



Republic of Ghana

Ministry of Roads and Highways

In collaboration with

Ministry of Local Government & Rural Development

Implemented by

Department of Urban Roads

URBAN TRANSPORT PROJECT

**Abbreviated
Resettlement Action Plan**

For

Bridges on Graphic Road
Accra Pilot Bus Rapid Transit Route

June 2010

LIST OF ACRONYMS

AFD	Agence Francaise de Developement
AMA	Accra Metropolitan Assembly
BRT	Bus Rapid Transport
CBD	Central Business District
DA's	District Assemblies
DFR	Department of Feeder Roads
DUR	Department of Urban Roads
EAP	Environmental Action Plan
ECG	Electricity Company of Ghana Ltd
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EPA	Environmental Protection Agency
ESMF	Environmental and social management framework
GAMA	Greater Accra Metropolitan Assembly
GHA	Ghana Highway Authority
GoG	Government of Ghana
GT	Ghana Telecom
GWCL	Ghana Water Company Ltd
LI	Legislative Instrument
LVB	Land Valuation Board
MoT	Ministry of Transport
MRH	Ministry of Roads and Highways
NEP	National Environmental Policy
NGOs	Non Governmental Organizations
OLC	Obetsebi Lamptey Circle
OP	Operational policy
PAPs	Project Affected Persons
PMU	Project Management Unit
PS	Permanent Structure
RAP	Resettlement Action Plan
RPF	Resettlement policy framework
RSDP	Road Sector Development Programme
SPSS	Statistical Package for Social Surveys
TCPD	Town and Country Planning Department
ToR	Terms of Reference
TS	Temporary Structure
TSDP	Transport Sector Development Programme
UTC	United Trading Company
UTP	Urban Transport Project
WB	World Bank

EXECUTIVE SUMMARY

Introduction

The Government of Ghana (GoG), with assistance from the World Bank (WB), the Global Environment Facility (GEF) and the Agence Francaise de Developement (AFD) is undertaking an Urban Transport Project with pilot implementation in the Greater Accra Metropolitan Area (GAMA). The Accra Bus Rapid Transit (BRT) Pilot Project which is a component of the Urban Transport Project (UTP) is being implemented to improve the flow of traffic within the city. The participating Assemblies under the UTP are the Accra Metropolitan Assembly, Tema Metropolitan Assembly and the Ga West District Assembly.

This Abbreviated Resettlement Action Plan (ARAP) has been prepared in connection with the reconstruction of the overhead bridge on the Graphic Road, in order to mitigate potential negative impacts to property and persons that may result from the implementation of the project. This is required under the Transport Sector Environmental and Social Management Framework (ESMF) and the Resettlement Policy Framework (RPF), and by the World Bank's Operational Policies on Involuntary Resettlement.

Description of the Proposed Works

Works on the entire BRT Pilot Project will be constructed in several packages. This report is concerned with the following proposed works:

1. Construction of a flyover bridge over the railway crossing near the Odaw Canal on the Graphic Road, including access ramps onto the bridge and access roads to adjoining properties; and
2. Widening of the existing Odaw Bridge to include the void in the median of the present existing bridge and the construction of 3.0m wide footbridges on the North and South sides of the bridge.

Requirements for an Abbreviated Resettlement Action Plan

GoG and the World Bank assisted projects require that environmental and social impacts of projects they support be mitigated according to operational policies that spell out the principles and planning methods for mitigation work. Therefore resettlement of the Project Affected Persons (PAPs) in the project zone on the Graphic Road will be carried out in accordance with the laws of Ghana and the World Bank Resettlement Guidelines (OP 4.12). The World Bank operational directive OP 4.12 applies whenever there is land acquisition, or its use modified, for a project, and that acquisition or modification results in the loss of income, residence or access to resources, either permanent or temporary and whether the occupation is legal or illegal.

Justification of Abbreviated Resettlement Action Plan

The World Bank's Resettlement Guidelines OP 4.12 allows that "where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower" (OP 4.12, Paragraph 25). "Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost" (OP 4.12, footnote 25). The proposed safety zone of 34.30m on that section of the Graphic Road meets these conditions.

Objectives of the ARAP

The main objectives of this Abbreviated Resettlement Action Plan are:

- ☒ To mitigate the adverse impacts associated with the construction of the flyover bridge and widening of the Odaw Bridge as part of the pilot BRT route;
- ☒ To deliver the entitlements to the Project Affected Persons (PAPs) and support the restoration of livelihoods in accordance with the 2007 Resettlement Policy Framework (RPF) of the Ministry of Roads and Highways;

- Ⓒ To maximize the involvement of PAPs and civil society in all stages of implementation of the Resettlement Action Plan; and
- Ⓒ To ensure that standard of living of PAPs is improved or at least restored by way of better shelter and access to services, training and facilitation of community action.

Socio-Economic Survey of Affected Population

In March 2008, the pilot BRT corridor on the Graphic Road was surveyed (as part of the ToR), to document existing land use activities within the safety corridor required for the construction of the overpass bridge on the Graphic Road. Also in May 2009 the baseline data collected in that project zone in March 2008 was updated and served as a cut-off date, following continuous consultation and notification to all PAPs in the project zone. The baseline data showed as provided below the permanent and temporary structures that will be affected by the proposed project.

Permanent Structures within RoW

- Ⓒ Portion of Orca Deco fence wall and car park in the north side of the project area;
- Ⓒ Two structures housing GRC safety signal lights located in the road median;
- Ⓒ Latrine belonging to GRC in the road median;
- Ⓒ Two road safety barriers belonging to GRC located in the road median; and
- Ⓒ Stretch of open space in front of a roll of ten shops and Quick Fix Car Centre.

Permanent Structures (involving Temporary Land Take)

- Ⓒ Fence wall of the Letap Jewellery located on the south side of the project area; and
- Ⓒ Portion of Orca Deco Customer Car Park.

Temporary Structures (involving Temporary Land Take)

- Ⓒ One open shed belonging to a food vendor located near the entrance to the Letap Jewellery compound,
- Ⓒ Open space in use by a second hand car dealer located near the entrance to the Letap Jewellery compound.

Summary of Structures within the RoW

Location	Temporary Structures (Road Side Vendors)			Permanent Structures
	Kiosk	Open Space	Open Space	
South Side	0	1	1(Food Vendor)	1 (Fence Wall)
Road Median	0	0	0	5 (Rail safety equipment)
North Side	0	9 (Roll of Shops)	0	1 (Orca Deco)

Eligibility

Project Affected Persons (PAPs)

Project Affected Persons in this document refers to business units, including their workers and owners of assets like land and buildings to be affected by the project, non-resident lessees; tenants of buildings; squatters and pavement dwellers who have been identified to be adversely affected by the activities during the construction of the overpass bridge over the railway crossing on the Graphic Road.

Any person who was identified to suffer loss of or damage to a building, trade or loss of access to productive resources, as a result of the project was considered eligible for compensation and/or resettlement assistance. Following extensive consultation and notification to all PAPs the cut-off date for being eligible for compensation and/or resettlement assistance was 30th May 2009, which was the last day during which the socio-economic baseline survey, including the updating of PAPs census was completed. This arrangement was consistent with the laws of Ghana and the World Bank policy.

Impacts of the Project

Potential Benefits

The implementation of the project will create some benefits for road users, those who live and work in the corridor and Accra as a whole. The implementation of the project will also help facilitate the increased movement of goods in the corridor. The following are the main potential positive impacts of the project:

- Ⓒ Reduced vehicular-rail conflict through the provision of an overpass bridge across railway line;
- Ⓒ Reduced traffic congestion in the corridor which is noted for traffic congestion at peak periods;
- Ⓒ Improved transportation services in the metropolis due to the provision of large capacity buses; scheduled operations and the introduction of the feeder network concept;
- Ⓒ Improved access to the city centre and social services in the corridor as a result of the development of a dedicated bus lane;
- Ⓒ Reduced vehicle operating cost and expenditure on transport through the shift from small private vehicles to a more efficient public transport system;
- Ⓒ Reduction in government expenditure on fuel; and
- Ⓒ Improved urban landscape through the construction of modern transport terminals and bus stops.

Potential Negative Impacts

The proposed construction of the overpass bridge over the railway crossing and the reconstruction of the Odaw Bridge have both physical and social implication on socio-economic activities in the project zone. The construction of the overpass bridge will require the provision of temporary access road on both the north and south sides, which will involve temporary land take that will impact negatively on socio-economic activities in the zone. In addition, the following negative impacts will be experienced in the zone:

- Ⓒ Delays in journey time;
- Ⓒ Increase in travel time;
- Ⓒ Long turn-around time for public transport;
- Ⓒ Queuing at peak hours and reduced level of service;
- Ⓒ Increased emission of gases;
- Ⓒ Reduced level of parking for Orca Deco Super Market;
- Ⓒ Difficulties in accessing both Orca Deco and Letap Jewellery; and
- Ⓒ Temporary loss of green areas and fence wall of Letap Jewellery property

The table below summarizes the type of impacts, where they occur, what or who are affected as well as the level significance.

Type of Impacts and Significance

Name of PAP	Level of Displacement	Location	Business Classification	Significance of Impacts
Letap Jewellery (Tenant)	Temporary displacement of front fence wall & landscaped area of property	South side	Commercial Business activity	Localized to fence wall only. Temporary and not significant
Orca Deco Departmental Shop (Tenant)	Temporary loss of a 3 rd of visitors car park	North side	Commercial Business activity	Localized to customer car park Significant but temporary

Alhaji Malik Second Hand Car Dealership (Squatter)	Permanent displacement from location (RoW)	South side of project zone	Commercial Business activity employing 2 persons	Permanent and significant
Aunty Naa Cooked Food Vendor (Squatter)	Permanent displacement from location (RoW)	South side of project zone	Commercial Business activity employing 2 persons	Permanent and significant
Ghana Railway Company (Landlord)	Temporary relocation of Railway signal equipment	Both North & South sides	Rail transport safety activity	Localized, temporary and not significant

Mitigation Measures

Mitigation measures have been outlined to address the anticipated negative impacts of the project, which include:

- Ⓒ Implementation of management practices to protect the public by fencing off construction sites during the construction period for security and safety of the general public;
- Ⓒ Payment of appropriate compensation for affected businesses and implementation of the abbreviated resettlement plan to address issues of compensation and resettlement;
- Ⓒ Implementation of appropriate traffic management measures, including provision of diversion routes and road signs, as well as driver sensitization and education;
- Ⓒ Follow ups on PAPs on their performance after the payment of compensations and supplementary benefits.

Assessment and Payment of Compensation

Two categories of affected persons were identified within the road safety corridor and have been compiled to receive compensation. These include owners of permanent structures, and owners of temporary structures.

All property that fall within the right-of-way have been captured and photographed with measurement as well as construction details. The type, age, state and stages of all affected properties have been established. The cost or amount of compensation to be paid is based on the depreciated replacement cost plus the value of land/structure. The identified PAPs will be offered and paid compensation that will be based on the assessed values of their properties (as provided in the tables below – summary estimated compensation, supplementary assistance and the entitlement matrix).

Compensation to owners of these structures has three components: land value, cost of replacement of structures, and disturbance. The estimated values for the structures will be finalized when the setting out is carried out in the field. The current values were based on properties which fall within the legal RoW of 34.30m (i.e. 17.15m on each side from the centreline). However, compensation will only be paid for those structures which will actually be affected by construction activities.

