



REPUBLIC OF GHANA

MINISTRY OF FOOD AND AGRICULTURE (MOFA)

GHANA COMMERCIAL AGRICULTURE PROJECT

Resettlement Policy Framework (RPF)

DRAFT FINAL REPORT

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LIST OF ACRONYMS AND ABBREVIATIONS

AP	Accra Plains
ARAP	Abbreviated Resettlement Action Plan
CSO	Civil Society Organisation
CWSA	Community Water and Sanitation Agency
DA	District Assembly
DDA	District Director Agricultural
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
EPA	Environmental Protection Agency
ESMF	Environmental and Social Management Framework
FAO	Food and Agriculture Organisation
FASDEP II	Food and Agriculture Sector Development Policy (Phase Two)
FBO	Farmer Based Organisation
FC	Forestry Commission
GCAP	Ghana Commercial Agriculture Project
GIDA	Ghana Irrigation Development Authority
GoG	Government of Ghana
IDA	International Development Agency
LC	Lands Commission
LI	Legislative Instrument
M&E	Monitoring and Evaluation
MDA	Ministry Departments and Agency
MEST	Ministry of Environment, Science and Technology
MLNR	Ministry of Lands and Natural Resources
MoFA	Ministry of Food and Agriculture
NGO-	Non-Governmental Organisation
PMP	Pest Management Plan
PPP	Public Private Partnership
RPF	Resettlement Policy Framework
SADA	Savanna Accelerated Development Authority
SESA-	Strategic Environmental and Social Assessment
TA	Technical Assistant
TOR	Terms of Reference
UER/ UWR	Upper East Region/Upper West Region
WRC	Water Resources Commission

This Report has been prepared by

SAL Consult Limited
P O Box GP20200, Accra-Ghana
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EXECUTIVE SUMMARY

Introduction

The development of a Resettlement Policy Framework (RPF) is both a way to comply with the triggering of the Involuntary Resettlement policy (OP/BP 4.12) and a requirement for projects that may entail involuntary resettlement, acquisition of land, impact on livelihood, or restricted access to natural resources under the World Bank safeguard policy on involuntary resettlement. The RPF will provide project stakeholders with procedures to address compensation issues as related to affected properties/ livelihoods including land and income generated activities during project implementation.

Brief Description of Project

The Government of Ghana has received an advance on the proceeds of a credit from the International Development Agency (IDA – World Bank Group) to finance the preparation of the Ghana Commercial Agriculture Project (GCAP). The project preparation is under the overall responsibility of Ministry of Food and Agriculture (MoFA). The development objective of GCAP is to improve the investment climate for agri-business and establish inclusive Public Private Partnerships (PPPs) aimed at increasing on-farm productivity and value addition in selected value chains in both the Accra Plains and the Savanna Accelerated Development Authority (SADA) regions. GCAP is a World Bank category A project and a Ghana EPA ESIA –mandatory undertaking. World Bank safeguard policies require that MoFA effectively assesses and mitigates the potential environmental and social impacts of the projects proposed activities.

Description of Project Areas

The project location is within the Savannah Accelerated Development Authority (SADA) Regions and the Accra Plains of Ghana. The SADA Regions comprise Upper East Region, Upper West Region, Northern Region, and northern parts of Brong Ahafo and Volta Regions. The Accra Plains project area extends across mainly 4 districts, i.e., Dangbe West and Dangbe East of Greater Accra Region, North and South Tongu of Volta Region.

Accra Plains

Most of settlements in the project area are rural by population and function. The only exceptions to this general classification are Battor and Mepe which are urban by population and function. Aveyime is urban by population but elements of a rural agrarian economy manifest within the spatial configuration, housing characteristics and economic life of the town. Local populace in the project area is made up several ethnic groups. These are Ga-Dangmes, Ewes, Akans, Guan and Mole Dagbani. Ga-Dangme group is the majority of Dangme West and Dangme East District, and Ewe group occupies more than 90% in North Tongu District Land in the project area can be categorized under two tradition ownerships, Stool Lands and Family Lands. Customary land ownership in the form of family lands is the main type of land ownership within the project area.

SADA Regions

The main ethnic groups in the project pilot areas include the Dagbani, Mamprusi and Gonja in the Northern Region, Dagaaba and Sisala in the Upper West Region, Builsa, Kassena, Nankani, Grunnie, Nabdam and Kussasi in the Upper East Region. In all these ethnic patrilineal inheritance is the norm and traditional authority is vested in the chief, who sits on a skin, an acknowledged

symbol of identity of the group and authority. The majority of people in the three northern regions are traditionally crop and livestock farmers, growing cereals, root and tubers and keeping livestock, mainly goats, cattle and sheep for subsistence and gain. Outside farming season activities include farm produce processing and marketing, livestock grazing and "pastoralling", bush fire prevention and control and renovations/rehabilitation of residential accommodation. Cattle husbandry plays an important role in the socio-economic life of people of the three regions. In the Upper West and Upper East regions, ownership of land is vested in the Tindanas (Landowners), while in the Gonja area of the Northern Region the land-owning authority are the "skins" or chiefs. In most parts of the SADA regions undeveloped and unoccupied land may be described as communal lands and subject to common rights. These lands need to be allocated by the traditional authority and may be subject to traditional user rights of local communities.

