



# MINISTRY OF FINANCE

## GHANA ECONOMIC TRANSFORMATION PROJECT (P166539)

### RESETTLEMENT POLICY FRAMEWORK (RPF)



APRIL 2019

Ministry of Finance  
P. O. Box MB 40  
Accra, Ghana.  
[info@mofep.gov.gh](mailto:info@mofep.gov.gh)

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## LIST OF ABBREVIATIONS AND ACRONYMS

AMA	-	AccraMetropolitanAuthority
BP	-	BankProcedures
DDF	-	DistrictDevelopmentFund
EA	-	EnvironmentalAssessment
EA/TRC	-	EnvironmentalAssessmentTechnicalReviewCommittee
EAA	-	EnvironmentalAssessmentandAuditDepartment
EAPM	-	EnvironmentalAssessmentProceduresManual
EAR	-	EnvironmentalAuditReport
EHS	-	EnvironmentalHealthandSafety
EIA	-	EnvironmentalImpactAssessment
EIS	-	EnvironmentalImpactStatement
EMP	-	EnvironmentalManagementPlan
EMS	-	Environmental Management System
EPA	-	EnvironmentalProtectionAgency
ES	-	Environmental Statement
ESG	-	Environmental, Social, & Governance
ESIA	-	EnvironmentalandSocialImpactAssessment
ESMF	-	Environmentaland SocialManagement Framework
ESMP	-	EnvironmentalandSocialManagementPlan
ESO	-	EnvironmentalandSocialOfficer
ESO	-	NationalEnvironmentalandSocialOfficer
ETP	-	Effluent Treatment Plant
FGD	-	Focus Group Discussions
FOAT	-	FunctionalandOrganisationalAssessmentTool
FPS	-	Fire Protection System
GDP	-	Gross Domestic Product
GEF	-	GlobalEnvironmentFacility
GIIN	-	Global Impact Investing Network
GMS	-	Ghana Metrological Service
GNFS	-	Ghana National Fire Service
GoG	-	GovernmentofGhana



GPRS	-	Growth and Poverty Reduction Strategy
GRI	-	Global Reporting Initiative
GRM	-	Grievance Redress Mechanism
GSA	-	Ghana Standard Authority
GWC	-	Ghana Water Company
IAP	-	Interested and Affected Parties
ICESCR	-	International Convention on Economic, Social and Cultural Rights
IDA	-	International Development Association
IEA	-	Institute for Economic Affairs
IFC	-	International Finance Corporation
IFF	-	Infrastructure Finance Facility
ILO	-	International Labour Organisation
IRIS	-	Impact Reporting and Investment Standards
IUCN	-	International Union for Conservation of Nature
LGC	-	Local Grievance Committee
GETP	-	Local Government Capacity Support Project
LI	-	Legislative Instrument
LVB	-	Land Valuation Board
M&E	-	Monitoring and Evaluation
MDAs	-	Ministries, Departments and Agencies
MEP	-	Monitoring and Evaluation Plan
MESTI	-	Ministry of Environment Science, Technology and Innovation
MOF	-	Ministry of Local Government and Rural Development
MLNR	-	Ministry of Lands and Natural Resources
MMA	-	Metropolitan and Municipal Assemblies
MMDAs	-	Metropolitan Municipal District Assemblies
MoE	-	Ministry of Energy
MoF	-	Ministry of Finance
MoTI	-	Ministry of Trade and Industry
MoU	-	Memorandum of Understanding
MPCU	-	Metropolitan/Municipal Planning and Development Unit
MTDPF	-	Medium Term Development Planning Framework
MWRWH	-	Ministry of Water Resources, Works and Housing

NDPC	-	NationalDevelopmentPlanning Commission
NEAP	-	National Environmental Action Plan
NGO	-	Non-GovernmentalOrganization
OP	-	OperationalPolicy
OPN	-	OperationalPolicyNote
PAP	-	ProjectAffectedPersons
PCDP	-	PublicConsultationandDisclosureProcedures
PER	-	PreliminaryEnvironmentalReport
PIU	-	ProjectImplementingUnit
RAP/ARAP	-	ResettlementActionPlan/AbbreviatedResettlementActionPlan
RoW	-	RightofWay
RPF	-	ResettlementPolicyFramework
SEA	-	StrategicEnvironmentalAssessment
ToR	-	Terms of Reference

## GLOSSARY OF TERMS

Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
Cut-off Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the EASP program area boundaries. This is the date on and beyond which any person whose land is occupied for EASP program, will not be eligible for compensation.
Grievance Mechanism	The RPF contains a grievance mechanism based on policies and procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.
Implementation Schedule	The RPF contains an implementation schedule that outlines the timeframe for planning, implementation, monitoring and evaluation of the RAPs for sub-projects, if applicable.
Land	Land refers to all types of agricultural land or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
Land Acquisition	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.
Project Affected Persons (PAPs) or Displaced Persons (DPs)	Project affected persons (PAPs) or Displaced Persons (DPs) are persons affected by land and other assets loss as a result of EASP activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Project Impacts	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project.

Project Implementing Unit (PIU)	Some projects make use of project implementing units (PIUs), which are generally separate units within the project recipient's agency. The PIU is often composed of full time staff devoted to implementing the project, and have been encouraged to have separate teams with environment and social specialists who can carry out the activities, for example, as outlined in the RPF or RAP.
Rehabilitation Assistance	Rehabilitation assistance is the provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, needed to assist PAPs or DPs restore their livelihoods.
Replacement Cost	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. The cost should be based on Market rate (commercial rate) according to Ghanaian laws for sale of land or property. It is normally calculated based on a willing buyer-willing seller basis, but also applies in Ghana to acceptable market valuation or from an assessment from the Land Commission and government valuer.
Resettlement Action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when sub-project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement Assistance	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households.
Resettlement Policy Framework (RPF)	The RPF is an instrument to be used throughout the project's implementation. The RPF sets out the objectives and principles, organizational arrangements, and funding mechanisms for any resettlement, that may be necessary during implementation. The RPF guides the preparation of Resettlement Action Plans (RAPs), as needed, for sub-projects.
Rights and Entitlements	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.
Witness NGO or Independent Monitor	Some RPFs refer to a witness NGO or an independent monitor that can be contracted to observe the compensation process and provide an independent assessment of the quality of the process. These are usually NGOs or other agencies that are not directly involved in the project and have a reputation for independence and integrity.

## EXECUTIVE SUMMARY

### 1. INTRODUCTION

#### 1.1 Project Background

The Government of Ghana (GOG) through the Ministry of Finance has requested the World Bank for credit support of US\$200 million to implement the Ghana Economic Transformation Project (GETP). The GETP aims at supporting the diversification of the economy to better shock-proof against volatility in primary commodity prices, spur a transition to an economic structure that generates higher growth that is more sustainable over the long term.

The Ghana Economic Transformation Project (GETP) is at the preparatory stage. The Component 2 of the proposed project activities trigger the World Bank Safeguards Policies on Involuntary Resettlement (OP 4.12) and Environmental Assessment. For the latter, a separate Environmental and Social Management Framework has been prepared. Through its Project Coordinating Unit (PCU), the Ministry of Finance (MoF) commissioned the RPF preparation to fulfil the World Bank safeguard requirements of ensuring that the project either avoids completely or minimizes any possible negative impacts. This Resettlement Policy Framework (RPF) has been prepared to serve as a guide to addressing potential impacts related to any land taken that will lead to relocation, r resettlement or negative effects on livelihoods of affected people.

#### 1.2 Objectives of the RPF

This Resettlement Policy Framework (RPF) is a requirement for World Bank funded projects that may entail direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by the involuntary taking of land resulting in:

- (i) relocation or loss of shelter;
- (ii) loss 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.

The specific objectives of the RPF include:

- (i) to avoid or minimize involuntary resettlement;
- (ii) to ensure that people affected by the project are compensated for loss of property and/or socio-economic displacement as a result of a project;
- (iii) to provide affected persons with opportunities to restore or improve their living standards and income earning capacity to at least pre-project levels; and
- (iv) to provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project.

For any project occasioning involuntary resettlement, individual Resettlement Plans prepared must be consistent with this RPF.

#### 1.3 Project Objectives and Components

The Program Development Objective is to promote sustainable private investments, productive jobs and firm growth in non-resource based sectors. The guiding principle of the program is to promote

and strengthen a growth model that is conducive to economic transformation which will achieve, simultaneously, higher rates and productivity growth across the economy (especially in non-resource based sectors), with a view to creating quality and raising incomes. The project has four primary components:

Component 1: Enabling Investments—improving the enabling business environment, investment promotion capacity and quality infrastructure support system

Component 2: Crowding-in Investments—promoting spatial and industrial planning and development

Component 3: Accelerating Entrepreneurship and SME growth

Component 4: Project Management and Monitoring and Evaluation.

## 1.4 Project Implementation Arrangements

Component 1 will be implemented by the Ministry of Trade and Industry (MoTI); Registrar General's Department (RGD); Ghana Investment Promotion Centre (GIPC); and Ghana Standards Authority (GSA). Component 2 will be led by Ministry of Trade and Industry, specifically by the Ghana Free Zones Authority (GFZA) as well as the Private sector. Component 3 will be led by the Ministry of Trade and Industry; Ministry of Business Development (MoBD); National Board for Small Scale Industries (NBSSI); and the Ministry of Finance, specifically the Venture Capital Trust Fund (VCTF). Component 4 will be led by the Ministry of Finance (MoF), specifically the Project, Planning, Monitoring and Evaluation Directorate (PPMED) and the Resource Mobilisation and Economic Relations Department (RMERD).

An overall Project Coordination Unit (PCU) would be hosted within the Ministry of Finance. It will be responsible for overall management of implementation, monitoring and evaluation, reporting, fiduciary, safeguards, and grievance redress.

## 1.5 Methodology /Approach

The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12). The methodology was developed following review of the GET Project RPF Terms of Reference provided by the client and relevant background documents, discussions with WB, and interaction and consultation with the GET Coordinator at the Ministry of Finance.

In addition to the usual literature reviews, desk studies and stakeholder consultations, the RPF study also benefitted greatly from the earlier RPF report prepared and implemented under the Greater Accra Urban Resilience and Integrated Development Project (GARID). The various key stakeholders have been actively consulted including the relevant Ministries and Agencies, Metropolitan and Municipal Assemblies and some communities to learn lessons to prepare this report.

## 2. BASELINE SOCIO-ECONOMIC DATA/CENSUS

The project area covers the entire country of Ghana. At this point in the project implementation, it is largely impossible to estimate the likely number of people to be either displaced or the livelihood affected. The baseline information provided here includes:

- ) Population/demographic characteristics and structure
- ) Urban Rural structure
- ) Economy
- ) Agriculture

- ) Industry
- ) Gender and vulnerable Groups
- ) Role of Women in Ghana's economy

### 3. LEGAL AND INSTITUTIONAL FRAMEWORK FOR LAND ACQUISITION

The RPF discussed the laws, legislation, regulations, and local rules governing land acquisition and involuntary resettlement in Ghana. These legal instruments outline compliance requirements that have to be observed during the various stages of implementation of the GET project. The RPF sets out the principles, rules, guidelines, and procedures to assess the social risks and impacts and propose preventive and mitigation measures to enhance the sustainability of the project. These include:

1. The 1992 Constitution of the Republic of Ghana: Article 20 subsection 1-6;
2. The Administration of Lands Act, 1962 (Act 123);
3. The State Lands Acts, 1962 (Act 125);
4. The State Lands Regulations 1962 (LI 230);
5. The State Lands (Amendment) (No. 2) Regulations 1963 (LI 285);
6. Lands (Statutory Way Leaves) Act, 1963 (Act 186);
7. State Lands (amendment) Act 2000 (Act 586)
8. Land Use and Spatial Planning Act, 2016 Act (925)
9. Lands Commission Act, 1994 (Act 483)
10. Land Title Registration Law of 1986
11. Local Governance Act of 2016, Act 936;
12. New Labour Act 2003, Act 651
13. National Museum Act 1969 (NLCD 387)
14. Persons with Disability Act 2006, Act 715

#### 3.1 World Bank Safeguard Policy on Involuntary Resettlement

A comparison between the World Bank OP 4.12 and the Ghanaian applicable laws and regulations were highlighted to identify gaps and make recommendations.

#### 3.2 Institutional Arrangements

Various institutions play critical roles on the land management and administration in the country. The main ones are:

1. Ministry of Finance
2. Ministry of Justice and Attorney General's Department
3. Environmental Protection Agency
4. Lands Commission
5. Land Use and Spatial Planning Authority
6. Municipal Assemblies
7. Regional Coordinating Councils
8. Traditional Authorities
9. Non-Governmental Organisations

#### 4. RISKS AND POTENTIAL SOCIAL IMPACTS

The Ghana Economic transformation Project, according to World Bank's Environmental Assessment Policy (OP 4.01) is a Category B project. The specific project activities under Component 2 sub-component 2.2 (Spatial development with the establishment of a Viability Gap Fund (VGF)) are known at the time of project preparation and therefore require the preparation of a Resettlement Policy Framework (RPF). The activities in Component 2 will involve provision of infrastructural services (civil works support ranging from rehabilitation of yet-to-be identified existing sites, to new and yet-to-be identified sites). The potential project infrastructure to be provided may involve the following activities:

- ) Construction, paving or upgrading of access roads to the SEZ site
- ) Construction of a railroad spur directly to the site
- ) Upgrading of a nearby, adjacent, or on-site port
- ) Extension or upgrading of the electric power network to the SEZ site
- ) Extension or upgrading of the telecommunications network to the site
- ) Preparation of inland waterways to the site
- ) Extension or upgrading of the water network to the SEZ site, including pipeline construction or upgrading

The implementation of these proposed project activities is envisaged to have a range of social and economic impacts, some of which would be temporary, whilst others would be long-term and permanent. In accordance with the key activities outlined above, the socio-economic assessment would examine the following potential impacts:

1. Displacement and loss of livelihood(Resettlement and displacement issues); Loss of community properties.
2. Employment Creation and Opportunities(Job security; Unionisation and staff associations; Gender/female workers' welfare; Access to social services and housing; Improve the economic status of a number of people, and contribute to reducing the current level of unemployment)
3. Transportation and access(Public safety due to traffic accidents especially during construction period; temporary generation of Heavy Goods Vehicles (HGVs) of traffic during the construction works; impacts of the development upon traffic flows and capacities of the local highway network; impacts upon public transport capacity and accessibility; impacts upon access and servicing arrangements of the Site)
4. Community Health, Safety and Security(Increased incidence of water related diseases; Transmission of diseases by immigrant labour population; Workers may be exposed to various hazardous situations, operate heavy machinery and other potentially dangerous equipment; Spread of transmissible diseases including HIV/AIDS both within the workforce and between the workforce and the local community; Resentment of non-local nationals by local residents if they are perceived to have taken jobs that could be successfully filled by local people, or due to non-integration with the local community; Spread of new diseases due to migration of population and workers)
5. Cultural heritage.(Culturally significant landscapes, monuments, traditions and festivals, taboos, archaeological findings etc.)



The environmental regulations of Ghana and the World Bank's operational policies on environmental and social safeguards require that projects that present significant risks to communities and the environment must assess, plan, avoid, minimize and as a last resort, mitigate negative effects, while extending the development benefits that are presented by the project. The key sub projects will require the design and implementation of mitigation actions as per this RPF.

#### **4.1 Mitigation Measures for Likely Social Impacts**

The potential social risks and impacts associated with the specific project component activities as well as the mitigation measures have been summarised and presented in Table 1 below.

Table 1: Component Activities and Potential Social Impacts/Issues/Risks

Components Sub-components	Potential Social Impacts/Issues/Risks					Mitigation/Safeguards Measures/Plans
	Land	Crops	Structures	Livelihoods	Cultural Heritage Resources	
Component 2: Crowding-in Investments: Promoting spatial and industrial planning and development						
Sub-Component 2.1: Building institutional and planning capacity in GFZA as well as in other relevant line agencies such as the Customs Authority and GIPC	No land required	No impacts on crops	No impact on structures	⌋ Decent jobs for individuals and private enterprises ⌋ Promoting investor confidence	No cultural issues ⌋ anticipated	⌋ No to Negligible Impacts. No mitigation measures required ⌋ No screening or registration required from the EPA
Sub-Component 2.1: Activity 1: Off-site, last-mile infrastructure  Activity 2: On-site infrastructure (within the walls of or adjacent to the SEZ site)	⌋ Permanent acquisition of land required. ⌋ Temporary disruption of access to structures ⌋ compensation issues ⌋ Conflicts in land claims ⌋ Temporary and permanent properties affected by project	⌋ Crops may be affected including vegetable farmers ⌋ Established grievance redress options	⌋ Demolition /temporary removal of structures (both temporary and permanent displacement) ⌋ Resource Access and Possible Restriction	⌋ Livelihoods may be affected through disruption of access to structures and transient business operators ⌋ Maintaining Livelihoods: Petty traders and various shops and other economic activities operating haphazardly at industrial sites/parks ⌋ Safety and security of workers and general public	⌋ Cultural artefacts may be uncovered during excavation ⌋ Preservation of local cultural identity and heritage ⌋ Compensation issues ⌋ Community pride and support ⌋ Community relinquishing/ sharing heritage for greater good	⌋ RAP/ARAP or LRP to be prepared and implemented depending on the scope and magnitude of displacement impacts. (cash compensation and livelihood assistance)

## 5 THE RESETTLEMENT PROCESS

Any impact of the GETP on land and/or people (land acquisition, resettlement, and livelihood restoration of affected people) will be addressed in compliance with the Constitution of Ghana, with other Ghanaian regulations, and with the World Bank safeguard policy on involuntary resettlement (OP4.12). Where there are gaps or inconsistencies between Ghanaian laws and the World Bank policy, the measures that provide the highest protection for the project affected persons will be applicable.

The resettlement preparation process will begin with screening of GET sub-projects/ activities to determine if there is a need for the preparation of any resettlement instrument (ARAP or RAP). A sample screening checklist for identifying cases of involuntary resettlement has been provided in Annex 1. The number of affected people will determine whether the process is to include the preparation of a full RAP or of an ARAP. The GET PCU will use the MMDA and MDA project teams to determine the number of affected persons/assets under any GETP activity that is likely to generate resettlement-related or compensation issue.

**Resettlement Action Plan (RAP):** The RAP will be prepared where more than 200 individuals are displaced. The tasks/ToR and content for the preparation of the RAP has been given in Annex 2. Resettlement activities must be completed before commencing civil works.

**Abbreviated Resettlement Action Plan** will be prepared where less than 200 individuals are displaced. The tasks/ToR and content for the preparation of the ARAP is given in Annex 3. All ARAPs will need World Bank approval prior to commencing resettlement activities. Resettlement activities must be completed before commencing GETP activities on the fields or civil works on the ground.

**Census of Affected Persons & Assets/ Socio-economic baseline census:** Upon identification of the need for involuntary resettlement in a sub-project, the project will carry out a census to identify the persons who will be affected by the sub-project. This will help the project to determine who will be eligible for assistance early enough in the project cycle. It will also help to prevent an inflow of ineligible people living outside the sub-project area of impact but who might want to take advantage and claim for assistance. The completion of the census will mark the cut off-date for eligibility for compensation. Annex 4 shows a framework for the census of affected assets and persons.

**Consultations during resettlement action planning and implementation:** Consultations with stakeholders including PAPs will be an integral part in the ARAP or RAP preparation, implementation and monitoring processes at all stages and stakeholders should have access to the ARAP/ RAP. Consultations should happen in local language where possible; women should be consulted separately if that is more appropriate. The consultation process should ensure sizeable participation of women, youth, and groups at risk of exclusion, and also ensure prior distribution of project information in a form that is accessible to community members, etc.

### 5.1. Valuation, Eligibility and Entitlements

The RPF guidelines apply to all eligible projects under the GETP, whether or not they are directly funded in whole or in part by the GETP. The RPF applies to activities in sub-projects (or components) affecting those who would either be physically displaced or economically displaced (i.e. those who would lose some or all access to the natural resources, and regardless of the total number affected, the severity of impact, and their legal status (e.g.



the RPF guidelines apply also to those with no title to the land).

The RPF provides special attention to the needs of vulnerable groups, particularly women among the Project Affected Persons (PAPs), especially households with incomes below the national poverty line, including the landless, elderly and disabled, women and children, indigenous groups and ethnic minorities, and other historically disadvantaged. The activities in the GETP that are expected to have some land acquisition or restriction of access include the following especially in Component 2.

## 5.2 Valuation

The basis of the valuation will be the Full Replacement Cost for immovable assets in accordance with the World Bank's Involuntary Resettlement Policy, OP 4.12; and the States Lands Act 1962; and the Constitution of Ghana.

### 5.2.1 Valuation Responsibility

The Regional Valuation officers from the Lands Valuation Division will be engaged to value affected assets/properties based on the full replacement cost principle. Certified private valuers may also be engaged where necessary or if required to assist the process. Table 3 below provides the general guideline for cost preparation and method for valuing affected assets/ properties taking a cue from sampled RPFs prepared for other public sector projects. In this context, the compensation is the amount required, so far as money can do so, to put the owner or user of a land or building in the same position as if his/her use and enjoyment has not been disrupted. In other words, it is based on the principle of "Full Replacement Cost".

**Table 2: Summary of valuation methods Item**

Item	Types	Method
Land	Customary lands, private lands	1. Prevailing market value of the land to be acquired if there is a vibrant and free land market. Otherwise a negotiated price will be agreed. 2. Additional compensation for disturbance to the land owner (estimated at 10% of (1) 3. Supplementary assistance representing loss of income where applicable
Building structure	Any type of structure, e.g. mud houses with thatch roofing/ sand-crate block houses.	Full Replacement Cost method. No depreciation will be applied.
Farm crops	Economic plants/food crops (cocoa, oil palm tree, cocoyam, plantain etc.)	Enumeration approach and applying updated LVD rates.
Cultural resources	Sacred groves, cemeteries, shrines	1. First option is avoidance or allowed to remain in forests/plantations 2. Relocation/Replacement cost method would be used and should be done in consultation with and acceptable to the traditional authorities or community leaders.
Losses of income and livelihood	Farming, etc.	Estimation of net monthly/annual profit for farm/business based on records; application of net monthly/annual profit to the period when farm/business is not operating.
Disturbance allowance	-	10% of total compensation



### 5.3 Eligibility

Based on an understanding of the social structure of the rural community and the nature in Ghana, the most likely affected persons will comprise both individuals, farmers, traditional authorities and communities:

- ) ProjectAffectedPersons(PAPs)
- ) ProjectAffectedHouseholds
- ) VulnerableGroupsofPeople

The eligibility will be based on the category of losses at the cut-off date (when census begins) identified through the various interest and rights derived from customary laws, common law and international conventions and in specific cases as agreed with the affected community. Eligible persons would include, but not be limited to those listed in the Table 3 below.

**Table 3: Types of PAPs and types of compensations Category of PAPs**

Category of PAPs	Type of compensation
Affected persons with formal legal rights to land including customary leaders who hold land in trust for community members.	To be provided compensation for land lost. Compensation to be granted to communities.
Affected persons with customary claims of ownership or use of property recognized by community leaders (including the landless and migrants)	To be provided compensation for land lost and other assistance. Users to be provided with alternative lands to use.
Affected persons with no recognisable legal right or claim to land they are occupying, e.g. squatters, illegal farmers/illegal settlers.	To be provided resettlement or livelihood assistance in lieu of compensation for land occupied or loss of farming or cattle grazing activities.

### 5.4 Cut-off date

The cut-off date is the date agreed between the client and the project affected persons and sets the deadline for which persons with assets impacted by the project will be eligible for compensation. The objective of the cut-off date is to establish a deadline for which project affected persons qualify for entitlement to compensation. Persons entering the Project Area after the Cut-Off Date are not eligible for compensation and/or resettlement assistance.

