" of a main ACT or Decree that spells out the compulsory acquisition of lands or any property for the purposes of public use or public good. It is issued by the president or any member of the executive. In the case of land administration and acquisition, the main Act is the State Lands Act of 1960 (Act CA6).
The Entitlement Matrix
Based on analysis of the impact of the project and eligibility policies, an entitlement matrix has been developed based on categories of affected persons according to losses and their entitlement benefits. The matrix proposes eligibility and payments for all kinds of losses (e.g., land, housing, businesses, and other income sources, temporary loss of income, displacement, and moving costs). It sets standards for compensation.

DESCRIPTION OF ELIGIBILITY CRITERIA

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

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

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

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

Step I: Prepare a Social and Economic Assessment;

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

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

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

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

Income Restoration

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

Budgeted Cost of Relocation and Income Restoration

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

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

PROPOSED ADMINISTRATIVE AND INSTITUTIONAL FRAMEWORK FOR PREVENTION AND MITIGATION

Management and coordination of the Social Opportunities Project will largely rely on existing government institutions and structures through the District Assemblies (Department of Feeder Roads, GIDA, DSW, NADMO, etc.). The main entry point for implementation will be the DAs and ACs. The Ministry of Local Government and Rural Development (MLGRD), which is responsible for national decentralization and rural development, has the overall implementation responsibility for the project. The MLGRD is currently successfully implementing the Community-Based Rural Development Project (CBRDP), which is supporting the development of productive and social infrastructure at the district and community levels.
The project will establish a National Project Steering Committee (NPSC) to be responsible for the overall coordination of the SOP. The NPSC would be chaired by the minister of LGRD and will include representatives of all relevant ministries and agencies.

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

The DAs, in close collaboration with the RCO and targeted communities, will implement the activities selected from the development plans. The main responsibilities will include preparation of annual work programs and budget, detailed design of LIPWs, procurement, supervision, and payment. The DAs will undertake monitoring and evaluation and submit monitoring reports to RCO and RPCU for evaluation.

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

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

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

**Monitoring and Evaluation Including Description of Indicators**
The primary aim of the M&E process is to ensure that the SOP carries out continuous process monitoring of the RPF in order to detect and address any inconsistencies in how the resettlement plan is being implemented. The monitoring of the RPF would provide the project managers and other stakeholders with continuous feedback on implementation. A periodic assessment of the relevance, performance, efficiency, and impact of resettlement measures will be undertaken as part of resettlement objectives evaluation. The evaluation will include the assessment of resettlement effects and their potential sustainability. The allocation of responsibilities for monitoring and evaluation under the resettlement policy framework are presented in Table 12.1.
INTRODUCTION
The Government of Ghana has developed a comprehensive Social Protection Strategy (SPS) that addresses the basic needs of the poorest and most vulnerable groups. The project is designed to respond to emergency or natural disasters in a flexible manner by allowing for the implementation of mitigation and coping strategies. The main pillars of the strategy are cash transfers, human development, and employment generation for the chronically poor. The government is already implementing a number of social protection programs (e.g., LEAP, Youth Employment Program, health insurance, school feeding and school uniform programs), which support the SPS. The missing element is an employment-generation program targeted at the chronically poor households who have the ability to work but face high levels of (seasonal) unemployment. The proposed Social Opportunities Project (SOP) would develop such an instrument that, in addition to addressing the needs of the chronically poor, could be quickly and efficiently scaled-up as an emergency response to natural disasters or other external shocks, in order to alleviate transient poverty.

The project has five components: (i) rationalization of a national social protection policy; (ii) Labor Intensive Public Works Program (LIPWs); (iii) support to Livelihood Empowerment Against Poverty Program (LEAP); (iv) capacity building; and (v) project management and coordination. The project duration is estimated to be over five (5) years at a total cost of about US$88.6 million. If successful, it could be scaled-up at the national level to help reduce transient poverty.

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

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

The Ministry of Local Government and Rural Development (MLGRD), in complying with the World Bank safeguard policies as well as with the EPA Act of 1994 (Act 490) and the Environmental Assessment Regulations (LI 1652), has prepared this Resettlement Policy Framework (An Environmental and Social Management Framework (ESMF) has also been prepared under a separate contract). This document therefore reports on the Resettlement Policy Framework (RFP) in accordance with the Terms of Reference in Annex 1.
The objective for the RPF is to set out the policies, principles, institutional arrangements, schedules, and indicative budgets to cover anticipated resettlements and other social impacts. These arrangements are also to ensure that there is a systematic process (versus an ad hoc one) to guide the different stages of the implementation of the measures outlined in the framework. This process shall also consider the participation of affected persons, involvement of relevant institutions and stakeholders, and adherence to both World Bank and government policies, procedures, and requirements on involuntary resettlement; and shall delineate compensation for affected persons as appropriate.

PRINCIPLES AND OBJECTIVES GOVERNING RPF PREPARATION AND IMPLEMENTATION

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

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

The objectives of this policy are the following:

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

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

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

(a) The involuntary taking of land and other assets resulting in:
   (i) relocation or loss of shelter
   (i) loss of assets or access to assets
   (ii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location;
       or

(b) The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

(iv) Monitoring mechanisms development, implementation and reporting on the effectiveness of resettlement framework, including the physical progress of resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of income restoration and development efforts among affected communities.

The resettlement policy applies to all activities under Component A: The Labor Intensive Public Works (LIPW) of the SOP, whether or not they are funded in whole or in part by the World Bank. It is expected that LIPWs will target mainly the following assets: rehabilitation and maintenance of rural feeder and access roads, rehabilitation of small dams, and related public infrastructure (main channels/dams and associated labor intensive afforestation/grassing activities in the immediate micro-catchment to reduce run-off and siltation), and dugouts, all of which are in high demand in the northern regions. The proposed existing assets to be selected for rehabilitation may be on lands belonging to the government, private individuals, families, and traditional authorities. Hence, virgin land seizure may not arise in most cases of the kind of projects to be selected for rehabilitation under the SOP. However, in situations that virgin land may be required or persons might be encroaching on existing project land, such a situation will give rise to the potential of involuntary resettlement of persons whose rights of interests, assets, and means of livelihood may be adversely affected.
The policy applies to all displaced persons regardless of the total number affected, the severity of impact, and whether or not they have legal title to the land. Particular attention should be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, groups or original settlers, and ethnic minorities or other displaced persons who may not be protected through Ghana’s Lands (Statutory Wayleaves) Act, 1963, Act 186, section 6(1).

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

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

The project has five components: (i) rationalization of a national social protection policy; (ii) Labor Intensive Public Works Program (LIPWS); (iii) Support to Livelihood Empowerment Against Poverty (LEAP) Program; (iv) capacity building; and (v) project management and coordination. The project duration is estimated to be over five (5) years at a total cost of about US$88.6 million. If successful, it could be scaled-up at the national level to help reduce transient poverty.

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

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

Project Components

The five main components of the project are described below.