Relevant Legal, Regulatory and Administrative Framework

The legal and institutional framework in Ghana over land administration, land tenure, and land expropriation is complex. The National Land Policy was prepared in 1999, and the on-going Land Administration Project (LAP) seek among other things, to streamline the myriads of laws regulating land administration and/ or establishing mandates for different land administration agencies in the country. Among the numerous land-related laws passed in the last 50 years, the most relevant to GCAP Programme are:

- The Constitution of the Republic of Ghana, 1992;
- The Lands Commission Act 2008, Act 767.
- The State Lands Act 1962, Act 125 and Amendments;
- Survey Act 1962, Act 127;
- The Lands (Statutory Wayleaves) Act, 1963;
- Land Title Registration Act 1986, PNDCL 152 and Regulations 1986 LI 1341;
- Office of the Administrator of Stool Lands Act 1994, Act 481; and

The key institutions responsible for administration of lands and or resettlement activities in line with this RPF include:

- The Public and Vested Lands Management Division of the Lands Commission;
- Land Valuation Division of the Lands Commission;
- Land Registration Division of the Lands Commission;
- Survey and Mapping Division of the Lands Commission;
- Environmental Protection Agency;
- The Metropolitan, Municipal and District Assemblies;
- Department of Town & Country Planning; and
- Traditional Authorities e.g., Chiefs.

Potential Social Impacts Associated with the Project

No.	Type of Impact	Description of Potential Impact/Issue	Social Significance
Social Environment			
1	Involuntary Resettlement	<p>SADA Regions Possible cases of involuntary resettlement are expected during construction of warehouses and farmlands.</p> <p>Accra Plains Regions The project in the Accra Plains will involve the need to physically move people or displace their rights to use land as a result of the</p>	<p>Major</p> <p>Major</p>

No.	Type of Impact	Description of Potential Impact/Issue	Social Significance
		construction of irrigation canals and farmlands.	
2	Local economy such as employment and livelihood, etc.	<p>SADA Regions and Accra Plains Regions Land will be cleared during the land preparation stage when the project is fully operational. It is estimated that pastoralists likely to lose grazing grounds for their livestock.</p> <p>Accra Plains Regions Animal husbandry is one of main source of local economy. Irrigation canals likely to block cattle grazing, if cattle crossing point is not provided.</p>	Major Moderate
3	Land use and utilization of local resources	<p>Condition of existing land likely to be changed to farming land. Possible change of land use in case of construction works.</p> <p>Land will be cleared during the land preparation stage when the project is fully operational. It is estimated that Pastoralists likely to lose grazing grounds for their livestock and that may lead to potential conflicts between pastoralists and farmers.</p>	Major
4	Social institutions	<p>The influx of migrants into these communities as result of the project may dilute some local customary practices and beliefs.</p> <p>Accra Plains Regions For example, within the project area, the use a hoe for farming activities is prohibited on the fourth day of every week. The differences in religious beliefs and customs can lead to conflict between local beneficiary communities and migrants or among different ethnic groups.</p>	Major Major
5	Existing social infrastructures and services	<p>Increase influx settlers likely to put pressure on existing social facilities including educational, health, water and sanitation facilities in the project area.</p> <p>Accra Plains Regions There are water intakes for 3-Districts Water Supply Scheme and Aveyime Community Water and Sanitation Service at right side of the Volta river in Aveyime. If outlet of drainage of the irrigation project is installed near the water intakes, raw water is polluted.</p>	Major Major
6	The poor, local community and ethnic people	Livelihood of the people likely to be affected if they need to be relocated due to farm land cleaning and leveling.	Major
7	Misdistribution of benefit and damage	Possible misdistribution of benefit among communities. For example, some farmer may receive benefit from irrigation development; however some farmers may not receive benefit from irrigation development.	Major
8	Cultural heritage	<p>SADA Regions Buried cultural heritage resources could be damaged during trenching or ploughing.</p> <p>Accra Plains Regions There are culturally sensitive areas within the project area which may be affected by the development of the irrigation fields.</p>	Moderate Major
9	Local conflict of interests	The establishment of construction camp within project zone can generate social conflicts between site workers and local residents.	Moderate
10	Water Usage or Water Rights and	<p>SADA Regions Increase water intake from dams will cause competition amongst the various water users.</p>	Moderate