Summary of Estimated Compensation for Permanent Properties

Business Structures	Dimensions of Property	No of Business Activities	Cost of Replacement GH¢
Letap Jewellery fence wall impacted	1.50x94.50m	1	2,500.00
Part of Orca Deco fence wall impacted	2.00x48.00m	1	None (State Land)
Fully Impacted 2 no. safety signal house for GRC Pan latrine	2.10x 2.10m 1.20x1.60m		20,000.00
Fully impacted Railway Security Barrier		2	20,000.00
Total			42,500.00

Summary of Supplementary Assistance for Relocation of Temporary Structures

Activity	Open Shed (Aunty Naa) GH¢	Open Space (Alhaji Malik) GH¢
Dismantling of structure	15.00	0.00
Transportation of Structures	50.00	0.00
Transportation of Vehicles (4 number)	00.00	82.00
Cost of land for new place	45.00	500.00
Sub-Metro Business License	5.00	100.00
Lost monthly income (3 months)	150.00	500.00
Total	265.00	1182.00

Entitlement Matrix

Type of Loss `	Eligibility Criteria	Entitlement
Loss of Land (Urban or Rural)	Various interest and rights – allodial title holder, freeholder, leaseholder, tenant, licensee	Compensation – Capital Market Value of Asset
Business Losses Loss of business income Loss of business goodwill Loss of rented income Loss of wage income	Business owner Business owner Business employees/attendants	Supplementary Assistance based: - average net monthly profit, - monthly rent passing, - equivalent of rent advance to be refunded - monthly wages earned
Loss of business, Residential or Industrial Accommodation or Room	Business/commercial/Industrial tenant Owner of building during the reinstatement period	Supplementary Assistance Based: comparable open market rent for alternative accommodation based on specific period (reinstatement period); and transportation rates for the transfer of chattels or movable properties
Loss of location for temporary structure – expense for moving structure	Owner of temporary structure	Supplementary Assistance based on:- transportation rates for transfer of structure
Loss of Public Utilities	Institution/Operator Responsible	Open Market value for of Asset

Consultation

The BRT Technical Steering Committee served as a vehicle for conveying project design proposals to the various stakeholder institutions including MRH, DUR, EPA, TCPD, Ghana Police Service, AMA, LVB, Lands Commission and GRC.

Owners of affected properties have been notified in several ways. These included marking of buildings and structures by the Land Valuation Board. During the exercise DUR explained to all affected persons its readiness to implement the project. In addition, a survey of affected persons was initiated to collect data and at the same time to inform them about the project. The views of owners of affected property on the project were captured during the baseline data collection, in order to complete the census of PAPs. A compensation valuation of all affected properties was carried out to assess commensurable values.

Modes of Restitution

Owners of permanent structures whose properties are affected by the project are protected by law and would receive adequate compensation for their properties. The State Lands Act gives them adequate legal coverage, which guarantees them compensation, which must be based on mutual agreement. If the property owner is not satisfied with the offer then he/she has the option of employing a private valuer of his/her choice to reassess the property and submit same to the LVB for consideration and final determination of the value of the property. The determined figure by the LVB is then communicated to the DUR for payment to the beneficiaries.

In situations where the beneficiary is still not satisfied with the amount of compensation payable, he/she is at liberty to seek redress from the Lands Court in Accra, which has jurisdiction on such matters. However, the property cannot be demolished until the issue is resolved.

Temporary structures that need to relocate will be paid a supplemental assistance that will enable them move their structure, reconnect power if need be, pay District Assembly Annual License fee and have some income while their business gets back on its feet.

Grievances and Redress Procedure

Under Ghana's States Land Act 125, of 1962, each individual PAP has the right to refuse the compensation proposed and take his or her case to court of justice if he or she finds the compensation to be inadequate and unfair under replacement cost. The DUR has, however, set up a Grievance and Redress Committee to receive and mediate compensation disputes amicably. The Committee is composed of the Regional Surveyor, a valuer from LVB, the Environmental Manager from DUR and Legal Officer from MRH, an EPA officer as well as a representative from the relevant District Assembly. It is expected that this Committee will be able to amicably settle any claims and disputes. Otherwise the PAPs can seek redress from the Lands Court on the 28th February Road, Accra. Names and contact details of the Grievance Committee are provided in the document.

Resettlement/Rehabilitation Programme

To ensure successful implementation of the resettlement and/or compensation programme, the DUR has set up a Project Management Unit (PMU) to implement this ARAP. The PMU will ensure consultation with the PAPs throughout the implementation process.

Monitoring and Evaluation

DUR will be responsible for the overall monitoring of the implementation of this ARAP. Additionally, the MRH, the World Bank and EPA will also conduct periodic monitoring of the ARAP.

Budget

The general budget for the project includes compensation for affected permanent and temporary structures in the project zone. The overall cost of implementation of this ARAP is **GH¢ 49,150.20 (US\$33,436)** and includes cost for administration, monitoring and evaluation. The estimated budget is as shown in the table below. The implementation cost of this ARAP will be covered by GoG.

Budget Estimates of Compensation/Resettlement

No.	Items	No. of Business Activities	Amount (GH¢)
1	Fully impacted permanent properties (fence wall of Letap Jewellery)	1	2,500.00
2	Fully impacted permanent GRC building and equipment		40,000.00
4	Supplementary Assistance	2	1,182.00
5	Public meeting and disclosure		500.00
6	Monitoring		500.00
7	Sub-total		44,682.00
8	Contingencies/provisional cost (10% of sub-total cost)		4,468.20
9	Grand Total		49,150.20

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1.0 INTRODUCTION

The Government of Ghana, with assistance from the World Bank (WB), the Global Environment Facility (GEF) and the Agence Francaise de Developement (AFD) intends to undertake an Urban Transport Project in the Greater Accra Metropolitan Area (GAMA). It is within this context that the Accra Bus Rapid Transit (BRT) Pilot Project, a component of the Urban Transport Project (UTP), is being implemented to improve the flow of traffic within the city. The participating Assemblies under the UTP are the Accra Metropolitan Assembly, Tema Metropolitan Assembly and the Ga West Assembly.

In view of possible impacts on properties and others an assessment was conducted in line with the ESMF and RPF of the Ministry of Roads and Highways (MRH), as well as the World Bank's Operational Directive O.P 4.12. This was done to ensure that people whose properties will be affected as a result of the road project receive full compensation. While the positive impacts of the project will enhance social and economic activities, reduce travel time and vehicle operating cost; the construction of the flyover bridge and the widening of the Odaw Bridge could result in demolition of properties, disruption in incomes and livelihoods.

This report outlines a compensation plan to be implemented to mitigate the negative impacts on affected properties and activities. Under Act 186 of Ghana's State Lands Act of 1963, any person who will suffer the loss or damage to his or her property as a result of any project will receive compensation. This will also apply to owners of properties along the Graphic Road.

1.1 Description of the Pilot BRT Project

Bus rapid transit (BRT) is an enhanced bus system that operates on a segregated bus way, bus lanes or other transit ways in order to combine the flexibility of buses with the efficiency of rail. BRT utilizes a combination of advanced technologies, infrastructure and operational investments that provide significantly better service than traditional bus service.

Development of this system will be in line with GoG's Road Sector Development Programme (RSDP) that aims, among other things, at reducing congestion and facilitating the free movement of goods and people to enhance accelerated growth of the national economy. The operational design of the Pilot BRT is an externalised system with tributary routes that start outside the BRT corridor and feed into it. The buses travel on tributary routes to the Winneba and Graphic Roads which form the main spine, or BRT corridor, of the pilot scheme. The tributary services then join the main corridor.

The BRT Pilot Project is divided into four main parts:

1. The tributary services - there are 5 tributary origins in north and north-west Accra.
2. The route along Winneba Road from Mallam Junction to First Light Junction - the BRT buses will run in mixed traffic and stop at BRT stations at the kerbside. There will be 14 stations (in both directions of travel).
3. First Light to Obetsebi Lamptey Circle (OLC) and then Graphic Road to Kwame Nkrumah Road - this section will have a segregated BRT located in the median. There will be 6 stations in this section of route.
4. The BRT distribution system in the Central Business District (CBD) will have two routes:
 - A CBD loop via South Liberia Road, Independence Avenue, Barnes Road, North Liberia Road and returning to Barnes Road via K Nkrumah Avenue. This loop route will have 5 stations and the buses will run in mixed traffic.
 - A route south on K Nkrumah Avenue to UTC and then return the same way to Graphic Road. This route will have 2 bus stations at CMB and a terminal at UTC.

This report is only concerned with a section of 3 above, where the BRT route crosses the Odaw River and the railway line on the Graphic Road.

1.2 Description of the Proposed Works

Works on the entire BRT Pilot Project will be constructed in several packages. This report is concerned with the following proposed works:

5. Construction of a flyover bridge over the railway line east of the Odaw Canal on the Graphic Road, including ramps onto the bridge and access roads for the adjoining properties.
6. Widening of the existing Odaw Bridge to include the void in the median of the present existing bridge and the construction of 3.0m wide footbridges on the North and South side of the bridge.

Proposed work activities include:

- Ⓒ Establishment of Contractor's Camp: building of offices, laboratory, fuel depot, equipment yard and fence;
- Ⓒ Setting out of works;
- Ⓒ Piling works;
- Ⓒ Prefabrication of beam elements;
- Ⓒ Cast in-situ concrete bridge deck; and
- Ⓒ During construction of the flyover a temporary traffic diversion will be operated past the flyover work site.

The construction and operation of the BRT service will require standards of safety that include, among other issues, adequate separation between road traffic and adjacent properties, people and structures. The Department of Urban Roads owns or controls the Right of Way in the proposed project road corridor and is within its right to use available space in furtherance of its programmes.

Presently, in Graphic Road project zone, the concern lies with the "safety zone", which is within the 'Right of Way' that will provide for the safe construction of the flyover bridge over the railway line, the widening of the existing Odaw Bridge to include the void in the median of the existing bridge, and finally the operations of the BRT service that will require substantial reduction of risk to the people and property around the project zone. Because the contractors for the construction of civil works and the operators of the pilot BRT service will insist on the delivery of the operating corridor free of encroachment, DUR will ensure that a corridor of sufficient width to ensure operational safety is available at the time civil works commences.

1.3 Area of Influence

For the purpose of this Abbreviated Resettlement Action Plan (ARAP), the area of influence as shown in Figure 1.1 below is defined to include:

- Ⓒ About 400m of road spanning between the Odaw River and the Official Town traffic signals in front of Graphic Communication Group Head Office.
- Ⓒ Existing cross section of the road that is defined in the south by the fence wall of Letap Jewellery and in the north by property line of the Orca Deco Building (Toku House).
- Ⓒ The area of influence covers a proposed Right of Way with a cross section of 34.30m that includes existing Right of Way with a cross section of 27.10m.

The safety zone can therefore be described to include the right of way already acquired for and paid for by the government for the construction of the Graphic Road.