Component 1: Rationalize National Social Protection Policy

This component would provide support to the government to help redirect its social protection expenditures to the most effective areas and reduce those in less effective activities. This would allow greater coverage of the poor despite current fiscal constraints. To facilitate the process, the component would finance technical assistance, studies, training, and Secretariat services. The cost of this component is estimated at US$2.5 million.
Component 2: Labor Intensive Public Works (LIPWs)

The objective of this component is to provide targeted rural poor households with access to employment and income-earning opportunities. This pertains particularly to seasonal labor demand shortfalls that is, the agricultural off-season from November to March/April, and in response to external shocks, through rehabilitation and maintenance of public or community infrastructure. The aim is to maximize local employment while rehabilitating productive infrastructure assets, which have potential to: (i) generate local secondary employment effects and (ii) protect households and communities against external shocks. The component will establish a LIPW-based social protection scalable instrument that provides quick-response mechanisms against external shocks, such as floods or droughts, during a crisis. The payment modality for LIPWs will be cash. The scope of works eligible for LIPWs will be defined based on labor content and scope to generate significant local employment. The cost of this component is US$56 million.

The sub-projects under the LIPWs are

- Rehabilitation and maintenance of rural feeder and access roads;
- Rehabilitation of small dams, dugouts, and related public infrastructure;
- Other works that could be contemplated by the project include, for instance, construction of schools, soil and land conservation works for catchment protection and tree planting on communal lands.

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

3.1.3 Component 3: Livelihood Empowerment Against Poverty Program (LEAP)

The component is to support the full rollout of the pilot phase of the LEAP program by strengthening its management and administration, providing technical assistance to improve targeting, providing cash transfers to beneficiaries under LEAP, and providing incentives to ensure that GoG’s annual budget allocations are sufficient.

The program will finance incentive payments to the unified treasury account to assure that GoG each year allocates sufficient budget for LEAP to meet its target of 164,370 households by 2012 and will thereby contribute to improved human capital outcomes for these households.

The cost to LEAP implementation is US$20 million.
3.1.4 Capacity Building

The objective of this component is to create capacity at the national and local levels to implement the National Social Protection Strategy (NSPS) in selected project districts, with the view of enabling a gradual scaling-up and targeting at the national level. This component will therefore implicitly strengthen GoG’s decentralization program. Several distinct sets of capacity-building activities will be supported. The cost of this component is US$4.1 million.

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

Capacity building to support LIPW implementation, aimed at decision-makers, DA technical staff, relevant line agencies and private contractors with the sub-categories of: (i) rehabilitation and maintenance of roads and (ii) rehabilitation of small dams and water storage infrastructure and (iii) other works: including construction of schools, clinics, dugouts. Soil and land conservation works for catchment protection and tree planting on communal lands.

Capacity building to support implementation of LEAP, to complement ongoing technical support financed by DFID and UNICEF/USAID as needed, with the objective of strengthening and improving the targeting and monitoring of the government’s social protection instruments and programs (e.g., LEAP). The project will also support the central unit of the Ministry of Employment and Social Welfare to plan, develop, and monitor social protection and District Assemblies to implement programmes.

District and regional capacity building, to strengthen the technical and management capacities of the Regional Coordinating Committees (RCCs), District Assemblies (DAs) of LIPW target districts, and at least two Area Councils (ACs) in each of these districts to (i) identify, prioritize, and plan their development needs—in particular in terms of rural infrastructure; and (ii) strengthen fiduciary capacities (i.e., financial management, procurement, and monitoring and evaluation). Capacity building support will be implemented through on-the-job-training and specific short training courses tailored to the needs of DAs and RCCs.

Other activities and pilot programmes that could become necessary during implementation to support the overall objective of strengthening safety nets and proving safety ladders.

3.1.5 Project Management and Coordination

The institutions, structures, and capacities of the Government of Ghana will serve as the foundation for project management and coordination. With the aim of bolstering GOG operations, the Social Opportunities Project will fund costs (US$6.5 million) associated with: project management and coordination; relevant technical assistance; project monitoring and evaluation; consultancy services; communication and training; equipment and vehicles; and incremental operating costs. In addition, the component will include the cost of annual impact evaluation surveys, including a baseline study and an end-of-the-project comprehensive impact evaluation study.
• Project implementation arrangement will be underpinned by the need to:
• Strengthen the existing statutory bodies to perform functions assigned to them under the existing laws;
• Coordinate various interventions for service delivery at district level;
• Provide strong coordination on policy matters that affect efficient delivery of services;
• Provide strong technical support and assistance to transfer capacity to statutory bodies; and
• Coordinate inter-sectional and donor activities.
COUNTRY LEGAL AND INSTITUTIONAL GUIDELINES AND REQUIREMENTS

Resettlement/Compensation Policy in Ghana

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

Land Acquisition and Compensation Laws

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

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

A wayleave instrument shall contain the following particulars:

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

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

- Any highway; and
• Any other structure or works for the purpose of, or in connection with, any public utility service;

• Any “specified works.”

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

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

① The alleged damage is to land, that land has been sufficiently reinstated;

② The alleged loss arises out of the deprivation of the use of any land, the person alleging the loss has been offered other land of equivalent value;

③ The alleged damage is to movable property, that property has either been replaced or sufficiently restored; or

④ The works constructed do not substantially interfere with the enjoyment of the land.

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

Land Ownership in Ghana

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

➢ Customary-owned;

➢ State-owned;

➢ Customary-owned but state-managed lands also known as vested lands.
Customary Ownership

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

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

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

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

Customary ownership presents considerable land acquisition problems in Ghana. The boundaries of most customary-owned lands are not generally surveyed and in some cases undefined. It is also plagued with land ownership squabbles, and trying to identify the true owner of any piece of land can

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3 The Term "Stool" is used to refer to a traditional ruler’s office and authority in the three southern regions of Ghana.
be risky. There is improper record keeping of judgments, dispositions, and other records relating to the land by the custodians. In many instances, there is the need to distinguish between jurisdictional rights of custodians and propriety rights in land.

**State Lands**

State lands are those specifically acquired by government under an appropriate enactment using the state powers of eminent domain. Currently the principal acquiring legislation is the State Lands Act of 1962, Act (122) for public purposes or in the public interest. Under such ownership the *Allodial* rights become vested in the government which can then proceed to dispose of the lands by way of leases, certificate of allocations, licencesm etc. to relevant beneficiary state institutions as well as private individuals and organizations. The boundaries of these lands are cadastrally surveyed but are scattered throughout the country.

**Vested Lands**

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

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

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

The World Bank Operational Policy explicitly makes adequate provision for project-affected persons who are either displaced or suffer other losses, as a result of projects, to be adequately catered for. Livelihoods of persons to be affected must be preserved, but in cases when this is inevitable, minimal displacements should occur. In instances where displacement is unavoidable, compensation should be paid to PAPs to help them to restore their social, economic and environmental livelihoods.

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

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

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

To operate within the directives of the Bank, the RAP has been developed in line with the OP 4.12 with the involvement of affected persons through consultations and compensation to be paid based on full replacement cost, disturbance and restoration of livelihood.
Table 0.1: Comparison of Ghanaian Laws with World Bank Policies

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

Population Characteristics

The three regions of northern Ghana take up 97,700 km\(^2\), which is 41 percent of the total land area but comprise only 17.4 percent of the national population. The Northern Region, even though is the most populous of the three, remains sparsely populated. The Northern Region covers 70,383km\(^2\) with a population density of 26 persons per km\(^2\), which is less than that of the Upper East (104 persons per km\(^2\)) which is the smallest of the three regions (8,842 km\(^2\)). The population density of the Upper West Region is 31 persons per km\(^2\) with a land area of 18,478 km\(^2\).