No.	Type of Impact	Description of Potential Impact/Issue	Social Significance
	Rights of Common	Accra Plains Regions Irrigation development causes increase of water intake from Kpong Dam Reservoir. Possible competitions among water users.	Moderate
11	Sanitation	The poor disposal of human and constructional waste and the poor condition of construction camps is likely to exacerbate the incidence of sanitary and water related diseases like diarrhea. A poor sanitation method in the camps is likely to affect the health status of both the camp workers and local communities.	Moderate
	Hazards(Risk) Infectious diseases such as HIV/AIDS	Uncovered trenches and manholes likely to develop during the construction of irrigation infrastructure including canals, and drains. These can serve as breeding grounds for mosquitoes that transmit malaria. Possibility of transmission of communicable diseases such as HIV/AIDS from construction camp workers to the local population.	Moderate Moderate

Principles, Objectives and Processes

In line with the World Bank safeguard policy OP 4.12, the GCAP will minimize displacement through the following design procedures:

- Wherever inhabited dwellings may potentially be affected by a component of a sub-project, the sub-project shall be redesigned (facility relocation, rerouting) to avoid any impact on such dwellings and to avoid displacement/relocation accordingly;
- Wherever the impact on the land holding of one particular household is such that this households may not be sustainable in the long term, even if there is no need to physically displace this household, the sub-project shall be redesigned (facility relocation, rerouting) to avoid any such impact;
- Minimization of land impact will be factored into site and technology selection and design criteria;
- Costs associated with displacement and resettlement will be internalized into sub-project costs to allow for fair comparison of processes and sites;
- To the extent possible, project facilities will be located on public spaces; a more participatory approach will be put in place for the communities to confirm where to site these facilities.
- Infrastructures required by the project will be routed inside existing right-of-ways, easements or reservations (roads, streets, power lines) wherever possible.

A Resettlement Action Plan (RAP) will be used where more than 200 individuals are displaced. An Abbreviated Resettlement Plan (ARP) will be used where less than 200 individuals are displaced. In some instances ARAPs are required where projects affect more than 200 people, but with minor land acquisition (10% or less of all holdings is taken) and no physical relocation is involved.

Eligibility, Entitlements and Valuation

Category of affected persons	Assets	Type of compensation
Persons with formal legal rights to land.	Physical and non- physical assets such as residential	To be provided compensation for land lost and other assistance

Category of affected persons	Assets	Type of compensation
Persons without formal legal rights to land at time of notification but have claims to property recognized by community leaders	structures, productive lands, farm lands, cultural sites commercial/ business properties, tenancy, income earning	To be provided compensation for land lost and other assistance
Persons with no recognizable legal right or claim to land they are occupying, e.g. squatters	opportunities, and social and cultural networks and activities	To be provided resettlement assistance in lieu of compensation for land occupied.
Persons encroaching on land after the notification		Not eligible for compensation or any form of resettlement assistance

The purpose of the valuation exercise is to assess the loss to the affected persons as part of the Assessment of Resettlement Issues under the project. The bases of this valuation are derived from the World Bank’s Involuntary Resettlement Policy, OP 4.12; the Resettlement Policy Framework developed for the project; and Constitution of Ghana.

Land

The Market Comparison Approach (MCA) will be adopted for the valuation of land. It involves the direct comparison of the property’s value determining features with those of the immediate and surrounding vicinity that sold recently.

Structures

The Replacement Cost Approach (RCA) will be adopted for the valuation of the structures. The RCA is based on the assumption that cost and value are related. It involves finding the estimate of the gross replacement cost of a structure which is the estimated cost of constructing a substitute structure, having the same gross area as that existing, at prices current at the relevant date.

Livelihood (Supplementary Assistance)

Losses of income for businesses will be estimated from net daily/monthly profit of the business verified by an assessment of visible stocks and activities. In addition to the compensation, disturbance allowances of 10% of total compensation will be considered.

Economic Plants

The Enumeration Approach will be adopted for the crops affected by the project. The Enumeration Approach involves taking census of the affected crops and applying flat realistic rate approved by the Land Valuation Division.

Mitigation Measures

Detailed social assessment studies will be carried out within the communities as and when required. The framework for the compensation/ resettlement will then be applied incorporating specific (1) institutional arrangements, (2) resettlement/ compensation eligibility criteria, (3) implementation procedures, (4) financial responsibilities, and (5) monitoring and evaluation plan. Livelihood restoration measures will consider issues such as (1) income levels of affected persons, (2) other non-monetary sources of livelihood, (3) constraints and opportunities for income

generation, (4) number of persons not able to revert to previous occupation, and (5) existing skills of affected persons.