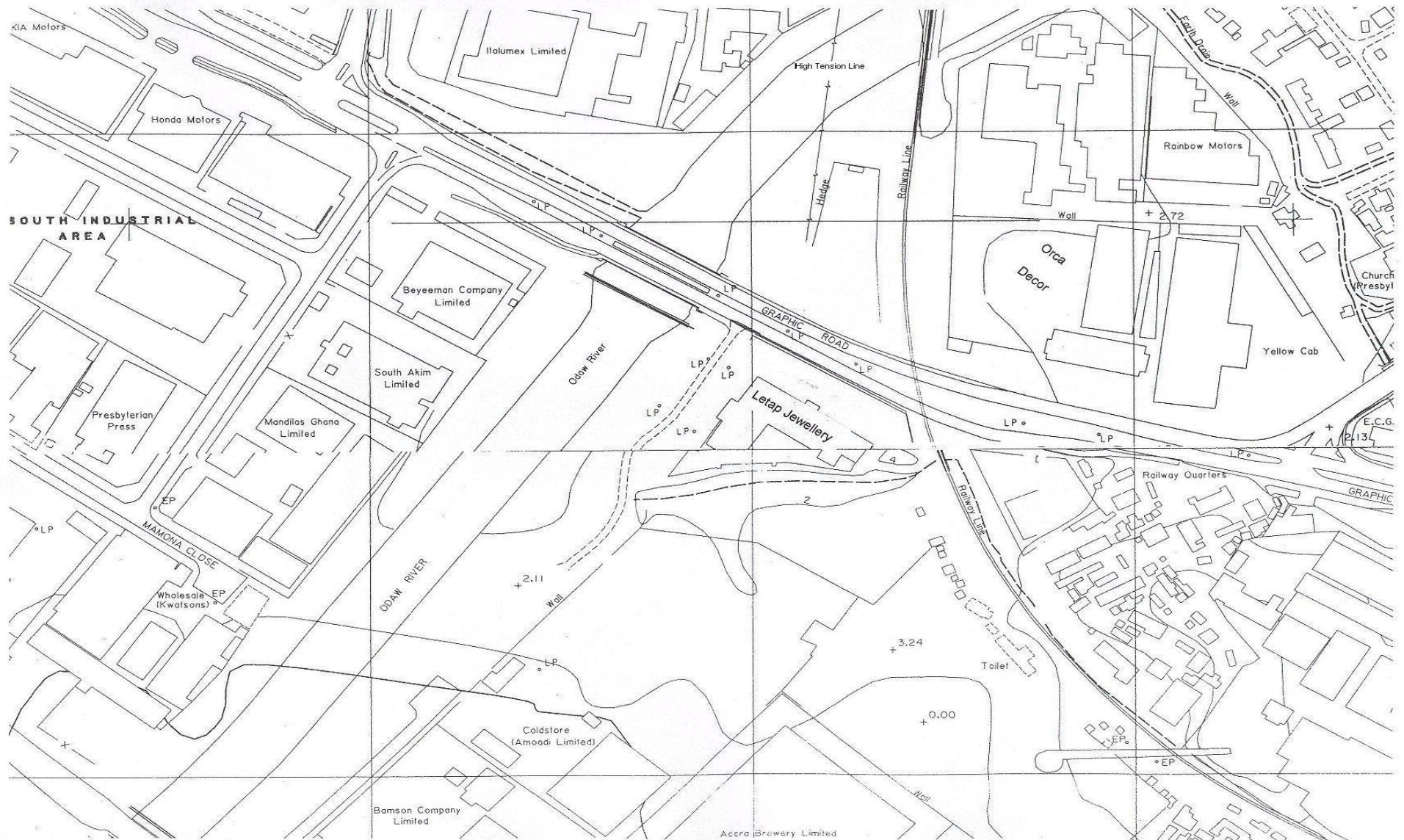


Figure 1.1 Location Map of the Project Area

2.0 Requirements for an Abbreviated Resettlement Action Plan

DUR recognises that involuntary resettlement of business and disruption of business activities and project affected persons in the project zone, if not carefully managed, could result in socio-economic hardship for the affected persons. It also recognises that improving safety in the roads corridor by modifying existing land use within the safety corridor in the reserve (i.e. moving fence walls, encroachment on working spaces, etc) requires the application of both national policies, laws and strategies and the relevant policies of the World Bank. This is because the World Bank is assisting the implementation of the project through a credit to the Government of Ghana. The Bank requires that environmental and social impacts of the project it supports be mitigated according to operational policies that spell out the principles and planning methods for mitigation work.

Resettlement of project affected persons (PAPs) in the project zone on the Graphic Road will be carried out in accordance with the laws of Ghana and the World Bank Resettlement Guidelines (OD 4.12) resulting in the preparation of a ARAP. Though the World Bank recognizes that improving safety in the pilot corridor is very important, the Bank's Operational Directives OD 4.12 applies whenever property must be acquired, or its use modified, for a project, and that acquisition or modification results in the loss of income, residence or access to resources, either permanent or temporary and whether the occupation is legal or illegal.

Justification of Abbreviated Resettlement Action Plan

OP 4.12 allows that "where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower" (OP 4.12, Paragraph 25). "Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost" (OP 4.12, footnote 25). The displacement of land use activities in the proposed safety zone of 34.30m in the project zone on the Graphic Road meets these conditions.

3.0 Policy, Legal and Institutional Framework

3.1 Policy

The Road Sector Resettlement Policy Framework (January 2007) adopts a preventive approach to social management and promotes social impact assessment (SIA) as a main tool to achieve sound social management. The revised Road Sector Resettlement Policy Framework, which was published in January 2007 provides a step-by-step approach for the assessment of proposed developments.

The MRH (then MoT) prepared an Environmental and Social Management Framework (ESMF) as well as a Resettlement Policy Framework (RPF). The purpose of the ESMF and RPF is to provide corporate environmental, social and resettlement safeguard policy frameworks, institutional arrangements and capacity available to identify and mitigate potential safeguard issues and impacts of each sub-project.

The World Bank's Operational Policies on Environmental Assessment, Involuntary Resettlement and Physical Cultural Resources are considered relevant for the proposed works. The OP 4.01 requires among other things that screening for potential impacts is carried out early, in order to determine the level of environmental and social assessment and propose measures to mitigate potential adverse impacts.

3.2 Legal

The important documents upon which the legal framework of this Abbreviated Resettlement Action Plan hinges are: the Constitution (Article 20), State Lands Act which gives authority for land to be acquired if it serves the public interest, the Statutory Way Leaves Instrument and the World Bank Operational Directives, OP 4.12, which outlines the conditions under which the World Bank will fund a project if it displaces persons or affects their social and economic well being. All power and authority to evoke the various documents is vested in the National Constitution, which is assumed to give authority for the actions taken.

Other key documents reviewed informing the Resettlement Action Plan includes:

- Ⓒ The Administration of Lands Act, 1962 (Act 123);
- Ⓒ The State Lands Regulations 1962 (LI 230);
- Ⓒ The State Lands (Amendment) (No.2) Regulations 1963 (LI 285);
- Ⓒ Lands (Statutory Way Leaves) Act, 1963 (Act 186);
- Ⓒ Office of the Administration of Stool Lands Act, 1994 (Act 481);
- Ⓒ The Resettlement Policy Framework (2007) of the then Ministry of Transportation;
- Ⓒ Environmental Assessment Regulations 1999 (LI 1652).

3.3 Definition of Project Affected Persons (PAPs)

In order to serve the public interest such as in the case of this project involving re-construction of bridges, land to be acquired for the project may lead to displacement of persons or affect the social and economic well being of some persons. Persons so affected by the acquisition of such land are described as project affected persons, and are required to be paid adequate compensation. The RPF states that no one is to be denied compensation because he/she is not the holder of a legal document. It proposes payment of supplemental assistance to non-holders of legal titles.

3.4 The World Bank Operational Directive OP 4.12

The World Bank Operational Directive OP 4.12 (Appendix A) outlines the conditions under which the World Bank will fund a project if it displaces persons or affects their social and economic well being.

3.4.1 Policy Objectives

The objective of the Bank's resettlement policy is to ensure that population displaced by a project receives benefits from it. Involuntary resettlement is an integral part of project design and should be dealt with

from the earliest stages of project preparation (paragraph 28), taking into account the following policy considerations:

7. Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs. For example, realignment of roads or reductions in dam height may significantly reduce resettlement needs.
8. Where displacement is unavoidable, resettlement plans should be developed. All involuntary resettlement should be conceived and executed as development programs, with resettlers provided sufficient investment resources and opportunities to share in project benefits. Displaced persons should be:
 - compensated for their losses at full replacement cost prior to the actual move;
 - assisted with the move and supported during the transition period in the resettlement site; and
 - assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them. Particular attention should be paid to the needs of the poorest groups to be resettled.
9. Community participation in planning and implementing resettlement should be encouraged. Appropriate patterns of social organization should be established, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible.
10. Resettlers should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized. The best way of achieving this integration is for resettlement to be planned in areas benefiting from the project and through consultation with the future hosts.
11. Land, housing, infrastructure, and other compensation should be provided to the adversely affected population, indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project. The absence of legal title of land by such groups should not be a bar to compensation.

According to OP 4.12, the resettlement plan should include measures to ensure that displaced persons are:

- Informed about their options and rights pertaining to resettlement;
- Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives and
- Provided prompt and effective compensation at full replacement cost for losses
- Provided assistance (such as moving allowances) during relocation, and
- Provided with residential housing, or housing sites, or as required agricultural sites for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages of old sites.

Where it is necessary to achieve the objectives of the resettlement plan, it should also ensure that displaced persons are:

- Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and
- Provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities.

The policy objectives and details of the OP 4.12 can be found in the RPF.

The purpose of the ESMF and RPF is to provide corporate environmental, social and resettlement safeguard policy frameworks, institutional arrangements and capacity available to identify and mitigate potential safeguard issues and impacts of each sub-project.

The World Bank's Operational Policies on Environmental Assessment, Involuntary Resettlement and Physical Cultural Resources are considered as relevant for the proposed works. The OP 4.01 requires

among others that screening for potential impacts is carried out early, in order to determine the level of environmental and social assessment and propose measures to mitigate potential adverse impacts.

3.5 Institutional Framework

3.5.1 Ministry of Roads and Highways

The GOG transport policy provides for continued improvements to the nation's rural and urban road network. MRH is responsible for formulating policies and overall strategies on roads and vehicular transport. The Department of Urban Roads (DUR), Ghana Highway Authority (GHA) and Department of Feeder Roads (DFR) are the implementing organizations under MRH. The BRT project falls within the jurisdiction of DUR.

3.5.2 Department of Urban Roads (DUR)

DUR is the road agency implementing the reconstruction of the Winneba/Graphic Road and sections of the Kwame Nkrumah Avenue under the Pilot BRT project and will therefore implement and monitor this plan. The DUR will be directly responsible for ensuring that every PAP entitled to supplemental assistance and/or compensation is adequately paid and on time. The Environmental Unit and the Accounts section of the DUR are directly responsible for the implementation of the ARAP. Currently DUR has an Environmental and Safeguards Unit which is managed by two senior staff supported by other junior staff. The current set up is capable of implementing this ARAP.

3.5.3 DUR Project Management Unit

The organizational framework for the management of the payment of compensation will be the responsibility of the Department of Urban Roads (DUR). The DUR will set up a Project Management Unit (PMU) comprising of representatives from the Environmental Unit, Planning and Development Sections. The main task of this PMU is to oversee the effective implementation of the ARAP.

3.5.4 Ghana Railway Company (GRC)

The Ghana Railway Company is the institution responsible for the provision and maintenance of railways infrastructure in the country. The overhead bridge to be constructed over the railway crossing at the Graphic Road rail crossing to facilitate the operations of the pilot BRT will affect the location of the existing rail safety signal lights. The Ghana Railways Company has therefore made inputs into the design of the proposed bridge over the rail and has assisted in the provision of budgets for the relocation of the Rail Signal Warning Lights and the Road Barriers and will continue to monitor the construction of the overhead bridge and the operations.