**Table 4: Eligibility Criteria and EntitlementMatrix**

ASSETS	TYPE OF IMPACT	AFFECTED PERSONS/ENTITY	ENTITLEMENTS	VALUATION METHOD
AGRICULTURAL LAND (FARM LANDS)	Land acquisition	Landowner (individual, family, stool) Person with formal legal right to land /without formal legal right to land but have claims to property (including customary and traditional rights) Community land – compensation to be granted to communities	Replacement with an equivalent piece of land located in the vicinity of the affected area and cost of taxes, title fees will be paid to the PAPs. If land is not available, then cash compensation at full replacement cost as well as 10% disturbance allowance, livelihood restorations, will also be provided.	Use the market comparison approach if there is a vibrant and free land market or through direct negotiation between interested individual and landowner if no vibrant and free market as well as Land for land
	Destruction/removal of crops	Farmer (Have grown the crops)	Cash compensation for crops not ready for harvesting at time of entry. Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.); Disturbance allowance.	Enumeration approach and apply updated LVD crop rates.
RESIDENTIAL LAND	Land used for residence partially affected, limited loss Remaining land viable for present use	Title holder	Cash compensation for affected land	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Rental/lease holder	Cash compensation for affected land	
	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal Cash compensation equivalent to 3 months of lease/ rental fee	Assistance in rental/ lease of alternative land/ property Relocation assistance (costs of shifting + allowance)



Table 4: Eligibility Criteria and Entitlement Matrix Cont'

ASSETS	TYPE OF IMPACT	AFFECTED PERSONS/ENTITY	ENTITLEMENTS	VALUATION METHOD
COMMERCIAL LAND	Land used for business partially affected Limited loss	Title holder/business owner	Cash compensation for affected land	Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	Cash compensation for affected land	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
STRUCTURE	1. Destruction of immovable structures	Confirmed owner (with evidence) of affected structure irrespective of land ownership	<ul style="list-style-type: none"> <li>) Relocation to a similar dwelling in a similar location, or</li> <li>) Cash compensation at full replacement value of structure.</li> <li>) Cost of moving and disturbance allowance</li> </ul>	Full replacement cost approach. No depreciation to be applied.
	2. Movable structures	Owner/occupant	Cost of moving and disturbance allowance (e.g. 3 months' rent or as agreed or negotiated)	Full relocation cost method
	3. Cultural heritage sites	Community/traditional ruler or authority	<ul style="list-style-type: none"> <li>1. If restriction of access, a process framework will be prepared in consultation with traditional authorities</li> <li>2. Otherwise, relocation to new sites proposed by community or traditional authority and performance of necessary pacification rites</li> </ul>	

## 5.5 Grievance Redress Mechanism

The project will develop a robust online grievance system at the MoF-PCU and linked to all implementing agencies (MoTI, GFZA, GIPC, NBSSI, MBD, RGD, GSA and VCTF). The channels of uptake at all levels (Project sites, communities, institutions and implementing agencies) will include walk-ins, face-to-face communication, toll-free calls, letters, e-mails, text messages, WhatsApp, etc. The mediation process shall be confidential, transparent and objective, as well as accountable, easy, fast, accurate and participative. The general steps of the grievance process have been summarized in Table 5 below and comprise:

1. Registration/receipt/Acknowledgment of Complaints
2. Investigate and determine solution to the complaint
3. Implementing the Redress Action;
4. Verifying the Redress Action;
5. Monitoring and Evaluation; and
6. Recourse or Alternatives

**Table 5:GrievanceRedressMechanism**

Step	Process	Description	Timeframe	Responsibility
1.	Grievance receipt and registration/ logging	<ul style="list-style-type: none"> <li>-Face to face; phone; letter, recorded during public/community meetings; recorded from Assemblyman/woman, etc.</li> <li>-Significance assessed and grievance recorded or logged using the model complaint form and filed.</li> </ul>	1-2 Days	An aggrieved party or PAPs
2.	Development and implementation of response	<ul style="list-style-type: none"> <li>• GRT meets or takes a decision on the grievance</li> <li>• -Grievance assigned to appropriate party for resolution if necessary</li> <li>• -Response development with input from relevant stakeholders</li> <li>• -Redress response/action approved by GRT and logged</li> <li>• -Redress response/update of progress on resolution communicated to the complainant</li> <li>• -Start implementing redress action</li> </ul>	5- 10 Days	Chairman /Secretary to Workers Association/Union or Assemblyman/woman living within the community
3.	Verifying the implementation of redress action	<ul style="list-style-type: none"> <li>• Redress action implemented and verified by GRT.</li> <li>• -GRT satisfied with implementation of redress action</li> <li>• Complainant duly signed the grievance resolution form</li> </ul>	10-15 Days	Environmental Officer/Safeguard Specialist at sub project level or MMDAs
4.	Close grievance or refer grievance to 2nd tier resolution	<ul style="list-style-type: none"> <li>• -Completion of redress action recorded or logged</li> <li>• -Confirm with complainant that grievance can be closed or determine what follow up is necessary</li> <li>• -Record final sign off of grievance</li> <li>• If grievance cannot be closed, return to step 2 or recommend</li> </ul>	15-25 Days	Environmental Officer/Safeguard Specialist at sub project level or MMDAs
5.	Court of law	<ul style="list-style-type: none"> <li>• if 2nd level settlement does not address dispute, complainant can resort to court of law</li> </ul>	Unknown	Safeguard Specialist at GFZA, MOTI, MoF PIU
6.	Monitoring and evaluation, and reporting	<ul style="list-style-type: none"> <li>• Grievance Redress Mechanism Process is documented and monitored</li> </ul>		Safeguard Specialist at GFZA, MOTI, MoF PIU





The GETP will establish a register of resettlement/compensation related grievances and disputes. Thereceipt of complaints will include its logging and registration as this will help with monitoring thestatus of the grievances and ease reporting on them. The existence and conditions of access to thisregister (where, when, how) will be widely disseminated within the project community/town as partof the consultation undertaken for the project in general.The MMDA safeguard person shall receive all complaints and shall officially register these complaints using the first section of the proposed complaint registration and resolution form (GETP Form) provided in Annex 6. The MMDA safeguard person will inform the team leader for the Grievance Redress Team at the MDA within 24 hours on any complaint lodged.

## 5.6 Openness and Transparency

Under this Project, openness and transparency would be achieved through the following mechanisms:

1. Rigorous Information, Education and Communication System. Specific tools to be used in internal and external communication are as follows:
  - a. Internal Communication
  - b. Project Technical Committee meetings
  - c. Project Steering Committee meetings
  - d. Periodic briefing of MoF & PIUs
  - e. Generation and Circulation of Periodic Reports
2. Citizen Participation in Decision Making
3. Adopting Paperless Systems

## 5.7 Institutional Roles and Responsibility

The Ministry of Finance (MoF) will serve as the lead government agency for this project. AProject Coordination Unit (secretariat) will manage the project and ensure linkages and coordinationwith all interventions under the other ministries. MoF will work with the Ministry of Trade and Industry as wellas other relevant agencies to ensure smooth implementation and the documentation and sharing of lessonslearnt.

The main responsibility for implementing the RPF rests with the Safeguards Specialist to be appointed by the Ghana Free Zone Authority (GFZA) in collaboration with the PCU. Project Implementation Teams (PITs) will be formed at the various industrial parks/Special Economic Zones who will have their respective safeguards persons to oversee the implementation of all actions to mitigate adverse environmental and social impacts within the respective sub-projects.They will report to the Safeguard Specialist at the GFZA to ensure sound implementation of the resettlement related actions at the community level.

The E&S Specialist at the PCU will have overall responsibility for all safeguards related issues on the project and will be supported by an E&S Specialist at the GFZA as well as Safeguards Focal Persons (SFPs) within the other implementing agencies (MoTI, GIPC, NBSSI, MBD, RGD, GSA and VCTF)

**Table 6: Summary of Implementation Arrangements**

No.	Institution	Responsibility
1.	Ministry of Finance/Project Coordinating Unit (MoF/PCU)	<ul style="list-style-type: none"> <li>Monitor implementing agencies for standards adherence</li> <li>Coordinate and support RPF preparation and implementation</li> <li>Overall responsibility for ensuring that participating MDAs apply RPF.</li> </ul>
2.	MMDAs and MDAs (Implementing Agencies): <ul style="list-style-type: none"> <li>Ministry of Trade and Industry (MOTI)</li> <li>Ministry of Business Development</li> <li>Registrar General Department (RGD)</li> <li>Ghana Investment Promotion Centre (GIPC);</li> <li>Ghana Standards Authority (GSA)</li> <li>Ghana Free Zones Authority (GFZA)</li> </ul>	<ul style="list-style-type: none"> <li>Assist with initial screening of sub-projects and initial identification of PAPs</li> <li>Assist in grievance redress matters</li> <li>Implement RPF recommendations</li> <li>Appoint E&amp;S Specialists</li> <li>Implement recommended capacity building and training programmes</li> </ul>
3.	Environmental Protection Agency (EPA)	<ul style="list-style-type: none"> <li>Overall Environmental Performance of the GETP</li> <li>Assess performance on mitigation measures</li> <li>Review screening reports and advise on level of environmental assessment if necessary</li> <li>Assist with training and capacity building of other institutions</li> <li>Grant environmental clearance</li> </ul>
4.	Consultants/NGO	<ul style="list-style-type: none"> <li>Prepare ARAP/RAP if necessary and assist with implementation and capacity building and community sensitization.</li> </ul>

## 5.8 CAPACITY BUILDING ARRANGEMENTS

The capacity building would include awareness- creation, sensitisation and technical training workshops for all project stakeholders. The following training programmes will be undertaken.

**Table 7: Summarised Recommended Training Programmes**

No	Training Content	Participants
1.	<ul style="list-style-type: none"> <li>World Bank Safeguard policies of OP 4.12 and OP 4.01;</li> <li>WBG EHS Guidelines</li> <li>Ghana EPA Environmental Assessment Regulations</li> <li>ESMF/ RPF</li> </ul>	MoF - PCU PCU Safeguards Specialist PIUs (GFZA, MoTI, GIPC, NBSSI, MBD, RGD, GSA and VCTF)
2.	<ul style="list-style-type: none"> <li>Screening Checklist,</li> <li>ESMF Screening checklist;</li> <li>Preparation of TORs for ESIA, ESMPs, RAPs, etc.</li> <li>Preparation of ESIA, ESMPs, RAPs, etc.;</li> <li>Completion of EA Registration Forms</li> </ul>	PCU Safeguards Specialist PIUs (GFZA, MoTI, GIPC, NBSSI, MBD, RGD, GSA and VCTF)
3.	<ul style="list-style-type: none"> <li>Environmental and Social Management Plans</li> <li>Grievance redress registration and resolution forms</li> </ul>	Contractors Supervising engineers, Project site Managers MMDAs, Private Sector Community persons



## 5.9 Budgetary Provisions

The implementation of the RPF would have budget implications in terms of awareness creation, capacity improvement and training workshops as well as dissemination of RPF to key stakeholders involved in the implementation of proposed interventions. The budget is estimated at USD \$132,672.90 or GhanaCedi equivalent<sup>1</sup> of GH¢675,000. Table 8 below shows the breakdown:

**Table 8: Indicative Budget for RPF Implementation**

#	Item	Unit	Unit Cost		Total		Source of financing
			Local ¢	US\$	Local ¢	US\$	
1.	Training & Capacity Building						
	Awarenesscreation andCapacity buildingforMoF, projectstaff, PCU,	20	5,000	1,965.52	100,000	19,655.25	GOG; Project Funds
	Safeguard Specialist, Supervising Engineers and contractors, NGOs, Traditional Authority, Community leaders	100	5,000	1,965.52	500,000	98,276.23	GOG; Project Funds
2.	MonitoringandEvaluation						
	SafeguardscomponentforM&E	10	5,000	1,965.52	50,000	9,827.62	GOG; Project Funds
3	RPF Disclosure						
	Disclosure of RPF - Advertisements/National Dailies	Lump sum			10,000	1,965.52	Project Funds
	Disclosure of RPF – copies to all relevant stakeholders	Lump sum			15,000	2,948.28	Project Funds
	Grand Total				¢675,000	\$132,672.90	

<sup>1</sup>Daily Interbank Cedi to US Dollars FX Rate of ¢5.0877 for 05 April 2019 - Bank of Ghana (<http://www.bog.gov.gh>).



## CHAPTER ONE

### 1 INTRODUCTION

#### 1.1 PROJECT DESCRIPTION

The Government of Ghana (GoG) through the Ministry of Finance has requested the World Bank for credit support of US\$200 million to implement the Ghana Economic Transformation Project (GETP). The GETP aims at supporting the diversification of the economy to better shock-proof against volatility in primary commodity prices, spur a transition to an economic structure that generates higher growth that is more sustainable over the long term. It also aims at helping the government to better respond to the imperative of creating more and decent jobs for the youth and the rapidly growing labour force. The project is anchored in the ‘Ghana Beyond Aid’ vision and recognizes the critical role of the private sector in achieving economic transformation.

The proposed project activities trigger the World Bank Safeguards Policies on Involuntary Resettlement OP 4.12 and the Environmental Assessment. For the latter, a separate Environmental and Social Management Framework has been prepared. Through its Project Coordinating Unit (PCU), the Ministry of Finance (MoF) commissioned the RPF preparation to provide guidelines and framework for activities that are likely to result in involuntary resettlement in accordance with the World Bank social safeguard requirements of ensuring that the project either avoids completely or minimizes any possible negative impacts. This Resettlement Policy Framework (RPF) has been prepared to serve as a guide to addressing potential impacts related to any land taken that will lead to relocation, resettlement or negative effects on livelihoods of affected people.

#### 1.2 GET PROJECT OBJECTIVES

The Program Development Objective of the Ghana Economic Transformation Project is to promote sustainable private investments, productive jobs firm growth in non-resource based sectors. The guiding principle of the project is to promote and strengthen a growth model that is conducive to economic transformation which will achieve, simultaneously, higher rates and productivity growth across the economy (especially in non-resource based sectors), with a view to creating quality and raising incomes.

#### 1.3 PROJECT COMPONENTS

The project has four primary components:

1. **Component 1:** Enabling Investments—improving the enabling business environment, investment promotion capacity and quality infrastructure support system
2. **Component 2:** Crowding-in Investments— promoting spatial and industrial planning and development
3. **Component 3:** Accelerating Entrepreneurship and SME growth
4. **Component 4:** Project Management

##### 1.3.1 Component 1: Enabling Investments— improving the enabling business environment, investment promotion capacity and quality infrastructure support system

- ) Sub-Component 1.1: Improving the Business Regulatory Environment.
- ) Sub-Component 1.2: Investment Policy and Promotion
- ) Sub-Component 1.3: Improving Ghana’s Quality Infrastructure (QI).



### ***1.3.1.1 Sub-Component 1.1: Improving the Business Regulatory Environment.***

Under this sub-component, the project will support three activities:

Activity 1: Support the Registrar General's Department (RGD) in identifying, designing and implementing administrative and institutional changes and streamlines its operations in delivering business registration services. It will also support the inter-connectivity of all agencies related to new business registrations (Registrar General, Ghana Revenue Authority, Social Security, Metropolitan Authority), in order to create a one-stop shop for business registration. This will include development of a data exchange solution, as well as required staff training to effectively support, maintain, and operate this e-Registrar solution.

Activity 2: Support the implementation of the new Companies Bill, specifically the establishment of an autonomous Office of the Registrar of Companies (ORC), separate from the Registrar General's Department, headed by a substantive Registrar, with a full complement of staff and resources to operate a modern Companies Registry in Ghana.

### ***1.3.1.2 Sub-Component 1.2: Investment Policy and Promotion***

Under this sub-component, the following activities will be implemented:

Activity 1: Development of GIPC Corporate Ghana Investment Promotion Center (GIPC) Corporate Strategy: This subcomponent will support GIPC develop a well-articulated multi-year Corporate Strategy. It will serve as a roadmap to the attainment of pre-defined objectives and goals aimed at bolstering the quantity and quality of investment in Ghana. In addition to organizing GIPC's activities for maximum impact, the Corporate Strategy would help GIPC define and leverage its partnerships with stakeholders, help stakeholders understand its role, demonstrate its value, raise funds, build internal and external teams, bolster its advocacy for investment climate reforms, and expand and adjust its activities as needed to offer relevant and comprehensive services to investors.

Activity 2: Improving GIPC's Systems and Tools: Support the enhancement and/or deployment of the systems and tools to ensure that GIPC is efficient and maximizes its ability to service investors, by providing software, hardware and training as needed, including:

- ) Investor Relationship Management System (IRMS)
- ) Investor Information System (IIS)
- ) Standard Operating Procedures (SOPs)

Activity 3: Roadmap for capacity building of GIPC staff: The project will support GIPC staff in acquiring and improving the skills needed to perform their tasks. This may include enquiry handling, investor outreach, investor aftercare, research and business intelligence, systems/IT, marketing, languages, etc. The support will include:

- ) Conducting a HR/staff skills audit;
- ) Devising a multi-year capacity building plan, and
- ) Capacity building through training programs, courses, workshops, seminars and study tours, as most appropriate.

Activity 4: Strengthening GIPC Investor Services: This activity will aim to improve the scope and quality of the services that GIPC provides to foreign and domestic investors in Ghana along the investment lifecycle. It will focus on building sector-specific investment promotion programs. These services can be divided into four categories: marketing, information, assistance, and advocacy; and can further be grouped into programs. The project will provide for the design and oversight of one or more programs of investors services, including:

- ) Investor outreach
- ) Investor aftercare



- ) Investor linkages
- ) Investor advocacy

*Activity 5: Supporting Legislative Reforms to Minimize Sector-Specific Investment Barriers:* Based on a review of relevant IPP legislation in 1 or 2 priority sectors (as defined in GIPC's corporate strategy), work under this activity will aim to identify key legal and regulatory barriers and support reform activities to remove such barriers and encourage investment in these particular sectors. This work will build from the analysis and activities carried out under the Ghana IC project supporting revisions to the GIPC Act (2013).

*Activity 6: Supporting upgrade in the physical infrastructure of the GIPC space:* The project will support upgrades to the physical infrastructure of the GIPC (minor works, remodeling and refurbishment), to improve investor experience.

### **1.3.1.3 Sub-Component 1.3: Improving Ghana's Quality Infrastructure (QI).**

This sub-component supports the Government's Industrialisation agenda by strengthening the regulatory and institutional framework for Quality Infrastructure in Ghana. Under the Ghana Standards Authority's objectives, the project will support a number of key reforms, regulations and investments including the Ghana Standards Bill, NQI Policy, ISO certification of GSA units and departments, and development of regional labs. Specifically, the project will support the Ghana Standards Authority in the following ways:

- ) Develop a National Quality Policy (NQP).
- ) Demand Assessment for QI services<sup>2</sup> in the country.
- ) Develop the needed QI services
- ) Develop accreditation services for Conformity Assessment Bodies (CABs) in the country
- ) Support the development of QI ICT infrastructure
- ) Support the administration and operations of the respective QI functions
- ) Institutional reforms

### **1.3.2 Component 2: Crowding-in Investments— promoting spatial and industrial planning and development**

This component is to put in place a sound framework and processes for spatial planning and development (specifically for Special Economic Zones), that can lead to increased investments and to maximise their economic rate of return in terms of jobs, incomes, productivity and growth. The component will involve:

- ) Sub-Component 2.1: Technical assistance to build institutional and planning capacity in GFZA as well as in other relevant line agencies such as the Customs Authority and GIPC;
- ) Sub-Component 2.2 will focus on building the Government's capacity to enable and foster the private development and operation of SEZs on government owned land allocated and strengthening and clarifying the Government's role as a regulator, enabler and promoter of spatial development.
- ) Sub-Component 2.3 will support last-mile infrastructure investments to make developmentally attractive SEZ projects viable.
- ) A viability gap fund that will finance last-mile infrastructure in eligible zones.

<sup>2</sup>**QI services** is utilized throughout the report as a collective term to denote the outputs of the QI organizations such as standard development, calibration, test reports, certificate, accreditation certificate and many more.





### ***1.3.2.1 Sub-Component 2.1: Technical assistance to build institutional and planning capacity***

This Sub-Component will provide technical assistance to a) develop the first set of diagnostics for both the country's overall SEZ regime and specific SEZ zones/projects, b) build planning and development capacity to regularly carry out such assessments on needs, opportunities and potential for various zone projects, c) improve institutional efficiency, efficacy and strategic alignment with development objectives, d) strengthen investment promotion and marketing, as well as investor aftercare.

Activity 1: Support preliminary site assessments for this select number of sites that have been proposed for the specific FZ/IP projects, including those under the "One Region, One Zone" initiative, and those to be developed by the potential private developers / operators. These sites provisionally selected will also be assessed for security, environmental, social, resettlement, cultural, religious or other issues and risks, including any potential reputational risks for the WBG and development partners.

### ***1.3.2.2 Sub-Component 2.2: Viability Gap Fund for zone development***

This Sub-Component will support spatial development with the establishment of a Viability Gap Fund (VGF) to be managed by a Special Purpose Vehicle (SPV), which will invest in off-site and on-site infrastructure in those zones identified as priority in Sub-Component 2.1.

#### Activity 1: Off-site, last-mile infrastructure

Please note that this list is not all-inclusive

- Construction, paving or upgrading of access roads to the SEZ site
- Construction of a railroad spur directly to the site
- Upgrading of a nearby, adjacent, or on-site port
- Extension or upgrading of the electric power network to the SEZ site
- Extension or upgrading of the telecommunications network to the site
- Preparation of inland waterways to the site
- Extension or upgrading of the water network to the SEZ site, including pipeline construction or upgrading
- Provision of infrastructure and services to surrounding communities (schools, clinics and hospitals, water, electric power, waste treatment and solid waste removal)
- On-going or regular maintenance of any of the above

#### Activity 2: On-site infrastructure (within the walls of or adjacent to the SEZ site)

- Construction of an electric power plant or the extension of the network throughout the park
- Construction of an on-site wastewater treatment plant or water purification/storage facility, waste stabilization ponds, storm drainage and capture systems, sewage systems, or creation or upgrading and maintenance of boreholes
- Construction of a perimeter wall surrounding the SEZ
- Paving of internal roads
- Construction or upgrading of on-site customs office and facilities
- Construction or upgrading of internal zone administration building
- Construction or upgrading of internal amenities/services/SME building
- Construction or upgrading of standard factory buildings or office buildings



- Construction or upgrading of on-site employee residences
- Construction of or upgrading on-site training facilities
- Construction or upgrading of on-site clinic
- Construction or upgrading of on-site eating facilities
- Construction or upgrading of on-site day care facilities
- Construction or upgrading of police station/facilities
- Preparation of all or part of the land for construction of tenant companies
- Construction or upgrading of on-site pipelines
- On-going or regular maintenance of any of the above

Activity 3: Other on-site equipping, outfitting and maintenance (within the walls of or adjacent to the SEZ site)

- Provision of on-site emergency equipment, systems, and personnel
- Provision of on-site security equipment (cameras, etc.), systems, and personnel
- Provision of on-site eating services
- Provision of on-site day care services, systems, and personnel
- Provision, outfitting and equipping of on-site training services, including systems and personnel
- Outfitting and equipping of police station/facilities
- Outfitting and equipping of customs office/facilities
- Landscaping and gardening within and in front of the SEZ site, systems, and personnel
- Solid waste removal facilities and services, systems, and personnel
- Fire prevention and extinguishing equipment (vehicles, extinguishers, etc.), systems, and personnel
- Miscellaneous maintenance work, systems, and personnel

Activity 4: Technical assistance, diagnostics and studies

- Site assessment
- Benchmarking
- Demand forecasting for specific SEZs
- Master Planning for specific SEZs
- Feasibility study for specific SEZs (including industry and sector analysis, infrastructure analysis, and any other analysis included in the feasibility study)
- Economic and financial analysis for specific SEZs
- Marketing strategy and plan for specific SEZs
- Environmental and social impact assessments, and management frameworks for specific SEZs
- Any other diagnostics required for realising specific projects for specific SEZs

Activity 5: Marketing and investment promotion activities

- Developing, printing and dissemination of promotional materials for the entire SEZ regime as well as for individual SEZ projects
- Website development
- Development of e-services and information
- Investment promotion and aftercare infrastructure (investor tracking systems including software and hardware, one-stop shop, on-line investor service systems, etc.)
- Investment promotion activities including participation in trade fairs (travel, per diems, hotels,





rental fees for stands, transportation of samples, etc.), participation in international conferences, capacity building, one-on-one visits to prospective clients and SEZ developers/operators, etc.