Vulnerable persons among the project affected persons (PAP) will be identified and special assistance offered during the compensation implementation process. Criteria include age-above 70 years, physical/mental disability, women, migrant farmers and herdsman, widows, orphaned children and bedridden or seriously sick persons.

Grievance Redress Mechanism (GRM)

The objectives of the grievance process are to

- Provide affected people with avenues for making a complaint or resolving any dispute that may arise during the course of the implementation and determination of entitlements of compensation and implementation of the project;
- 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.

The general steps of the grievance process comprise:

- Receipt of complaints;
- Determining and implementing the redress action;
- Verifying the redress action;
- Amicable mediation and settlement; and
- Dissatisfaction and alternative actions.

Institutional Responsibilities

The main institutions involved with the implementation of the resettlement activities are:

- The Project Coordination Office, GCAP;
- Ministry of Food and Agriculture (MoFA);
- Regional/District Land Valuation Officers;
- The Environmental Protection Agency (EPA);
- District Assemblies (DAs); and
- Consultant

The implementation activities will be under the overall guidance of the office of the coordinator of the Ghana Commercial Agriculture Project (GCAP).

Training and Awareness Creation Budget for RPF Implementation

The estimated budget for training of key personnel responsible for implementing the RPF as well as awareness creation and logistical support is estimated at us\$ 178,000. The budget for the preparation of RAPs/ARAPs will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to (1) the preparation of the resettlement/compensation plan, (2) relocation and transfer, (3) income and means of livelihood restoration plan, and (4) administrative costs. This cost will be borne by the Government of Ghana.

Participatory Monitoring and Evaluation Plan

To ensure that the implementation of the resettlement is carried out in accordance with the relevant requirements of this resettlement policy framework, the actions will be monitored and evaluated internally by a Monitoring and Evaluation team (MET) to be constituted by the GCAP Coordination Office of the Ministry of Food and Agriculture, MoFA. The Monitoring and Evaluation team (MET) will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. The monitoring unit will submit periodic (preferably bimonthly) reports to the GCAP, and copied to the MoFA. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups.

Stakeholder Consultation, participation and Disclosure of RPF

The Consultants have carried out appropriate consultations with stakeholders during the preparation of this RPF. Stakeholders consulted include relevant Government agencies, local government authorities, non-governmental organizations, and civil society groups identified during the consultative period. Stakeholder consultations were undertaken from 22nd September to 13th October 2011. Furthermore, public consultations were held in Greater Accra at Mepe (28th October, 2011) and in Northern Region at Tamale (31st October, 2011 and 1st December, 2011).

As provided under WB policy OP 4.12, information and consultation on the GCAP Resettlement Policy Framework shall be organized as follows:

- Circulation of the draft RPF for comments to all relevant institutions (e.g. MoFA, Lands Commission & the EPA, as appropriate) as well as the USAID and the WB;
- Organisation of public stakeholder workshops and comments incorporated in the final RPF;
- Communication of comments to the Consultant for incorporation into a final RPF, together with WB comments.
- Public Disclosure of final RPF (reviewed and cleared by both GoG & World Bank/ASPEN) both in-country (in project sites and official journals) and at the WB InfoShop prior to appraisal.

1.0 INTRODUCTION

1.1 Background

The Government of Ghana has received an advance on the proceeds of a credit from the International Development Agency (IDA – World Bank Group) to finance the preparation of the Ghana Commercial Agriculture Project (GCAP). The project preparation is under the overall responsibility of Ministry of Food and Agriculture (MoFA). The development objective of GCAP is to improve the investment climate for agri-business and establish inclusive Public Private Partnerships (PPPs) aimed at increasing on-farm productivity and value addition in selected value chains in both the Accra Plains and the Savanna Accelerated Development Authority (SADA) regions.

According to World Bank safeguards screening process, GCAP is a category A project that requires a full Environmental and Social Impact Assessment (ESIA). This also applies to Ghana EPA requirement which makes such undertakings ESIA mandatory.

World Bank safeguard policies require that MoFA effectively assesses and mitigates the potential environmental and social impacts of the projects proposed activities. The following World Bank safeguard policies OP4.01, OP4.04, OP4.09, OP4.11, OP4.12, OP4.36, OP4.37, and OP7.50 have been triggered and MoFA is therefore required to prepare three major standalone safeguards instruments comprising *Environmental and Social Management Framework (ESMF)*, *Pest Management Plan (PMP)* and a *Resettlement Policy Framework (RPF)* for the entire project intervention areas. In addition a Riparian Notification Letter will be sent to all riparian countries of the Volta River as a mean to fulfil OP/BP 7.50 requirements,

This RPF document has been prepared with the aim of presenting the procedures to be followed when a sub-project activity involves:

- Involuntary land acquisition by the state for public infrastructure; or
- The assembling of tracts of land into commercial nucleus farms and associated outgrower schemes for investments supported or facilitated by the project.