3.5.5 Land Valuation Board (LVB)

The LVB is the statutory government institution responsible for assessing and approving compensation amount to PAPs. LVB will receive and verify documentation on affected properties. This is to ensure that payments are not made to people who are not adversely affected and also compensations offered affected persons are reasonable. The BRT project falls within the jurisdiction of LVB. The current set up at the LVB will be capable of implementing this ARAP.

3.5.6 Ministry of Finance/Accountant General's Department

The ministry of Finance and Economic Planning is the agency that manages the central government's budget. The Ministry of Finance is responsible for releasing money to be paid to victims of projects undertaken by state agencies. On request from the DUR/Ministry of Roads and highways, the Ministry of Finance will authorize and release to DUR, the funds required to implement this Resettlement Action Plan, pay supplemental assistance and compensations.

3.5.7 Lands Commission (of the Ministry of Lands and Forestry)

The Commission is the state body charged primarily with the management and administration of state and vested lands. It is responsible for advising on policy framework for development of particular areas so as to ensure that development of such areas is coordinated. The functions of Lands Commission are spelt out in Article 256 of the 1992 Constitution and the Lands Commission Act (Act 483) 1994. The Commission's role in the compulsory acquisition is that it serves as a member/Secretary to the site selection committee, a technical committee that considers request for compulsory acquisition by the state agencies and recommends its acceptance or otherwise. The proprietary plan covering the site to be acquired is plotted by the Commission in the government records. Also recommendation on the acquisition is processed by the Commission for the approval by the Minister responsible for lands, before an executive instrument would be issued and gazetted.

3.5.8 Town and Country Planning Department of AMA

The Department prepares planning layouts for towns and cities and defines safety zones/right of ways. It also vets and approves layouts prepared by prospective developers and specifies all road reservations based on forecasted land use plans. The department is required to approve developments and grant permits in conformity with the already prepared layout of the area. The redesign of that section of Graphic Road will be revised in current town planning layout for that zone.

3.5.9 Attorney General's Department and Ministry of Justice

The Attorney General's Department of the Ministry of Justice has redress mechanisms in place for aggrieved persons. The Attorney General will encourage all individuals (PAPs) who will not be satisfied with compensation offered them to seek redress in a court of law as empowered by constitution, in this instance at the Lands Court at the 28th February Road in Accra.

3.5.10 Utility Companies

Utility companies such as Electricity Company of Ghana (ECG), Ghana Water Company Ltd (GWCL) and Ghana Telecom (GT) would assist in the relocation of the public services to the PAPs, which may be affected (back onto their systems).

The local engineering coordinating committee made up of the planning, developing and environmental sections of DUR with the assistance of the utility companies will manage and ensure that person(s) that are relocated and have access to those utility services are reconnected. Project Affected Persons would be paid sums to cover the cost of reconnection onto the respective utility lines.

3.5.11 Accra Metropolitan Assembly

The Accra Metropolitan Assembly through its Sub-Metros are the local authorities who have jurisdiction over the project road corridor. The Sub-Metro Assembly grants permits and licenses for development and operation of infrastructure and any commercial activity.

3.5.12 Environmental Protection Agency (EPA)

The environmental policy of Ghana formulated in the National Environmental Action Plan (NEAP) of 1993 hinges strongly on 'prevention' as the most effective tool for environmental protection. The adoption of the NEAP led to the enactment of the Environmental Protection Agency Act 1994 (Act 490); and subsequently the passing of the Ghana EIA Procedures into the EA Regulations, 1999 (LI 1652).

The Act mandates the Agency to among others "ensure compliance with any laid down environmental impact assessment procedures in the planning and execution of development

projects.” The Agency (including its Regional and District Offices) is vested with the power to determine what constitutes an “adverse effect on the environment” or an activity posing “a serious threat to the environment or public health”, to require EAs, EMPs, AERs, etc of a project, to regulate and serve an enforcement notice for any offending or non-complying undertaking. The Agency through the EA Regulations (LI 1652) is required to conduct monitoring to verify compliance with permit conditions and mitigation or resettlement / compensation commitments. In pursuance of the requirements of the Regulations, EPA will conduct monitoring activities in order to ensure compliance with mitigation and resettlement commitments as outlined in the ARAP.

3.6 World Bank and National Policies and Requirements

The environmental policy and EA legislation and procedures of Ghana and those of the World Bank, which are relevant to the project are outlined above. In principle the two sets of policies and procedures on environmental and social assessment are similar in many respects. In the event, however, of conflict between the World Bank policies and those of Ghana with respect this project and its related requirements, the Bank’s policies will take precedence over the national requirements.

4.0 Planning Principle

4.1 Objectives of the ARAP

The main objectives of the Abbreviated Resettlement Action Plan are:

- Ⓒ To mitigate the adverse impacts associated with the construction of flyover bridge and widening of the Odaw bridge (as part of the pilot BRT route);
- Ⓒ To deliver the entitlements to the PAPs and support the restoration of their livelihoods in accordance with the RPF of the Ministry of Roads and Highways;
- Ⓒ To maximize the involvement of PAPs and civil society in all stages of the implementation of the Resettlement Action Plan; and
- Ⓒ Ensure that the standard of living of PAPs is improved or at least restored by way of better shelter and access to services and facilitation of community action.

4.2 Minimization of Resettlement

The fundamental objective of resettlement planning is to avoid resettlement whenever feasible, or, when resettlement is unavoidable, to minimize its extent and to explore all viable alternatives. Where land acquisition and involuntary resettlement are unavoidable, resettlement and compensation activities are carried out in the manner that provides sufficient opportunity for the people affected to participate in the planning and implementation of the operation. Further if incomes are adversely affected, adequate investment is required to give the persons displaced by the project opportunity to at least restore their income-earning capacity.

The DUR through the design consultants have greatly reduced resettlement in the pilot BRT corridor by opting for a segregated BRT way to be located in the median of the pilot route and in general using separators to separate the BRT way from the normal mixed traffic lanes. The decision to have median running has been dictated by the intense activity on the frontages along the route and also the absence of service roads east of the First Light.

Secondly, the design of the BRT route has minimised resettlement by trying to limit the land take of Letap Jewellery property to non economic assets as much as possible.

Within the proposed 34.30m safety zone on the south side, the temporary land take for road diversion will affect a small portion of the fence wall of Letap Jeweller, displace a cooked food vendor operating from an open shed near the entrance to Letap Jewellery and a second hand vehicle dealer operating from an open space adjacent to the Letap Jewellery building.

On the north side, the project will stay within the acquired 27.10m right of way but the temporary road diversion will affect the open space in front of Orca Deco shop, including the space in front of a roll of 10 shops and finally the open space in front of Quick Fix Tyre Centre. The open spaces in front of these shops in the north side of the Odaw Bridge, according to a search at the Lands Commission, forms part of the existing Right of Way.

In total the temporary road diversion which will involve a temporary land take will affect about 12 businesses operating around the railway crossing on the Graphic Road.

4.3 BRT Communication Process Plan

The various phases of the project identified for communication purposes include preparation and design phase, implementation (i.e. pre-construction and construction), and post-construction (phase evaluation).

4.3.1 General Communication Stages

The communication strategy being used involves three-step approach:

- Stakeholder sensitization;
- Public education; and
- Evaluation

This three-step approach is directly linked to the phases identified above.

Stakeholder Sensitization

A number of tools identified and being used to disseminate information include:

- Meetings;
- Focus group discussions; and
- Education materials.

Public Education

Sensitizations at this level are targeted at the general public who are the ultimate beneficiaries of the project. The focus is on communication through the media. The strategy employed includes:

- Radio and television interviews;
- Newspaper advertisements;
- Radio and television advertisements and documentaries;
- Billboards;
- Handbills and other published materials, etc.

Additionally, there will be a series of seminars and public fora to educate the general public.

Evaluation

A series of surveys will be designed and conducted to track awareness and measure the impact of the communication activities over a one-year period. The communications effort at this level will seek to reinforce the message of the project and also invite feedback from all stakeholders.

4.3.2 Communication Tools

The preferred communication channels of the UTP generally include:

- Workshops, fora, focus group discussions and seminars;
- Media;
- Presentations
- Publications
- Emails
- Reports
- Project publications and CD-ROMs; and
- Internet

5.0 Socio-Economic Survey of Affected Population

5.1 Field Study Findings

In March 2008, the entire pilot BRT corridor was surveyed to document existing land use activities within the safety corridor required for the construction and operation of the pilot BRT. Again in May 2009 the baseline data collection in the project zone was updated, which confirmed the March 2008 baseline data.

The baseline survey documented the permanent and temporary structures that will be affected by the reconstruction of the fly over bridge over the Graphic Road provided below. Summaries on persons affected by the 34.30m safety corridor and the re-construction features are also given in tables 5.1 and 5.2.

5.2 Permanent Structures within Existing Right of Way

- Ⓒ Portion of Orca Deco fence wall and car park in the north side of the project area.
- Ⓒ Two structures housing GRC safety signal lights located in the road median.
- Ⓒ Latrine belonging to GRC in the road median.
- Ⓒ Two road safety barriers belonging to GRC located in the road median.
- Ⓒ Stretch of open space in front of a roll of ten shops and Quick Fix Car Centre.

5.3 Permanent Structures Affected (Temporary Land Take)

Fence walls of Orca Deco and Letap Jewellery located on the north and south side respectively of the project road will be affected. Figures 5.1 and 5.2 below show the site plans (with coordinates and the marked affected walls) of Orca Deco and Letap Jewellery respectively in relation to the project road.

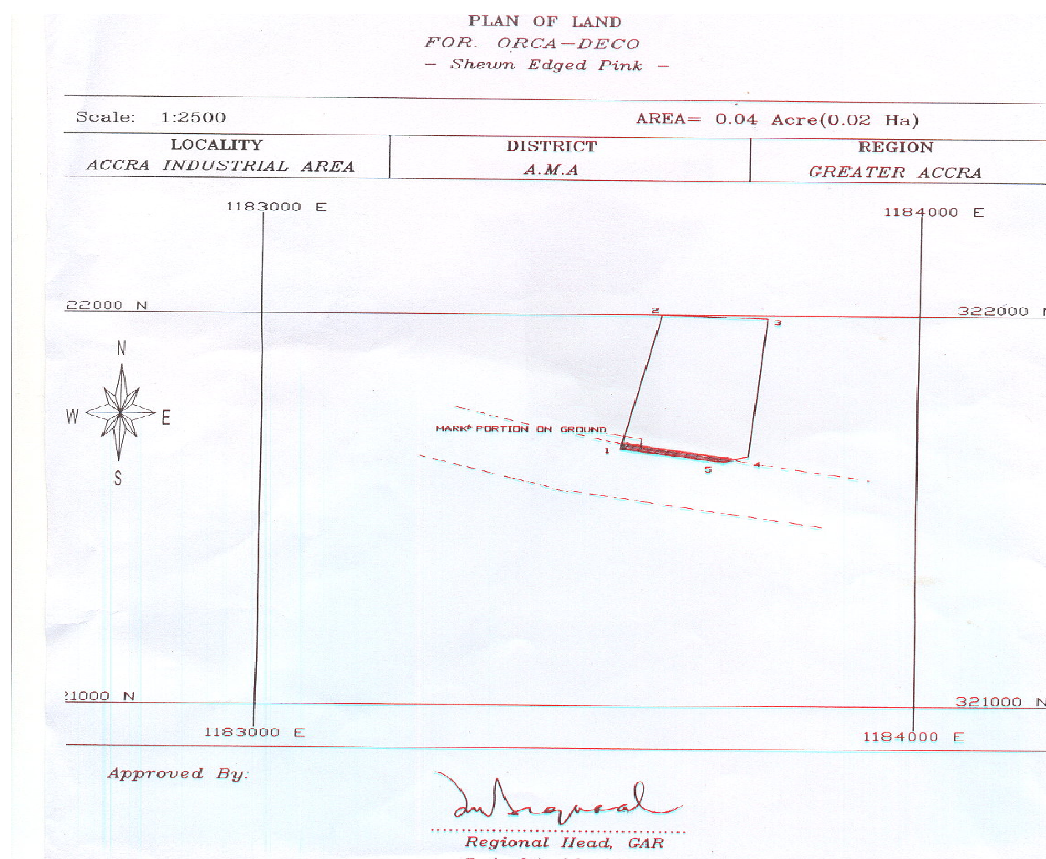


Figure 5.1 Site Plan of Orca Deco (with the affected area marked)