*Activity 6: Other activities*

- Training and capacity building for government officials and private sector stakeholders, including participation in study tours
- Reorganisation / streamlining of government institutions
- Community and other stakeholder engagement and consultation
- Preservation of natural habitats for flora and fauna
- Innovation solutions toward the reduction of carbon emissions
- Incorporation of alternative energy sources (wind, solar, etc.) to the SEZ electric power mix
- Support of investment climate reforms/improvements related to SEZs

### 1.3.3 Component 3: Accelerating Entrepreneurship and SME growth

This component is to enable the entry and expansion of enterprises with high-growth potential that can contribute to economic dynamism and job creation in the non-resource sectors of Ghana's economy. This will be achieved through strengthening and rationalising the government's main entrepreneurship and enterprise support programs, the delivery of financial and non-financial support to SMEs, and the strengthening of entrepreneurship hubs and other organizations in the entrepreneurship ecosystem.<sup>3</sup>

- └ Sub-Component 3.1 Reform and Rationalisation of Government Entrepreneurship and SME Support Agencies
- └ Sub-Component 3.2: High Growth SMEs and Entrepreneurship Ecosystem Strengthening
- └ Sub-Component 3.3 Venture Financing for Early-Stage Businesses and Strategic Industries

#### 1.3.3.1 Sub-Component 3.1: Reform and Rationalisation of Government Entrepreneurship and SME Support Agencies

*Activity 1: Support reforms and capacity building for key government agencies* that support entrepreneurs, SMEs, and innovative enterprises, including the NBSSI, NEIP, and VCTF. It will also support the harmonisation and rationalisation of these agencies and related programs, leading to the creation of a new enterprise development agency that groups many of these currently dispersed initiatives.

*Activity 2: Support the planned review and updating of the NBSSI Law* and improve the structure and operational efficiency of the NBSSI agency. Support capacity building of the NBSSI, which will include partnering of the agency with a well-run, similarly mandated agency in another country.

*Activity 3: Support a review of the VCTF mandate and strategy, updating of the VCTF law* if necessary, and resulting reforms of the agency. This will include capacity building support to professionalise VCTF operations and improve efficiencies following the reforms. Given the expanded mandate of VCTF to stimulate early-stage investing activity and provide co-investment to growth stage funds in strategic industries,

*Activity 4: Support the establishment of a Ghana EDA* that will assume the mandate for enterprise

<sup>3</sup>Entrepreneurship hub is defined broadly for the project to include business incubators, accelerators, technology centers, or other organizations with a mission to support the startup and growth of businesses.



development and consolidate key entrepreneurship and SME support programs under its authority. The EDA would take over relevant responsibilities from the NBSSI and NEIP to avoid duplication of roles, with these agencies presumably absorbed into the EDA

### ***1.3.3.2 Sub-Component 3.2: High-Growth SMEs and Entrepreneurship Ecosystem Strengthening***

Activity 1: Support growth and productivity improvements for domestic SMEs and start-ups by providing customised support to SMEs and support to Ghana's entrepreneurship ecosystem.

Activity 2: Support the emergence of high-growth SMEs: the Sub-Component will finance a *MarketConnect* type program<sup>4</sup> that focuses on 360-degree assessments of business capabilities and growth targets and delivers custom-tailored technical assistance and grant financing to firms at different levels of growth (from those at entry level, to those gearing up for expansions, and those well placed for product upgrading and enhanced competitiveness).

Activity 3: Support the development of the entrepreneurship ecosystem by providing capacity building to entrepreneurship hubs to bring the quality of their services up to international standards.

### ***1.3.3.3 Sub-Component 3.3 Venture Financing for Early-Stage Businesses and Strategic Industries***

This Sub-Component seeks to provide seed and venture capital to SMEs through the establishment of funds for co-investments in SMEs and strategic industries. Resources for these funds will be channeled through VCTF.

Activity 1: Finance a new SME financing vehicle, the "Startup Catalyst" Fund, which will focus on promoting seed (startup) and very early stage funding to high-growth potential startups and SMEs.

Activity 2: Finance a "Strategic Industries" fund that will provide co-investment for qualified investment funds that make investments in businesses operating in sectors relevant to Ghana's economic transformation. These sectors are expected to initially target investments in the agriculture and manufacturing sectors (including agribusiness) as well as ICT sector.

Activity 3: Support technical assistance (TA) to further develop the early stage financing ecosystem. This TA will go towards (i) fund management team training, (ii) investor training (e.g. for pension fund and insurance fund managers to better understand PEVC mechanisms), and (iii) reimbursement of actual TA expenses of PEVC funds that were made for completed early-stage investments.

## **1.3.4 Component Four: Project management, Monitoring and Evaluation**

Under Component four the Project will support Project Management, Monitoring and Evaluation. This fourth component will finance specialised consultant services to assist PCU of the ETP at MoF in project implementation and to develop a comprehensive monitoring and evaluation system for the project.

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<sup>4</sup>Such as the ones being financed by the World Bank in Zambia and other countries.



## 1.4 PROJECT BENEFITS AND TARGETS

The primary beneficiaries of this Project are Ghanaian growth-oriented investors as well as the private foreign investors, businesses and entrepreneurs, in addition to line agencies whose capacity to execute their sub-programs will be strengthened.

## 1.5 PURPOSE OF THE RPF

This Resettlement Policy Framework (RPF) is a requirement for World Bank funded projects that may entail direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by; (a) the involuntary taking of land; (i) relocation or loss of shelter; (ii) loss 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.

The activities in the GETP that are expected to require land acquisition and cause involuntary resettlement or restriction of access mainly fall under Component 2 Crowding-in Investments—promoting spatial and industrial planning and development. Of importance here are Sub-Components 2.2 and 2.3:

- ) Sub-Component 2.2 will focus on building the Government's capacity to enable and foster the private development and operation of SEZs on government owned land allocated and strengthening and clarifying the Government's role as a regulator, enabler and promoter of spatial development.
- ) Sub-Component 2.3 will support last-mile infrastructure investments to make developmentally attractive SEZ projects viable.

## 1.6 PRINCIPLES AND OBJECTIVES OF THE RPF

The purpose of the policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects to be prepared during project implementation as well as establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and the implementation and monitoring of relevant project activities.

The RPF ensures that any possible adverse social impacts of proposed project activities are addressed through appropriate mitigation measures, particularly, against potential impoverishment risks through preparation of either a RAP or ARAP instrument. The RAP/ARAP addresses the social resettlement risks by:

- ) Avoiding displacement of people without a well-designed compensation and relocation process;
- ) Minimizing the number of PAPs, to the extent possible;
- ) Compensating for losses incurred and displaced incomes and livelihoods; and
- ) Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs' livelihoods and their well-being.

## 1.7 METHODOLOGY / APPROACH

The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12). In addition to literature reviews, desk studies and stakeholder consultations, the RPF study also benefitted greatly from the earlier RPF report prepared and implemented under the Greater Accra Urban Resilience and Integrated Development Project (GARID). The various key



stakeholders were actively consulted, including the relevant Ministries and Agencies, Metropolitan and Municipal Assemblies and some communities, to learn lessons that aided in preparing this report.

The methodology was developed following the review of the GET Project RPF Terms of Reference (see ANNEX B) and relevant background documents, discussions with WB, and interaction and consultation with the GET Coordinator at the Ministry of Finance. The methodology is presented in Figure 2 below:

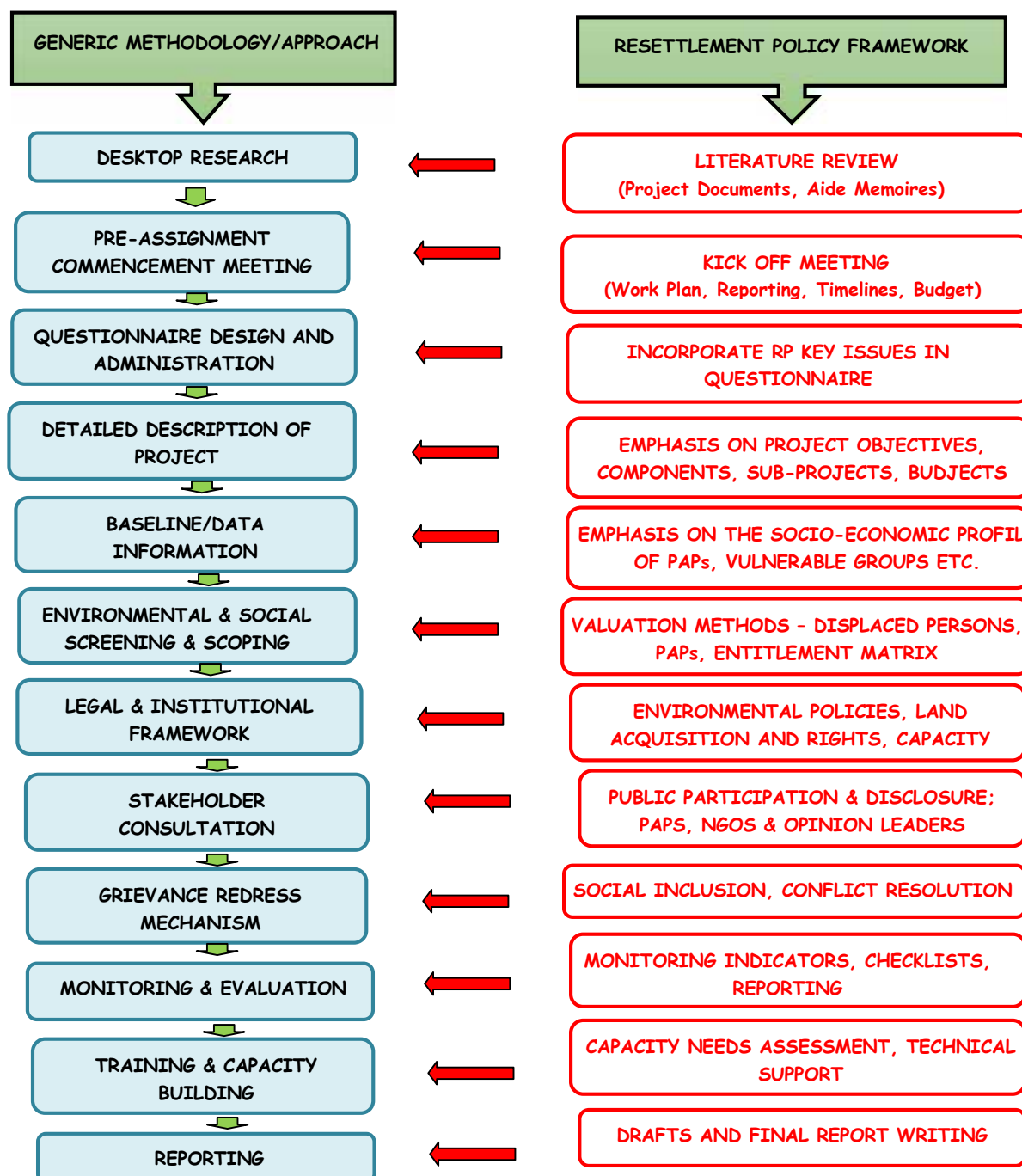


Figure 1: The RPF Preparatory Process Flow Chart

## CHAPTER TWO

### 2 BASELINE SOCIO-ECONOMIC DATA/CENSUS

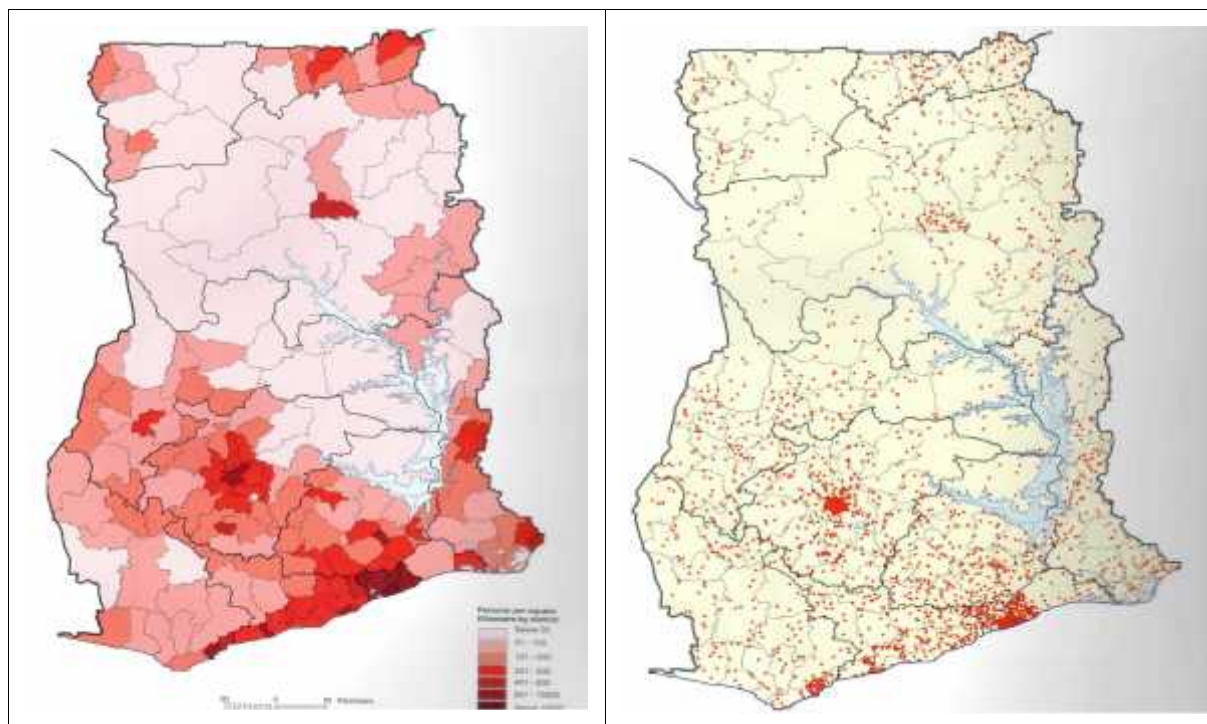
#### 2.1 SOCIAL BASELINE DATA

This section provides baseline socio-economic information as well as the estimated population displacement and likely categories of displaced persons, to the extent feasible. The project area covers the entire country of Ghana. At this point in the project preparation it is not feasible to estimate the likely number of people to be either displaced or livelihood affected.

##### 2.1.1 Population

The current population of Ghana is 29,884,261 as of March 3, 2019, based on the latest United Nations estimates. Ghana's population is equivalent to 0.39% of the total world population. Ghana ranks number 48 in the list of countries (and dependencies) by population. The population density in Ghana is 132 per km<sup>2</sup> (343 people per mi<sup>2</sup>). The total land area is 227,540 km<sup>2</sup> (87,854 sq. miles). 54.8 % of the population is urban (16,507,512 people in 2019).

The 2010 Ghana Population and Housing Census Report provided a comprehensive picture of Ghana's demographic structure. The country recorded a population of 24,658,823, from 6,726,815 in 1960. Thus it more than tripled in fifty years with an average annual growth rate of 2.5% in the last decade. Figure 3 below shows that the Ashanti Region has the highest population in the country, followed by Greater Accra and Eastern Regions. According to the time series analysis, within the period 1960 to 2010, the proportions for the Upper West and Upper East regions declined, pointing to out-migration to other regions, especially to the Greater Accra and Ashanti regions.



**Figure 2: Population distribution by regions in Ghana**





### 2.1.2 Urban or Rural Population

In recent times, Ghana's population has moved towards the urban areas, leading to rapid urbanisation with challenges of inadequate housing and utilities, youth unemployment, slum growth and deficiencies in the management of sanitation. The current urban population is 50.9%, with cities like Accra and the regional capitals growing at a very fast rate of 4 to 6% per annum. The measurement of migration effectiveness showed that Greater Accra Region had a net gain of 66.4% from all internal migrants while Upper West Region had a net loss of 71% between 2000 and 2010.

In Ghana, the classification of a locality as urban or rural is based on population size. Localities with population of 5,000 or more are classified as urban. For the first time since 1960, more than half of Ghana's population (50.9%) lived in urban areas. National population density has increased from 79 persons per km<sup>2</sup> in 2000 to 103 persons per km<sup>2</sup> in 2010.

In terms of comparison by administrative region within Ghana, the greatest contrast is between the Greater Accra Region and the Ashanti Region on the one hand and the other regions on the other. The Greater Accra region is the most urbanised with as much as 87.4% of its total population living in urban centres – principally clustered within the Greater Accra Metropolitan Area where Accra and Tema provide the main nuclei within the metropolitan complex (Table 3). This is followed by the Ashanti Region with 53.2% of the population living in urban settlements dominated by Kumasi, the second largest metropolitan agglomeration after the Greater Accra Metropolitan Area. All other regions had urbanisation levels that fell below the national average of 43.9%. The table further shows that Brong Ahafo, Central, Western and Eastern regions are the next batch of regions with 34% to 37% of their populations living in urban areas. The least urbanised regions lie in poorest regions in Ghana, namely Upper West (17.5%) and Upper East (15.1%) regions.

Ghana's population has a youthful structure with a broad base consisting of large numbers of children, adolescents and young people and a conical top of a small number of elderly persons (see Figure 2). Ghana is experiencing what is called a "Demographic dividend" which arises when birth rates start declining. This creates a 'youth bulge' with a decreasing dependency ratio and hence an increase of the population aged 15-64 (now at 57% of total population from 53.4% in 2000). The transition is gradual and it would take a longer time for the age structure to change significantly. However, this change in the demographic structure of the country requires policy attention as specific investments targeting the youth are required to enable them attain their full potential and contribute meaningfully to the development of the country. The demographic dividend represents a huge window of opportunity for the country if properly managed, but can also lead to social tensions if this growing human capital is not properly nurtured.

Although fertility remains relatively high in Ghana, it should be noted that it has declined significantly from seven children per woman to four over the last 30 years. Contraceptive prevalence is still low at 23%. High fertility exposes women of childbearing age to greater risk of morbidity and mortality. Rural women (5.45), married women (4.97) and women with no formal education (5.51) reported the highest mean number of children ever born.

The country also features a diverse and culturally rich population with eight main ethnic groups (Akan, Ga-Dangme, Ewe, Guan, Gurma, Mole-Dagbani, Grusi, and Mande) distributed across the ten administrative regions. The largest is the Akan, with 47.5% of the total population and mainly residing in the central and coastal areas of the country; followed by the Mole-Dagban characterising



the North of the country and the Ewe who are predominant in the Volta region. The two main religions professed in the country are Christianity (71.2% spread over a number of churches) and Islam (17.6%), with the latter concentrated in the northern parts of the country (see Table 7 at p.58). 737,743 people, accounting for about 3.0% of the total population, live with disability. Volta region recorded the highest number of PWDs, with the lowest number in the BrongAhafo region. In general, the number of PWD increases with age. The disability rate rose from 1.4% at age group 0–14 years to 3.1 % for those aged 15–64 years and to 14% for age 65+ years. Nationally, the most common type of disability is sight or visual impairments (40.1%), followed by physical disability (25.4%). More PWDs (54.0%) are found in the rural areas compared with (46.0%) in the urban areas (Census 2010).

### 2.1.3 Gender and Vulnerable Groups

#### 2.1.3.1 Role of Women in Ghana's Economy

In Ghana, although women's roles and participation in economic activity have been defined and shaped along biological and cultural lines, women have made significant strides in all aspects of the Ghanaian economy especially in the agricultural and service sectors. Presently, more Ghanaian women are now getting out of their home jobs into paid jobs and are forced to combine their work at home as homemakers and their jobs outside the home. Amu, 2004 has investigated the role of women in the Ghanaian economy especially their participation in economic activities, to identify factors that hinder their development, to shed light on how women affect and are affected by policies, programs and projects that are instituted by the government, domestic and otherwise, how best to take advantage of some of these programs and policies, and how best to minimize their negative impact on women.

Although females make up about 51 percent of the Ghanaian population as at 2000, illiteracy is more prevalent among women than men. The GLSS4 survey for instance found out that twice as many females as males have never been to school. This among other factors implies that in Ghana more males have access to education than women. This situation explains why the concentration of women in skill and knowledge-based industries is low, as against the high concentration of women in the informal private sector employment and informal self-employment.

The gender characteristics of the unemployed indicate that the unemployment rate among women is lower than among males. Although women's participation in the labour force and economic activity makes up almost half of the economically active population, they are mostly found in the lower echelon of economic activities especially the private informal sector where women are predominantly entrepreneurs of small and medium scale businesses. Women are found to be mainly employed in agriculture and allied fields, sales work and to a lesser extent production, transport, professional and technical fields. These women, in recent times, have increasingly become the backbone of their families as breadwinners.

Existing programs to enhance women's participation in economic activities have covered financial assistance in the form of micro credits well as skill training and retraining through workshops, seminars, etc. However due to various operational constraints, financial assistance from micro-financial institutions has been poor and woefully inadequate. Some general recommendations given include the following:

- ) Identifydiversetypesofpotentialborrowerswithintheentirepopulationofwomenin micro-enterprise to ensure that loanoutreachextends to a diverse group ofpotential borrowers, including poor women with little or no education and women in the informalsector.
- ) Identifythescopeoflendingopportunitiestowomenbyassessingthesizeandregional distributionofthe populationof womeninmicro-enterprise, identify needs in high-potentialsub-sectorsandstrategizeloanoutreachbyassessing differencesin women’s businesses betweencommercial, services, and productionsectors.
- ) Identifytheneedsandcharacteristicsofbothhome-basedenterprisesandenterprises based outside the home, recognize the development potential of both types of enterprises, and designappropriate lending strategies foreachtype ofenterprise.
- ) Devisestrategiesforaddressingwomen’sconcernsaboutthehighcostofcredit,access tocollateraland highinterestrates,suchasby increasingtheiraccesstoinformation about credit and lendingprocesses.
- ) Considerexpandingthesectoralscopeofthemicro-financeprogramstoincorporate women’s agriculturalenterprises.
- ) Supplementlendingprogramswithotherformsofbusinesssupportthatareessential fortheeffectivedevelopmentof women’senterprisesasa wayoflooking beyondcredit and ratherconcentratingon non-financialsupport needs.



**Figure 3: Preserved Tree at Appolonia City, Apolonia**



**Figure 4: Cattle grazing within undeveloped portion of the Dawa Industrial Park**





**Figure 5: Earth bund fencing within perimeter of Dawa Industrial Park to ward off Cattle and encroachers**



**Figure 6: Typical Cleared areas for utility lines and drainage works, Dawa Industrial Park**



**Figure 7: Vegetable Nursery at Dawa Dam Site**



**Figure 8: Women Farmers at Dawa Dam site**



## CHAPTER THREE

### 3 LEGAL AND INSTITUTIONAL FRAMEWORK FOR LAND ACQUISITION

The RPF will consider the laws, legislation, regulations, and local rules governing land acquisition and involuntary resettlement issues on land and other assets in Ghana.

1. The 1992 Constitution of the Republic of Ghana: Article 20 subsection 1-6;
2. The Administration of Lands Act, 1962 (Act 123);
3. The State Lands Act, 1962 (Act 125);
4. The State Lands Regulations 1962 (LI 230);
5. The State Lands (Amendment) (No. 2) Regulations 1963 (LI 285);
6. Lands (Statutory Way Leaves) Act, 1963 (Act 186);
7. State Lands (amendment) Act 2000 (Act 586)
8. Minerals and Mining Regulation (compensation and resettlement) 2012 (LI 2175)
9. Land Use and Spatial Planning Act, 2016 Act (925)
10. Lands Commission Act, 1994 (Act 483)
11. Land Title Registration Law of 1986
12. Local Governance Act of 2016, Act 936;
13. New Labour Act 2003, Act 651
14. National Museum Act 1969 (NLCD 387)
15. Persons with Disability Act 2006, Act 715

#### 3.1.1 Constitution of the Republic of Ghana 1992

The Constitution of Ghana (1992) provides for individual property rights, the protection of those rights, and compensation from the government if it compulsorily acquires a person's property. The right to acquire land is vested in the President, although land may only be acquired by the state if the "taking of possession or acquisition is necessary in the interest of defense, public safety, public order, public morality, public health, town and country planning or the development or utilisation of property in such a manner as to promote the public benefit" and "the necessity for the acquisition is clearly stated and is such as to provide reasonable justification for causing any hardship that may result to any person who has an interest or right over the property."