With respect to the second type of sub-project activity mentioned above, the project will not support the involuntary acquisition of land for creation of commercial farms or outgrower schemes. Instead, it is expected that such land will be assembled through voluntary agreements between investors and land owners (chiefs, family eads) or by the use of land already previously acquired by the state. It is nonetheless anticipated that even in such cases, the land in question may be subject to a wide array of subsidiary claims (ownership, use rights, tenancy) by individuals or households holding land in accordance with local customary law or through other arrangements with the landowners or the state. In such situations it will be difficult for the project to ascertain that a given transactions represents an informed and voluntary choice on the part of the community as a whole – hence, this RPF will be applied to ensure that

the procedural and substantive rights of local people are appropriately addressed. Private sector parties whose investment in land is supported by the project through feasibility gap financing or otherwise facilitated by the project will, as a condition of such support, be required to apply and comply with this RPF.

The RPF also presents procedures to be followed when a sub-project activity requirement for/of land use as above has potential impacts on land rights, assets or access to assets and which will entail ceding of land and/or potential assets by affected persons or entities in return for replacements and/or other forms of restoration.

The RPF will therefore contribute to the smooth execution of the Project by offering mitigation and monitoring solutions to any adverse social impacts including livelihood issues which may emerge from the implementation of the project.

1.2 Purpose of the Resettlement Policy Framework (RPF)

The RPF will provide project stakeholders with procedures to address compensation issues as related to affected properties (including land and assets) and livelihoods including land and income generated activities during project implementation.

2.0 DESCRIPTION OF PROJECT AREAS

The project location is within the Savannah Accelerated Development Authority (SADA) Regions and Accra Plains Regions of Ghana. The SADA Regions comprise Upper East Region, Upper West Region, Northern Region, and northern parts of Brong Ahafo and Volta Regions. The location map of the project areas is illustrated by **Figure 1**.

2.1 Accra Plains

The Accra Plains is approximately 6000Km² and lies between longitude 0° 20'W and 0° 40' E and latitudes 5° 30' N and 6° 15' N respectively. It is bounded on the west and the north-west by the Akwapin -Togoland ranges, on the east-northeast by the River Volta and on the south by the Gulf of Guinea. The Accra Plain is generally flat and undulating with a few isolated inselberg that seldomly rise 70m above mean sea level. The Accra Plain extends about 156,000ha (approximately 200,000ha) along Right Bank of lower Volta River. The Accra Plains project area of about 11,000 hectares is bounded on the west by the river Dechidaw crossing Dawhenya that extends to Kpong dam. On the south, it is bounded by Accra-Ada Highway and on the North and East by Volta region. The plains are an advantageous area for irrigation because of its proximity to major agricultural products markets and also its easy access to the port and airport facilitates export. In addition, Accra plains are drained from their eastern border by Volta River downstream of Kpong hydropower dam.

The project area extends across mainly 4 districts, i.e., Dangbe West and Dangbe East of Greater Accra Region, North and South Tongu of Volta Region.

Physical Environment

The climate is characterised by two rainfall maxima. The major rainy season occurs between May and July with the peak occurring in June while the minor one occurs between September and October with the peak occurring in October. Generally the rainfall in the Accra Plains is low with mean annual rainfall of approximately 850mm per annum. The mean temperature is 26⁰ C. The project area is part of the coastal savannah vegetation zone which is also referred to as the coastal scrub and grass. This zone is characterised by grass interspersed with scrubs and short trees. Major water bodies in the Accra Plains project area are the Volta River, Lake Mlangui, Lake Keli, Lake Aklamador, Lake Blanor and Lake Blaque (JICA, 2011).

Socio-cultural Environment

Most of settlements in the project area are rural by population and function. The only exceptions to this general classification are Battor and Mepe which are urban by population and function. Aveyime is urban by population but elements of a rural agrarian economy manifest within the spatial configuration, housing characteristics and economic life of the

town. Local populace in the project area is made up several ethnic groups. These are Ga-Dangmes, Ewes, Akans, Guan and Mole Dagbani. Ga-Dangme group is the majority of Dangme West and Dangme East District, and Ewe group occupies more than 90% in North Tongu District. **Table 1** provides the population of some major settlements within the project area.