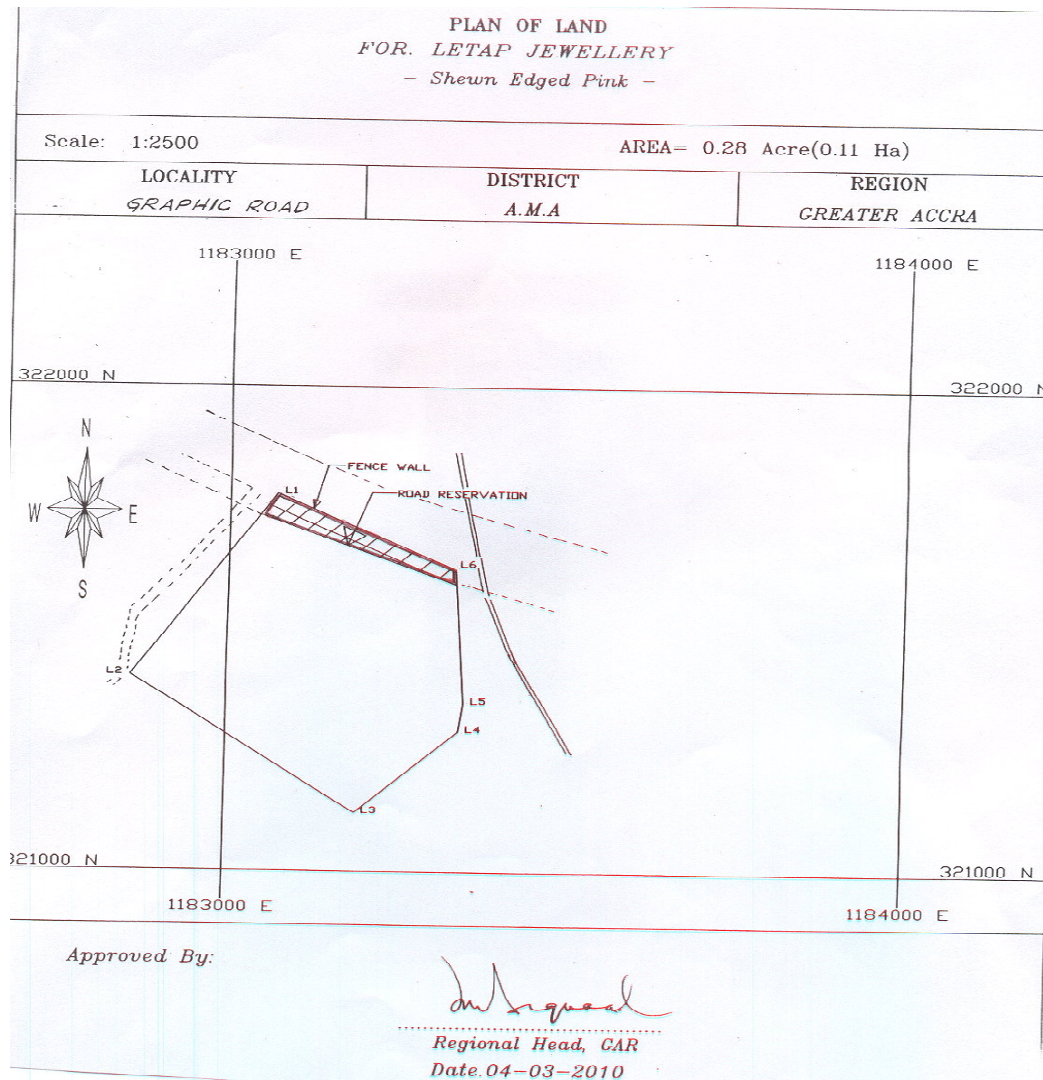


Figure 5.2 Site Plan of Letap Jewellery (with the affected area marked)

5.4 Temporary Structures Affected (Temporary Land Take)

- Ⓒ One open shed belonging to a food vendor located near the entrance to the Letap Jewellery compound,
- Ⓒ Open space in use by a second hand car dealer located near the entrance to the Letap Jewellery compound.

Table 5.1 Summary of Persons Affected and Nature of Impact

Location	Temporary Structures (Road Side Vendors)			Permanent Structures
	Kiosks	Open space	Open Shed	
South Side	0	1	1(Food Vendor)	1 (Fence Wall)
Road Median	0	0	0	5 (Rail Safety Eq)
North Side	0	9 (Row of Shops)	0	1 (Orca Deco)

Table 5.2 Summary Table – Winneba Road Project Zone

ITEM	Reconstruction of Odaw Bridge and Flyover Bridge	
1	Mallam – CBD Corridor in the city of Accra	Accra
2	Road Length including approaches to bridges (m)	400m
3	2 Bridges (length in m)	60m
4	Road functional classification (asphalt)	Arterial Road
5	Proposed surfacing type	Asphalt
6	Number of project affected households	None
7	Total residential houses and other buildings that will be fully affected	None
8	Total residential houses and other buildings that will be partially affected	None
9	Total business properties that will be fully affected	None
10	Total business properties that will be partially affected	2
11	Total GRC Structures that will be fully affected	3
12	Total GRC equipment that will be partially affected (barriers)	2
13	Total loss of strip of grassed land including fence wall (Letap)	(area m ²)
14	Partial loss of strip of parking area including fence wall (Orca Deco) for temporary road diversion	1
15	Partial loss of strip of unpaved land (used for display of wares by small shops) for temporary road diversion	9
16	Displacement of Temporary Structures (food vendor's shed)	1

Figure 5.3 shows some of the structures in relation to the project road likely to be affected such as Letap Jewellery, Orca Deco, GRC Structures, etc. Figure 5.3A (left) shows the Letap fence wall and GRC traffic signal structures, while figure 5.3B (right) shows the Orca Deco frontage and car park.

**Figure 5.3 (A and B) Permanent Structures to be affected**

The figure 5.4 below is a satellite image of the general area of the project, which shows some of the major structures and features within the area of influence along the project road corridor. It also indicates the related project features and the structures some of which will be affected.



Figure 5.4 Satellite Image of Project Road and General Surrounding Area

5.5 Impacts of the Project

5.5.1 Potential Benefits

The implementation of the project will create some benefits for road users, those who live and work in the corridor and the city as a whole. The project will also facilitate the increased movement of goods.

The following are the potential beneficial impacts of the project:

- Reduced vehicular-rail conflicts through the provision of an overpass bridge across railway line;
- Reduced traffic congestion in the corridor which is noted for traffic congestion at peak periods;
- Improved transportation services in the metropolis due to the provision of large capacity buses; scheduled operations and the introduction of the feeder network concept;
- Improved access to the city centre and social services in the corridor as result of the development of a dedicated bus lane;
- Reduced vehicle operating cost and expenditure on transport through the shift from small private vehicles to a more efficient public transport system as well as a reduction in traffic congestion;
- Reduction in government expenditure on fuel; and
- Improve urban landscape through the construction of modern transport terminals and bus stops.

5.5.2 Potential Negative Impacts

The proposed construction of the overpass bridge over the railway crossing and the reconstruction of the Odaw Bridge have both physical and social implication on socio-economic activities in the project zone. The construction of the overpass bridge will require the provision of temporary access road on both the north and south sides, which will involve temporary land take that will impact negatively on socio-economic activities in the zone. In addition to the above, the following negative impacts will be experienced in the zone:

- Delays in journey time;
- Increase in travel time;
- Long turn-around time for public transport;
- Queuing at peak hours and reduced level of service;
- Increased emission of gases;
- Reduced level of parking for Orca Deco Super Market;
- Difficulties in accessing both Orca Deco and Letap Jewellery; and
- Temporary loss of green areas and fence wall of Letap Jewellery property

The table 5.3 below shows that type of impacts, who/what is affected and the significance of impacts

Table 5.3 Type and Significance of Impacts

Name of PAP	Level of Displacement	Location	Business Classification	Significance of Impacts
Letap Jewellery (Tenant)	Temporary displacement of front fence wall and trees	South side	Commercial Business activity	Localized - fence wall only. Temporary impact
Orca Deco Departmental Shop (Tenant)	Temporary loss of a 3 rd of visitors car park	North side	Commercial Business activity	Localized to car park. Significant but temporary
Alhaji Malik Second Hand Car Dealership (Squatter)	Permanent displacement from location (RoW)	South side of project zone	Commercial Business activity employing 2 persons	Permanent and significant
Aunty Naa Food Vendor (Squatter)	Permanent displacement	South side of project zone	Commercial activity employing 2 persons	Permanent and significant
Ghana Railway Company (Landlord)	Temporary relocation of signal equipment	Both North & South sides	Rail transport safety activity	Localized, temporary impact

5.6 Mitigation Measures

Mitigation measures proposed to address the anticipated negative impacts of the project include:

- Protection of the general public by fencing off the construction sites for security and safety;
- Payment of appropriate compensation to PAPs and full implementation of the ARAP;
- Implementation of appropriate traffic management measures, including provision of diversion routes and appropriate road signs, as well as driver sensitization and education;
- Follow ups on PAPs to ensure effectively benefit from the resettlement package.

5.7 Temporary Road Diversion

During the construction stage, temporary road diversions will be provided at the North and South sides of the project zone to facilitate traffic flow on the Graphic Road. This action will involve temporary land take that will include demolition of the existing fence wall of Letap Jewellery on the south side, and portion of the parking space of Orca Deco on the north side. The temporary land take will also reduce space used for the display of goods by a roll of shops on the north side. Figure 5.5 below shows the diversion routes.