##### 3.1.1.1 Property and Land Rights in Ghana

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

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

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

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

*a) The taking of possession or acquisition is necessary in the interest of defense, public safety, public order, public morality, public health, town and country planning or the development or utilization of*



*property in such a manner as to promote the public benefit; and*

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

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

### **3.1.1.2 Land Acquisition**

Clause 2 of Article 20 further provides that:

*“Compulsory acquisition of property by the State shall only be made under a law which makes provision for:*

*a) The prompt payment of fair and adequate compensation; and*

*b) A right of access to the High Court by any person who has an interest in or right over the property whether direct or on appeal from any other authority, for the determination of his interest or right and the amount of compensation to which he is entitled.”*

Clause 3 adds that:

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

The Constitution states that, where the state compulsorily acquires land, and where the state will resettle the displaced inhabitants, the state “shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values”.

### **3.1.1.3 Prompt and Adequate Compensation**

The Constitution states that the state may only compulsorily acquire property if a law exists that provides for the prompt payment of fair and adequate compensation (Constitution, Article 20). The State Lands Act emphasizes the payment of compensation to the victims of acquisition made under the Act. The basis of the compensation should be either the market value or replacement value. Additionally, compensation amounts must take into account the cost of disturbance and incidental expenses or other damages suffered because of the resettlement.

### **3.1.1.4 Dispute Resolution and Grievance Mechanisms**

The Constitution of Ghana (Article 20) states that compulsory acquisition of property by the State shall only be made under a law which makes provision for a right of access to the High Court. Access should be available to any person who has an interest in or right over the property, whether direct or on appeal from any other authority, for the determination of his interest or right and the amount of compensation to which he is entitled.

The State Lands Act (1962) provides avenues for people who are not satisfied with compensation to seek redress. Where any person is dissatisfied with the amount of compensation assessed by the Minister, but in no other case, the Minister may refer the matter to a Tribunal. The Tribunal shall consist of three persons appointed by the President, following consultation with the Chief Justice, and one of those





person shall be a Judge of the High Court who shall be the Chairman of the Tribunal.

### **3.1.2 Land Use and Spatial Planning Act, 2016 Act (925)**

The Land Use and Spatial Planning Law seeks to provide sustainable development of land and human settlements through a decentralised planning system and ensures judicious use of land. This is to improve the quality of life, promote health and safety in respect of human settlements. It further regulates national, regional, district and local spatial planning and generally provides for spatial aspects of socio-economic development and related matters.

### **3.1.3 Lands Commission Act, 1994 (Act 483)**

The Act 483 provides for the management of public and vested lands and the certification of stool lands transactions. It is a requirement of the 1992 Constitution that there shall be no disposition or development of any stool land unless the Lands Commission of the region in which the land is situated has certified that the disposition or development is consistent with the development plan drawn up or approved by the planning authority for the area concerned.

### **3.1.4 State Lands Act 1962, Act 125**

The State Lands Act 1962 (Act 125) has vested authority in the President of the Republic of Ghana to acquire land for the public interest via an executive instrument. On publication of an instrument made for the acquisition, the land shall vest in the President on behalf of the Republic (sect. 1). The Minister may pay compensation or may offer land of equivalent value. Disputes that arise may be referred by the Minister to the Tribunal established under section. In addition, the State Lands Act, 1962, details the different elements to be taken into consideration when calculating compensation and these include:

- J “Cost of disturbance” means the reasonable expenses incidental to any necessary change of residence or place of business by any person having a right or interest in the land;
- J “Market value” means the sum of money which the land might have been expected to realize if sold in the open market by a willing seller or to a willing buyer,
- J “Replacement value” means the value of the land where there is no demand or market for the land by reason of the situation or of the purpose for which the land was devoted at the time of the declaration made under section 1 of this Act, and shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the said declaration; and
- J “Other damage” means damage sustained by any person having a right or interest in the land or in adjoining land, by reason of severance from or injurious affection to any adjoining land.

#### **3.1.4.1 Damage or Loss**

The State Lands Act also makes provision for compensation for any person who suffers any loss or damaged due to “the carrying out of any survey, as a result of installation, construction, inspection, maintenance, replacement, or removal of any specified work.” The Minister will base the amount of compensation on any loss or damage, and may take into account how much the person’s land has increased in value as a result of the installation or construction of the works.

#### **3.1.4.2 Claiming Compensation**

The State Lands Act states that the affected person or group is responsible for registering a claim against land acquisition (State Lands Act, Act 125). Any claim for compensation must be made to the Minister no more than three months after the date of declaration made by the President under Act 186, Section 1.



Nopersonshallbeentitledtoanycompensationforlossordamageif,intheopinionoftheMinister;(1) anyallegeddamagetothe landhasbeensufficientlyaddressed,andthelandhasbeenreinstated,(2)anyalleged loss arisingoutofthedeprivationoftheuseofanyland, (3)thepersonallegingtheloss hasbeenofferedotherlandofequivalentvalue,(4)theallegeddamageistomovable property,andtheproperty has beensufficientlyrestoredorreplaced,or(5)theworksconstructeddonotsubstantiallyinterferewith theenjoymentofland.

### 3.1.4.3 Valuation

The *State Lands Act* also defines *market value* as the amount the land would sell for on the open market at the time the wayleave is declared, using the principle of willing buyer–willing seller.

*Replacement value* is used for compensation if there is no demand or market for the land due to the situation of the land or the purpose for which the land was used when the declaration of intent to acquire the land was made. The replacement value is the amount required for “reasonable reinstatement equivalent to the condition of the land at the date of said declaration”.

*Cost of Disturbance* is defined as the reasonable expenses incidental to any necessary change of residence or place of business by any person having a right or interest in the land.

### 3.1.5 Local Governance Act of 2016, Act 936

The Local Governance Act of 2016, Act 936 gives direction to and supervises other administrative authorities in the district as may be prescribed by law; initiates programmes for the development of basic infrastructure and provides municipal works and services in the district; as well as be responsible for the development, improvement and management of human settlements and the environment in the district;

### 3.1.6 Land Title Registration Law of 1986

The Land Title Registration Law of 1986 recognises four types of customary ownership in land (detailed below) whereas the other two categories only contain one form of ownership each.

#### 3.1.6.1 Customary Ownership

a) *Allodial Title*: This is the highest interest recognised by customary law. It is normally communally owned and is generally held or vested in stools or skins. In other traditional areas, this interest is held by subgroups like sub-stools, clans, families, or individuals. The owner of the allodial land holds this land under no restrictions or obligations other than those imposed by the law of Ghana.

b) *Freehold Title*: This is divided into customary law freehold and common law freehold.

i) *Customary Law Freehold* aka *Usufructuary title* refers to an interest held by subgroups or individuals in land that is known to be owned allodially by a larger community. It can be acquired by cultivation or succession. It is perpetual, inheritable, and the holder has the right to sell, lease, or grant agricultural tenancies on the land. The landholder can occupy the land and derive economic benefit from it. The government and/or the allodial landowner may terminate holding rights if the landholder fails to produce successors, through compulsory acquisition, if the holder abandons the land, or in rare circumstance where the holder denies the absolute title of the allodial owner.



ii) *Common Law Freehold* refers to an interest in land that stems from the sale or gift to a person outside the community, by the community that holds the allodial title to the land. The landholder's rights, and any dispute settlement mechanism, are defined by Common Law. This type of freehold is created by express grant. The grantor may impose terms on the grant, provided those terms are reasonable and not contrary to public policy. Only Ghanaian citizens may acquire freehold title to land.

c) *Leaseholds*: This is the right to occupy and develop the land granted for a certain period of time. Ghanaian law specifies 99 years for Ghanaian citizens, and 50 years for non-Ghanaians. A lease may be granted either by the holder of the allodial title or a customary freeholder. It is a creation of the Common Law. The grantor may impose various terms on the lease, including the payment of rent.

d) *Customary Tenancy*: Owners of the allodial title or customary freehold can create various lesser interests (than those described above). These types of tenancies are usually share-cropping arrangements. Under "abusa" tenancy, the tenant farmer is entitled to a third of the produce from the land. Under "abunu" tenancy, the farmer is entitled to half of the produce.

### 3.1.6.2 State Lands

State land is a land which the state has compulsorily acquired for public purposes or in the public interest, as specified in the Constitution. Currently the principal acquiring legislation is the State Lands Act of 1962, Act 125, for public purposes or in the public interest. Under such ownership, Allodial rights become vested in Government who can then dispose of the land by way of leases, certificate of allocations, and licenses to relevant beneficiary state institutions as well as private individuals and organisations. The boundaries of these land parcels are cadastral surveyed and are scattered throughout the country.

### 3.1.6.3 Vested Lands

Vested land or Split ownership is owned by a chief but managed by the State on behalf of the land-owning stool or skin. Under such ownership legal rights to sell, lease, manage, or collect rent is taken away from the customary landowners by application of specific laws on that land and vested in the State. Landowners retain equitable interest in the land (i.e., the right to enjoy the benefits from the land). This category of land is managed in the same way as State land. Unlike State land however, the boundaries are not cadastral surveyed, and they are usually larger, covering wide areas.

### 3.1.7 Lands (Statutory Wayleaves) Act, 1986

Where the government needs to establish a Right of Way to create a project in the public interest, the Lands (Statutory Wayleaves) Act states that the President may declare the land to be subject to such a statutory wayleave. On publication of a wayleave instrument specifying the area acquired, and without further assurance, the land becomes subject to wayleave. Compensation is then determined and paid, with the right of appeal to a tribunal established by the President in parallel with the Lands Act of 1962. The State may create a statutory wayleave for a highway, any other structure, or works for the purpose of, or in connection with, any public utility service, or any "specified works".

The Lands (Statutory Wayleaves) Act provides that a copy of every wayleave instrument shall be served on the owner or occupier of the land affected by the statutory wayleave, and if neither the owner nor



occupier can be found shall be posted in a conspicuous place on the land and published in a newspaper circulating in the locality. The owner/occupier of the land must receive seven days' advance notice of intent to enter, and given at least 24 hours' notice before actual entry (The Lands (Statutory Wayleaves) Act, 1962). Any damage caused by the entry is subject to compensation according to the procedures established by the Minister (unless the land is restored or replaced).

The Lands (Statutory Wayleaves) Act states that no compensation will be paid, in the case of highways, if the project damages or destroys less than one fifth of the total holdings of an affected person.

### 3.2 WORLD BANK SAFEGUARDS POLICY ON INVOLUNTARY RESETTLEMENT

A Resettlement Policy Framework (RPF) is a requirement for World Bank funded projects that may entail direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by the involuntary taking of land resulting in:

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

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

- ) informed about their options and rights pertaining to resettlement;
- ) consulted on, offered choices, and provided with technically and economically feasible resettlement alternatives; and
- ) provided prompt and effective compensation at full replacement cost for losses of assets attributed directly to the project.

If the impacts include physical relocation, the resettlement plan should include measures to ensure that the displaced persons are:

- ) 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 the old site.

Where necessary, to achieve the objectives of the policy, the resettlement plan also should include measures to 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 standards of living; and
- ) provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities.

#### 3.2.1 Comparison to World Bank OP 4.12

There are significant gaps between Ghanaian laws and regulations and the requirements for resettlement as laid out in OP 4.12. The "Safeguards Diagnostic Review for Piloting the Use of Ghanaian Systems to Address Environmental Safeguard Issues in the Proposed World Bank-Assisted Ghana Energy Development and Access Project (GEDAP)" which was completed in December 2006,



concluded that: “the Ghanaian system on involuntary resettlement are deemed not to be equivalent with the Bank’s.”

Table 1 highlights the differences between Ghanaian laws and World Bank policies regarding resettlement and compensation. Below is a short discussion of the most important differences.

Ghanaian law requires prompt, adequate, and fair compensation for Project Affected Persons (PAPs); this is not at par with OP4.12, which requires that compensation be completed prior to the start of the project. Additionally, there is no provision for relocation assistance, transitional support, or the provision of civic infrastructure under Ghanaian law. (Table 1, Section II)

Additionally, Ghanaian law does not make any specific accommodation for squatters or illegal settlers, other than under the *Limitation Decree* where settlers can claim rights to the land after living on it for 12 years and where the legal owner of the land has failed to exercise this legal ownership. (Table 1, Section I)

OP4.12 requires that affected communities be consulted regarding project implementation and resettlement. Affected communities should also receive the opportunity to participate, implement, and monitor resettlement. However, Ghanaian law states that, when it is determined that a Right of Way must be established, the President publishes a wayleave instrument and the lands specified are immediately subject to the wayleave. The instrument must then be publicised where the owner or occupier of the land can easily see it. The owner/occupier must receive at least 7 days’ notice of intent to enter, and 24 hours’ notice before entry. (Table 1, Section II).

Ghanaian law makes no specific accommodations for potentially vulnerable groups such as women, children, the elderly, ethnic minorities, indigenous people, the landless, and those living under the poverty line. These groups are at the highest risk to experience negative effects due to resettlement, and should receive special consideration during the preparation of a Resettlement Policy Framework to assure that they can maintain at least the same standard of living after displacement takes place. (Table 1, Section I). Finally, there is also no provision in the law that the state should attempt to minimise involuntary resettlement.



**Table 1: Comparison of Ghanaian and World Bank Policies on Resettlement and Compensation**

Topic	Ghana Legislation Requirements	World Bank Policy OP4.12 Requirements	Comparison/Gaps	Gap Filling Procedures
Land Tenants/ Squatters	No constitutionally or legislatively recognized resettlement rights or assistance for those without recognized (formal) legal rights to land.	For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help livelihoods improve or at least restore those affected persons'	Bank policies provides for compensation for squatters; Ghanaian laws do not. Bank policies makes provisions for supporting vulnerable groups among the displaced; the Ghanaian laws have no provisions for special support for vulnerable.	Make provision for compensation to support squatters and the vulnerable
Timing of compensation payments	There are no relevant constitutional or legislative provisions that specify the timing of completion of resettlement and compensation.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access.	There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access. Even if these requirements are met, they would be applicable only to communities with proprietary rights or interests in affected lands.	Compensation payments are done prior to displacement.
Calculation of compensation and valuation	Fair and adequate	Full replacement cost and livelihood restorations	There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.	The Replacement Cost Approach (RCA) will be adopted for the calculation of compensation, and livelihood restoration
Relocation and resettlement	In the event where inhabitants have to be physically displaced, the State is to resettle them on "suitable land with due regard for their economic well-being and social and cultural values".	Affected people who are physically displaced are to be provided with residential housing, or housing sites, or, as required, agricultural sites at least equivalent to the old site. Preference to be given to land-based resettlement for displaced persons whose livelihoods are land-based.	Ghanaian laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement	Physically displaced PAPs are to be provided with housing sites at least equivalent to the old site. Preference to be given to land-based resettlement for displaced persons whose livelihoods are land-based (i.e. farmers, etc.)

**Table 1: Comparison of Ghanaian and World Bank Policies on Resettlement and Compensation Cont'**

Topic	Ghana Legislation Requirements	World Bank Policy Requirements	Comparison/Gaps	Gap Filling Procedures
Resettlement assistance	No specific provision with respect to additional assistance and monitoring.	Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.	Ghanaian policy and legislation would need to be reviewed to aligned with this Bank policy	Affected people are to be offered resettlement support to cover a transition period
Completion of resettlement and compensation	There are no relevant constitutional or legislative provisions that specifically state that resettlement and compensation needs to be completed.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence between Ghanaian law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	The implementation of relevant resettlement plans before project completion or on providing resettlement entitlements should be made applicable only to communities with proprietary rights or interests in affected lands. Even if these requirements are met, they would be applicable only to communities with proprietary rights or interests in affected lands.
Vulnerable groups	No specific provision	Particular attention to be paid to vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children.	Ghanaian policy and legislation would need to be reviewed to aligned with this Bank policy	Particular attention to be paid to vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children.
Livelihood restoration and assistance	There are no specific laws or regulations specifying support for livelihood restoration and transition and moving allowances	Livelihoods and living standards are to be restored in real terms to pre- displacement levels or better	Ghanaian policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement	Steps to be taken to restore livelihoods and living standards in real terms to pre- displacement levels or better



Table 1: Comparison of Ghanaian and World Bank Policies on Resettlement and Compensation Cont'

Topic	Ghana Legislation Requirements	World Bank Policy Requirements	Comparison/Gaps	Gap Filling Procedures
Consultation and disclosure	The owner/occupier of the land must be formally notified at least a week in advance of the intent to enter, and be given at least 24 hours' notice before actual entry	Displaced persons and their communities are provided timely and relevant information, consulted on resettlement options, (including being involved in site selection of where they are being relocated) and offered opportunities to participate in planning, implementing, and monitoring resettlement.	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy, noted above also.  In LI 1652 (Regulation 17), similar considerations apply and the same differences are identifiable: There is no requirement to disclose the preliminary report under Regulation 9. Practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language. This is significant considering the composition of those most likely to be excluded from the remit of Ghanaian legislative and constitutional protection for involuntary resettlement (i.e., squatters).	Displaced persons and their communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.
Grievance mechanism and dispute resolution	Access to Court of Law	Appropriate and accessible grievance mechanisms to be established	The Local Governance Act 2016 Act 936 section 26 makes provision for the establishment of Public Relations and Complaint Committee to address grievances. Section 89 also makes provision for grievance procedures.	Appropriate and accessible grievance mechanisms to be established



### 3.3 INSTITUTIONAL ARRANGEMENTS

Various institutions play critical roles on the land management and administration in the country. The main ones are:

1. Ministry of Finance
2. Ministry of Justice and Attorney-General's Department
3. Environmental Protection Agency
4. Lands Commission
5. Land Use and Spatial Planning Authority
6. Municipal Assemblies
7. Regional Coordinating Councils
8. Traditional Authorities
9. Non-Governmental Organisations

#### 3.3.1 Ministry of Finance

Ministry of Finance must manage government financial assets, propose economic and financial policy, and coordinate and supervise these actions as empowered by law. Its main duties and functions are to prepare the annual fiscal budget and issue adequate regulations for its execution. Incidentally, the GET project is being coordinated and implemented under the newly formed Economic Transformation Unit within the Ministry of Finance.

With respect to resettlement activities, the Ministry is the lead coordinating agency for the project, including hosting the PCU. The PCU will have key staff including Social and Environmental Safeguards Specialists who will lead and coordinate social impact assessments, resettlement planning and implementation in close coordination with safeguards focal persons of the other participating ministries and agencies. The Ministry of Finance is responsible for releasing money to be paid to victims of projects undertaken by state agencies. The Ministry may enter into special arrangements with participating MAs regarding implementation of provisions in the RAPs especially with reference to payments of compensations.

#### 3.3.2 Ministry of Justice and Attorney-General's Department

The Ministry of Justice and Attorney-General's Department 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. Within the grievance redress mechanism, this will be a last resort after all parties have exhausted opportunities outlined by the grievance redress mechanism established by the project.

#### 3.3.3 Environmental Protection Agency

The Environmental Protection Agency is the body responsible for ensuring compliance with laid down ESIA procedures in Ghana in accordance with the EPA Act 1994 (Act 490) and its amendment. The Agency is expected to give environmental approval for projects. The ESIA is being applied in Ghana to development projects as well as other undertakings as an environmental permitting prerequisite and a major environmental management tool. The EPA is represented in all the ten (10) regions of the country and will support the project by exercising its permitting and monitoring powers. Though the Agency's technical capacity may be adequate there is some concern with regards to logistics especially transport and personnel which may therefore limit its effectiveness.



The Ghana EA procedures are largely in agreement with the World Bank policies and procedures and the former is now well entrenched in the country to assure satisfactory environmental and social performance of the GETP.

### **3.3.4 Lands Commission**

This is the state agency 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 the 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.

The Lands Commission comprises of four Divisions:

- ) Lands Registration Division
- ) Land Valuation Division
- ) Survey and Mapping Division; and
- ) Public and Vested Lands Management Division

#### **3.3.4.1 Land Registration Division of the Lands Commission**

It was established in 1986 as the Title Registration Advisory Board under Section 10 of the Land Title Registration Act, 1986. However, it was brought under the Lands Commission as the Lands Registration Division with the promulgation of the Lands Commission Act 2008, Act 767. The Division ensures registration of title to land and other interests in land; maintains land registers that contains records of land and other interests in land; ensures registration of deeds and other instruments affecting land, among other functions.

#### **3.3.4.2 Land Valuation Division**

The Land Valuation Division establishes compensation levels, using market value for lands, and replacement value for property. The Division sets rates for crops which are applicable nationwide. The LVD has offices in all the ten (10) regions of Ghana and has 44 District Offices. The 6 newly created regions are yet to have Regional Offices. The District Offices are involved only in 'rating valuation' and that any valuation taking place has to be undertaken by the Regional Offices which have certified valuers. The LVD also keep records of private sector certified valuers.

Various roles as stipulated under Act 767 have been assigned to these divisions. The Commission is responsible for the registration of title documents. In terms of compulsory acquisition the Commission manages the process till the passage of the Executive Instrument. To facilitate this role, the Lands Commission will have a designated representative in the Project Steering Committee. The Commission also has direct responsibility for valuing impacted properties and land for compensation in matters where the state acquires land compulsorily.



### 3.3.4.3 *Survey and Mapping Division of the Lands Commission*

It was established in 1962 under the Survey Act 1962, Act 127 as the Survey Department. The Department was brought under the Lands Commission as the Survey and Mapping Division with the promulgation of the Lands Commission Act 2008, Act 767. The Division supervises, regulates and controls the surveys and demarcation of land for the purposes of land use and land registration. It also supervises, regulates, controls and certifies the production of maps. It is responsible for planning all national surveys and mapping among other functions.

### 3.3.5 **Land Use and Spatial Planning Authority (LUSPA)**

The Authority prepares planning layouts for towns and cities and defines Safety Zones/Rights of Way. It also vets and approves layouts prepared by prospective developers and specifies all reservations based on forecasted land-use plans. The Authority is required to approve developments and grant permits in conformity with the already prepared layout of the area.

Land Use and Spatial Planning Authority has responsibility to revise and consolidate the laws on land use and spatial planning, provide for sustainable development of land and human settlements through a decentralised planning system, ensure judicious use of land in order to improve quality of life, promote health and safety in respect of human settlements, regulate national, regional, district and local spatial planning, and generally provide for spatial aspects of socio economic development and other related matters. The Authority is mandated to undertake the following services:

- ) Preparation of Spatial Plans (Spatial Development Frameworks; Structure Plans and Local Plans);
- ) Rezoning and Change of Use
- ) Plan Revision and Amendments
- ) Layout Extracts
- ) Sub-division
- ) Site Selection
- ) Processing Development and Building Permit Applications
- ) Provision of Certified True Copies of Planning Documents and Permits
- ) Provision of Planning Advisory Services

LUSPA is positioned to operationalise the component activities along with the other participating MDAs. As indicated in the PCU structure, LUSPA is expected to have dedicated staff who will take direct responsibility for ensuring judicious use of selected land in order to improve quality of life, promote health and safety of the people.

### 3.3.6 **Municipal Assemblies**

The MAs are planning authorities as stated in the Local Governance Act 2016 (Act 936). They have jurisdiction over the project corridors and sites. They grant permits and licenses for development and operation of infrastructure and any other commercial activities.

Land demarcation and general development plans of communities lie with the assemblies as well as the communities in consultations with the Traditional Authorities who are custodians of lands in most part of Ghana. The MAs will be acquiring lands for sub-projects in their MTDPs and where resettlement and compensations are triggered; they will be responsible for the implementation of the provisions of the RAP.



### **3.3.7 Regional Coordination Council (RCC)**

The RCCs will play coordinating and monitoring roles for all participating MAs in their respective regions on social safeguards issues. They will also coordinate and monitor the implementation of sub-projects from the MTDPs at the regional levels by ensuring prudent management and effective use of funds.

### **3.3.8 Traditional Authorities and Community Elders**

In the 1992 Constitution, chieftaincy together with its traditional councils is guaranteed and protected as an important institution in the country. Article 267 (1) of the 1992 Constitution avers that all stool lands in the country shall vest in the appropriate stool on behalf of, and in trust of the subjects of the stool in accordance with customary law and usage.