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

Economic Activities

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

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

Land Tenure System

Land in the three northern regions is owned by the Skins\(^4\) although families (Tindaanas) and some individuals own land. Land for agriculture is provided by the Skins, the family head, or outright sale.

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\(^4\) The Term "Skin" is used to refer to a traditional ruler’s office and authority in the three northern regions of Ghana.
Social Infrastructure

The social infrastructure, made up of the educational, electricity, health, water and sanitation, telecommunication, transport, and market facilities are, like the rest of the country, concentrated in the few urban areas in the three northern regions. Although there are several educational institutions at the pre-school to the Junior High School level the number diminishes at the Senior High and Tertiary levels. There is also high level of out-of-school children in the Districts in the Northern regions. With the exception of Regional and some District Capitals, most of the communities face inadequate or no social infrastructure. Potable water supply is limited to the urban areas leaving the greater majority of the people without good drinking water. The result of this is the numerous water-borne diseases like Guinea Worm infections.

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

Employment

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

Religion and Ethnicity

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

Migration

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

③ a reduction of rural-to-urban migration as employment opportunities increases and amenities become available in the rural areas;

③ a sense of ownership of the infrastructure created with communities who perceive themselves as partners in their development with the government;

③ provision of a buffer against adverse incidents of poverty caused by natural calamities such as drought; and

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

Tourism

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

HIV/AIDS and Gender Issues

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

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

Girl-child school drop-outs are vulnerable, especially those who become apprentices in informal associations. Dissatisfaction with their situation and the quest for quick money make the girls fall prey to men who take advantage of them.5
Conflict Issues

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

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

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

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

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

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

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

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

Lands Policy and World Bank OP 4.12

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

Eligibility

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

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

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

Redress

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

The tribunal shall consist of three persons appointed by the president, following consultation with the chief justice, and one of those persons shall be a judge of the high court who shall be the chairman of the tribunal.
VALUATION OF AFFECTED ASSETS
OP 4.12, Paragraph 10 stipulates that a section of the resettlement documentation should present information related to Valuation of and compensation for losses.

Valuation Methodology

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

③ For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

③ For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

③ For houses and other structures, it is:

- the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure,

- plus the cost of transporting building materials to the construction site,

- plus the cost of any labor and contractors’ fees,

- plus the cost of any registration and transfer taxes.

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

Land Acquisition Procedure and Compensation

Initial consultations should be held with the Community and District Chief Executives. In the Northern, Upper East and Upper West Regions, land is owned by chiefs and individuals. There are also leaseholders who have taken various tenures from chiefs.
As a result of the problems of both private treaty and compulsory acquisition, as well as the volatile nature of issues regarding land acquisition, a hybrid between private treaty arrangement and compulsory acquisition methods should be employed.

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

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

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

**Valuing Entitlement**

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

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

The replacement cost method should be based on the following:

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

**Procedures for Delivery of Entitlements**

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

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

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

• **Involvement of Public Sector Agencies**
  Institutions such as the EPA, District, Municipal and Metropolitan Assemblies and the Town and Country Planning Department must be involved in the process of resettlement and their roles clearly spelled out.

• **Notification** of land resource holders. Through a socio-economic survey, all property owners or users would have to be identified and located. The user or his representative should be informed through both a formal notification in writing and by verbal notification delivered in the presence of all stakeholders or their representative.

• **Documentation** of Holdings and Assets – Officers of the implementing agency and Land Valuation Board should arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, officers of the implementing agency and LVB should compile a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members,
total land holdings, inventory of assets affected, and information for monitoring their future situation. This information should be confirmed and witnessed by EPA and District/Municipal Assemblies. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.

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

- **Compensation Payments** – The handing over of properties such as land and buildings and compensation payments will be made in the presence of the affected party and officials of EPA and the District/Municipal Assemblies.

**Time Frame**

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

Legal Basis for Resettlement Entitlement

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

Land Occupation for Sub-Projects

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

Entitlements Relating to Various Categories of Impacts

Entitlements Relating to Various Categories of Impacts

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

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

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

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

Compensation Payments and Related Considerations

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

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

Compensation Process

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

Public Participation

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

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

**Documentation of Holdings and Assets**

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

**Agreement on Compensation and Preparation of Contracts**

The types of compensation shall be clearly explained to, and agreed with PAPs/PAFs. The local community shall draw up a contract listing all property and land being surrendered, and types of compensation (cash and/or in-kind) selected and agreed upon by the PAP/PAF and the DAs and ACs and beneficiary communities and groups. This contract shall then be read aloud in the presence of the affected party and the chief and local leaders prior to signing. Agreed terms of compensation shall be signed by PAP/PAF, DA and AC under the appropriate supervision by the Regional Lands Commission and Land Valuation Board.
## Table 0.1: Compensation Matrix