Figure 1: Location of the project areas

Ministry of Food and Agriculture (MoFA)

Table 1: Population of some major settlements within the project area

Community	1984	2000				2009*				
		Total Population	Total Household Size	Average Household Size	Growth Rate (%)	Total Population	Male	%	Female	%
Aveyime	787	3262	580	5.6	8.8	7258	3509	48.3	3689	50.8
Mangoase	162	318	15	6.5	4.2	465	219	47.2	246	52.8
Manya	266	779	110	7.1	6.7	1426	688	48.3	738	51.7
Kekpoe	207	693	124	5.6	7.6	1367	629	46.0	738	54.0
Battor	1506	6043	979	6.2	8.7	13203	6181	46.8	7022	53.2
Mepe	1813	4724	956	4.9	6.0	8096	3667	45.3	4428	54.7
Dekpoe	65	24	2	6.3	-6.2	14	9	62.5	5	37.5
Lasivenu	46	446	67	6.7	14.2	1601	768	48.0	833	52.0
Hekpo	24	52	10	5.2	4.8	80	34	42.3	46	57.7
Kelekor	31	79	12	6.6	5.8	134	68	50.6	66	49.4
Afalikpo	48	196	45	4.5	8.8	432	174	40.3	258	59.7
Degorme	190	183	44	4.2	-0.2	179	77	43.2	102	56.8
Nuwloe	21	45	8	5.6	4.8	69	31	44.4	38	55.6
Aklamador	100	278	38	7.3	6.4	494	226	45.7	268	54.3
Bla Botikope	97	296	52	5.7	7.0	554	238	42.9	317	57.1
Atitekpo	61	88	14	6.3	2.3	108	52	47.7	57	52.3
Avegonu	13	29	9	3.2	5.0	46	17	37.9	28	62.1
Kumikpo	89	144	28	5	3.0	189	72	38.2	117	61.8

Source: 2000 Population and Hosing Census Report *Projected Populations based on 1984-2000 growth rates and sex structure

Land Tenure and Land Related Issues at Accra Plains Project Area

The precise locations within the Accra Plains Project Area for investments – meaning large consolidated areas for one or more nucleus farms as well as areas that will be devoted to smallholder development – have not yet been identified. Similarly, the sitings of the main irrigation canal and secondary canals have not been finalized, though it is expected that the main canal will be located toward the southern side of the project area, parallel to the river course. Final design of the project “footprint” will depend on the outcome of investor interest tests, feasibility studies, agreement on the PPP modality between private and public partners, and negotiations with local communities concerning their interest and willingness to make land available for investment.

To help inform this ongoing process and to ensure that project design and this RPF aligned with an understanding of the opportunities and challenges presented by the existing land use and tenure situation in the project area, a *Diagnostic Review of Land Ownership and Land Rights in the Accra Plains (November 2011)* has been carried out. As discussed in the Diagnostic Review, there are two broad categories of land in the project area:

- *State land*: Approximately 40% of the project area consists of land that was subject to government compulsory acquisition in the 1970’s, 80’s and 90’s.
- *Customary land*: Approximately 60% of the project area consists of land owned by customary land owning families.

These two categories of land present a number of similar and distinct opportunities and challenges for project implementation, described below. Both within the Accra Plains Project Area and in other project areas, the the project intends to address these challenges in a number of ways. It will deploy this RPF to ensure that displacement is minimized, negative social impacts are mitigated and livelihoods are restored or improved. A minimum principle will be that no person will be required or asked to relinquish land that they are currently using to accommodate an investment or associated activities (such as the establishment of associated infrastructure or land development for preparation of smallholder plots) without being provided secure tenure over alternative land of at least equivalent quality. The project will also aim to design, test and refine “good-practice” approaches to due diligence in the ascertainment of existing land rights, securing the rights of outgrowers, benefit sharing, negotiation enhancement, transparent consultation and contract design.

(i) State acquired land

Since 1969, four takings by the government have been carried out affecting the project area to support a number of agricultural initiatives:

- a. **Akuse-Asutsuare Sugar Project (1969)**, comprising approximately 8000 total hectares, of which about [two-thirds] fall within the project area. This project was initiated but subsequently failed and was abandoned. Parts of this area have been leased by the government to the Golden Exotic Company for banana production. Other parts of the land are being utilized by local communities for scattered farming of rice and vegetables.
- b. **Kpong Irrigation Project (1995)**, comprising approximately 3,000 total hectares, all of which falls within the project area. The entire area has been allocated to 2,500 smallholder farmers for rice production.
- c. **Aveyime Cattle Ranch Site (1986)**, comprising 10000 total hectares, of which only a very small portions fall within the project area. 1000 hectares of this site are allocated to cattle ranching activities. The remainder (including the portion within the project area) continues to be used by local farmers in scattered plots for annual cropping and range cattle herding.
- d. **Agricultural Development Authority site (????)**, comprising _____, of which about 100 hectares fall within the project area. 2,000 hectares of this area have been leased by the government to Prairie Volta Rice Farms. There are a number of villages within the acquisition area and small-scale farming continues in the vicinity of the settlements.