In Ghana, people of common descent owe allegiance to a symbol of collective authority, such as the 'stool' for the Akans of Southern Ghana or the 'skin' for the people of Northern Ghana. Traditional Authorities play a key role in the administration of the area and in customary land control. At the village level, family and land disputes and development issues are also traditionally dealt with by the village chief and elders.

In addition to providing an important leadership role, especially in the more rural areas, chiefs act as custodians of stool/skin land, can mobilise their people for developmental efforts and arbitrate in the resolution of local disputes. Although chiefs have no direct political authority, some are appointed by the Government on District Assemblies. For the purpose of this project, community elders and chiefs will play a key role in identifying Project Affected Persons for compensation purposes.

### **3.3.9 Non-Governmental Organizations (NGO)**

NGOs are independent bodies who serve as the mouth-piece of the local people. They participate in public hearings of ESIA and RAPs and in addressing the concerns of the communities. With regard to the implementation of the GETP where resettlements and compensations are triggered, they will serve as independent advocacy bodies to validate compensations and resettlement schemes, help with sensitisation and awareness programs, facilitation of transparency and grievance redress. As part of the broader project consultation, the GETP will engage relevant NGOs in project activities. The NGOs will serve as bridge for community mobilisation and support for the project.





## CHAPTER FOUR

### 4 RISKS AND GENERIC POTENTIAL SOCIAL SAFEGUARDS ISSUES

The proposed development project is envisaged to have a range of social and economic impacts, some of which would be temporary, whilst others would be long-term and permanent. Based on experiences with similar projects like the Tema Export Processing Zone in Accra, , the project implementation may result in physical and economic displacement of local populations, occupational/community health and safety concerns, labour issues and therefore the need for mitigation measures. Table 2 summarises proposed works or sub-projects and their generally anticipated impacts on involuntary resettlement including displacement and disruption of local livelihood and economic systems. Summary of the key issues are outlined below:

1. Involuntary Displacement and Loss of Livelihood
2. Employment Creation and Opportunities
3. Transportation and Access
4. Community Health, Safety and Security
5. Cultural heritage.

#### 4.1.1 Involuntary Displacement and Loss of Livelihood

During the constructional phase the following key issues should be considered:

- ) Resettlement and displacement issues
- ) Working Conditions and management of Worker relationships
- ) Loss of community properties.
- ) Pressure on existing infrastructure facilities like hospitals, shops, schools etc.
- ) Cultural conflicts.
- ) Impacts on vulnerable minority groups, tribal and indigenous people.
- ) Impacts on human heritage and cultural landscapes.

During the operational phase the following key issues should be considered:

- ) Loss of livelihoods
- ) Community health, safety and security
- ) Appreciation of rents
- ) Impacts on Community Traditions and Ways-of-Life: Improved access to the outside world can lead to a loosening of social bonds and solidarity within the community, and increased risks of competition or conflicts with outsiders for available resources.

#### 4.1.2 Employment Creation and Opportunities

Potential employment creation and opportunities may include the following:

- ) Job security
- ) Unionisation and staff associations
- ) Gender/female workers' welfare
- ) Access to social services and housing
- ) Improve the economic status of a number of people, and contribute to reducing the current level of unemployment.
- ) Employment opportunities will be opened for local population during the operational phase of the project.





- ) There would be appreciation of land and improvement in the aesthetic and visual amenity value of the area as a whole.

#### 4.1.3 Transportation and Access

It is anticipated that the construction phase will require a temporary increase in traffic travelling to and from the site due to the delivery of construction materials and the movement of construction workers. Heavy goods vehicles, large construction equipment (e.g. earthmovers and cranes) and some abnormal loads will also be mobilised to the site. The potential transportation and access related impacts include:

- ) impacts public safety due to traffic accidents especially during construction period
- ) temporary generation of Heavy Goods Vehicles (HGVs) of traffic during the construction works;
- ) impacts of the development on traffic flows and capacities of the local highway network;
- ) impacts on public transport capacity and accessibility;
- ) impacts on access and servicing arrangements of the Site.

#### 4.1.4 Community Health, Safety and Security

The potential impacts that may arise largely comprise of:

- ) Increased incidence of water related diseases.
- ) Transmission of diseases by immigrant labour population.
- ) Risk and accidents: Workers may be exposed to various hazardous situations, operate heavy machinery and other potentially dangerous equipment.
- ) Spread of transmissible diseases including HIV/AIDS both within the workforce and between the workforce and the local community;
- ) Resentment of non-local nationals by local residents if they are perceived to have taken jobs that could be successfully filled by local people, or due to non-integration with the local community;
- ) Increased pressure on infrastructure, services (such as health care) and roads, particularly with the establishment of informal settlements.
- ) Increased incidence of vector borne diseases
- ) Spread of new diseases due to migration of population and workers

#### 4.1.5 Archaeology

The development will involve excavations, pilings and removal of spoiled debris. Potential impacts on archaeology primarily relate to the possibility of the disturbance, removal or destruction of archaeological deposits during construction works, particularly any bulk excavation and the construction of buildings and foundations.

### 4.2 SOCIAL RISKS AND IMPACTS MITIGATION MEASURES

Social risks and impacts mitigation measures include avoidance, mitigation, minimisation and compensation by alternative sites/alignment, actions during design/construction and last resort negotiation with impacted people (land for land/money or other agreements). Quality engineering design has a positive impact on the environmental and social conditions in the project area. The corresponding mitigation measures are also presented in Tables 2 below.

**Table 2: Component Activities and Potential Social Impacts/Issues/Risks**

Components Sub-components	Potential Social Impacts/Issues/Risks					Mitigation/Safeguards Measures/Plans
	Land	Crops	Structures	Livelihoods	Cultural Heritage Resources	
Component 2: Crowding-in Investments: Promoting spatial and industrial planning and development						
Sub-Component 2.1: Building institutional and planning capacity in GFZA as well as in other relevant line agencies such as the Customs Authority and GIPC	No land required	No impacts on crops	No impact on structures	⌋ Decent jobs for individuals and private enterprises ⌋ Promoting investor confidence	No cultural issues anticipated	⌋ No Negligible Impacts. No mitigation measures required ⌋ No screening or registration required from the EPA
Sub-Component 2.2: Activity 1: Off-site, last-mile infrastructure  Activity 2: On-site infrastructure (within the walls of or adjacent to the SEZ site)	⌋ Permanent acquisition of land required. ⌋ Temporary disruption of access to structures ⌋ compensation issues ⌋ Conflicts in land claims ⌋ Temporary and permanent properties affected by project	⌋ Crops may be affected including vegetable farmers ⌋ Established grievance redress options	⌋ Demolition /temporary removal of structures (both temporary and permanent displacement) ⌋ Resource Access and Possible Restriction	⌋ Livelihoods may be affected through disruption of access to structures and transient business operators ⌋ Maintaining Livelihoods: Petty traders and various shops and other economic activities operating haphazardly at industrial sites/parks ⌋ Safety and security of workers and general public	⌋ Cultural artefacts may be uncovered during excavation ⌋ Preservation of local cultural identity and heritage ⌋ Compensation issues ⌋ Community pride and support ⌋ Community relinquishing/ sharing heritage for greater good	⌋ RAP/ARAP to be prepared and implemented depending on the scope and magnitude of displacement impacts. (cash compensation and livelihood assistance)

## CHAPTER FIVE

### 5 RESETTLEMENT POLICY FRAMEWORK

The purpose of this policy framework is to clarify resettlement principles, organisational arrangements, and design criteria to be applied during the implementation of the GETP. The RPF outlines the guiding principles to be followed when involuntary land acquisition, resettlement and/or compensation is undertaken. This Framework sets out the key issues that need to be delineated into project specific RAP in order to minimise, to the extent possible, the impact of projects to Project Affected People (PAP) and also to mitigate any negative impacts on local communities and enhance positive impacts.

To address the impacts under this policy, resettlement and compensation plans will include measures to ensure that displaced persons are;

- ) Informed about their rights and options pertaining to resettlement and compensation.
- ) Consulted on, offered choices/options, and provided with technically and economically feasible resettlement and compensation alternatives.
- ) Provided with prompt and effective compensation at full replacement cost for losses of assets and access, attributable to the project, and
- ) Provided opportunities to improve or at least restore their livelihoods and standards of living

The activities in the GETP that are expected to have some land acquisition or restriction of access include the following especially in Component 2

#### 5.1.1 Component 2: Crowding-in Investments - promoting spatial and industrial planning and development

Of importance here are the sub-components 2.2 and 2.3:

- ) Sub-component 2.2 will focus on building the Government's capacity to enable and foster the private development and operation of SEZs on government owned land allocated and strengthening and clarifying of the Government's role as a regulator, enabler and promoter of spatial development.
- ) Sub-component 2.3 will support last-mile infrastructure investments to make developmentally attractive SEZ projects viable.

### 5.2 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

The WB principles regarding involuntary resettlement are the basic fundamental requirements that underpin the preparation and implementation of the resettlement instrument. These principles are intended to *avoid, minimise, or mitigate* negative impacts of involuntary resettlement.

#### 5.2.1 Avoiding or Minimising Involuntary Resettlement

In line with the World Bank Safeguards Policy OP 4.12, the design and implementation of sub-projects under this project will consider design options for avoiding resettlement first, failing alternative measures will be deployed to minimise and/or mitigate the displacement impacts of the projects. Table 3 below shows the design procedures that will apply through the project lifecycle.

**Table 3: Sub-Projects Design Procedures Considerations**

Sub-project	Alternatives to avoid or minimize involuntary Resettlement	Measures to address Residual Impacts
<b>Activity 1: Off-site, last-mile infrastructure</b>		
<ul style="list-style-type: none"> <li>)] Construction, paving or upgrading of access roads to the SEZ site</li> <li>)] Construction of a railroad spur directly to the site</li> <li>)] Upgrading of a nearby, adjacent, or on-site port</li> </ul>	Conduct EIAs to consider alternatives relating to re-routing, relocation of utility lines and traffic management	Cash compensation for temporary disruption of livelihoods
<ul style="list-style-type: none"> <li>)] Preparation of inland waterways to the site</li> <li>)] Extension or upgrading of the water network to the SEZ site, including pipeline construction or upgrading</li> </ul>	Conduct EIAs to consider alternatives relating to dredge material and water pollution prevention.	Cash compensation
<ul style="list-style-type: none"> <li>)] Extension or upgrading of the electric power network to the SEZ site</li> <li>)] Extension or upgrading of the telecommunications network to the site</li> </ul>	Redesign to minimise displacement	<ul style="list-style-type: none"> <li>• Cash compensation</li> <li>• Replacement land</li> </ul>
<ul style="list-style-type: none"> <li>)] Provision of infrastructure and services to surrounding communities (schools, clinics and hospitals, water, electric power, waste treatment and solid waste removal)</li> </ul>	Redesign to avoid or minimise displacement.	<ul style="list-style-type: none"> <li>• Cash compensation</li> <li>• Replacement land</li> <li>• Other livelihood assistance measures</li> </ul>
<b>Activity 2: On-site infrastructure (within the walls of or adjacent to the SEZ site)</b>		
<ul style="list-style-type: none"> <li>)] Construction of an electric power plant or the extension of the network throughout the park</li> <li>)] Construction or upgrading of on-site pipelines</li> </ul>	Redesign to avoid or minimise displacement.	<ul style="list-style-type: none"> <li>• Cash compensation</li> <li>• Replacement land</li> <li>Other livelihood assistance measures</li> </ul>
<ul style="list-style-type: none"> <li>)] Construction of an on-site waste water treatment plant or water purification/storage facility, waste stabilisation ponds, storm drainage and capture systems, sewage systems, or creation or upgrading and maintenance of boreholes</li> </ul>	Design considerations to minimise impact on adjoining settlements	<ul style="list-style-type: none"> <li>• Cash compensation</li> <li>• Replacement land</li> <li>Other livelihood assistance measures</li> </ul>
<ul style="list-style-type: none"> <li>)] Construction or upgrading of on-site customs office and facilities</li> <li>)] Construction or upgrading of internal zone administration building</li> <li>)] Construction or upgrading of internal amenities/services/SME building</li> <li>)] Construction or upgrading of police station</li> </ul>	Design considerations to minimise impact on adjoining settlements	Cash compensation or skills training in support of alternative livelihoods
<ul style="list-style-type: none"> <li>)] Construction of or upgrading on-site training facilities</li> <li>)] Construction or upgrading of on-site clinic</li> <li>)] Construction or upgrading of on-site eating facilities</li> <li>)] Construction or upgrading of on-site employee residences</li> <li>)] Construction or upgrading of on-site day care facilities</li> </ul>	Design considerations to avoid or minimise displacement	Cash compensation for marginal impacts on structures and livelihood activities
<ul style="list-style-type: none"> <li>)] Construction or upgrading of standard factory buildings or office buildings</li> <li>)] Preparation of all or part of the land for construction of tenant companies</li> </ul>	Design considerations to avoid or minimise displacement measures	<ul style="list-style-type: none"> <li>• Cash compensation</li> <li>• Replacement land</li> <li>• Replacement housing</li> <li>• Other livelihood assistance</li> </ul>

#### **5.2.1.1 *Cut-off Date***

When a site is selected for a sub-project under this project, the PCU will consult with the Project Affected Persons to agree on a cut-off date along with planning and commissioning of census. The determinants of the cut-off date will be consistent with the requisite laws and policies and provide reasonable time to allow for adequate capture of all eligible PAPs. The objective of the cut-off date is to establish a deadline for which Project Affected Persons qualify for entitlement to compensation. The cut-off date will be publicly disclosed to affected persons and communities through radio announcements, posted bills, phone calls, local information vans, and other means. Persons who enter or undertake developments in the Project Area after the Cut-Off Date are not eligible for compensation and/or resettlement assistance.

In accordance with OP 4.12 and for each sub-project activities under the GETP, a cut-off date will be determined, taking into account the likely implementation schedule of the sub-project. To ensure consistency between Ghanaian legal requirements and WB policies. This cut-off date should be the date of inventory of assets/properties which will then inform preparation, consultation, and implementation of appropriate Resettlement Action Plans, Livelihood Assistance Plans, and other forms of social support.

#### **5.2.2 *Resettlement Measures***

##### **5.2.2.1 *Cash compensation***

In practice, cash compensation will be paid to people usually considered in Ghana as “squatters” as long as they are present on site at the cut-off date. However, 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 in the three categories above are provided compensation for loss of assets other than land (i.e. structures and crops). Compensation shall be paid prior to physical displacement.

##### **5.2.2.2 *Income and livelihood restoration***

One paramount principle of World Bank Safeguards is that, where people are affected by land take, the aim of resettlement must be that they should be “no worse-off if not better off” after the resettlement has taken place. Where impact on land use is such that people may be affected in the sustainability of their livelihoods, preference will be given to land-for-land solutions rather than cash compensation, in consistency with the Constitution of Ghana and with OP 4.12.

This applies to people who are not necessarily physically displaced but who are affected by a land loss that affects their sustainability. Affected people will be monitored in the rehabilitation of their livelihood during and after the transition period. Livelihood restoration measures will be assessed in relevant Resettlement Action Plans (RAPs) and Abbreviated Resettlement Action Plans (ARAPs) depending upon the specific situation of the considered location.

### **5.3 *RESETTLEMENT PROCESSES***

#### **5.3.1 *Categorisation of project activities with respect to land needs***

As far as land needs and resettlement requirements are concerned, two different situations may be encountered during the implementation of the GETP:

- a) The project components occurring on existing publicly-owned lands (e.g. public vested lands; road reservations).

- b) Components which may require additional land acquisition (e.g. involuntary land acquisition from individuals with freehold title and involuntary land acquisition from communities or encroached public lands).

In situation a) above, the fact that there is no land acquisition involved means that procedures required by the Ghana Law do not need to be triggered. Proposed processes will therefore be consistent with WB requirements only. Situation b) is more complex because it implies that both the Ghana Law and WB requirements are to be followed. However, where there is a clash between the Ghana Law and the World Bank policy, the Bank's policy will prevail.

### **5.3.2 Overview of the Resettlement Preparation Process**

According to the World Bank Operational Policies on involuntary resettlement, preparation of a resettlement instrument is a condition for appraising projects involving involuntary resettlement. In the case of the GETP, the Bank requires that a satisfactory Resettlement Action Plan (RAP) or an Abbreviated Resettlement Action Plan (ARAP) that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the sub-project is appraised for the Bank's financing (OP/BP 4.12).

As and when designs are crystalised and sites are determined, the Resettlement Preparation Process will begin with screening of sub-projects/ activities to determine if there is need for the preparation of any resettlement instrument (ARAP or RAP). A sample screening checklist for identifying cases of involuntary resettlement is provided in Annex 1. The results of the screening and the number of would-be affected people will determine whether the process is to include the preparation of a full RAP or of an ARAP. The PCU will use the MMDA and MDA project teams to determine, through the screening and census, the number of affected persons/assets under any GETP activity that is likely to generate resettlement related or compensation issue.

#### **5.3.2.1 Resettlement Action Plan (RAP)**

The RAP will be prepared where more than 200 individuals are displaced. The tasks/ToR and content for the preparation of the RAP are provided in Annex 2. All RAPs will need World Bank approval prior to commencing resettlement activities. Resettlement activities will be completed before commencing civil works.

#### **5.3.2.2 Abbreviated Resettlement Action Plan (ARAP)**

The ARAP will be prepared where less than 200 individuals are displaced. The tasks/ToR and content for the preparation of the ARAP are given in Annex 3. All ARAPs will need World Bank approval prior to commencing resettlement activities. Resettlement activities must be completed before commencing GETP activities on the fields or civil works on the ground.

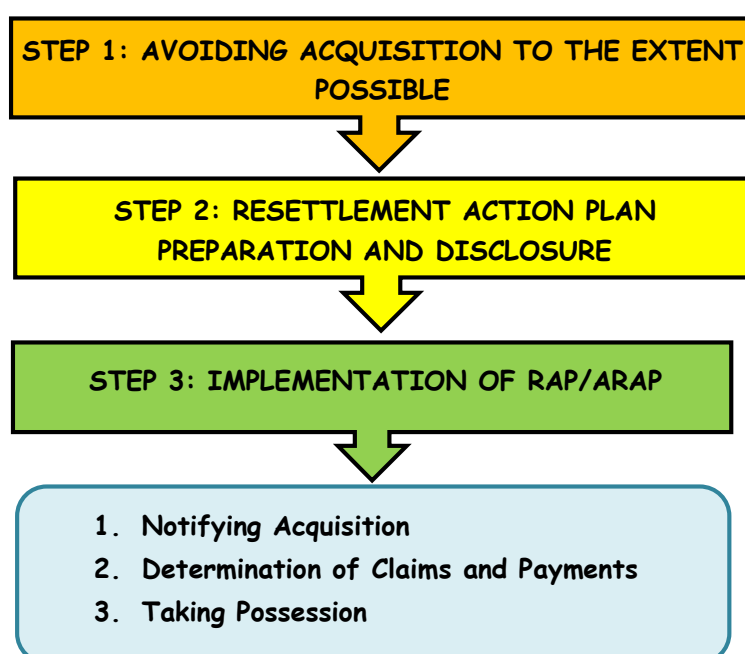
#### **5.3.2.3 Census of Affected Persons & Assets/ Socio-economic baseline census**

Upon identification of the need for involuntary resettlement in a sub-project, the project will carry out a census to identify the persons/assets/livelihood that will be affected by the sub-project. This will help the project to determine who will be eligible for assistance early enough in the project cycle. It will also help to prevent an inflow of ineligible people living outside the sub-project area of impact but whom might want to take advantage and claim for assistance. The census will identify vulnerable persons among the Project Affected Persons. Vulnerability could be caused by socio-economic

conditions, disabilities, age, gender or other factors. The preparation of RAP/ARAP will consider specific assistance to such groups. The start of the census will mark the cut-off date for eligibility for compensation. Annex 4 shows a framework for the census of affected assets and people.

#### **5.3.2.4 Consultations during Resettlement Action Planning and Implementation**

Consultations with stakeholders including PAPs will be an integral part in the ARAP or RAP preparation, implementation and monitoring processes at all stages and stakeholders should have access to the ARAP/ RAP. Consultations should happen in local language where possible, women should be consulted separately if that is more appropriate. The consultation process should ensure sizeable participation of women, youth, and groups at risk of exclusion, and also ensure prior distribution of project information in a form that is accessible to community members, etc. Consultations should be informed, inclusive of all groups and gender and a two way mechanism with feedback received from the participants. These, including the Project's response to the issues raised, should be documented. Prior to the initial consultation, a stakeholder analysis will be conducted to identify all project stakeholders along with their stakes/interest in the project.



**Figure 9: Flow Chart showing Adopted Approach**

## **CHAPTER SIX**

### **6 VALUATION, ELIGIBILITY AND ENTITLEMENTS**

The purpose of the valuation is to assess the overall Compensation Payable as part of the assessment of resettlement related issues under a GET project. As the detailed activities are not too clear at this stage, the scope of the valuation covers land, structures and crops/economic trees on the project site to be affected and also unavailable to the owner for usage. Losses of income or disruptions to livelihoods are considered as far as it may be appropriate for payment of compensation for the period of disruption of farming /livelihood/business.

The basis of the valuation are derived from the States Lands Act 1962; and the Constitution of Ghana as well as the principles under World Bank's Involuntary Resettlement Policy, OP 4.12

#### **6.1 VALUATION METHODS**

##### **6.1.1 Land**

The Land Valuation Division is responsible for the computation of compensation on the basis of market value in the case of land and replacement value for houses and other properties damaged or destroyed as a result of the acquisition. The State Lands Act defines market value as "the amount the land would sell for on the open market at the time the wayleave is declared, using the principle of willing buyer – willing seller". Replacement value is used for compensation if there is no demand or market for the land due to the situation of the land or the purpose for which the land was used when the declaration of intent to acquire the land was made. The replacement value is the amount required for "reasonable reinstatement equivalent to the condition of the land at the date of said declaration". Cost of Disturbance is defined as the reasonable expenses incidental to any necessary change of residence of place of business by any person having a right or interest in the land.

##### **6.1.2 Structures**

The full Replacement Cost Approach (RCA) will be adopted for the valuation of the structures. The RCA involves finding the estimate of the real replacement cost of a structure which is the estimated cost of constructing a substitute structure, having the same size and features as that existing, at prices current at the relevant date. For the purpose of this valuation, the affected assets/structures and development will not be depreciated in line with the World Bank requirements.

##### **6.1.3 Crops/Economic Plants**

The Enumeration Approach will be adopted for the crops affected by the project. The Enumeration Approach involves taking inventory of the affected crops (either by counting or area) and applying updated Land Valuation Division crop rates (updated to reflect market rates at the time of compensation).

The existing approved Land Valuation Division crop rates available is that of 2014. Methods used by the Land Valuation Division to calculate rates are not disclosed and are kept confidential. Updated/realistic valuation rates to be applied under the GET sub-projects will meet the "full replacement cost" requirements under the World Bank standards.

Updated/Realistic valuation rates for the crops will be derived by applying appropriate depreciation, inflationary, labour and production cost factors to the prevailing LVD rates to ensure that the rates are in harmony with the full replacement cost/value requirements.



#### **6.1.4 Valuation Responsibility**

The Regional Valuation officers from the Lands Valuation Division will be engaged to value affected assets/properties based on the full replacement cost principle. Certified private valuers may also be engaged where necessary especially involving private persons or if required to assist the process. The professional valuers will be required to apply methods and the rates that are consistent with the “full replacement value” requirement.

#### **6.1.5 Other considerations into the Compensation Package**

##### ***6.1.5.1 Livelihood Assistance/Loss of Income***

The estimation for loss of income (referred to as livelihood assistance) for affected farmers/businesses will be generally based on the following factors:

- ) estimated income of farmers or daily sales of produce from farms or the business units; and
- ) estimated period of construction or GETP activity which will disrupt farming or business or commercial activity.

Losses of income for farmers/businesses will be estimated from net monthly/annual profit of the farm/business verified by an assessment of visible stocks and activities.

##### ***6.1.5.2 Resettlement/Relocation Assistance***

Where PAPs are to be physically displaced or relocated, resettlement assistance should be provided to take care of the transport cost of mobilising and moving the affected properties to a new location and accommodation assistance where affected persons will have to rent accommodation at the initial stages.