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

*Note: The above table provides a comprehensive overview of the compensation matrix for various types of losses, including agricultural land, residential buildings, and structures, as well as compensation for tenants.*
<p>| <strong>Temporary Loss Of Land:</strong>&lt;br&gt;By voluntary agreement between a contractor and a landowner only | Land that will be acquired for a set period of time as a result of the project | PAP/PAF shall be compensated for their (temporary) loss of income, standing crops, and or the cost of soil restoration and damaged infrastructure based on prevailing market rates. | All damages to private land or property including crops shall be compensated at prevailing market rates including compensation for tenants, if any, that includes rental fees and dislocation allowances for when the land/structure is inaccessible. | Negotiations between contractors and landowners so that expenses can be included in the bid price. | The DAs and ACs and Beneficiary Community and groups shall provide a mediator/technical assistance if necessary to facilitate negotiations. |
| <strong>Loss of Business:</strong>&lt;br&gt;Buildings and Structures | Buildings and structures for income-generating activities | Prevailing average market value for building and materials, in addition to cash compensation for lost business. | Compensation shall include (i) provision of alternative business site(s) in an equivalent business area; (ii) cash compensation for lost business structure reflecting full replacement cost of the structures (without depreciation); and (iii) cash compensation for lost income during transition. | Buildings and structures shall be valued at the average prevailing market rate given the nature of their structure and the prices of materials used in construction. Lost income shall be calculated based on the business' past income records, or based on the average incomes of similar stores in the area. | The National Coordination Office/Regional Land Valuation Board shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank’s approval. |
| <strong>Loss of Other Assets</strong> | Fixed assets other than land (e.g., fencing) | Replacement shall be negotiated with the owner and shall form part of the construction contract for the sub-project. | When possible, replacement shall be of an equivalent value and in-kind. Replacement costs shall be determined prior to construction and included as part of the bid price. | The DAs and ACs and Beneficiary Community and groups and the PAP/PAF shall negotiate prices based on prevailing market rates. | The DAs and ACs and Beneficiary Community and groups shall be responsible for inspecting the replacement asset to ensure it is acceptable with the PAP/PAF within two weeks of reinstatement. |
| <strong>Loss of non-productive fruit and shade trees</strong> | Trees/vegetation that does not provide income-generating activities, but are used for other purposes. | These trees often have recognized local market values, depending on species and age. | Younger trees may be replaced with trees of the same species, in addition to supplies to support the trees’ growth (e.g., a water bucket, fencing and a shovel). | No compensation for minor pruning of trees. | The National Coordination Office/Regional Land Valuation Board shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank’s approval. |</p>
<table>
<thead>
<tr>
<th>Loss of access to resources:</th>
<th>Compensation shall be provided in the form of access to other, equivalent grazing land whenever possible. In-kind compensation may also be offered, if agreed to between the project and the PAP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grazing Land</td>
<td>Compensation shall be determined based on negotiation between the DAs and ACs and Beneficiary Community and groups and the PAP for the current year only, and only for the duration of time when lands are inaccessible; in other words, if the project restricts access at a mid-point of the dry season, then the PAP may be compensated for the remainder of the time the PAP anticipated to graze. If land/sustainable resources of equivalent value are not available for compensation, cash or in-kind compensation shall be provided, based on prevailing local market rate for the specific materials, and the DAs and ACs and Beneficiary Community and groups shall make efforts to provide alternative sources of livelihoods for the PAPs.</td>
</tr>
<tr>
<td></td>
<td>Negotiations between the DAs and ACs and Beneficiary Community and groups and the PAP may be mediated by the National Coordination Office.</td>
</tr>
<tr>
<td></td>
<td>The National Coordination Office/Regional Land Valuation Board shall provide an initial review of compensation measures at the time of application for a micro-project, subject to World Bank's approval.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Loss of access to resources: materials (e.g., fruit, wood, herbs, etc.)</th>
<th>Compensation shall be paid for those resources that provide the foundation for livelihoods – whether these are used for domestic or productive use.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PAPs losing access to resources shall be identified and notified as part of the compensation process. The DAs and ACs and the Beneficiary Community and groups shall take all possible measures to provide alternative sources of income-generating activities for PAPs, particularly those identified as vulnerable.</td>
</tr>
<tr>
<td></td>
<td>Any issues with regard to access to resources shall be addressed in the Annual Audit, in collaboration with the National Coordination Office and the Department of Forestry.</td>
</tr>
</tbody>
</table>
ORGANIZATIONAL ARRANGEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS

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

Institutional Arrangements/Responsibilities

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

Table 0.1: Institutional Responsibilities

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

Project Coordination and Management

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

(i) Ensuring that that communities are informed regarding investments and their rights and options relating to land and other assets that may be involved;

(ii) Reviewing and approving sub-project proposals prior to appraisal for any investment activities requiring access to privately-owned land or utilized land or other assets;

(iii) Coordinating activities between different communities;

(iv) Ensuring timely provision of compensation in-cash or in-kind as required;

(v) Reviewing contractor performance to ensure that any temporarily utilized land is adequately
restored;

(vi) Responding to any grievance submitted by PAPs;

(vii) Supervising sub-projects implementation with regular missions in the field; and

(viii) Involving communities through participatory approaches in the development of sub-projects and in preparing the necessary safeguard requirements.

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

- Scheduling open meetings to ensure that potentially involved residents are informed regarding proposed investments, and their rights and options relating to land or other assets that may be involved;

- Identification of impacts on land and assets, individuals potentially involved, and the amounts and types of lands and other assets sought from each individual;

- Scheduling open meetings for public validation of field measurements and maps relating to implementation of proposed activities, and public disclosure and validation of any land related agreements;

- Seeking voluntary contributions or negotiated land acquisition;

- Facilitating compensation in-kind and exemptions from local contributions in relation to land acquisition; and

- Conducting public meetings to review community level annual reviews of implementation performance, to solicit villager’s views on the adequacy of implementation, and to address any grievances, if possible.

**Consultation and Participation**

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

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

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

Implementation Schedule

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

Preparation and Review of RAPs during Project Implementation

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

Annual Performance Audit

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

Consultation and Information Disclosure

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

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

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

Additional information to be disclosed includes:

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

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

**Grievance Redress Mechanisms**

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

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

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

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

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

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

**Budget and Source of Funding**

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

As the Borrower, the Government of Ghana carries official responsibility for meeting the terms of this framework, including financial obligations associated with land acquisition. In practice, government funds will not be regularly available for land acquisition. Therefore, where an SOP is proposed which requires land acquisition, and where no sufficient sources of necessary compensation funds can be identified, the proposal will be disqualified.
### Table 0.1: Resettlement Cost Estimates and Budget<sup>6</sup>

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

**Supervision, Monitoring and Evaluation**

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

**Arrangements for Monitoring by Implementing Agency**

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

The monitoring shall focus on the following:

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

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<sup>6</sup> NB: This budget is an estimate only since the actual amount cannot be determined until project site selections have been finalized, number of people affected determined, and the extent of resettlement impacts established.
The primary aim of the M&E process is that the NCO/RCCs will carry out continuous process monitoring of the RPF in order to detect and rectify inconsistencies that may emerge in the implementation of the resettlement action plan. The monitoring of the RPF would provide the managers and other stakeholders with continuous feedback on implementation. Lessons learnt would be critical to informing NCO and other key stakeholders on the direction of the resettlement and a redesign of elements of the RPF if necessary.

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

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

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

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

- Consultation with stakeholders;
- Socio-economic survey and affected-persons identification;
• Land acquisition;
• Compensation payment;
• Site selection and development;
• Plot distribution;
• Relocation of displaced persons;
• Income restoration programs; and
• Inputs, outputs, and outcomes for resettlement activities, involvement of the displaced persons, and evaluation of the impact of resettlement especially on the beneficiaries.

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

*Monitoring Indicators*

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

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

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

To facilitate the monitoring procedure, the following indicators in the Table 12.1 will be used to evaluate the implementation of the RAPs.
### Table 0.2: Indicators for Monitoring and Evaluating RAPs

<table>
<thead>
<tr>
<th>Type of Monitoring</th>
<th>Basis of Indicators</th>
<th>Responsible Agency</th>
</tr>
</thead>
</table>
| **Budget and Time Frame**  | - Have all land acquisition and resettlement team been appointed and mobilized for work on schedule?  
- Are resettlement implementation activities being achieved against implementation plan?  
- Are funds for resettlement being allocated to resettlement agencies on timely and adequate manner?  
- Have funds been disbursed according to RAP?  
- Has the social preparation phase taken place as schedule?  
- Has all land been acquired and occupied in time for project implementation? | National Coordinating Office and Regional Coordinating Council                                         |
| **Delivery Entitlements**  | - Have all affected persons received entitlements according to numbers and categories?  
- Have the affected persons received payments on time?  
- Have all replacement land plots or contracts been provided?  
- Are income and livelihood restoration activities being implemented as set out in the income restoration plan?  
- Are the affected persons able to access cultural sites and activities?  
- Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production? | Regional Coordinating Council and District Assemblies                                                 |
| **Consultation, Grievance and Special issues** | - Have consultations taken place as scheduled including meetings, groups, and community activities?  
- How many affected persons s know their entitlements?  
- Have any affected persons used the grievance redress procedures?  
- Have conflicts been resolved?  
- What were the outcomes?  
- Was the social preparation phase implemented? | RCC/DAs                                                                                             |
| **Benefit monitoring**     | - What changes have occurred in patterns of occupation, production and resource use compared to the pre-project situation?  
- What changes have occurred in income and expenditure pattern compared to pre-project situation?  
- What changes have taken place in key social and cultural parameters relating to living standards?  
- What have been the changes in cost of living compared to pre-project situation?  
- What changes have occurred for vulnerable groups? | NCO/RCC                                                                                             |
TEMPLATE FOR THE DESIGN OF RAPs

Socio-Economic Information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Census and Socio-economic Survey**

- **Eligibility Criteria**
Relocation

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

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

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

a) No relocation is the best option. However, if relocation of affected persons is unavoidable, it should be reduced or minimized as much as possible by weighing the alternative options for the investment project.

b) On-site relocation is possible if the number of the affected persons is limited, if population density is relatively low, and where the project involves small scattered sites. The affected persons may be allowed to occupy part of the site not required for wayleave. In such a
situation the on-site relocation would not affect existing socio-economic settings. As a result the resettlement would be limited.