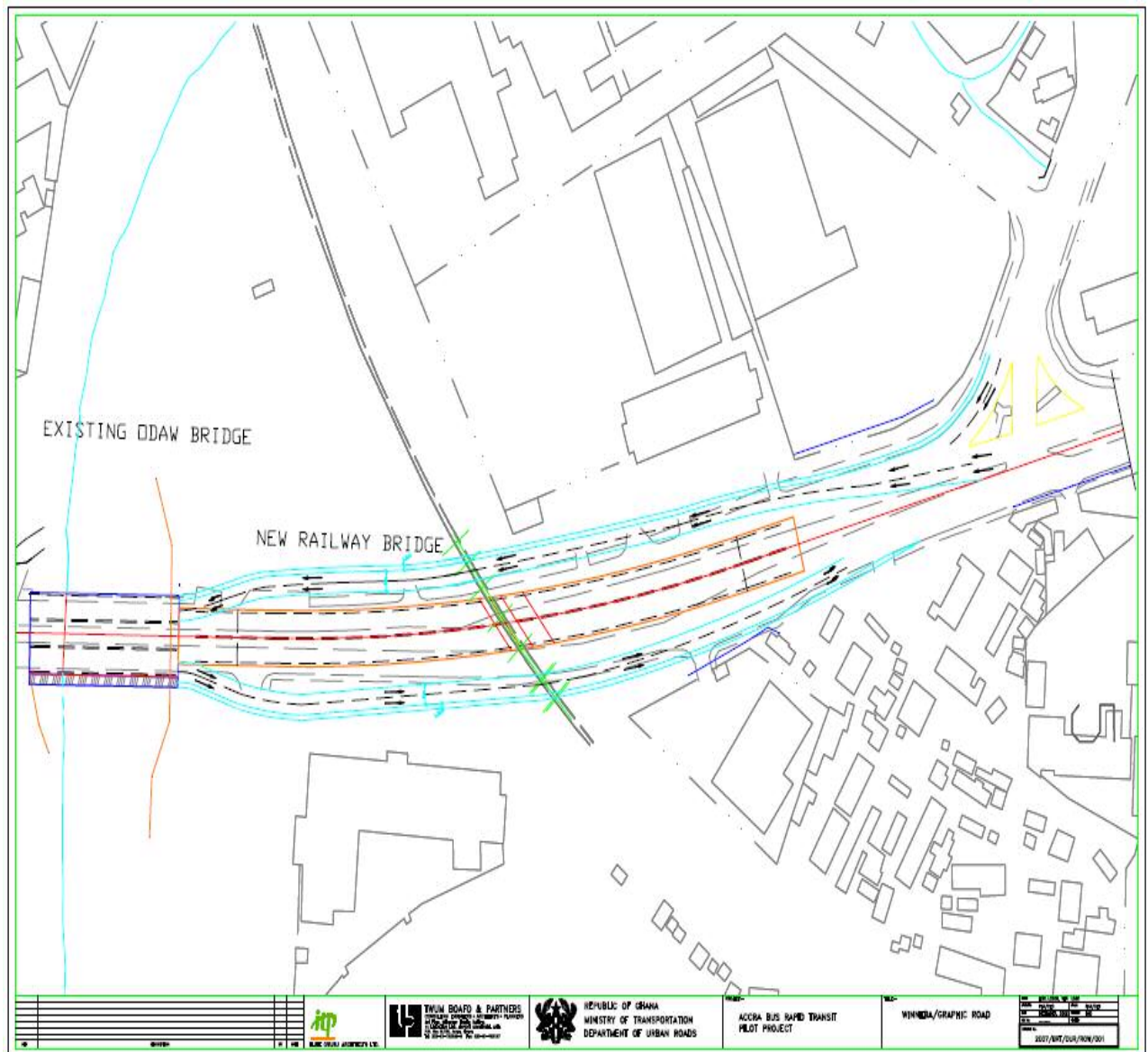


Figure 5.5 *Layout of Diversion at Railway Flyover*
Source: *Consultant's Design*

6.0 Valuation Procedures

6.1 Introduction

This chapter presents valuation procedure of estimates of assets and other costs to the people who will be affected and the mode of restitution that can be followed. The Land Valuation Board will undertake the assessment of the assets. However, for the purpose of budgeting, estimation of properties to be affected was done by the Consultant on behalf of DUR. The consultant's valuations are therefore provided in this section. The values given do not include government administrative cost, salaries of consultants and land acquisition.

6.2 Eligibility Criteria for Project Affected Persons

Project Affected Persons include, business units, including their workers and owners of assets like land and buildings to be affected by the owners, non-resident lessees; tenants of buildings; squatters and pavement dwellers.

Any person (legal entities or individuals) who will suffer loss of or damage to a building, business, trade or loss of access to productive resources, as a result of the reconstruction of sections of the Graphic Road bridges were considered eligible for compensation and/or resettlement assistance.

The cut-off date for being eligible for compensation and/or resettlement assistance was the 30th May 2009, which was the last day during which the socio-economic baseline survey was completed. This was after the PAPs census in the project zone was completed.

Project affected persons also include:

- Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets and become recognized during the survey; as well as
- Those who have no recognizable legal rights or claim to the land they are occupying.

6.3 Proof of Eligibility

The DUR have considered various forms of evidence as proof of eligibility as stated in the RPF, to cover following:

- Ⓒ Affected persons with formal legal rights, documented in the form of land title registration certificates, leasehold indentures, tenancy agreements, rent receipts, building and planning permits, business operating licenses, utility bills among others: unprocessed/unregistered formal legal documents will not bar documents will be established in the ARAP.
- Ⓒ Affected persons with no formal or recognized legal rights – criteria for establishing non-formal, undocumented or unrecognized claims to eligibility have been established paying particular attention to each situation and its peculiarities. Alternative means of proof of eligibility included:
 - Affidavit signed by landlords and tenants;
 - Witnessing or evidence by recognized traditional authority, customary heads, community elders, family heads and elders and the general community.

However only PAPs registered during the baseline survey were considered to be eligible for either the compensation or supplemental assistance. In other words the date of completion of baseline survey, 30th May 2009, was the cut-off date for receipt of compensation or any assistance. The cut-off date was established after an initial notification and census of PAPs. Any new structures or additions to existing structures carried out after the cut-off date and their occupants will not be eligible for compensation or supplemental assistance.

6.4 The Valuation Process

As per the planning scheme of the road corridor, land survey is carried out by DUR to ascertain the level of encroachment and determination of the road right of way. Marking and numbering of all structures within the RoW is done. The DUR arranges with the LVB to undertake the inspection/referencing of the affected properties to collect basic data for compensation assessment. In addition, the affected property owners are requested to furnish the DUR with any relevant document relating to their interest in the properties.

6.5 Basis of Valuation

The appraisal exercise was based on the Open Market Value which is defined as the best price at which the sale of an interest in a property might reasonably be expected to have been completed unconditionally for cash consideration on the date of the valuation assuming which was in May 2009: These values will be reviewed by LVB before payment.

A willing seller and a willing purchaser capable of purchasing a particular property in a predetermined location or condition at a particular point in time:

- Ⓒ That prior to the date of valuation there had been a reasonable period (having regard to the nature of the property and the state of the market) for the agreement of price and for completion of terms;
- Ⓒ That the values will remain static during that period;
- Ⓒ That the property will be freely exposed to the open market; and
- Ⓒ That no account will be taken of any higher price that might be paid by a purchaser with special interest.

The open market value of the property is arrived at by the under listed methods based on the purpose of valuation, the availability and reliability of basic data for the valuation.

6.6 Method of Valuation

In appraising the properties affected by the road project, a combination of the Replacement Cost and the Direct Capital Comparative Methods were used in arriving at the open market capital value of the building and land respectively. The two methods are briefly described below.

6.6.1 Replacement Cost Method

The Replacement Cost Method, which is used in estimating the value of the building/structure, is based on the assumption that the capital value of an existing development can be equated to the cost of reinstating the development on the same plot at the current labour, material and other incidental costs. The estimated value represents the cost of the property as if new.

6.6.2 Direct Capital Comparative Method

The value of bare land is determined by the comparison of market evidence of recent sale of plots in the vicinity or similar neighbourhood. Comparable data are collected and analyzed to determine the unit rate per acre taking into consideration, statutory use, alternative use, size of plot, nature and terms of interest, proximity of the land to utility services, peculiar advantages of location, the trends of redevelopment and construction.

The appropriate adjustments are made to reflect the differences between the comparable data and the subject land (affected land) and the appropriate rate adopted for the assessment of the current open market value of the subject land.

6.7 Disturbance and Other Incidental Contingencies

The project has impacted on entire/part of properties to make room for the road reservation. Depending on the extent to which a property is affected, the occupant will have to resettle elsewhere, construct another building on the remaining portion of land or look for alternative accommodation. The affected persons require the services of professionals which they pay for.

Based upon the level of inconvenience these are quantified and expressed as percentage of the total reinstatement cost of the property. The summation of the above estimated values of the building/structure, land and the disturbances, gives the adequate and fair amount of compensation payable to the affected person.

6.8 Modes of Restitution

Owners of permanent structures whose properties are affected by the project are protected by law and would receive adequate compensation for their properties. The State Lands Act gives them adequate legal coverage, which guarantees them compensation, which must be based on mutual agreement. If the property owner is not satisfied with the Government offer he/she has the option of employing a private valuer of his/her choice to reassess the property and submit same to the LVB for consideration and final determination of the value of the property. The determined figure by the LVB is then communicated to the DUR for payment to the beneficiaries.

In situations where the beneficiary is still not satisfied with the amount of compensation payable, he/she is at liberty to seek redress at the Lands Court at the 28th February Road in Accra. Complaints will be lodged specifically with the Registrar of the Court. However, the property cannot be demolished until the issue is resolved.

Temporary structures that need to relocate will be paid a supplemental assistance that will enable them move their structure, reconnect power if they need it, pay their District Assembly Annual License fee and have some income while their business gets back on its feet.

6.9 Grievances and Redress Procedure

Under Ghana's States Land Act 125 of 1962, each individual PAP has the right to refuse the compensation proposed and take the case to the Lands Court if he/she finds the compensation to be inadequate and unfair under the replacement cost. The DUR has, however, set up a Grievance and Redress Committee to receive and mediate compensation disputes amicably. The Committee is composed of the Regional Surveyor, a valuer from LVB, the Environmental Manager from DUR and Legal Officer from MRH as well as a representative from the relevant District Assembly. It is expected that this Committee will be able to amicably settle any claims and disputes. If that fails, the PAP can seek redress from the Lands Court as provided by the Constitution of Ghana.

7.0 Compensation and other Assistance

Land taking typically entails compensation for land, houses, business and other structures on that land, as well as other assistance in order to mitigate these adverse consequences that affect people and communities when they give up property for public good.

7.1 Loss of land

Around the project zone at the railway crossing on the Graphic Road, both the Ghana Railway Company and the Department of Urban Roads own their respective right of ways that establish their respective safety zones. While GRC has a safety zone of 30m, the DUR has an existing safety zone of 27.10m. GRC has leased some lands within their RoW to investors like Tuko House on the north side and are required to operate outside these safety zones. However Orca Deco, the row of 8 shops and the Quick Fit Car Centre have taken advantage and use open spaces outside of their approved fence walls thereby encroaching on the RoW of both DUR and GRC. These businesses are therefore not entitled to any compensation for the loss of land since the land belongs to the State.

On the south side, Alhaji Malik Second Hand Vehicle Dealership whose business is located close to the entrance to Letap Jewellery and adjacent to the Odaw Canal will be displaced. However since the land occupied by him does not belong to him as confirmed by his own statement and a search at lands, he will be paid supplementary allowance to move his vehicles away. He will be paid an equivalent of 18 litres of fuel per vehicle to move away the 4 vehicles currently parked at the site. He will also be entitled to a supplementary allowance for the loss of business for three months.

7.2 Loss of Permanent Structures

The proposed RoW of 34.30m required for the construction and operation of the pilot BRT will require a temporary land take from the Letap Jewellery Property including the fence wall and a piece of landscape area abutting the Graphic Road carriageway. Letap Jewellery will therefore be paid compensation that will be based on assessed values of their affected property. The compensation will be paid by GOG through the DUR which is the implementing agency (Table 7.1).

Compensation to Letap Jewellery for the fence wall has three components:

- Ⓒ Land value;
- Ⓒ Cost of replacement of fence wall and
- Ⓒ Disturbance.

However legal landownership must be established with proof by Letap Jewellery before appropriate compensation is paid to them.