##### ***6.1.5.3 Disturbance Allowance***

Cost of disturbance is one of the components to be considered when determining compensation for PAPs (especially for affected structures, crops and livelihoods) as provided in the State Lands Act 1962. However, the LVD does not provide specific breakdown or constituents for the various components of the LVD rates or values for public consumption. As a result, based on the experience from the Ghana Urban Water Project (2006 to 2010) and the GAMA Projects (2014 to date), which were financed by the World Bank, 10% of the assessed property/ loss of income, if that is the only compensation due the PAP, was included in the RPF and applied during the preparation of the ARAPs and RAPs. It is recommended that the GETP also applies the 10% disturbance allowance.

## **6.2 TYPES OF COMPENSATION**

Compensation for affected assets under this project will either be in cash payment or in-kind compensation. Cash payment compensation will be calculated and paid in Ghana Cedis (GH¢). Rates will be based on market value of land when known or estimated or negotiated and full replacement value of structures/crops. In-kind compensation may include land, buildings, building materials, seedlings, agricultural inputs, agricultural produce and financial assistance for equipment etc. When replacement land is considered, the project will ensure that the land proposed for replacement has locational advantages comparable to the one lost. The GETP will take steps to extend secured tenureship of land and structures provided to PAPs in place of impacts.

### 6.3 COMPENSATION PAYMENTS/ CLAIM

Compensation will be paid prior to the affected person vacating or releasing the land or property. Incases where compensation will have to be paid in-kind, the project representative and the PAPs should confirm in the MOU if such in-kind compensation will be before or after releasing of land for project(e.g. release of land for Industrial Parks). Each eligible affected person will sign a compensation claim and commitment form (see Annex 5) together with the authorised project representative in the presence of a witness. The compensation claim form will clarify mutual commitments as follows:

- ) On the project side: commitment to pay the agreed compensation, including all its components(value of affected property- cash or in-kind, disturbance, assistance to farmers to continue with farming occupation and or relocation/transportation assistance if any);
- ) On the affected person's side: commitment to vacate or release the land by the agreed date.

Table 4: General guidelines and methods for costs preparation Item Types Method Land

**Table 4: Summary of General Guidelines and Method for Cost Preparation**

Community resources, social services and infrastructure	Types	Method
Land	Customary lands, private lands	1. Prevailing market value of the land to be acquired if there is a vibrant and free land market. Otherwise a negotiated price will be agreed. 2. Additional compensation for disturbance to the land owner (estimated at 10% of (1) 3. Supplementary assistance representing loss of income where applicable
Building structure	Any type of structure, e.g. mud houses with thatch roofing/ sand-crate block houses.	Full Replacement Cost method. No depreciation will be applied.
Farm crops	Economic plants/food crops (cocoa, oil palm tree, cocoyam, plantain etc.)	Enumeration approach and applying updated LVD rates.
Cultural resources	Sacred groves, cemeteries, shrines	1. First option is avoidance or allowed to remain in forests/plantations 2. Relocation/Replacement cost method would be used and should be done in consultation with and acceptable to the traditional authorities or community leaders.
Losses of income and livelihood	Farming, etc.	Estimation of net monthly/annual profit for farm/business based on records; application of net monthly/annual profit to the period when farm/business is not operating.
Disturbance allowance	-	10% of total compensation

### 6.4 ELIGIBILITY CRITERIA AND ENTITLEMENT MATRIX

This section sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage claims of ineligible people.

### 6.4.1 General Eligibility

General eligibility is defined as, “people who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of the project as of the formally recognised cut-off date will be considered as Project Affected Persons (PAPs)”.

In line with OP 4.12, the following three categories of affected people will be eligible to Project resettlement assistance:

- a) Those who have formal legal rights to land (including customary and traditional rights recognised under the laws of the Ghana);
- 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 recognised under the laws of the country or become recognised through a process identified in the resettlement plan;
- c) Those who have no recognisable legal rights or claim to the land they are occupying.

Table 5 below presents the type of PAPs and types of compensation.

**Table 5: Types of PAPs and types of compensation**

Category of PAPs	Type of compensation
Affected persons with formal legal rights to land including customary leaders who hold land in trust for community members.	<ul style="list-style-type: none"> <li>• Payment in Cash, kind, or land</li> <li>• Compensation for land lost. Compensation to be granted to communities.</li> </ul>
Affected persons with customary claims of ownership or use of property recognised by community leaders (including the landless and migrants)	<ul style="list-style-type: none"> <li>• To be provided compensation for land lost and other assistance.</li> <li>• Users to be provided with alternative lands to use.</li> </ul>
Affected persons with no recognisable legal right or claim to land they are occupying, e.g. squatters, illegal farmers/illegal settlers.	<ul style="list-style-type: none"> <li>• To be provided resettlement or livelihood assistance in lieu of compensation for land occupied or loss of farming or cattle grazing activities.</li> </ul>

The above PAP eligibility criteria is according to the World Bank Involuntary Resettlement Policy, OP 4.12 and State Lands Act 1963 section 6(1) of the Government of Ghana which provides that ‘any person whose property is affected by public projects shall be entitled to compensation’. The Act also provides avenues for people who are not satisfied with compensation to seek redress.

### 6.4.2 Proof of Eligibility

The implementing agencies will consider various forms of evidence as proof of eligibility to cover:

- ) 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 eligibility and procedures for confirming authenticity of such documents will be established in the RAP.
- ) Affected persons with no formal or recognised legal rights.
- ) Criteria for establishing non-formal, undocumented or unrecognised claims to eligibility shall

be established paying particular attention to each situation and its peculiarities. Alternative means of proof of eligibility will include:

- ) Affidavit signed by landlords and tenants;
- ) Witnessing or evidence by recognised traditional authority,

### **6.4.3 Entitlement Matrix**

Table 6 below presents the matrix of entitlements for the different categories of impacts, likely to be encountered. The entitlement could be in the form of replacement of assets if possible; cash compensation, temporary loss of income for moveable structures;livelihood restoration andassistance; relocation assistance or as agreed between the parties involved.

**Table 6: Eligibility Criteria and EntitlementMatrix**

ASSETS	TYPE OF IMPACT	AFFECTED PERSONS/ENTITY	ENTITLEMENTS	VALUATION METHOD
AGRICULTURAL LAND (FARM LANDS)	Land acquisition	Landowner (individual, family, stool) Person with formal legal right to land /without formal legal right to land but have claims to property (including customary and traditional rights) Community land – compensation to be granted to communities	Replacement with an equivalent piece of land located in the vicinity of the affected area and cost of taxes, title fees will be paid to the PAPs. If land is not available, then cash compensation at full replacement cost as well as 10% disturbance allowance, livelihood restorations, will also be provided.	Use the market comparison approach if there is a vibrant and free land market or through direct negotiation between interested individual and landowner if no vibrant and free market as well as Land for land
	Destruction/removal of crops	Farmer (Have grown the crops)	Cash compensation for crops not ready for harvesting at time of entry. Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.); Disturbance allowance.	Enumeration approach and apply updated LVD crop rates.
RESIDENTIAL LAND	Land used for residence partially affected, limited loss Remaining land viable for present use	Title holder	Cash compensation for affected land	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Rental/lease holder	Cash compensation for affected land	
	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal Cash compensation equivalent to 3 months of lease/ rental fee	Assistance in rental/ lease of alternative land/ property Relocation assistance (costs of shifting + allowance)

**Table 6 : Eligibility Criteria and EntitlementMatrix Cont'**

ASSETS	TYPE OF IMPACT	AFFECTED PERSONS/ENTITY	ENTITLEMENTS	VALUATION METHOD
COMMERCIAL LAND	Land used for business partially affected Limited loss	Title holder/business owner	Cash compensation for affected land	Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	Cash compensation for affected land	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
STRUCTURE	1. Destruction of immovable structures	Confirmed owner (with evidence) of affected structure irrespective of land ownership	<ul style="list-style-type: none"> <li>) Relocation to a similar dwelling in a similar location, or</li> <li>) Cash compensation at full replacement value of structure.</li> <li>) Cost of moving and disturbance allowance</li> </ul>	Full replacement cost approach. No depreciation to be applied.
	2. Movable structures	Owner/occupant	Cost of moving and disturbance allowance (e.g. 3 months' rent or as agreed or negotiated)	Full relocation cost method
	3. Cultural heritage sites	Community/traditional ruler or authority	<ul style="list-style-type: none"> <li>1. If restriction of access, a process framework will be prepared in consultation with traditional authorities</li> <li>2. Otherwise, relocation to new sites proposed by community or traditional authority and performance of necessary pacification rites</li> </ul>	

## **6.5 GRIEVANCE REDRESS MECHANISM**

The World Bank/IFC standards outline requirements for grievance mechanisms for some projects. Grievance mechanisms should receive and facilitate resolution of the affected institutional or communities' concerns and grievances. The World Bank/IFC states the concerns should be addressed promptly using an understandable and transparent process that is culturally appropriate and readily acceptable to all segments of affected communities, at no cost and without retribution. Mechanisms should be appropriate to the scale of impacts and risks presented by a project.

### **6.5.1 Objectives**

The objective of the Grievance Redress Procedure is to address and resolve grievances or complaints from affected persons promptly, fairly, and in a manner that is, to the extent possible, acceptable to all parties for the period they will be operating in the new locations. Every effort will be made to:

- ) Ensure that complaints from aggrieved stakeholders will be channeled through the leaders of the various categories for possible resolution of disputes that might arise out of project implementation;
- ) Seek solutions to any tensions and conflicts early on in the implementation process, to avoid delay in the relocation exercise
- ) Identify and implement appropriate and mutually acceptable actions to redress complaints;
- ) Respond in a timely manner, and with sensitivity to the needs of complainants;
- ) Ensure that claimants are satisfied with the outcome of the corrective actions, and maintain a dialogue with them to the extent possible
- ) Provide affected people with avenues for making a complaint or resolving any dispute that may arise during the course of the implementation of projects;
- ) Ensure that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and
- ) Avoid the need to resort to judicial proceedings.

### **6.5.2 Major Expected Grievance**

The consultation processes showed that the execution of the project will generate environmental and social concerns which are linked to quality of life of people in the immediate surroundings and possibly beyond the immediate project area of influence. These impacts may include but not limited to waste and sanitation; dust and noise generation; clearance of vegetation as well as delayed expectations for social corporate responsibility projects. These instances make it imperative in developing a grievance mechanism to guide the ways in dealing with complaints or grievances.

The project will develop a robust online grievance system at the MoF-PCU and linked to all implementing agencies (MoTI, GFZA, GIPC, NBSSI, MoBD, RGD, GSA and VCTF). The channels of uptake at all levels (Project sites, Communities, Institutions and Implementing Agencies) will include walk-ins, face-to-face communication, toll-free calls, letters, e-mails, text messages, WhatsApp, etc. It is however anticipated that the number of cases which may need to be referred for redress will be relatively small, and that only the first tier of the redress mechanism (the Local Mediation Committee), may need to be activated. The mediation process shall be confidential, transparent and objective, as well as accountable, easy, fast, accurate and participative.

### **6.5.3 Grievance Redress Process**

The general steps of the grievance process comprise:

1. Registration/receipt/Acknowledgment of Complaints
2. Investigate and determine solution to the complaint
3. Implementing the Redress Action;
4. Verifying the Redress Action;
5. Monitoring and Evaluation; and
6. Recourse or Alternatives

#### **6.5.3.1 Registration/ Receipts/Acknowledgment of Complaints**

GETP will establish a register of resettlement/compensation related grievances and disputes. The receipt of complaints will include its logging and registration as this will help with monitoring the status of the grievances and ease reporting on them. The existence and conditions of access to this register (where, when, how) will be widely disseminated within the project community/town as part of the consultation undertaken for the project in general. GETP will disseminate information through community engagement sessions, radio programs/campaigns, billboards, and through theatre for development programs.

It is proposed that complaints be lodged verbally or in writing to the MMDA office designated to receive all complaints. The elected local Assemblyman/woman for the project area could also receive complaints from PAPs (because the Assemblyman/woman lives within the community and may be closer to the PAPs and some PAPs may prefer to route their complaints through the Assemblyman/woman and avoid undue transport and time cost to the MMDA). Upon receipt, the Assemblyman/woman will acknowledge the complainant and ensure that such complaints reach the MMDA safeguard focal person designated to receive complaints within 24 hours via phone call or through any other means. The MMDA safeguard person shall receive all complaints and shall officially register these complaints using the first section of the proposed complaint registration and resolution form (GETP Form) provided in Annex 6. The MMDA safeguard person will inform the team leader for the Grievance Redress Team at the MDA within 24 hours on any complaint lodged.

#### **6.5.3.2 Investigate and Determine Solution to the Complaint**

When a grievance/dispute is recorded as per above-mentioned registration procedures, the Grievance Redress Team (GRT) will be called into action, and mediation meetings will be organized with interested parties. Minutes of meetings will be recorded.

The GRT will first investigate the foundation of the grievance and then determine the redress action in consultation with the complainant and concerned party if necessary. Otherwise, the grievance redress team will communicate to the complainant on the acknowledgement of the grievance, the redress action proposed and the timeframe for implementation.

The proposed redress action and the timeframe in which it is to be implemented will be discussed within 5 working days of receipt/registration of the grievance. The grievance issues should be resolved within 10 working days of receipt of complaints.

#### **6.5.3.3 Verifying the Redress Action**

The grievance redress team from the MMDA will visit the affected property site or get in touch with the complainant to confirm that the redress action is carried out. If the complainant is dissatisfied with the outcome of the redress proposal or action, additional steps may be taken to resolve the issue or



reach an amicable agreement. Verification should be completed within one week of execution of the redress action.

#### **6.5.3.4 Monitoring and Evaluation**

The Monitoring and Evaluation Team from the MDA will monitor the activities of the Grievance Redress Team from the MMDA to ensure that complaints and grievances lodged by PAPs are followed-up and resolved amicably as much as possible.

#### **6.5.3.5 Recourse or Alternatives**

##### 2nd Tier Amicable Mediation and Settlement

If the complainant is not satisfied with the decision of the grievance redress team, he/she can bring it to the attention of the MDA safeguard person. Otherwise the GRT should forward the issue to MoF PCU for further action. The GETP PCU in consultation with the MDA safeguard person will set up an appropriate mediation team to resolve the issue within 2 weeks from the date of receipt of such a decision by GETP. If such a time line is not possible, the GETP PCU should inform the MoF and the complainant accordingly giving reasons and possible new date.

##### Appeal to Court

If the complainant remains dissatisfied with the mediation effort of GETP PCU, the complainant has the option to pursue appropriate recourse via judicial process in Ghana.

The Constitution allows any aggrieved person the right of access to Court of law. Courts of law will be a “last resort” option, in view of the above mechanism.

#### **6.5.4 Membership, Function and Financing of the GRT**

In each beneficiary Metropolitan or District Area, the Grievance Redress Team (GRT) will include the following:

- ) Representative of the MMDA;
- ) The elected local Assemblyman for the project area
- ) Member of the sub metro/ zonal council preferably a woman; and
- ) Representative of the traditional authority.

In addition to the main function of resolving grievances, disputes, complaints and conflicts, the GRT will also

- a) Ensure community is mobilized around the project including implementation of the resettlement instrument;
- b) Establish dialogue with the PAPs; and
- c) Ensure that their concerns and suggestions are incorporated and implemented during the project.

It is important that the grievance redress teams be made known or be set up as soon as land acquisition or resettlement plan preparation starts. Disputes can arise from census operations and preliminary siting of subprojects and it is therefore important that the mediation mechanisms be available to cater for claim, disputes and grievances at the early stage. The activities of the GRT will be financed by GETP and the Social Safeguards specialist of the PCU will oversee the activities of the GRT. Schedule Template for Grievance Redress and Institutional Responsibilities. The table 7 below presents a schedule template for Grievance Redress Steps Process Description Time frame

**Table 7: Schedule Template Grievance Redress Mechanism**

Step	Process	Description	Timeframe	Responsibility
1.	Grievance receipt and registration/ logging	<ul style="list-style-type: none"> <li>-Face to face; phone; letter, recorded during public/community meetings; recorded from Assemblyman/woman, etc.</li> <li>-Significance assessed and grievance recorded or logged using the model complaint form and filed.</li> </ul>	1-2 Days	An aggrieved party or PAPs
2.	Development and implementation of response	<ul style="list-style-type: none"> <li>• GRT meets or takes a decision on the grievance</li> <li>• -Grievance assigned to appropriate party for resolution if necessary</li> <li>• -Response development with input from relevant stakeholders</li> <li>• -Redress response/action approved by GRT and logged</li> <li>• -Redress response/update of progress on resolution communicated to the complainant</li> <li>• -Start implementing redress action</li> </ul>	5- 10 Days	Chairman /Secretary to Workers Association/Union or Assemblyman/woman living within the community
3.	Verifying the implementation of redress action	<ul style="list-style-type: none"> <li>• Redress action implemented and verified by GRT.</li> <li>• -GRT satisfied with implementation of redress action</li> <li>• Complainant duly signed the grievance resolution form</li> </ul>	10-15 Days	Environmental Officer/Safeguard Specialist at sub project level or MMDAs
4.	Close grievance or refer grievance to 2nd tier resolution	<ul style="list-style-type: none"> <li>• -Completion of redress action recorded or logged</li> <li>• -Confirm with complainant that grievance can be closed or determine what follow up is necessary</li> <li>• -Record final sign off of grievance</li> <li>• If grievance cannot be closed, return to step 2 or recommend</li> <li>• 2nd level settlement</li> </ul>	15-25 Days	Environmental Officer/Safeguard Specialist at sub project level or MMDAs
5.	Court of law	<ul style="list-style-type: none"> <li>• if 2nd level settlement does not address dispute, complainant can resort to court of law</li> </ul>	Unknown	Safeguard Specialist at GFZA, MOTI, MoF PIU
6.	Monitoring and evaluation, and reporting	<ul style="list-style-type: none"> <li>• Grievance Redress Mechanism Process is documented and monitored</li> </ul>		Safeguard Specialist at GFZA, MOTI, MoF PIU

## CHAPTER SEVEN

### 7 STAKEHOLDER CONSULTATIONS AND DISCLOSURE PLAN

The RPF preparation included extensive stakeholder participation and consultations. Key project stakeholders were identified for consultations and these included Ministries, State Agencies/Organizations and Departments, private developers (existing/potential), Non-Governmental Organizations and local communities. Annex 8 shows the Public Consultation and Disclosure Plan.

Meetings were held with the key officials and opinion leaders to gauge their level of awareness and involvement with the project, concerns of project implementation, and to obtain relevant documents or baseline information. The consultations and participations also served to gather information on the mandates and permit requirements to inform the development of the Program.

#### 7.1 SUMMARY OF THE PUBLIC CONSULTATION PROCESS

To adequately appreciate the views and concerns of stakeholders with regard to the project implementation, field visits and consultations with key stakeholders, Ministries, Departments and Agencies, MMAs, and Non-Governmental Organizations are on-going. The consultations focused on:

- ) Assessing the views and understandings of the MMAs on the GETP;
- ) Identifying and Assessing environmental and social impact of the GETP
- ) Proposed or ongoing infrastructure rehabilitation activities under the GETP
- ) Reviewing the status of compliance and enforcement of environmental regulations.
- ) Identifying capacity building needs and relevant regulatory institutions and recommending actions to strengthen MoF, MoTI and its partners to ensure sustained environmental and social compliance monitoring.

Consultations are still ongoing. So far consultations have been held with the under-listed institutions as indicated in Table 8 below:

**Table 8: Stakeholder Engagement Responses**

	Institution	Name/Position of Officer Consulted	Telephone	Date and Venue	Main Issues	Responses
1.	Ministry of Trade and Industry	Patrick Yaw Nimo (Chief Director)		25 <sup>th</sup> February 2019	<ul style="list-style-type: none"> <li>✓ Project coordination and institutional arrangements</li> <li>✓ Project Monitoring and Reporting</li> <li>✓ Responsibility for Environmental and Social Safeguards</li> </ul>	<ul style="list-style-type: none"> <li>✓ Provided a proposed organisational structure of project implementation at MOTI level.</li> <li>✓ Project Implementation Team (IP, SEZ Team Leader, PPME Director</li> <li>✓ Standards Division of MOTI</li> </ul>
		Ebenezer Adjirakor		Office of the Chief Director, MoTI, Accra		
		Kwesi Ofori-Antwi (SIPO)	0277757573			
		Abukari Ibrahim (SIPO)	0209466524			
2.	Ghana Free Zone Authority (GFZA)	Kristine Lartey (Head Legal)		Office of the Head of Administration, GFZA, Accra	<ul style="list-style-type: none"> <li>✓ Training and capacity building Programme</li> <li>✓ Livelihood restoration and compensation</li> <li>✓ Disputes and Grievance Redress Mechanism</li> </ul>	<ul style="list-style-type: none"> <li>✓ Identified training for Estates and Enclave Management Officers</li> <li>✓ To liaise with Land Valuation Board on land compensation issues</li> <li>✓ Yet to have a well-structured Grievance Redress Process</li> </ul>
		Ernest Amoah Assistant Manager BOR)	0247627861			
		Ziblim Alhassan Admin Head)	0208145671			
3.	Ghana Investment Promotion Centre	Ms. Asantewaa Donkor (Principal Investment Promotion Officer)	0244687113	Conference Room, GIPC, Accra	<ul style="list-style-type: none"> <li>✓ Environmental and Social Safeguards</li> <li>✓ Grievance Process</li> </ul>	<ul style="list-style-type: none"> <li>✓ Need to establish a unit to manage environmental and social risks</li> <li>✓ Investor Services Division to be strengthened to handle</li> </ul>
4.	National Board for Small Scale Industries	Habiba Sumani Director, Women Entrepreneur Development	0302668641 0548311118	20 <sup>th</sup> February 2019 NBSSI, Accra	<ul style="list-style-type: none"> <li>✓ Management of Environmental and Social Risks</li> </ul>	<ul style="list-style-type: none"> <li>✓ No need to establish new unit to handle. PIU at head Office and District staff to be strengthened to handle</li> </ul>
5.	Ministry of Finance/WB Group Unit	Lawrence Agyekum Nyanor (Principal Economic Officer)	0243438322	Office of the Principal Economic Officer, Accra	<ul style="list-style-type: none"> <li>✓ Project Coordination and Institutional Arrangement</li> <li>✓ Compensation/entitlement and Asset valuation delays</li> </ul>	<ul style="list-style-type: none"> <li>✓ M&amp;E to be supported within the Ministry</li> <li>✓ MDAs to submit budget promptly for compensation payment</li> </ul>
6.	LMI Holdings	Kojo Aduhene (CEO)		25 <sup>th</sup> February 2019	<ul style="list-style-type: none"> <li>✓ Infrastructural requirements especially Water project at the Dawa Industrial Park</li> <li>✓ Training and Capacity Building.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Expectations and decision on package for infrastructural development (e.g. water system at Dawa)</li> <li>✓ Training on Development of SOPs, Work place Safety Issues and</li> </ul>
		Norbert Anku (MD Southern Utilities)	0244315329	LMI Conference Room, Accra		