Income restoration

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

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

Income restoration measures should be taken considering issues such as:

- How the project will affect sources of income and livelihood;
- The income levels of the affected persons;
- Other non-monetary sources of livelihood;
- The constraints and opportunities for income generation;
- The number of affected persons who cannot be reabsorbed back into their previous occupations; and
- The existing skills of the affected persons.

Budgeted Cost of Relocation and Income Restoration

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

- Ghana: Rural Safety Net Project (RSNP) Preparation Mission, Aide Memoire, August 17-28, 2009
- Resettlement Policy Framework for Community Based Rural Development Project
- State Land Act 1963
**ANEXES**

Outcome Of Individuals / Organizations Contacted

Table 0.1: Outcome of Public Consultations Held

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Stakeholders</th>
<th>Persons met</th>
<th>Issues discussed/Problems raised</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1/12/09</td>
<td>Irrigation Development Authority of the Ministry of Food and Agriculture</td>
<td>Vitus Ayigayure, Regional Manager, Northern Region</td>
<td><strong>- Awareness of SOP</strong>&lt;br&gt;The irrigation Development Authority is aware of the SOP&lt;br&gt;-Community involvement and Compensation issues relating to old irrigation schemes&lt;br&gt;There wasn’t sufficient involvement of communities, no compensation payment was made for land but economic trees were compensated for. Due to the low community involvement their participation and ownership of the project was low. The Tono irrigation scheme was cited as an example.</td>
<td>• Cooperatives and communities should be involved and made to understand proposed schemes development&lt;br&gt;• Lands Commission should assist with land acquisition and documentation processes&lt;br&gt;• Schemes development that require less technology and equipment should be used in future irrigation development schemes;&lt;br&gt;• Provision of training to local artisans&lt;br&gt;• Funding availability and payments should be made on time</td>
</tr>
</tbody>
</table>

**Arrangements for new and ongoing irrigation schemes**<br>-Efforts to minimize land acquisition impacts<br>Communities identified land owners/Tindaanans and indentures were prepared<br>-Parcels of Land from various owners were demarcated, pooled together and developed with canals, trenches and then apportioned to various registered farmers.<br>-Affected residential lands were compensated for and efforts made to minimize resettlement impacts.<br>-Various management committees are in place which included major maintenance and marketing teams