Table 7.1 Permanent Structures Affected

Business Structures	Dimensions of Property	No of Business Activities	Cost of Replacement GH¢
Letap Jewellery fence wall impacted	1.50x94.50m	1	2,500.00
Part of Orca Deco fence wall impacted	2.00x48.00m	1	None (State Land)
Fully Impacted 2 number safety signal house for Ghana Railway Company	2.10x 2.10m		20,000.00
Pan latrine	1.20x1.60m		
Fully impacted Railway Security Barrier		2	20,000.00
Total			42,500.00

7.3 Loss of Temporary Structures and Relocation

Located on the south side next to the entrance to the compound of the Letap Jewellery is the open shed occupied by a cooked food vendor known as Aunty Naa. The shed is a small wooden structure with no cladding on the sides, roofed with corrugated sheets and has no foundation. This means that the shed could easily be dismantled and transported outside the safety zone once transport is provided. Aunty Naa will be entitled to supplementary assistance whilst she settles down to reorganise her business in a new location. The supplementary allowance will cover the cost of dismantling the structure, cost of transporting the dismantled shed, cost of ground rent for the new location, cost of obtaining a Sub-Metro business license and lost monthly income for three months. The supplementary assistance will ensure that the implementation of the pilot BRT project does not make her worse off. The estimation of the supplementary assistance is presented in the Table 7.2 below.

Table 7.2 Estimation of Supplementary Assistance

Activity	Open Shed (Aunty Naa) GH¢	Open Space (Alhaji Malik) GH¢
Dismantling of structure	15.00	0.00
Transportation of Structures	50.00	0.00
Transportation of Vehicles (4 number)	00.00	82.00
Cost of land for new place	45.00	500.00
Sub-Metro Business License	5.00	100.00
Lost monthly income (3 months)	150.00	500.00
Total	265.00	1182.00

8.0 ENTITLEMENT MATRIX

Table 8.1 Entitlement Matrix

Type of Loss	Eligibility Criteria	Entitlement
Loss of Land (Urban or Rural)	Various interest and rights – allodial title holder, freeholder, leaseholder, tenant, licensee	Compensation – Capital Market Value of Asset
Business Losses Loss of business income Loss of business goodwill Loss of rented income Loss of wage income	Business owner Business owner Business employees/attendants	Supplementary Assistance based: - average net monthly profit, - monthly rent passing, - equivalent of rent advance to be refunded - monthly wages earned,
Loss of business, Residential or Industrial Accommodation or Room	Business/commercial/Industrial tenant Owner of building during the reinstatement period	Supplementary Assistance Based: comparable open market rent for alternative accommodation based on specific period (reinstatement period); and transportation rates for the transfer of chattels or movable properties
Loss of location for temporary structure – expense for moving structure	Owner of temporary structure	Supplementary Assistance based on:- transportation rates for transfer of structure
Loss of Public Utilities	Institution/Operator Responsible	Open Market value for of Asset

9.0 Public Consultations

9.1 Project Affected Persons

During the consultant's baseline socio-economic data collection from project affected persons in the project zone in March 2008 and in May 2008, consultations were held with individual PAPs. During these consultations, the impacts of the project and proposed mitigating measures were explained to them. Those that had encroached upon DUR property, including Orca Deco shop, were warned to anticipate reclaiming of State lands and relocation of their businesses where applicable. They individually gave the assurance their cooperation to ensure smooth implementation of the project.

Similarly, where temporary land take is affecting permanent structures like Letap Jewellery, similar discussions were held with the property owners and their rights explained to them. Generally, these discussions have served to sensitize the PAPs to their tenuous rights.

Consultations have also been held with the Ghana Railway Company about the relocation of their safety equipments and they have provided the consultants with budgets for the relocation of these safety equipments.

Two categories of affected persons were identified within the road safety corridor and these have been compiled to receive compensation. The categories are:

- Ⓒ Owners of permanent structures; and
- Ⓒ Owners of temporary structures

All properties that fall within the right of way have been captured with measurements as well as construction details as provided in Appendix C.

Project Affected Persons have been notified in several ways. These include marking of buildings and structures by the Land Valuation Board. During the exercise DUR have explained to all affected persons about its readiness to implement the project. In addition to these two actions a survey of affected persons was initiated to collect data and at the same time to inform them about the project. A compensation valuation of all affected properties was carried out in May 2009 by the consultants to assess commensurable values. These values have been passed on to LVB for final confirmation and assessment.

The full list of PAPs interviewed is attached as Appendix B while list of project affected properties (Measured Drawings) are attached as Appendix C. Field questionnaires administered are attached as Appendix E. Table 9.1 below shows the PAPs by type of impacted activity.

Table 9.1 *List of PAPs and Type of Impacted Activity*

Name	Type of Impacted Activity	
	Sales	Services
Fagssal Sharam	<input type="checkbox"/>	
Letap Jewelry	<input type="checkbox"/>	
Aunty Naa	<input type="checkbox"/>	
Alhaji Malik	<input type="checkbox"/>	
Olando Salon		<input type="checkbox"/>
John Adu		<input type="checkbox"/>
Bright Boateng	<input type="checkbox"/>	<input type="checkbox"/>
Alex Addo	<input type="checkbox"/>	
Joyce Asiamah	<input type="checkbox"/>	
George .K. Yeboah	<input type="checkbox"/>	
Samuel Asiamah	<input type="checkbox"/>	
Charles Edusei	<input type="checkbox"/>	

9.2 Future Consultations

These will be held prior to the payment of compensations to the individual Project Affected Persons. They will be notified about compensations due them and where to collect the compensation. They will also be notified of the start date of civil works and when encroachers on public spaces have to vacate those spaces.

10.0 Grievance Procedure

The likelihood of dispute is much reduced because the few Project Affected Persons concerned by the clearance of the safety corridor have been consulted and have agreed to accept compensations in the form of supplementary assistance and agreed to move out of the safety corridor to acceptable locations within the city. Similarly for those that have encroached upon public open space, they have also given assurances that they will pull back the display of their wares from the safety zones.

Finally for those affected by the temporary land take for temporary road diversion at the construction stage, they have indicated to accept compensations for the temporary loss of land and reconstruction of a new fence wall following the construction of the overpass bridge.

Each individual PAP has the right to refuse the compensation proposed and take the case to the Lands Court at the 28th February Road, Accra, if he/she finds the compensation to be inadequate and unfair under the replacement cost. However in the event of disagreement, the affected party may first seek recourse through DUR which has set up a Grievance Committee under PMU for that purpose. The Grievance Committee comprises of representatives from the Environmental Unit which is the Project Management Unit of DUR, the Project Advisory Office, Planning and Development Sections of DUR, the Legal Officer from DUR, the Valuer from LVB and the representative of the PAPs (Table 10.1). The main task of this Committee is to settle amicably compensation issues.

Table 10.1 *Membership of Grievance Redress Committee*

Name	Designation	Office Address	Telephone Contact
Eric Amoako	Environmental officer DUR	DUR Head Office Accra	0244965949
James Amoo Gottfried	Planning and Development DUR	DUR Head Office Accra	0205110629/ 0244822813
Ms Amma Aikins	Regional Valuer LVB	Regional LVB, Accra	0208162791
Ms Josephine Manu	Legal Officer MRH	MRH, Accra	0209027379
Fayas Sharom Karim	PAP	Orca Deco	0244823293

If the conciliation does not resolve the matter, the affected person may seek redress at the Lands Court on the 28th February Road, Accra which has jurisdiction in this case.

11.0 Institutional Responsibilities

The DUR has ultimate responsibility for clearing and certifying the safety corridor prior to the commencement of civil works in the project zone. DUR has an implementation unit known as the Project Management Unit that has the ultimate responsibility for the implementation of this ARAP. Though various government agencies have a role to play to ensure the successful implementation of this ARAP, the institutions that are responsible for ensuring the implementation of this ARAP under DUR's PMU are the Project Advisory Office, Environmental Unit, Planning and Development Unit, the Account section and LVB all working together as a Unit.

DUR will work through the Consultants and the Contractor to implement the clearance programme. The Consultants will inform the project affected persons of the date to begin clearance of the safety corridor. The Consultants will work with DUR officials to organise the movement of Aunty Naa's shed and the second hand vehicles from their current locations.

12.0 Monitoring and Evaluation

In line with the World Bank's OP 4.12 and the MRH's RPF (2007), implementation of this ARAP will be monitored regularly by DUR's PMU to ensure those actions have proceeded in accordance with the provisions of ARAP. Since the PAPs are few, DUR could have only the internal monitoring mechanisms in place for the implementation of this ARAP. Internal monitoring will be carried out by the DUR under supervision of MRH, Land Valuation Board (LVB), Environmental Protection Agency (EPA) to ensure that the DUR's Project Management Unit follows the schedule and abides by the principles of this ARAP. The purpose of this internal monitoring is to maintain responsibilities of the resettlement implementation institution i.e. DUR.

The Policy Planning and Monitoring and Evaluation Directorates of the MRH will co-ordinate the activities of the monitoring agency (Table 12.1).

Table 12.1 Monitoring Role

Actors	Role
Policy Planning and M & E Directorates of MRH	Lead agency and coordinating institution for both internal and external monitoring of the implementation of this ARAP. Regular monitoring of the Plan implementation and its impact.
Land Valuation Board	Regular monitoring to ensure that the approved assessed compensation are paid
Environmental Protection Agency	Periodic monitoring of the Plan implementation and its impact.
External Consultant(s)	Periodic monitoring, evaluation and auditing of implementation of ARAP

Table 12.2 Monitoring Indicators of ARAP Implementation

Date	Activity	Monitoring Indicator	Means of Verification
Second to fourth months into the project implementation. (Monthly)	Education and awareness creation about RAP procedures and compensation payment	Number of awareness workshops. Communities covered by the awareness campaign programs. Number of PAPs compensated.	Number of awareness workshops. Communities covered by the awareness campaign programs. Number of PAPs compensated
Second to fourth month of the project. (Monthly)	Payment of compensation for both permanent & temporary properties, tenants, etc	Number of listed PAPs compensated for. Percentage coverage and communities covered.	Reports and pictures of compensated PAPs. Names, pictures, addresses and signatures of PAPs compensated
Fifth month to the end of the project (Monthly)	Interaction with PAPs to find out what problems they are encountering.	Number of grievances registered and solved from PAPs. Number of businesses successfully re-started.	Follow-ups with PAPs. PAPs filling in a designed questionnaire. Compiled reports including the findings
Fifth month to the end of the project (Monthly)	Follow-up meetings and visits to help solve problems faced by PAPs in their new locations	Number of follow up meetings with the PAPs and their locations.	Meeting reports or minutes and extent of compliance of the recommendations

13.0 Estimated Cost of ARAP implementation

The budget of this ARAP includes Supplementary Assistance for affected temporary structures and affected permanent structures. The overall cost of implementation of this ARAP is **GH¢ 49,150.20 (US\$33,436)** and includes cost for administration, monitoring and evaluation. The implementation cost of this ARAP will be covered by GoG. The budget is presented in Table 13.1 below.

Table 13.1 Budget Estimates of Compensation and Resettlement

No.	Items	No of Business Activities	Amount (GH¢)
1	Fully Impacted Permanent Properties (fence Wall of Letap Jewellery)	1	2,500.00
2	Fully Impacted Permanent GRC Building and Equipment		40,000.00
4	Supplementary Assistance	2	1,182.00
5	Public Meeting and Disclosure		500.00
6	Monitoring		500.00
7	Sub-total		44,682.00
8	Contingencies/provisional cost(10% of subtotal cost)		4,468.20
9	Grand Total		49,150.20

14.0 Disclosure

This Abbreviated Resettlement Action Plan will be disclosed in Ghana by DUR which will make copies available at DUR, EPA, and MRH and copies distributed to the project affected persons, the press and the Sub-Metro office overseeing this zone. The World Bank will disclose this Abbreviated Resettlement Action Plan electronically through its InfoShop.