						Management of Industrial Spills.
7.	Dawa Industrial Park	Norbert Anku (MD Southern Utilities)	0244315329	Dawa Industrial Park, Project Office, Dawa	<ul style="list-style-type: none"> <li>✓ PAPs/Stakeholder Consultation with cattle grazers and Vegetable Farmers</li> </ul>	<ul style="list-style-type: none"> <li>✓ Common understanding on use of areas not yet developed within concession area by the PAPs.</li> </ul>
8.	Private Sector Silicon Technology Park, Accra	David Osei Chief Executive Officer		Silicon Technology Park, Project Office, Accra	<ul style="list-style-type: none"> <li>✓ Presence of Technology Park has triggered high rent values in project area</li> <li>✓ Poor accessibility to site</li> <li>✓ No encumbrances no compensation payments</li> </ul>	<ul style="list-style-type: none"> <li>✓ Promoting greenery of site</li> <li>✓ Replication of concept in other regions in Ghana</li> <li>✓ Cutting edge computer skills and employment opportunities</li> </ul>
9.	Private Sector Apollonia City, Accra	Nana Adi Appiah Construction Site Manager	0277814544	12 <sup>th</sup> March 2019 Appollonia	<ul style="list-style-type: none"> <li>✓ Urban developers – acquired</li> <li>✓ Very high cost infrastructural development (e.g. Electricity and water)</li> </ul>	<ul style="list-style-type: none"> <li>✓ Government to support infrastructural development</li> <li>✓ CSR Coordination Unit of Apollonia City established to interface with communities on social demands</li> </ul>
10	Opinion Leader/ Assemblyman	Hon. Samuel Laryea Ayeh, Former Assemblyman, Dawa	0246907770	14 <sup>th</sup> March 2019 Dawa	<ul style="list-style-type: none"> <li>✓ Dawa Industrial Park lands acquired by government – No settlements on site</li> <li>✓ Current land use mostly cattle grazing and vegetable farming.</li> <li>✓ Pressure on social facilities as population increases</li> </ul>	<ul style="list-style-type: none"> <li>✓ Stakeholder engagements forum held with community and understanding reached on co-existence</li> <li>✓ CSR packages –Bridge over Asilekpo stream, employment etc.</li> <li>✓ Increased rents. Landlords benefitting now</li> </ul>
11	Dawa Dam Farmers Association	Samuel Nartey Organising Secretary		14 <sup>th</sup> March 2019 Dawa Dam Site	<ul style="list-style-type: none"> <li>✓ Siltation of dam affecting water storage for cultivation</li> <li>✓ Denokofe stream takes its source from Industrial park. Any water pollution could affect our farming</li> </ul>	<ul style="list-style-type: none"> <li>✓ Need to desilt Dawa dam</li> <li>✓ Training and monitoring</li> <li>✓ Farm inputs, seeds and fertilisers</li> <li>✓ Farming equipment</li> <li>✓ Technical assistance</li> </ul>
12.	Women Farmers, Dawa	Helena Narh Doris Nartey Lardjer Djangme Lardjer Ntiamoah		14 <sup>th</sup> March 2019 Dawa Dam Site	<ul style="list-style-type: none"> <li>✓ Micro-finance to increase productivity</li> <li>✓ Reclamation of dug pits</li> <li>✓ Accidents on Accra-Aflao Highway</li> <li>✓ Increase in business income</li> </ul>	<ul style="list-style-type: none"> <li>✓ Increased incomes. Women cooking for working labour force</li> <li>✓ Improvement in farming practices as high demand for farm products by working force</li> </ul>



## CHAPTER EIGHT

### 8 GETPAND RPF IMPLEMENTATION ARRANGEMENTS

The successful implementation of the GETP will depend largely on the key stakeholder institutions. An understanding of the institutional needs for implementing the RPF includes a review of the authority and capability of institutions at different levels, and their capacity to manage and monitor RPF implementation. The implementation activities will be under the overall coordination and support of the MoF-PCU located at the Ministry of Finance, Accra. The main institutions involved with the implementation of the RPF related activities and their responsibilities are presented in Table 9 below:

**Table 9: Summary of Implementation Arrangements**

No.	Institution	Responsibility
1.	Ministry of Finance/Project Coordinating Unit (MoF-PCU)	<ul style="list-style-type: none"> <li>) Monitor implementing agencies for standards adherence</li> <li>) Coordinate and support RPF preparation and implementation</li> <li>) Overall responsibility for ensuring that participating MDAs apply the RPF.</li> </ul>
2.	MMDAs and MDAs (Implementing Agencies): <ul style="list-style-type: none"> <li>• Ministry of Trade and Industry (MoTI)</li> <li>• Ministry of Business Development (MoBD)</li> <li>• Registrar General Department (RGD)</li> <li>• Ghana Investment Promotion Centre (GIPC);</li> <li>• Ghana Standards Authority (GSA)</li> <li>• Ghana Free Zones Authority (GFZA)</li> </ul>	<ul style="list-style-type: none"> <li>) Assist with initial screening of sub-projects and initial identification of PAPs</li> <li>) Assist in grievance redress matters</li> <li>) Implement the RPF recommendations (Environmental performance of mitigation measures)</li> <li>) Appoint E&amp;S Specialists</li> <li>) Implement recommended capacity building and training programmes</li> </ul>
3.	Environmental Protection Agency (EPA)	<ul style="list-style-type: none"> <li>) Overall Environmental and social Performance of the GETP</li> <li>) Assess performance on mitigation measures</li> <li>) Review screening reports and advise on level of environmental assessment if necessary</li> <li>) Assist with training and capacity building of other institutions</li> <li>) Grant environmental clearance</li> </ul>
4.	Consultants/NGO	<ul style="list-style-type: none"> <li>) Prepare ARAP/RAP if necessary and assist with implementation and capacity building and community sensitization.</li> </ul>

The E&S Specialist at the PCU will have overall responsibility for all safeguards related issues on the project and will be supported by an E&S specialist at the GFZA as well as Safeguards Focal Persons (SFPs) within the other implementing agencies (MoTI, GIPC, NBSSI, MBD, RGD, GSA and VCTF).

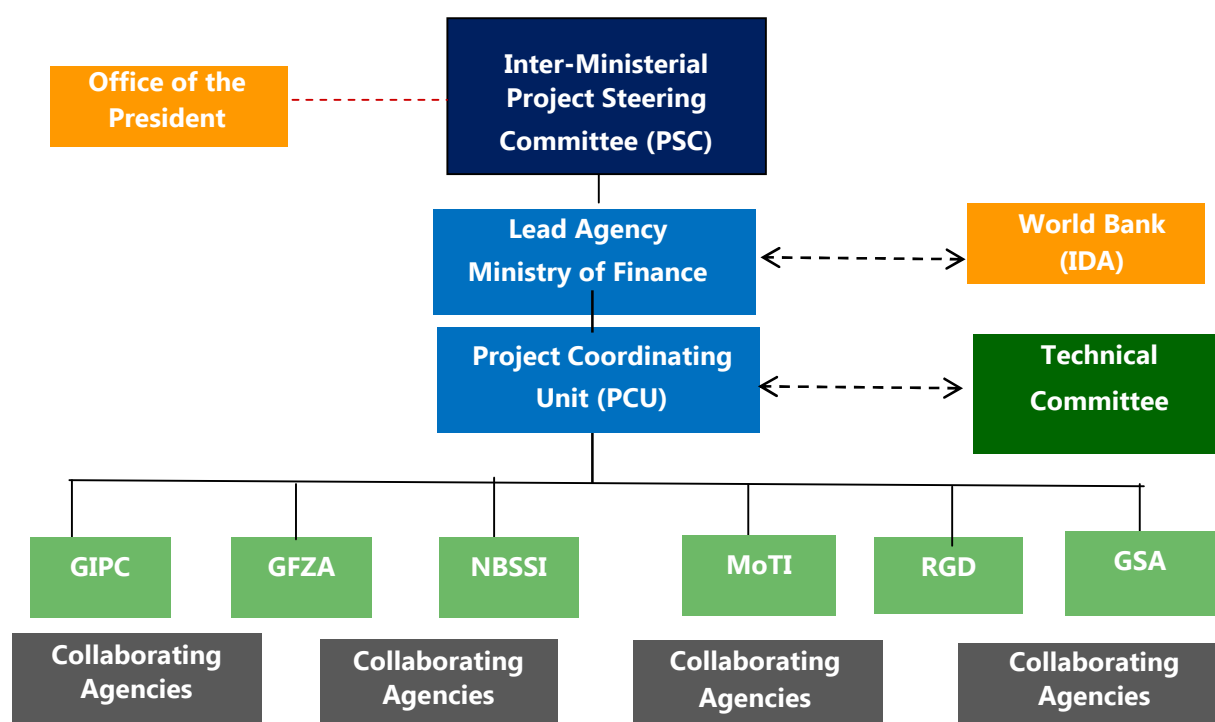
#### 8.1 INSTITUTIONAL ARRANGEMENTS FOR PROJECT IMPLEMENTATION

The implementation structure will comprise Project Steering Committee (PSC), Lead Agency, Implementing Agencies and a Technical Committee as well as Collaborating Agencies, given the

multi-sectoral nature of the project. Figure 1 below shows the proposed structure for the project implementation arrangements

The main institutions to implement the program and projects and to ensure sound management of the environmental and social aspects include:

- ) Ministry of Finance (Economic Transformation Unit & Resource Mobilisation and Economic Relations Division)
  - ) Ministry of Trade and Industry
  - ) Ministry of Business Development
  - ) Ghana Free Zone Authority
  - ) Government Regulatory Agencies such as:
    - Ghana Investment Promotion Centre;
    - Ghana Free Zones Board;
    - Ghana Standards Authority
    - Venture Capital Trust Fund;



**Figure 10: Project Implementation Structure**

### 8.1.1 Inter-Ministerial Project Steering Committee (PSC)

The Inter-Ministerial Project Steering Committee (PSC) shall have oversight responsibility of the project. It will comprise of representatives of all relevant Ministries, Agencies and the Private Sector. The PSC will be co-chaired by Minister for Finance/Trade or his representative. The PSC will meet biannually with the Project Coordination Unit as its Secretariat. The PSC will specifically perform the following roles:

- ) provide overall strategic advice and policy guidance for implementation of the project;
  - ) review and approve annual work plans and budget;



- ) review and discuss bi-annual and annual project progress reports and make recommendations;
- ) assess progress towards achieving the project's objectives and take corrective actions if necessary; and
- ) facilitate the timely execution of the project.

#### **8.1.2 Lead Agency (LA)**

The Lead Agency shall be responsible for coordinating the activities of the Implementing Agencies. It shall constitute a Project Coordination Unit to be run by a Project Coordinator, Procurement, Financial Management and M&E Experts.

#### **8.1.3 Project Coordinating Unit**

The Project Coordinating Unit (PCU) will be responsible for the following:

- ) opening and maintaining the project designated Account;
- ) coordinating the preparation of the annual work/procurement plans and submitting consolidated plans to the World Bank;
- ) facilitating/supervising procurement activities of the various implementing agencies;
- ) where certain items/services are required by all the agencies, the procurement will be done by the LA in collaboration with the Implementing Agencies to ensure efficiency and economies of scale;
- ) collating M&E reports and other reports that may be required and submit same to the World Bank;
- ) serve as a secretariat to the PSC - convene meetings and ensuring that decisions made by the PSC are implemented;
- ) monitoring and assessing progress and results under the project results framework, and address implementation challenges;
- ) building relationship across the component and sub-components managers to find solutions to complex implementation challenges;
- ) arranging the audit of the project.

#### **8.1.4 Technical Committee**

The Technical Committee shall be made up of representatives from the beneficiary agencies and chaired by the Project Coordinator. The TC will meet every quarter to review implementation progress and propose lasting solutions to challenges that may arise. The TC shall be responsible for providing quality assurance on the technical aspects of the project including providing relevant data and information required for the implementation of activities and reviewing various reports.

#### **8.1.5 Implementation Agencies (IAs)**

The Implementation Agencies will be responsible for the day-to-day implementation of the various components of the project. The Agencies will constitute their Project Implementation Teams (PITs).

#### **8.1.6 Safeguards Implementation Arrangements**

The E&S Specialist at the PCU will have overall responsibility for all safeguards related issues on the project and will be supported by an E&S specialist at the GFZA as well as Safeguards Focal Persons

(SFPs) within the other implementing agencies as required (MoTI, GIPC, NBSSI, MBD).

## 8.2 BUDGETARY PROVISIONS

The implementation of the RPF would have budget implications in terms of awareness creation, capacity improvement and training workshops as well as dissemination of RPF to key stakeholders involved in the implementation of proposed interventions. The budget is estimated at USD \$132,672.90 or GhanaCedi equivalent<sup>5</sup> of GH¢675,000. Table 8 below shows the breakdown:

**Table 8: Indicative Budget for RPF Implementation**

#	Item	Unit	Unit Cost		Total		Source of financing
			Local ¢	US\$	Local ¢	US\$	
1.	Training & Capacity Building						
	Awarenesscreation andCapacity buildingforMoF, projectstaff, PCU,	20	5,000	1,965.52	100,000	19,655.25	GOG; Project Funds
	Safeguard Specialist, Supervising Engineers and contractors, NGOs, Traditional Authority, Community leaders	100	5,000	1,965.52	500,000	98,276.23	GOG; Project Funds
2.	MonitoringandEvaluation						
	SafeguardscomponentforM&E	10	5,000	1,965.52	50,000	9,827.62	GOG; Project Funds
3	RPF Disclosure						
	Disclosure of RPF - Advertisements/National Dailies	Lump sum			10,000	1,965.52	Project Funds
	Disclosure of RPF – copies to all relevant stakeholders	Lump sum			15,000	2,948.28	Project Funds
	Grand Total				¢675,000	\$132,672.9	

<sup>5</sup> Daily Interbank Cedi to US Dollars FX Rate of ¢5.0877 for 05 April 2019 - Bank of Ghana (<http://www.bog.gov.gh>).

## REFERENCES

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# **ANNEXES**

## ANNEX 1

### SCREENING CHECKLIST FOR IDENTIFYING CASES OF INVOLUNTARY RESETTLEMENT

#### A. DETAILS OF PERSON DESIGNATED TO FILL OUT THIS FORM

Completed by (Name): .....

Contact Details: .....

Job Title/ Designation: .....

Date: .....

Signature: .....

#### B. PROJECT/SUBPROJECT DESCRIPTION

Name of Project: .....

Name of Project Execution Entity/Organization: .....

Location of the Project: .....

Type of the Project: .....

Approximate size of the Project in land area: .....

##### Location of the project:

Region: ..... District: .....

Town/Community: .....

#### C. THE CHECKLIST

Please fill in the checklist below by ticking applicable answer (Yes or No):

- i. Will the Project lead to permanent acquisition of the land? Yes ...../ No.....
- ii. Will the project lead to temporary occupation of the land or use of the land for a limited time frame? Yes...../No.....
- iii. Based on available sources, consultations with local community/ authorities, local knowledge and / or observations, could the project alter any cultural heritage site?  
Yes...../No.....if yes, describe [.....]

- iv. Will the project result in the physical displacement of people? Yes...../No.....
- v. Will the project result in the permanent removal or damage or demolition of structures or buildings? Yes...../No.....If yes estimate # [ ]
- vi. Will the project result in the temporary removal or relocation of structures? Yes...../No.....If yes, estimate # [ ]
- vii. Will the project affect or block access to homes, organisations, farms, forest or any assets in general? Yes...../No.....
- viii. Will the project result in the permanent or temporary loss or damage to standing crops, fruit or economic trees? Yes...../No.....
- ix. Will the project result in the loss of income of affected farmer or business person? Yes...../No.....
- x. Will the project affect farmlands that have been cleared but not cultivated? Yes...../No.....

**How many persons are impacted by the project?-----**

#### **D. PROPOSED ACTION**

If all the above answers are 'NO' except for the permanent land acquisition only or temporary land occupation only or both, please follow the requirements in the RPF to address any compensation issue.

If there is permanent land acquisition or temporary land occupation or no land acquisition and there is one or more of the above answers as YES, there is need for further action. The number of affected persons need to be investigated further to determine which resettlement instrument to be prepared in line with the RPF to address the resettlement and compensation related issues.

Actions to address to address compensation issues

- ) RAP will be prepared where more than 200 individuals are displaced. ARAP will be prepared where less than 200 individuals are displaced. The preparation of the RAP/ARAP will involve the following key activities:
  - ) Consultation of stakeholders on the subproject
  - ) Census of Affected Persons & Assets/ Socio-economic baseline to identify the persons/assets/livelihood that will be affected by the sub-project., ensuring the eligibility criteria.
  - ) Valuation of land or affected properties.
  - ) Elaboration of the RAP/ARAP report.
  - ) Consultation and disclosure of the RAP/ARAP documents.
  - ) Compensation payment.

- RAP/ARAPs will need World Bank approval prior to commencing resettlement activities. Resettlement activities must be completed before commencing GETP activities on the fields or civil works on the ground.

**E. COMMENTS BY PERSON FILLING THIS FORM**

.....

.....

.....

.....

.....

**F. COMMENTS BY THE GETP MDA SAFEGUARD OFFICER OR PCU/GETP**

(The PCU/GETP should sign off this form and attach copy to the project proposal)

.....

.....

.....

.....

Name:

Date:

Signature:

## ANNEX 2

### TASKS/TOR FOR THE PREPARATION OF RAP

Reference: OP 4.12, annex A.

1. Description of the sub-project and of its potential land impacts
  - 1.1 General description of the project and identification of the project area
  - 1.2 Potential impacts. Identification of
    - 1.2.1 Project component or activities that give rise to resettlement;
    - 1.2.2 Zone of impact of such component or activities;
    - 1.2.3 Alternatives considered to avoid or minimize resettlement; and
    - 1.2.4 Mechanisms established to minimize resettlement, to the extent possible, during project implementation.
2. Objectives. The main objectives of the resettlement program
3. Socio-economic studies and census of affected assets and affected livelihoods. The findings of socio-economic studies and census to be conducted with the involvement of potentially displaced people include:
  - 3.1 The results of a census survey covering current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
  - 3.2 Standard characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
  - 3.3 The magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic.
  - 3.4 Information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made;
  - 3.5 Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
  - 3.6 Consultations strategy of the RAP:
    - ) identification of stakeholders and PAPs.
    - ) Types of consultations held (numbers, locations and number of participants (by gender)
    - ) Summary of issues discussed and responses provided.
- 3.6 Other studies describing the following
  - 3.6.1 Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, nontitle-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
  - 3.6.2 The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
  - 3.6.3 Public infrastructure and social services that will be affected; and
  - 3.6.4 Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups,



nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

#### 4. Legal and Institutional Framework.

##### 4.1 Summary of the information included in this RPF

##### 4.2 Local legal specificities if any ( ensure conformity with gap analysis and legal framework)

##### 4.3 Local institutional specificities

4.3.1 Identification of agencies locally responsible for resettlement activities and NGOs that may have a role in project implementation;

4.3.2 Assessment of the institutional capacity of such agencies and NGOs; and

5. Eligibility and entitlements will be based on the definitions and categorisation in this RPF (see entitlement matrix), the definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

6. Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

#### 7. Resettlement measures:

7.1 Description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see OP 4.12, para. 6).

7.2 Site selection, site preparation, and relocation. Alternative relocation sites considered and explanation of those selected.

7.3 Legal arrangements for regularizing tenure and transferring titles to resettlers.

7.4 Housing, infrastructure, and social services.

7.5 Environmental protection and management.

7.6 Community participation. Involvement of resettlers and host communities

7.7 Integration with host populations. Measures to mitigate the impact of resettlement on any host communities

7.8 Specific assistance measures intended for vulnerable people, to be identified for instance amongst those listed in section 9 of the RPF

8. Grievance procedures. Based on the principle mechanisms described in this RPF, description of affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

9. Organizational responsibilities. The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

10. Implementation schedule. Based on the template presented in the RPF, present an implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

11. Costs and budget. Tables showing itemized cost estimates for all resettlement activities (see Section 13 of this RPF), including special assistance to vulnerable persons and other contingencies.
12. Monitoring and evaluation. Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

**Annexures to the RAP:**

**Annex1: Details of all PAPs with name, ID, and type of loss (quantified).**

**Annex 2. Consultation details**

**Annex 3. Complaint form customized for the RAP**

### ANNEX 3:

#### FRAMEWORK FOR THE CENSUS OF AFFECTED ASSETS AND AFFECTED PEOPLE

##### AFFECTED PLOT OR LAND SHEET

Reference/GPS Coordinates:

Location: Region: District: Community/ Village:

Surface:

Description of soil:

Perennial Crops	1	Owner:
	2	Owner:
Annual Crops	1	Owner:
	2	Owner:
Trees:	1	Owner:
	2	Owner:

Structures: Owner

Channels: Owner:

Anti-erosive structures: Owner:

Buildings: Owner:

Users: User 1: Surface used: Regime of tenure:

User 2: Surface used: Regime of tenure:

User 3: Surface used: Regime of tenure:

User 4: Surface used: Regime of tenure:

Valuation proposal (details of calculation on attached sheet):

Crops:

Structures:

Proposed distribution of compensation:

User 1:

User 2:

User 3:

User 4:

Date: Prepared By:

##### AFFECTED BUILDING SHEET

Reference/ GPS Coordinates/Photograph number

Location: Region/District/Community/Village

Owner: Address:

Description:

Permanent                      Non-permanent  
Surface:                      Number of rooms:  
Walls:                      Material Condition  
Roof:                      Material Condition  
Floor:                      Material Condition

Annexes outside:              Latrine:              Bathroom: Kitchen: Others:

Additional features:

Permanently Inhabited: By:      Regime of occupation:

Periodically Inhabited: By:      Regime of occupation:

Valuation proposal (details of calculation on attached sheet):

Proposed distribution of compensation:

User 1:

User 2:

User 3:

User 4:

Date: Prepared By:

## **AFFECTED HOUSEHOLD SHEET**

Household Reference:

Location:              Region: District:              Village:

Photograph numbers for each household member

Reference of Affected Asset:

Type:    Structure Plot Crop

Reference of Affected Asset Sheet:

Location:              Zone:              Region:

Household Information:

Head of Household:      Name:              Age:

Sex:

Number	Name	Relationship with Household Head	Sex	Age

Identity Document:      Type:      Number:

Composition of Household:  
Socio-Economic Information:  
Occupations:  
Head of Household:  
Other members of Household:  
Number: Occupation:  
Number: Occupation:

Total Estimated Household Cash Income:  
Education level of Household Members:

Project Impact:  
Assessment of the Impact of the Loss of the Affected Asset on Household's Livelihood:

Proposed Compensation or Resettlement Package  
Household's Wishes  
Proposed Package

Proposed Livelihood Restoration or Assistance Package:  
Household's Wishes  
Proposed Package

Date: Prepared By:

## ANNEX 4

### COMPENSATION CLAIM AND COMMITMENT FORM

#### COMPENSATION CLAIM & COMMITMENT FORM

##### Affected Person Information:

Name of claimant: ..... Sex: ..... Age: .....

Name of Representative/Contact Person:.....

Region: ..... Town: ..... Community/Suburb: .....

Affected property: .....

*Total Compensation Due:*

Affected property value (GHS)	Disturbance (GHS)	Livelihood assistance (GHS)	Other supplementary assistance as necessary (GHS)	Total compensation (GHS)

##### Compensation Payment Commitment:

I, ....., having received the above total compensation amount for the land required/structures/crop(s) at the project site in question on .....(i.e. date of compensation payment), have agreed in principle to vacate or release the said land(s), for which compensation has been paid for the crops/structures/land thereon, on .....(agreed date when PAP should vacate or release the land).

Signature or Thumb print of claimant /recipient: ..... Date: .....

Name of Administrator (MOFA/Project Representative): .....

Signature of Administrator: ..... Date: .....

Contact of Administrator: .....

Name of Witness: ..... Signature of Witness .....

Contact of Witness: .....

ANNEX 5

MODEL COMPLAINT REGISTRATION & RESOLUTION FORM

*-MODEL COMPLAINT REGISTRATION & RESOLUTION FORM*

Name (Complainant): .....

ID Number (PAPs ID number if any): .....

Contact Information (house number/ mobile phone):.....

Nature of Grievance or Complaint:

.....

Details of Grievance:

.....  
.....  
.....  
.....  
.....  
.....

Name (Receiver): ..... Signature:.....

Date:.....

Name (Filer): ..... Signature.....

Date:.....

Relationship to Complainant (if different from Complainant): .....

-----  
Review/Resolution    Level 1 (MMDA) ☐    Level 2 (MDA) ☐    Level 3 (PCU) ☐

Date of Conciliation Session:

.....

Was Filer/Complainant Present?:                      Yes                      No

Was field verification of complaint conducted?    Yes                      No

Findings of field investigation:.....

.....

.....

**Summary of Conciliation Session Discussion.....**

Issues.....

.....

Was agreement reached on the issues?                      Yes                      No

If agreement was reached, detail the agreement:.....

.....

If agreement was not reached, specify the points of disagreement:.....

.....

.....

Signed (Conciliator): ..... Signed (Filer/Complainant):

.....

Signed: .....

(Independent Observer e.g. Assembly Member/Opinion Leader)

Date: .....