**Challenges that confronted previous irrigation infrastructure development**<br>-Construction completion delays of about 5-6 years thereby depriving land owners of access to their land<br>-Unavailability of funding on time<br>-Local contractors engaged lacked the needed capacity<br>Contract termination processes was cumbersome
<table>
<thead>
<tr>
<th>No.</th>
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<th>Issues discussed/Problems raised</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1/12/09</td>
<td>EPA-Northern Region</td>
<td>Abu Mohamend 0243635902, 0203247375 <a href="mailto:abu5552001@yahoo.co.uk">abu5552001@yahoo.co.uk</a></td>
<td><strong>Significance of SOP</strong>&lt;br&gt;The SOP is very well needed in the rural communities to help bridge the poverty gap</td>
<td>Cultural sensitivities should be properly considered under involuntary resettlement and communal livelihood schemes. Communities should be fully consulted and engaged in development programs An advocacy team should be constituted to help in community sensitisation so as to mitigate migration of people and ensure sustainability of poverty interventions</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td><strong>Resettlement Issues</strong>&lt;br&gt;Cultural sensitivities attached to sacred areas such as grave yards, protected forest areas at the local level are vital considerations in the Northern Region.</td>
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<tr>
<td></td>
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<td></td>
<td><strong>Engagement and Sensitization of Communities</strong>&lt;br&gt;Previous projects that did not engage communities were not successful. Migration of people in the communities within the region is highly prevalent. This is partly attributable to the lack of advocacy teams to sensitize communities on poverty reduction intervention programs that will help ameliorate migration of people and sustainability of poverty related interventions.</td>
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<td><strong>Need for a communication strategy</strong>&lt;br&gt;Similar earlier projects did not have a communication strategy as a component of the project implementation to ensure an effective appreciation, participation, ownership and success of the project.</td>
<td>A communication strategy is necessary for the effective implementation of the project. Management plans should be people centered.</td>
</tr>
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<td></td>
<td><strong>Institutional Issues</strong>&lt;br&gt;The DAs, DPCUs, ACs, and Unit Committees have been very helpful and collaborative with the EPA in the implementation of resettlement plans</td>
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<td><strong>Livelihood restoration measures</strong>&lt;br&gt;In certain circumstances of involuntary resettlement only land owners and chiefs were consulted neglecting the community people and affected individuals without any form of</td>
<td>Alternative land provision and assistance for resettlement is key for an effective livelihood restoration program under the resettlement framework. Providers of land should be given appropriate recognition and benefits.</td>
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<td>Women and the vulnerable should be</td>
</tr>
<tr>
<td>No.</td>
<td>Date</td>
<td>Stakeholders</td>
<td>Persons met</td>
<td>Issues discussed/Problems raised</td>
<td>Recommendations</td>
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</tbody>
</table>
| 3   | 1/12/09  | Labor Department of the Ministry of Employment and Social Welfare               | Mr Abdulai Moro, Regional Officer, Northern Region (071-22535) | **Awareness of SOP**  
Not much awareness of SOP. The only awareness was through TV  
**Activities of the Labor Department**  
The Labor Department do not really have a program in place for capacity building and training.  
The labor department do not have statistics on employment situation in the region  
**Labor issues and Job Creation**  
- Majority (85%) of people in the area are involved in subsistence farming.  
- Migration is a major issue in the area due to short period of subsistence farming  
- The SOP would help job creation and provide opportunities for the unskilled persons in the Northern Region  
- The job creation opportunities and involvement of the chiefs will help minimize the conflict situations in the area  
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------| Skilled training is necessary to support the project  
Several people will put their hopes on the project for job opportunities so there is the need for such expectations to be properly managed in order that the project is not overwhelmed.                                                                                                                                                                                                                                                                               |
<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Stakeholders</th>
<th>Persons met</th>
<th>Issues discussed/Problems raised</th>
<th>Recommendations</th>
</tr>
</thead>
</table>
| 4   | 1/12/09    | ISODEC           | Philip Nsiah Appiagyei, Policy Assistant/System Administrator for ISODEC NR/UE/UW/BA 020850511 | **Consultations**  
- The Chiefs and the District Assemblies can help greatly in facilitating the community acceptance of the project  
**The Labor Department views of Resettlement Impacts**  
- The department thinks the SOP would not have significant resettlement impacts  
**Awareness of SOP**  
ISODEC is aware of the proposed SOP but not the details about the project  
Some views of ISODEC on the SOP:  
ISODEC noted that non-coordination of development projects has been a major, which the SOP could face. There is a problem of sustainability of projects, particularly with human resources. There is a lack of continuity of several projects that were run by political perceived staffs.  
**ISODEC has developed a strategy called Tracking Education Needs Inclusively (TENI) to address education needs in the three northern regions. The TENI strategy can be applied to the SOP**  
**Labor Based Contractors need capacity building and training.** | **ISODEC has developed a strategy called Tracking Education Needs Inclusively (TENI) to address education needs in the three northern regions. The TENI strategy can be applied to the SOP**  
**Labor Based Contractors need capacity building and training.** |
| 5   | 1/12/09    | Social Welfare   | Juliana Ngmenyaa 0244968090                                                   | **Socio-economic structure**  
- Majority of the people in the Northern region depend on farming and shea butter harvesting.  
- Farmers do not have easy access to markets thus making it very difficult for them to sell their produce.  
- Migration of the youth down south in search of jobs is a common phenomenon.  
**Views on similar poverty related programs**  
Assessment of the LEAP from beneficiaries revealed that it has improved their standard of living. It however needs to be broadened.  
Consultation, Involvement of DAs and conflict management  
**- The people need to be involved and made to understand the project. An effective engagement of the community can help minimize conflicts and community participation.**  
**- An intensive education drive must be pursued.** | **- The people need to be involved and made to understand the project. An effective engagement of the community can help minimize conflicts and community participation.**  
**- An intensive education drive must be pursued.** |
| 6   | 1/12/09    | Labor Based Contractors | 1). Amadu Mahama, Kokodi Ent, 0244823474  
2). I. K. Kasim, Kasim & Sons Ltd, 0233219118, | **- Type of construction activity that the labor-based contractors were previously engaged in was road construction. Contractors were never engaged in Dam infrastructure provision.** | **Labor Based Contractors need capacity building and training.** |
<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
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</tr>
</thead>
</table>
| 3   |          | 3) Sulemana Mohamend, Kokodi Ent, 0244823474  4) A. A. Bawa Company Ltd, 0244953566  5) Bawa Jalid  6)Adam Baba |                                          | - Procedures the contractors adopted for commencement of execution of such projects involves a consultation with the Engineers of the Department of Feeder Roads and Chiefs. Permission is sought from the chiefs and affected persons for access to construction materials mainly gravels. Levels of compensation paid were determined by the chiefs and affected persons. Resettlement impacts:  
  - Loss of farmlands  
  - Gravel pits  
  - Loss of economic trees  
  - Loss of buildings  
- Contractors alleged that previous compensation payments were made by them to the affected persons. Compensations ranging from GHC50-GHC200 were paid economic trees.  
- Contractors alleged they were not able to claim compensations paid since contracts awarded to them were at prices previous determined by their client. Others also disclosed that inventory of affected economic trees and related costs are included in contract award price.  
- Delayed compensation payments affects contract completion schedule | Comprehensive resettlement action plans with budgetary provisions for compensation payment and livelihood restoration should be prepared and integrated into contract awards and implementation |
Projects such as the SOP are supposed to be community-based but this does not happen due to community’s perception that the project belongs to the contractor. The pros and cons of the Broad Grant and Area Council Led approaches under the CBRDP were discussed. The success stories of the three area councils in East Mamprusi were cited. | - The perception that community-based projects belong to the contractor must be corrected through intensive community engagement and awareness creation.  
- Team work spirit needs to be encouraged among the ACs. |
<table>
<thead>
<tr>
<th>No.</th>
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</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>1/12/09</td>
<td>Tinguri Area Council, West Mamprusi</td>
<td>Mahamadu Yamusah, Assembly Man, 0208990274, Iddi Abukari, Unit Committee Member, Chiefs and Community Members numbering over 50 including women</td>
<td>The Chiefs and the Assembly Man considers the proposed SOP a very useful project that will benefit the Community a great deal. They expressed their dissatisfaction about a previous road project clearing which was done without their involvement. If the SOP would engage the community as they are being made to understand, they will be very happy.</td>
<td>The community proposed that they will recommend a Dam project in their community which has been abandoned to be completed under the SOP. The community would want their members to be trained to be engaged as contractors to undertake projects</td>
</tr>
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<td></td>
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<td>020880953 7). C Abonkrah DPO/EMDA, 0243934539 8). Okala Adams Head DWD, EMDA, 0242931602 9). Abdulai Aliwu, Asst Coord D/EMDA, 0244887042 10). Grace Ayamga, EM, Gender Desk Office, 0203014500 11). Hellen Ayaro, WM, Gender Desk Office 0206468541 12). Imoro Andani, DBO/WMDA, 0208531973 13). Edward Osei, Inst Dev, CBRDP, NR, 0208124649</td>
<td>Level of Supervision by DPCUs Supervision and Monitoring provided by DPCU Engineers in previous community oriented projects was inadequate.</td>
<td>-DPCU Engineers and other relevant staff need to intensify their supervision and monitoring roles for community led development projects. Workshops need to be organized to strengthen working relationships and understanding of procedures among DPCUs and Community Officials/representatives.</td>
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<td>Compensation and Loss of Assets DPCU Engineers were of the view that issues of compensation and loss of assets during feeder roads construction is not a major issue since efforts are made to minimize resettlement impacts during the creation of ROWs and where there affected assets provision are made into contract budgeting. However, it was noted that contractors are not adequately alerted on such issues.</td>
<td>It is necessary that contractors as well affected communities and persons are sufficiently made aware on provisions for compensation payments for lost assets and livelihood restoration at the contract award stage. DPCUs would prefer a onetime disbursement of approved project funds into DAs accounts to facilitate procurement procedures, timely payment of contractors and early completion of approved community projects.</td>
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<td>Release of Project Funds DPCUs expressed serious concerns about the timely release for funds for approved projects execution and the associated difficulties.</td>
<td>Training of Community members to support Contractors</td>
<td>The community proposed that they will recommend a Dam project in their community which has been abandoned to be completed under the SOP. The community would want their members to be trained to be engaged as contractors to undertake projects</td>
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<td><strong>Trust and Transparency</strong>&lt;br&gt;Community members expressed their concerns about previous projects, which were proposed to involve the community members in project implementation but this did not happen.</td>
<td>their community</td>
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<td><strong>Involuntary Resettlement</strong>&lt;br&gt;Community has assured that they have sufficient land available that could be released without posing significant problems. The release of land for the Gbana Dam was cited as an example, which has benefited the entire community.</td>
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<td><strong>Migration of the Youth</strong>&lt;br&gt;The women expressed their happiness about the project concept. They think if the project is successfully implemented it will help eliminate the migration of the youth to Kumasi and Accra</td>
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<td><strong>Concern of the Community Chief</strong>&lt;br&gt;The Chief welcomed the SOP but expressed his worries about the status and the enrolment capacity of the only school in the community, which serves five other communities. The people estimated the population of their community to be about 10,000.</td>
<td>The Chief recommended that the rehabilitation and expansion of the school should be one of the key priorities of the SOP in his community.</td>
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<td>The Regional Director is aware of the SOP. He was however unwilling to grant the consultation as a result of a directive issued by the DFR Head Office requiring that all consultations should be directed to the Accra.</td>
<td>The National Project Coordinator of CBRDP/SOP needs to consult with all Heads of relevant SOP stakeholder institutions at the National Level.</td>
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<td>9</td>
<td>2/12/09</td>
<td>Department of Feeder Roads, UER</td>
<td>Mr Lanquaye Wellington, Regional Engineer, DFR, 0208183612</td>
<td>Involvement of EPA&lt;br&gt;The EPA is involved at the inception of projects similar to the SOP but the EPA is neglected in course of the implementation. The CBRDP was cited as an example. The EPA was actively involved in the sensitization of the CBRDP but thereafter there has been no involvement. EPA Permits for some CBRDP projects are still pending.</td>
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<td>10</td>
<td>2/12/09</td>
<td>EPA, UER</td>
<td>1). Zenabu Wasai-King, Director, UER, 0244577909 2). Omanhene, Senior PO, 0244222941</td>
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<td>11</td>
<td>2/12/09</td>
<td>Ministry of Food and Agriculture (MFA0)</td>
<td>Mr. A. R. Z. Salifu, Regional Director of Agric, 0244381215,07223465, <a href="mailto:lacproj@africaonline.com.gh">lacproj@africaonline.com.gh</a></td>
<td><strong>Project Location Problems and Poor Landscaping</strong>&lt;br&gt;The non involvement of EPA has resulted in poor citing of some CBRDP project and lack of landscaping, particularly in schools built under the project.</td>
<td><strong>Project registration processes with the EPA must be complied with by the SOP</strong></td>
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<td><strong>Institutional Coordination</strong>&lt;br&gt;Institutional coordination for such projects covering institutions such as Lands Commission, Town Planning, Department of Feeder Roads hasn’t been the best. This has led to destruction of economic trees, which are the main source of livelihood to the communities, destruction of water bodies that serve as drinking water sources etc.</td>
<td><strong>The SOP must ensure that an effective institutional coordination is put in place for effective collaboration among relevant stakeholders</strong></td>
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<td><strong>Autonomy of EPA Regional Offices</strong>&lt;br&gt;Breakdown in follow-up of EIA permitting processes occurs when such issues are referred to the EPA Head office.</td>
<td><strong>Regional EPA Offices needs to be granted full autonomy in EIA Administration and permitting so as to address the issue of breakdown in EIA Permitting processes.</strong></td>
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<td><strong>Monitoring</strong>&lt;br&gt;Regional EPA Offices have limited monitoring capacity and resources</td>
<td><strong>SOP could make provision to resource EPA Offices to assist in project monitoring.</strong></td>
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<td>12</td>
<td>2/12/09</td>
<td>Regional Lands Commission</td>
<td>Joseph Abandoh-Sam, Acting Regional Lands Officer, Bolgatanga, 0208173089, 07222448</td>
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<td>13</td>
<td>2/12/09</td>
<td>Labor Office</td>
<td>Mr. Fuseini Alhasan, Acting Regional Labour Officer, 0246539772</td>
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<td>14</td>
<td>2/12/09</td>
<td>TRAX Program Support-NGO</td>
<td>Mr Vincent Subbey, Director, 0208240703,0245982702, <a href="mailto:vincentsubbey@hotmail.com">vincentsubbey@hotmail.com</a></td>
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| 15  | 2/12/09| Social Welfare | 1). Mr Christopher Babooroh, Regional Director, 0244380748  
2). Mercy Pwavra, Municipal Director, 0205433891 | | |
| 16  | 2/12/09| DPCUs of Kassena Nankani East and West DAs | 1). Mr Edward Abazing DCD K.N ED/A, 0244025973  
2). Ali Nantomah, DFO, K.N ED/A, 0208488408  
3). Abdul Basit Zubem DFO, KN WD/A, 0244433944  
4). Emmanuel Liedib, KN ED/A, 0244708746  
5). Henry Abindana ADE, KNED/A, 0242718554  
6). Agana Tito, RPCU, -244-26769 | | |
Consultations Photo Gallery