APPENDICES

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Appendix A.

Involuntary Resettlement – OP 4.12

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

Note: OP and BP 4.12 together replace OD 4.30, Involuntary Resettlement. This OP and BP apply to all projects for which a Project Concept Review takes place on or after January 1, 2002. Questions may be addressed to the Director, Social Development Department (SDV).

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

Policy Objectives

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

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.²
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons³ should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.⁴

Impacts Covered

3. This policy covers direct economic and social impacts⁵ that both result from Bank-assisted investment projects⁶, and are caused by
(a) the involuntary⁷ taking of land⁸ resulting in

- (i) relocation or loss of shelter;
- (ii) lost of assets or access to assets; or
- (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

(b) the involuntary restriction of access⁹ to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

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

Required Measures

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

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

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

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

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

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

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

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

(a) specific components of the project will be prepared and implemented;

(b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and

(d) potential conflicts involving displaced persons will be resolved.

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

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples,[15](#) ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them (see

<http://lnweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex A>, para. 11).

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

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area,¹⁶ or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction¹⁷ of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

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

(a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring

resettlement. Appropriate and accessible grievance mechanisms are established for these groups.

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

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

Eligibility for Benefits¹⁸

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex_A, para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

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

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

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex_A, para. 7(f)); and¹⁹

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

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance²⁰ in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank.²¹ Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

Resettlement Planning, Implementation, and Monitoring

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

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

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

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

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

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs.²² The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of

the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

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

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.²³

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

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

Resettlement Instruments

Resettlement Plan

25. A draft resettlement plan that conforms to this policy is a condition of appraisal (see http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex_A, paras. 2-21) for projects referred to in para. 17(a) above.²⁴ However, where impacts on the entire displaced population are minor,²⁵ or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower (see http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex_A, para. 22). The information disclosure procedures set forth in para. 22 apply.

Resettlement Policy Framework

26. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see

<http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/C19E5F010F97E04485256B180070DD3E?OpenDocument>http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex_A, paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see <http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/C19E5F010F97E04485256B180070DD3E?OpenDocument>http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex_A, paras. 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential subborrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

28. For other Bank-assisted project with multiple subprojects²⁶ that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex_A, paras. 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

29. For each subproject included in a project described in para. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

30. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

Process Framework

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

Assistance to the Borrower

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

(a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;

(b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;

(c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and

(d) financing of the investment costs of resettlement.

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

34. The Bank does not disburse against cash compensation and other resettlement assistance paid in cash, or against the cost of land (including compensation for land acquisition). However, it may finance the cost of land improvement associated with resettlement activities.

1. "Bank" includes IDA; "loans" includes credits, guarantees, Project Preparation Facility (PPF) advances and grants; and "projects" includes projects under (a) adaptable program lending; (b) learning and innovation loans; (c) PPFs and Institutional Development Funds (IDFs), if they include investment activities; (d) grants under the Global Environment Facility and Montreal Protocol, for which the Bank is the implementing/executing agency; and (e) grants or loans provided by other donors that are administered by the Bank. The term "project" does not include programs under adjustment operations. "Borrower" also includes, wherever the context requires, the guarantor or the project implementing agency.

2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include [OP 4.01 Environmental Assessment](#), [OP 4.04 Natural Habitats](#), [OP 4.11 Safeguarding Cultural Property in Bank-Assisted Projects](#), and [OD 4.20 Indigenous Peoples](#).

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

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

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

6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see [OP/BP 8.50](#), *Emergency Recovery Assistance*).

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

8. "Land" includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.

9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a). Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).

10. The *Resettlement Sourcebook* (forthcoming) provides good practice guidance to staff on the policy.

11. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see http://Inweb18.worldbank.org/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/46FC304892280AB785256B19008197F8?OpenDocumentAnnex_A, footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6

12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.

13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.

14. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements

15. See [OD 4.20](#), *Indigenous Peoples*.

16. See [OP 4.04](#). *Natural Habitats*.

See [BP 17.50](#), *Disclosure of Operational Information* (forthcoming) for detailed disclosure procedures.

24. An exception to this requirement may be made in highly unusual circumstances (such as emergency recovery operations) with the approval of Bank Management (see BP 4.12, para. 8). In such cases, the Management's approval stipulates a timetable and budget for developing the resettlement plan.

25. Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost.

26. For purpose of this paragraph, the term "subprojects" includes components and subcomponents.

Appendix B. List of Affected Persons and Structures

Name	Address	Type of Structure	Item Sold	No. of Employees	Monthly Sales GH¢	Tax	Telephone	ID Number
Agssal Sharam	Orca Deco	Purpose built shop	Household furniture	60	250,000	y		
Letap Jewelry		Purpose built shop	Jewelry		NA	y		
Aunty Naa	0209011136	Shed	Cooked Food	1	NA	y		
Alhaji Malik	024025855	Land	Secondhand vehicles	1	NA	y		
Olando Salon		Container	Services	1		y		
John Adu	John Wilson Services	Wooden shed	Vulcanising		5	3600y		
Bright Boateng	Sound lab	Permanent	Car sound system		1	1000y	0244112693	
Alex Addo	Shamrock bay	Permanent	Vehicle tyres		2	2000y	024311779	
Joyce Asiamah	Drinking spot	Permanent	Drinks		2	2400y		
George .K. Yeboah		Permanent	Cement		2	5760y		
Samuel Asiamah	Worko house trading	Permanent	Vehicle tyres		7	20000y		
Charles Edusei		Permanent	Carpet		7	3600y		

Appendix C.

Project Affected Properties

ACCRA – GRAPHIC ROAD

TYPE OF FACILITY	QUANTITY	OWNERS	SIZE / AREA (AVERAGE)	COMMENTS
METAL FENCE / IRON POST	1	ORCA HOUSE		
MESH WIRE FENCE	1	LETAP		
GUARD OFFICE	2	GHANA RAILWAYS		
PAN TOILET	1	GHANA RAILWAYS		
SHED	1	MAD LATELY		
FLOWER GARDEN		QUICK FIT		

Appendix D.

List of Abbreviations and Acronyms

AFD	Agence Francaise de Developement
AMA	Accra Metropolitan Assembly
BRT	Bus Rapid Transport
CBD	Central Business District
DA's	District Assemblies
DFR	Department of Feeder Roads
DUR	Department of Urban Roads
EAP	Environmental Action Plan
ECG	Electricity Company of Ghana Ltd
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EPA	Environmental Protection Agency
ESMF	Environmental and social management framework
GAMA	Greater Accra Metropolitan Assembly
GHA	Ghana Highway Authority
GoG	Government of Ghana
GT	Ghana Telecom
GWCL	Ghana Water Company Ltd
LI	Legislative Instrument
LVB	Land Valuation Board
MoT	Ministry of Transportation
MRH	Ministry of Roads and Highways
NEP	National Environmental Policy
NGOs	Non Governmental Organizations
OLC	Obetsebi Lamptey Circle
OP	Operational policy
PAPs	Project Affected Persons
PMU	Project Management Unit
PS	Permanent Structure
RAP	Resettlement Action Plan
RPF	Resettlement policy framework
SPSS	Statistical Package for Social Surveys
TSDP	Transport Sector Development Programme
RSDP	Road Sector Development Programme
TCPD	Town and Country Planning Department
TS	Temporary Structure
UTC	United Trading Company
UTP	Urban Transport Project
WB	World Bank

Appendix E.

Questionnaire for Shop Owners

ACCRA PILOT BRT PROJECT**QUESTIONNAIRE FOR SHOP OWNERS**

Name of Respondent.....
Name of Enumerator.....
Locality.....
Shop Number.....
Route.....
Date.....

PERSONAL PROFILE

1. Sex of trader 1. M [] 2. F []
2. Age of Respondent.....
3. Place of residence of trader.....
4. Educational background
 - a. None []
 - b. Primary Level []
 - c. Middle school/JSS []
 - d. Vocational/Commercial []
 - e. Senior Secondary School []
 - f. Others (Specify).....[]

BUSINESS ACTIVITY

5. Type of shop
 - a. Accra Market Company Lockable shop
 - b. Private Lockable Shop
 - c. Others
(specify).....
6. Number of months/years in this business
.....
7. What is your status in this business? a. Part Time [] b. Full Time []
8. If trading is your part time activity, what other activity are you engaged in
 - a.
 - b.
9. How many days in a week do you operate this business.....days.
10. Type of commodity traded
 - a. Fish (Smoked/Fresh) []
 - b. Fruits/Vegetables []
 - c. Meat []
 - d. Foodstuffs []
 - e. Consumer durables []
 - f. Second Hand Clothing []
 - g. Textiles []
 - h. Others (Specify)..... []
11. What is your status in this business?
 - a. Owned [] b. Commission bases [] c. Others (Specify).....
12. What is your average monthly
income.....

BUSINESS LOCATION

- 13. Where were you located before?.....
- 14. Why did you move to this location?.....
- 15. How long have you been operating from this place
- 16. Who allocated this space to you?
- 17. Do you pay any rent for this space? a. Yes [] b. No []
- 18. If yes how much?.....
- 19. Do you pay any form of tax/toll a. Yes [] b. No []
- 20. If yes to question 16, how much do you pay?
 - a. Daily Toll/Ticket.....
 - b. Tax.....
- 21. Are you a member of any association a. Yes [] b. No []
- 22. Please provide name of the association.....
- 23. Where is the source of your products?
 - a Yes b No
 - a. From the community [] []
 - b. From Accra [] []
 - c. Outside Accra [] []
 - d. Other part of Ghana [] []
 - e. Others
 (specify).....
- 24. Who are your major customers
 - a Yes b No
 - a. Passengers [] []
 - b. Drivers [] []
 - c. Community [] []
 - d. Pedestrains [] []
 - e. Others
 (Specify).....
- 25. Do you face problems at your current spot of trading? a. Yes { } b. No []
- 26. If yes to question 22, what are some of the problems that you face while trading at this spot?.....
- 27. Have you provided space to any person trading on the pavement in front of your shop?
 - a. Yes [] b. No []
- 28. If yes how much do you charge the person every month?

.....

.....
- 29. Have you extended the display of your products to the curb?
 - a. Yes [] b. No []
- 30. What are the reasons for the display of your products on the curb used by pedestrians.....
- 31. Are you aware that during the construction and the operational phase of the BRT service, you will be required to move all your products from the curb?
 - a. Yes [] b. No []
- 32. How will you display your products?.....

IMPACT OF PILOT BRT

33. What long term negative impacts do you think the Pilot BRT project will have on your business?.....
.....
34. What short term negative impacts do you think the Pilot BRT project will have on your business?.....
.....
.....
35. What long term positive impacts do you think the Pilot BRT project will have on your business?.....
.....
36. Which location will you move your business to and why? (Applies to only those occupying extensions to Kaneshie Market Building).....
.....
37. What can be done to mitigate the negative impact?
.....
.....
38. Are you willing to pay for a permanent spot to trade. a. Yes [] b. No []
If yes to question 27, how much are you willing to pay for a site per month?.....
.....

Appendix F.

Census of Shop Owners

F.1. Sample of Form

Locality.....
Road Name.....
Enumerator.....
Date.....

No.	Name	Address/Tel	Type of Structure	Items Sold	Regist. Number	Nos. of employees	Daily Sales	Payment of Tax	Comments