The Diagnostic Review's account of the above state acquisitions and the current patterns of land use within the acquired areas reveals a number of issues that will require attention in order for the project to facilitate secure access to land for investors and to mitigate negative impacts on current users:

- There are substantial areas [amount to be confirmed] of land previously acquired by the state in the 1970's and 1980's. The study shows, however, that on much of this land, the process of acquisition was incomplete or flawed. Compensation for two sites was paid more than 30 years late, and there are concerns that much of the compensation paid may not have reached the people affected. In other instances compensation has not been paid nor has the quantum been fully assessed.
- A significant number of people originally slated for resettlement have remained on site and have continued to use the land, particularly in areas where state projects never or only partially materialized.
- Poor geographical data makes the boundaries of state acquisitions in some cases difficult to determine precisely. In one instance, it appears that a large section of land was subjected to two overlapping government takings processes.
- Among some people residing in the Kpong Irrigation Project, there is a perception that migrants have been favored in the allocation process at the expense of so-called "indigenes" or members of the former landowning families.

Government efforts to identify and correct flaws in previous takings in the project area is ongoing but the status is uncertain. Going forward, under the project the Lands Commission will take the lead in investigating the status of any previously acquired state land that the project may target for potential support, detailing the history and completeness of past acquisitions and the nature and incidence of persisting disputes surrounding that process, and developing possible strategies for efficient and appropriate remediation. As appropriate, this may include support for alternative dispute resolution (ADR) interventions, drawing upon expertise and capacity that has developed in this area in recent years among some civil society organizations, the judiciary and land sector agencies. The project will not support investments on land where there are persisting complaints stemming from prior state land acquisitions.

(ii) *Land in customary ownership*

The project area falls within the geographic jurisdiction of a number of traditional authorities and clans. However, as most land in the Accra Plains is categorized as “family land”, these upper levels of the traditional hierarchy do not have authority over the allocation of land. Instead, allodial ownership of the land and authority to transact it is vested in a significant and undetermined number of families belonging to the respective clans. The proposed project area is occupied by four main traditional authorities namely Osudoku Traditional Council, Battor Traditional Council, Mepe Traditional Council and the Mafi-Adidome Traditional Council. Within these traditional authorities are unspecified numbers of clans. The clans in turn comprise of customary law families. All these societies have patrilineal lineage relationships that influence land rights and land relations.

a) Osudoku Traditional Area

The Osudoku Traditional Area lies to the northernmost end of the proposed project area stretching from Natriku to Kasunya and beyond. The most authoritative literature relating to the Osudoku Stool and its customary structure is presented by the Gold Coast Gazette Extraordinary No. 95 dated Thursday, 1 December 1955. In the matter of the Stool Land Boundary Settlement Ordinance 1950 (No. 49 of 1950) and in the matter of Stool Land Boundary Settlement (Osudoku Order) 1954 (L.N. 83) and in the matter of Stool Land Boundary Settlement (Ningo Order) 1954 (L.N. 159), the Osudoku Traditional Council was noted to be consisting of Seven (7) clans made up of Tsangmer, Many, Klekpa, Sewem, Dorsi, Owem and Buam. However during field interviews, there was a variation of the divisions into eight (8) comprising of Dorsi Dorm, Gbese Dorm, Klekpa, Lanor, Gbese Terkoursi, Kasunya and Tsangmer.

Land ownership in Osudoku is reputed to be vested in the individual families that makeup the clans. In the case of Kasunya however, it was difficult to discern the difference between the clan and the land owning family. Access to land for farming purposes requires express grant from the family head acting in counsel with his elders. Token sums in the form of a drink to seal grants are made by the family member to the family head and his counsel of elders and this is duly witnessed. The land therefore becomes the exclusive possession of the individual family member who has been so granted. Key towns that owe allegiance to Osudoku include Amedeka, Akuse, Kadjanya (to the north), Osuwem, Gbese, Asutsuare, Nkonya, Atrobinya, Kasunya, Tsumkpo and Tordom.

b) Battor Traditional Area

Battor is the traditional headquarters of the Battor Traditional Area with Aveyime, Vume, Lasevenu-Blah, Manya, Kolekpo, Atigonu, Ntekpo, Kanule and Kledeke. Like Osudoku, the Paramount Chief is the head of the stool and presides over a range of sub-chiefs who are heads of specific clans. Land ownership is also vested in the customary law families. Grants are specifically made by the head of family. Each member of the family has equal right to land within the confines of the family's land. There is no discrimination between the sexes with respect to the grant of lands.