Labor-based Contractors, NR – 1/12/09

DFR, Mr. Wellington Language – 2/12/09

EPA UER – 2/12/09

MFA UER – 2/12/09

Lands Commission, UER – 2/12/09

Labor Office, UER – 2/12/09
Terms of Reference for RPF

Introduction and Project Description

The Government of Ghana has requested funds for the implementation of the Social Opportunities Project (SOP). The proposed project would aim to establish a safety net instrument based on the labor intensive public works, which would combine the creation of rural employment and income generation during slack-agriculture period with the rehabilitation of infrastructure and community assets, which have a positive direct or indirect impact on the rural economy. The proposed project aims at developing a mechanism that could quickly and efficiently scale-up appropriate activities as an emergency response to natural disasters or other external shocks, to alleviate transient food security and loss of livelihoods/assets. It is proposed that the project would roll out the proposed risk mitigation mechanism in the northern regions, which are the poorest and most vulnerable areas of Ghana. If successful, it could be then scaled-up at the national level. The project would complement the existing government-funded social safety net programs (e.g., LEAP, school feeding programs, etc.) and some works under the Community-Based Rural Development Project (CBRDP).

The project has five components: (i) rationalization of a national social protection policy; (ii) labor intensive public works (LIPWs); (iii) support to Livelihood Empowerment Against Poverty (LEAP) program; (iv) capacity building; and (v) project management and coordination.

Project Components

The five main components of the project are described below.

Rationalization of a National Social Protection Policy

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

Labor Intensive Public Works (LIPWs)

The objective of the LIPWs will be to provide targeted rural poor household with access to employment and income-earning opportunities during the slack farming season. This will be mainly through rehabilitation and maintenance of sub-project infrastructure assets that have the potential of generating secondary employment effects in target districts and protect households and communities against external shocks. The main payment modality will be cash and the cost of this component is US$47 million.
The sub-projects under the LIPWs are:
- Feeder roads rehabilitation/maintenance;
- Small dams rehabilitation/maintenance;
- Dugouts rehabilitation/maintenance.

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

Support to the LEAP

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

Capacity Building

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

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

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

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

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

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

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

*Project Management and Coordination*

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

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

*Objective for the Assignment*

The objective for the RPF is to set out the policies, principles, institutional arrangements, schedules, and indicative budgets that will take care of anticipated resettlements. These arrangements are also to ensure that there is a systematic process (as against ad hoc one) to guide the different stages of the implementation of the measures outlined in the framework. This process shall also consider the participation of affected persons, involvement of relevant institutions and stakeholders, and adherence to both World Bank and Government of Ghana policies, procedures and requirements; and shall delineate compensation for affected persons.