**Implementation of Agreement**

Date of implementation:

.....

.

Feedback from Filer/Complainant:                      Satisfied                      Not Satisfied

If satisfied, sign off & date:.....

(Filer/Complainant) (Conciliator)

If not satisfied, recommendation/way forward:.....

.....

.....

.....

.....  
(Signature & date of Filer/Complainant)

.....  
(Signature & date of Conciliator)



## ANNEX 6

### WORLD BANK RESETTLEMENT POLICY FRAMEWORK (RPF)

[Excerpt from the World Bank OP4.12 Involuntary Resettlement, Revised April 2004]

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. The OP4.12 (Revised April 2004) applies only to projects that are governed by [OP/BP6.00](#), Bank Financing—that is, those in countries with [approved country financing parameters](#). Other operational policy statements governing Bank financing that have been amended to reflect OP/BP6.00 also apply to these projects.*

*Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.*

#### **Resettlement Policy Framework**

For sector or 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. The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs.

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. 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 sub-borrowers 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.

For other Bank-assisted project with multiple subprojects 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. For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

For each subproject included in a project described in paragraphs 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.

For projects, the Bank may agree, in writing that sub-project 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 comply with Bank policy, is 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.

## **ANNEX 7**

### **GHANA ECONOMIC TRANSFORMATION PROJECT (P166539)**

#### **Consultancy for the Preparation of Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) Terms of Reference**

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##### **1. Introduction**

The Government of Ghana (GOG) has requested World Bank assistance to undertake the Economic Transformation Project (ETP). The ETP aims at supporting the diversification of the economy to better shock-proof against volatility in primary commodity prices, spur a transition to an economic structure that generates higher growth that is more sustainable over the long term. It also aims at helping the government to better respond to the imperative of creating more and decent jobs for the youth and rapidly growing labour force. The project is anchored in the Ghana beyond aid vision and recognizes the critical role of the private sector in achieving economic transformation.

Based on proposed scope of works the project triggers specific World Bank safeguard policies; in particular, the Environmental Assessment (OP/BP4.01) and the Involuntary Resettlement Policy (BP/OP 4.12). As required under these safeguards policies this Terms of Reference (ToR) is to facilitate the preparation of an ESMF and RPF in line with the two World Bank policies and national laws on environmental impacts and involuntary resettlement.

The MoF requires the services of an individual consultant to conduct a socio-economic survey and prepare an Environmental and Social Management framework (ESMF) and the Resettlement Policy Framework (RPF) to be used in the implementation of ETP. The ESMF and RPF will outline the policies, legal, principles, institutional framework and procedures that the Government of Ghana, through the Ministry of Finance (MoF) and their respective Implementing Agencies will follow under each Component and subprojects in addressing environmental and social impacts and risks that may result from implementation of the project. The requirements contained in the documents will be applied to all activities and contracts under the project with potential environmental and social implications.

##### **2. Background**

The economy of Ghana performed well in the last two decades where average annual GDP growth hovered around 8 percent between 2005 and 2012. However, growth has slowed down in recent years. The growth momentum helped the country to be placed at the forefront of poverty reduction in those years but the changing dynamics of growth in recent years has reduced its poverty impacts. In addition to this poor impact of growth on poverty, the primary commodity-driven nature of the economy, mainly from the export of gold and cocoa, increases economic volatility. Furthermore, government inefficiencies have negatively impacted on the development of the private sector, labour market and consequently growth.

The current growth trends suggest that the country should invest more, diversify, increase productivity, and in a gist, accelerate economic transformation, if it is to achieve a higher and

inclusive growth. The current government's strategy is to transform the Ghanaian economy to achieve inclusive and sustainable growth with the private sector as the main driver which is in line with this assertion. There are also multi-sectoral and institutional context for the implementation of such strategy. In Ghana, the private sector is small, doing business is a huge challenge for the sector and the ability to strengthen Total Factor Productivity growth will depend to a large extent on the competitiveness and dynamism of the private sector. Moreover, the country's inability to attract sizeable investment is also hampered by macroeconomic instability, infrastructural deficiencies, difficulty in access to land, and weak managerial and entrepreneurial skill base. While lack of access to land is a significant determinant to investment in agriculture and manufacturing for efficiency – seeking FDI, poor access to electricity is a major constraint on firm growth. In addition, lack of access to finance hampers entrepreneurial and productivity enhancing investments.

Government's strategy is to transform the Ghanaian economy to achieve inclusive and sustainable growth, with the private sector as the main driver. To achieve this, the government's agenda includes building the most business-friendly and industrialized economy in Africa, capable of creating decent jobs and prosperity for all Ghanaians: reforming the energy sector; modernize agriculture, improve production efficiency, achieve food security, and profitability for farmers with special emphasis on value-addition; improving trade facilitation and the business environment; investing in infrastructure; and diversifying the economy beyond primary products - hydrocarbons, gold and cocoa.

To support its transformation agenda Government has initiated the Economic Transformation Project being funded by the World Bank. The Project is being coordinated and implemented under the newly formed Economic Transformation Unit within the Ministry of Finance, along with line Ministries of Trade and Industry (MoTI), Business Development and office of the President. It encompasses sub-initiatives by these line ministries and offices including; a) trade and industry development sector plans, which involves Business Regulatory Reform Strategy; Standards Authority Strategic Business Plan; b) National Entrepreneurship and Innovation Plan; c) Investment Promotion and Management; and d) Venture Capital Trust Fund.

The Program Development Objective (PDO) is *to promote sustainable private investments, productive jobs firm growth in non-resource based sectors*. The guiding principle of the program is to promote and strengthen a growth model that is conducive to economic transformation- which will achieve, simultaneously, higher rates and productivity growth across the economy (especially in non-resource based sectors ), with a view to creating quality and raising incomes.

The project has four primary components: (i) Enabling investments – improving the business environment for private investment and jobs; (ii) Crowding in investments: promoting foreign and domestic investments and spatial industrial development; (iii) Catalyzing investments: supporting entrepreneurship, innovation and firm growth; (iv) Project Management and Monitoring and Evaluation.

Under **component one** (i) the Program will support Government's Business Regulatory Reform Program in order to improve the ease of doing business and strengthen the regulatory frameworks that support improved market linkages and firm growth. It will also support regulatory framework and implementation of measures focused on Trade facilitation, ICT Policy, Construction permit regulations, business entry, contract enforcement, land registration. Additionally, it will support institutional strengthening, capacity building and reforms for key agencies including Ghana Investment Promotion Centre (GIPC), Ghana Standard Authority (GSA), Ghana Free Zones Authority (GFZA), and National Communications Authority (NCA).

Under **component two** (ii) the Program will support improvements in investment promotion and regulation, especially in agribusiness, IT-enabled services, manufacturing and construction; improvements (regulatory, governance and infrastructure) in spatial and industrial development with a specific emphasis on non-resource based sectors. Furthermore, the Program will support Government's industrial development agenda illustrated in MoTI's ten (10) Point Industrial Plan, with an emphasis on spatial development. It will also support regulatory and institutional reform of zone development, Technical Assistance (TA) to build capacity for spatial development. It will also support the viability gap fund for zone development

Under **component three** (iii) the Program will support harmonization and coordination of the government's entrepreneurship and SME support policies and programs (Market Connect SME Support Program). It will also support the consolidation of the entrepreneurship mandate via streamlined processes, institutional improvements and realignments, strengthened accountability, and overall rationalization of roles and responsibilities across different organizations, possibly under a single coordinating agency, as well as with support to capacity building and good governance within that agency. It will further support Venture Capital Trust Fund (VCTF) Seed and Early Stage Fund-of-Funds; Entrepreneurship Ecosystem Development (Support to Incubators, Accelerators and Tech Centers).

Under **Component four** the Program will support Project Management and Monitoring and Evaluation. This fourth component will finance specialized consultant services to assist PCU of the ETP at MoF in project implementation and to develop a comprehensive monitoring and evaluation system for the project.

The program complements other ongoing WBG projects in Ghana (DPO, GCAP, LAP2, E-Transform, Jobs etc.).

Some of the activities especially in component two and three will involve civil works that is construction and/or rehabilitation of existing infrastructure for private investments. Others may impact on livelihoods in some communities. Since the pipeline of public private partnership projects are evolving, the appropriate instrument at this stage is to undertake a study that will assess the Environmental and Social Systems Aspects of the project. It is in this regards that the Ministry of Finance is looking for a consultant to develop an (ESMF and RPF as required).

## **2.0 Objective and Principles**

The ETP ESMF/RPF outlines the objectives, principles, procedures, legal frameworks and institutional arrangements and processes for environmental and social screening that will assess the environmental and social issues of the ETP in accordance with World Bank safeguards policies and the requirements of the national laws for environmental and social impact assessment. This provide guidance to the institutions in charge of the implementation of the project to identify, assess and mitigate the environmental and social impacts of the proposed intervention to promote sustainable private investments. The ESMF/RPF also determines the institutional measures to be taken during the project implementations, including those relating to capacity building.

The ESMF should be prepared according to the following specific objectives and principles, they include:

- ) To establish clear procedures and methodologies for the environmental and social planning, review, approval and implementation of subprojects to be financed under the Project;

- )] To specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns related to subprojects;
- )] To determine the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF/RPF;
- )] To establish the Project funding required to implement the ESMF requirements; and
- )] To provide practical information resources for implementing the ESMF/RPF.

The principles should include that the Project:

- )] Supports project implementers to develop their subprojects applications to avoid or minimize environmental and social safeguards concerns;
- )] Supports local authorities to review applications and determine if additional, more detailed environmental or social planning is required before applications can be approved;
- )] Supports project implementers and local authorities in carrying out their respective roles by funding substantial training, information resources and technical assistance; and
- )] Funds annual reviews for assessing compliance, learning lessons, and improving future performance, as well as assessing the occurrence of, and potential for, cumulative impacts due to Project-funded and other development activities.

### 3.0 SCOPE OF SERVICES for the ESMF

The consultant is expected to prepare an ESMF taking into consideration the objectives and principles stated in section 2, proposed activities in the pipeline under all project components and institutional arrangements for project implementation.

#### 3.1 General Tasks

The general tasks for the assignment include the research, interviews and field work needed to develop:

- a) A detailed **description of the Project**, its components (especially those subprojects with potential environmental and social impacts), and **implementation arrangements**, with a focus on how subprojects will be identified, prepared, approved and implemented, and on how funds will flow to approved subprojects.
- b) An understanding of the **legislative, regulatory and administrative regime** (e.g. pollution control, environmental management, land acquisition and use, protection of cultural heritage) that the Project will operate within, with a focus on requirements that will apply to the planning, approval and implementation of subprojects.
- c) An understanding of the **institutional needs** for implementing the ESMF. This should include a review of the authority and capability of institutions at different levels (e.g. local, district, provincial/regional, and national), and their capacity to manage and monitor ESMF implementation. The analysis may extend to new laws and regulations, new agencies or agency functions, intersectoral arrangements, management procedures and training, staffing, operation and maintenance training, budgeting, and financial support.
- d) A **training and capacity building programme** for the institutions responsible for implementing the ESMF.
- e) Requirements for **technical assistance** to communities, service providers and public-sector institutions to support their ESMF implementation work.

f) A **budget** for implementing the ESMF.

### **3.2 SCOPE OF SERVICES FOR RESETTLEMENT POLICY FRAMEWORK (RPF)**

The Consultant is expected to perform the following tasks for the preparation of the RPF. Based on the proposed project objectives the scope of the assignment may include:

- (i) Describe project activities with potential for resettlement and compensation identifying clearly potential Project Affected Persons (PAPs), project affected households, vulnerable groups of people, eligibility criteria for PAPs, screening process,
- (ii) Collect, collate and present baseline information on the social characteristics of the existing situation, the socio-economic profile, institutional and historical setting in which the project will operate.
- (iii) Provide policy, legal and institutional framework for land ownership and acquisition, resettlement and compensation including comparative analysis of national policies with World Bank requirements.
- (iv) Conduct stakeholder consultations involving potential project affected persons, project beneficiaries, community leaders and relevant institutions whose mandate relate to land acquisition, resettlement and compensation.
- (v) Provide implementation arrangements for the RPF and a framework for valuation of entitlements and assets. The framework for the valuation of entitlements and assets must show (1) valuation methodology, (2) procedures for land acquisition and compensation payment, and (3) prepare an entitlement matrix and the procedure for delivery of entitlements.
- (vi) Conduct stakeholder analysis showing persons and organizations with a stake/interest in the project, and responsibilities of implementing organizations or persons; and Monitoring including schedules.
- (vii) Provide mechanism for addressing grievances and the resolution of disputes as well as indicators and schedule for supervision and monitoring implementation and compliance with the requirements of the RPF.
- (viii) Provide budget estimate for implementation of the RPF and develop a cost template for preparing RAP budget.
- (ix) The final report of the RPF should include Annex that outlines a Resettlement Action Plan, which would be prepared when specific project sites have been identified.

### **3.3 Specific Tasks**

#### **Project Description**

The Consultant will provide an overview of project objectives, components and associated activities, with an emphasis on component(s) that will finance subprojects; anticipated types of subprojects, and types that will be excluded from financing; project target areas; project coordination and implementation arrangements, with details of institutional arrangements for managing the subproject cycle; and annual reporting and audit requirements.

#### **Baseline Data**

The Consultant should also give adequate information on the current environmental situation and socioeconomic and cultural characteristics in project areas, including physical, and biological environments, as well as socio-economic and cultural settings in project area.

### **Analysis of Environmental and Social Impacts, Issues and Risks**

Based on the different pillars to be implemented under the project, assess the associated environmental and social impacts, issues and risks that might require separate environmental and social assessment in relation to location, project size, and other site-specific factors. This will involve proper scoping of the project's field of influence, activities and impacts that will have to be studied. Where possible, the consultant will provide information on the current environmental situation, socioeconomic and cultural characteristics in project areas.

### **Environmental and Social Screening and Scoping**

The initial stage of the Consultant's intervention will be the scoping of the project's field of influence, activities and impacts that will have to be studied in the ESMF/RPF.

### **Assess capacity and performance of the responsible agencies to manage environmental and social risks**

The Consultant should assess institutional capacity of implementing agencies in implementing ESMF and RPF and identify needs for capacity building. The ESMF and the RPF should also describe how sensitization meetings and launching workshops can bring out environmental and social issues and considerations of the proposed economic transformation. Based on the findings, the Consultant will develop an ESMF training program for various stakeholders including proposed recipients - MDAs such as: Ministry of Finance, Ministry of Trade, Ministry of Business Development, National Board for Small Scale Industries (NBSSI), Ghana Free Zones Authority (GFZA), Ghana Investment Promotion Centre (GIPC), Ministry of Tourism, Ghana Standards Authority (GSA) etc. and non-government partners and ETP facilitators to ensure adequate development, implementation and monitoring of the project.

### **Assess the adequacy of legal and regulatory framework**

The Consultant will analyze the existing environmental policies, laws, conventions and protocols on environmental and social impact assessment, both national and international, and assess needs for their strengthening. In addition, the Consultant will analyze specific policies, laws, regulations and directives related to a specific pillar with potential for environmental implications. The Framework should assess whether environmental and social issues are sufficiently addressed by current procedures.

### **Institutional Framework**

The Consultant shall propose institutional arrangements to handle the preparation, implementation and supervision of the ESMF and RPF of the proposed project. Such framework should include means for strengthening of implementing institutions to be able to assess and manage the environmental and social impacts and risks of the project and its sub-projects. To this end, the ESMF and RPF will address institutional tasks and cover every stage of the project process (from the initiation and reviews to the monitoring of the implementation of ESMF). The Frameworks should also examine the need for in-house capacity building, and should explore the possibility of



establishing an environmental and social unit within institutions where possible with the responsibility to conduct or supervise the environmental and social analyses of all project components.

### **Stakeholder and Public Consultation and participation**

Public consultation is a vital part of this Environmental Assessment process. The Consultant must indicate the anticipated needs for in-country consultation and field work to prepare the frameworks. Since the framework will be developed before most of the components of the project decisions are made, the consultant shall propose further consultation and disclosure processes to be undertaken.

The Consultant will, in close coordination with implementation agencies, assist in carrying out stakeholder consultations with national NGOs, community opinion leaders, scientific experts, relevant government agencies and the private sector in order to present and discuss potential impacts of project activities and a proposed mechanism to address them under the ESMF and RPF and take their views into account. Consultation process and major issues raised need to be documented and attached to the Frameworks for submission.

### **Grievance Redress Mechanism and social inclusion**

Taking into account the existing mechanism in implementing agencies, the Consultant shall develop a grievance mechanism which provides an effective, accessible and transparent avenue for expressing concerns and achieving remedies for project affected people, promote a mutually trustful and constructive relationship and enhance social accountability and ultimately the achievement of project development objectives.

### **Openness and transparency**

The consultant will develop mechanisms to ensure that processes of implementing the project are quite open and transparent. He will ensure that national laws and the Bank's regulations with respect to openness and transparency are taken into consideration.

### **Monitoring and Evaluations**

The consultant should describe a monitoring regime that will be established, prioritizing those elements that must be in place prior to the implementation of the project and where possible to allow a baseline to be established against which changes during the implementation of the project can be assessed with identification of persons responsible for respective actions on M & E.

## **4.0 DELIVERABLES**

The consultant shall prepare and present the 2 frameworks to the standard required of the Ministry of Finance before same is submitted to the World Bank for review and Clearance.

**The ESMF Report** to be delivered by the consultant must cover the following contents and consistent with guidance provided in the *ESMF Toolkit*:

- a) An executive summary;
- b) An introduction describing the ESMF purpose, objectives, principles and methodology;

- c) A description of the Project, with an emphasis on component(s) that will finance subprojects; anticipated types of subprojects, and types that will be excluded from financing; Project target areas; Project coordination and implementation arrangements, with details of institutional arrangements for managing the subproject cycle; and annual reporting and performance review requirements;
- d) Major sections addressing the requirements of individual safeguards policies applicable to the Project (Sections B5 through B8 of the ESMF Toolkit);
- e) Description of capacity building, training and technical assistance required to implement the ESMF;
- f) An ESMF implementation budget; and
- g) Technical annexes to support ESMF implementation.

**The RPF Report** to be delivered by the consultant must cover the following contents:

- (a) Introduction: include a brief description of the project and components for which land acquisition and resettlement are required;
  - i. Potential impacts/risks of project
- (b) Principles and objectives of the RPF: governing resettlement preparation and implementation;
- (c) Methodology/approach: A description of the process for preparing and approving resettlement plans;
- (d) Baseline Socio-economic data/Census: Estimated population displacement and likely categories of displaced persons, to the extent feasible;
- (e) Legal/institutional framework for land acquisition and Inv. Resettlement: A legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them; Including organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- (f) Eligibility criteria and entitlements; criteria for defining various categories of displaced persons; vulnerability, cut of data and entitlement matrix
- (g) Valuation method: Methods of valuing affected assets;
- (h) Implementation Arrangements and responsibilities for resettlement: A description of the implementation process, linking resettlement implementation to civil works;
- (i) GRM: A description of grievance redress mechanisms;
- (j) Stakeholder consultations, participation and Public Disclosure: A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring;
- (k) Budget for Implementation: A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- (l) Monitoring and Evaluation: Arrangements for monitoring by the implementing agency and, if required, by independent monitors.

## **6.0 REQUIRED PROFILE**

Familiarity with World Bank Safeguards policies and Ghana's environmental and social regulations and procedures is required. Special considerations will be given to individuals that have knowledge of the setting of the proposed project and have proven track records on the preparation of similar World Bank documents. Candidates should have at least a Master's degree in Environmental Management or Social Science related training and at least ten years of relevant experience. Candidates should also

have participated in similar studies in Ghana and have good knowledge of institutional and environmental arrangements in the country.

## ANNEX 8

### PUBLIC CONSULTATION AND DISCLOSURE PLAN FOR RAPs

Public consultations in relation to the RAP should occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach must be adopted as an on-going strategy throughout the entire project cycle.

Public participation and consultations should take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAs must be consulted in the survey process which should include:

- Public notices where explanations of the sub-project are made;
- RAP implementation of activities; and
- During the monitoring and evaluation process.

Selection of ways to consult, and expand participation by PAs and other stakeholders should take into consideration the following:

- Literacy levels prevalent in affected communities;
- Ethnicity and cultural aspects; and
- Practical conditions (like distance).

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAs are fully involved in designing the public consultation procedures.

#### Data Collecting Phase

Consultations during preparation, in particular, the collection of background information and the social survey or social assessment, are critical for successful data collection. The level of consultations should vary from household to community groups, based on the particular context of the sub-project(s). The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers' associations, individuals who own farms, fishing boats, etc., as well as primary and/or secondary schools, health centres, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

#### Implementation Phase

During implementation, PAs should be informed about their rights and options. The grievance mechanisms should continue to operate and all grievances should be recorded. The participation of local leaders and PAs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach should involve PAs in decision making about livelihood and community development programs.

#### Monitoring and Evaluation Phase

PAs representatives should participate in the sub-project workshops at mid-term and at the end of RAP implementation. Prior to closing the RAP, PAs will participate in a feedback survey as part of the RAP's independent impact evaluation exercise.

## **ANNEX 9**

# ATTENDANCE LIST

## MINISTRY OF FINANCE

### ENVIRONMENT AND SOCIAL MANAGEMENT FRAMEWORK (ESMF) AND RESETTLEMENT POLICY FRAMEWORK (RPF) FOR GHANA ECONOMIC TRANSFORMATION (GETP) PROJECT

NAME	DESIGNATION/ POSITION	TEL. CONTACT	EMAIL ADDRESS	DATE	SIGNATURE
Abdullah Adeniyi PC	Chief	024466555	adeniyi@getp.com		Adeniyi
Wanda Dankwa	Principal	0244662115	dankwa@getp.com		Dankwa
Loa Gurnani	Director, Women Ent. Dev. Unit	0548811118	loa2001@yahoo.com	20/02/19	Gurnani
Emmanuel Lartey	Head, LEGAL	0244327546	lartey@getp.com	20/02/19	Lartey
St. Amurh	Asst. Dir. BOR	0247627861	amurh@getp.com	20/2/19	Amurh
Sam Allister	Admin Head	020884567	allister@getp.com	20/02/19	Allister
YAWA	CEO	0243438322	yawa@getp.com	20/2/19	Yawa
Ata Akaike	AEU	0246049152	akaike@getp.com	20/2/19	Akaike
Robert Anku	King Southern Librarians	0244315729	anku@getp.com	Feb 20/19	Anku
Adunni	LI	0244210675	adunni@getp.com	21/2/19	Adunni
SEI BONGI	NW II	0244101101	bongi@getp.com	21/2/19	Bongi



**ATTENDANCE LIST  
MINISTRY OF FINANCE**

**ENVIRONMENT AND SOCIAL MANAGEMENT FRAMEWORK (ESMF) AND RESETTLEMENT POLICY  
FRAMEWORK (RPF) FOR GHANA ECONOMIC TRANSFORMATION (GETT) PROJECT**

NAME	DESIGNATION/ POSITION	TEL. CONTACT	EMAIL ADDRESS	DATE	SIGNATURE
Kwesi Ofori-Boadi	S/P.O	0217757575	kwesiof@buafrica.com	23/02/19	Kwesi
Abimbola O. Oshin	S/P.O	0209 486579	ibimbola.oshin@buafrica.com	12/03/19	AP
David Osei	CBO	0544667791	david@buafrica.com	12/03/19	David
Samuel Lomey Ayeh	former Director ORC-SEC	0246907770	—	14/02/2019	Samuel
Samuel Nartey	ORC-SEC	0242180926	—	17/12/2017	Samuel





## ANNEX 10

### INITIAL STAKEHOLDER ENGAGEMENTS - PICTURES



**Start Off Meeting with Project Co-ordinator**



**Stakeholder Engagement with MoF World Bank Unit**



**Stakeholder Engagement with NBSSI Representative**



**Stakeholder Engagement with GIPC Representative**



**Stakeholder Engagement with LMI Holdings**



**Stakeholder Engagement with MOTI**



**Stakeholder Engagement with Hon Assemblyman at Dawa**



**Meeting with CEO of Silicon Accra Technology Park. Background is the proposed site for the Project**