The consultant shall be guided by these considerations. The RPF shall serve as a guide for the development of a resettlement action plan (RAP) should this be required after assessment of locations and specific sub-project activities.
**Specific Requirements of the RPF**

The preparation of this RPF should follow the requirements of the World Bank’s policy on Involuntary Resettlement, OP4.12. The RPF shall also make reference to Government of Ghana’s legal and institutional requirements. Any identified gaps between these two requirements are to be clearly captured. The consultant shall explain how these gaps will be filled, and which one shall take precedence over what and why.

**Scope of Assignment**

The assignment by the consultant shall cover the following key areas. Other areas considered relevant may be described by the consultant if needed. The consultant shall undertake the following tasks:

1. **Project Description.** Provide a brief description of the project to place the RPF in the right context. This would include a summary of the background to the project and the components. Most importantly, the consultant shall identify the possible resettlement issues that each component and subcomponents are likely to generate and for which reason this RPF is being developed.

2. **Country Legal and Institutional Guidelines and Requirements.** Review the national laws governing land seizure and other assets. S/he shall also look at the various land tenure and ownership systems in Ghana, the different legal instruments regarding government and individual acquisitions, resettlement and compensation policies. The consultant shall also describe any discrepancies identified in the different legal instruments and identify the institutions associated with these legal instruments and their respective roles from the national to the local level. The institutional arrangement will include implementation and monitoring mechanisms that ensure inclusiveness and participation of all affected people, groups, and communities.

3. **World Bank Safeguards Policies.** Spell out the World Bank’s policy on Involuntary Resettlement OP 4.12 and assess how this applies in the specific case of the PSNP. Attention shall be paid and documented on the difference(s) between the Bank’s policy and Ghana’s policy on involuntary resettlement, noting that where the differences are significant whichever policy is considered to be of a comparatively higher standard will apply.
iv. **Social Assessment and Socio-Economic Surveys.** Conduct an initial social and economic survey within the proposed regions (may rely on existing information from other studies) for the project activities required under the components that trigger the involuntary resettlement policy. The survey shall cover issues on the social structure, economic activities, social characterization of persons likely to be affected including numbers, the different social institutions, social capital and mechanism for social cohesion. The RPF shall also explore and describe existing conflict resolution mechanism and potential for conflict situations arising as a result of the special conditions in the northern part of Ghana. This information will serve as critical baseline data for a future RAP should that become necessary.

v. **Estimated Population, Displacement and Categories of Affected People.** The consultant shall record the number of estimated people likely to be affected or displaced by the project activities as noted in the project component description above. The different categories may include those who may be losing legal title to land and those without legal title but use the land for economic activities or for residential purposes-accommodation. There may be those who may be losing temporary access to property or business site. These are only examples of those who are likely to be affected through displacement. The RPF shall identify the right categories as per the impacts noted or expected.

vi. **Eligibility criteria for various Categories of affected people.** Determine the method for setting a cut-off date for eligibility for compensation and also as a means for making this information (on cut-off date) reach the wider public. In addition, the consultant shall determine the compensation type for the different categories, losses, and affected persons. The RPF shall take particular note of the multidimensional impact of the project and factor that into the analysis especially with regard to different sites and different forms of social impacts. The criteria for compensation should be pegged on the national legal requirements and provisions, World Bank OP4.12, and guided by social sustainability and poverty reduction factors and fairness. The section shall also document the unit of payment for compensation that is, whether per individuals, families or groups and indicate the scenarios or cases for the application of each unit of analysis or a combination of units where appropriate.

vii. **Methods for valuing affected assets.** This section shall describe in detail the methods used in valuing those assets that will be eligible for compensation as per national or World Bank policy on involuntary resettlement (OP4.12). This process shall capture the methodology for taking of inventory of assets, values assigned, and agreement reached with each identified PAP and consider inflationary realities in the final determination of values. The consultant shall indicate in the RPF a statement on the possible revision of values should there be major discrepancies between dates for value determination and actual date for payments. The PAPs shall have an opportunity to do their own valuation if
they have doubts or misgivings through the facilitation of the project for further negotiations between the PAP(s) and the client. Valuing of assets should be a process of engagement with PAPs and not an imposition. The RPF shall demonstrate that the methods used for the exercise in its entirety were engaging and acceptable to all stakeholders.

viii. **Entitlement matrix for proposed resettlement and compensation policy.** Following from the above, the RPF shall include a matrix that details the type of compensation that each identified PAP will be entitled to and a rationale as part of the matrix.

ix. **Organizational Arrangements and Procedures for Delivery of Entitlements.** The RPF shall describe the process for organizational arrangements, responsibilities and roles, the approval processes for the various stages of the compensation work and which actors will be involved. This section shall also spell out the actual process for delivering the entitlement including the roles for the different agencies and reporting formats and responsibilities.

x. **Methods for Consultation with and Participation of Affected People.** The consultant shall as a matter of importance, describe the methodology for consultation and participation by the PAPs in the process (until they have received their entitlements). The consultation process includes that for the development of the RPF and subsequent RAPs. The record of consultation and participation for this RPF shall be attached as an annex to the final RPF report. As part of this, the consultant will develop a program for the disclosure of the RPF, but the responsibility for both the disclosure and dissemination of the RPF lies with the client.

xi. **Grievance Redress Mechanisms.** Under the grievance redress mechanism, the consultant shall describe the options available to PAPs for grievance redress they may have about the process, the identification of eligible people for compensation, the valuing and payments of compensation and any other complaints they may have with the entire process. The RPF shall indicate how these would be disseminated and made accessible to them in a clear and comprehensible manner. The grievance redress mechanism shall also have an in-built monitoring mechanism to check on responsiveness to complaints or grievances lodged. The different forms of receiving the complaints should be clearly described together with the different stages of the process. In addition, the redress mechanism shall indicate alternatives, in case the proposed mechanisms, for any reason, do not respond to all grievances and complaints.

xii. **Budget and Funding Arrangements.** The RPF shall indicate the sources of funding for RAPs, should that become necessary and an overall cost estimates for resettlement including for monitoring of the resettlement activities for all sites. The financial responsibility of the relevant stakeholders, where applicable, should be stated to avoid
ambiguity of sources of funding for resettlement activities. These budgets shall consider inflationary trends.

xiii. **Monitoring Arrangements.** The RPF shall provide appropriate mechanism for monitoring the implementation of the resettlement activities. The consultant shall propose participatory monitoring approaches that would involve PAPs. The roles of different players like the PAPs, civil society, traditional authorities, and local government authorities among others, in the implementation and monitoring process will need to be clarified. The RPF shall develop, as part of this, a template for monitoring with indicators based on the main issues identified and spelt out in the RPF.

xiv. **Implementation Schedule.** To avoid confusion with cut-off dates and other time lines especially because compensation will have to be paid prior to commencement of any civil works, it is important for the RPF to set out implementation schedule for the resettlement. The RPF shall, in addition to the implementation schedule identify potential risks that could militate against the smooth implementation of the resettlement actions and suggest plausible mitigation measures to serve as a guide to the client and the team who will be working on the implementation.

xv. **Template for the Design of Resettlement Action Plan.** The RPF shall develop a template for the design of a RAP based on the details of the RPF and informed by World Bank framework for RAPs. This template shall spell out the main subsections of the RAP and any other relevant annexes that should be included.