Dispute resolution regarding land ownership is normally referred to the family head where it involves the same family members. However, where there are boundary disputes involving members from different clans, the two clan heads are brought in to resolve the dispute. Where there is a failure, it is referred to the Traditional Council for settlement. Reference of some disputes especially in the Aveyime area to the law courts is symptomatic of the fact that the traditional dispute resolution mechanism may be incapable of resolving emerging disputes especially where land values are beginning to show evidence of an upward rise.

c) Mepe Traditional Area

Mepe Traditional Area comprises of five (5) major clans made up of Djabaku, Adjektorwu, Gevie, Gbanvie and Akovie. It is reported that Djabaku and Adjektorwu clans are the major land owners within the Mepe Traditional Area. Like the Kasunya clan in Osudoku, the Djabaku and Adjektorwu clans have separate clan lands from family holdings. In the case of the Adjektorwu clan, all lands are held directly by the clan head in trust for all clan members. Grants of land are made to individual members of the clan/ families upon specific request and there is no discrimination between the sexes in accessing land. For commercial farming in this case, land in excess of four (4) hectares, a ram as well as schnapps and cash are offered even by family members.

d) Mafi-Adidome Traditional Area

The bulk of Mafi-Adidome Traditional Area lies to the east of the Volta River within the North- Tongu District. However, the villages of Devime and Dove form distinct

traditional settlements across the river to the west. The Devime village comprises of the Gevie clan and within it there are five (5) customary law families namely Kuwornu family, Atitsuti family, Gakpo family, Akolor family and Dogbadzi family. However, there is a larger Gevie clan across the river to the east. Land administration is totally controlled by the clans of Devime independently of the larger Gevie clan to the east. In all, Devime is consisted of thirteen (13) villages and access to land for purposes of farming are rooted through the respective family heads. There is no distinction in access to land between men and women.

Mafi-Dove is another division under the Mafi-Adidome Traditional Area. Some of the villages include Aklawaya, Aflokope, Kpogazie, Ntektor, Kukudor, Dzikpornu and Mafi-Kpedze. Access to land also referred to as the Tsidi-Gbenour lands or Mafi-Aklorbor lands by family members are through the Senior Divisional Chief of the Mafi-Aklorbor clans. Within the Tsidi Gbenour clan, each family has its own land for farming. However where land for large scale farming is required, the express permission of the Divisional Chief is sought.

While many family heads, as part of a “sensitization” campaign by GIDA, have indicated their willingness in principle to make land available to the project, there are a number of challenges affecting these areas to differing degrees:

- Some of the families have registered their ownership in government registries. However, consistent with customary practice, not all families have legal documents confirming their ownership, which will need to be rectified if they engage in commercial land transactions.
- There are a number of protracted disputes within and between customary landholding groups in some cases making it difficult to ascertain the legitimate owner of land, or the boundaries between adjacent landholdings.
- Traditional methods of dispute resolution have weakened, meaning that a number of the disputes affecting the customary sector have been referred to court.
- Migrant communities have largely resided peacefully within native communities, though there is increasing tension related in part to conflict between adjacent customary owners over land on which migrants reside, leaving them vulnerable to displacement by competing groups.
- There is a clear trend of increasing pressure on land in the area and competition from non-agricultural uses, which is likely to grow as the periurban area of Accra continues to expand.
- There is considerable interest among land-owners to participate in the project, but a need to ensure that an allocation process is transparent and represents the views and protects the interests of all land users.

Women Land Rights

In all the four Traditional Areas, women have access to land if requested from the respective family heads. There is no limit on the amount of land given except for the capacity of the person (woman) seeking the land. Mainly, women utilize these lands principally for farming and evidence from field surveys suggest that over 70% of the farmers within the proposed project area are women. The key limitation to accessing land is limited capital for land preparation (weeding and applying farm chemicals). Produce by these women are mostly cassava and vegetables notably okra, pepper and garden eggs. In the Asutsuare Sugar Project Area and in the Kpong Irrigation Area, the women are actively engaged in rice farming. Considering the Kpong Irrigation area alone, out of 2,500 farmers, 960 are women. Customary rules and regulations preclude women whose children's paternity does not emanate from native men. In the case of women for whom appropriate customary rights of marriage have been performed, their children are absorbed as natives. However, for those whose husbands are not natives, their children can only access lands for use only and are not capable of owning such lands.

Migrants/ Settlers Land Rights

Several migrants were found to be located within the proposed project area. There are old established settlements constituting migrant communities and the basis of whose occupation of those lands are unknown. Communities such as Amedeka, Atrobinya, Volivo, Akupom, Tenya, Atsiavanya, Ablorkope are all ewe migrants fully settled on Osudoku lands exercising all manner of rights over the land for production of crops and fishing but with uncertain ownership status. In the Mepe, Mafi-Adidome and Battor traditional areas, the villages of Kelekor, Dekpo, Kumikpo were all identified as migrants. However, they continue to enjoy the use of farmlands over several generations.

However, in the Osudoku area, limited access to irrigated farm lands is given rise to tensions against migrants who have secured plots for rice cultivation. It was not possible however to assess the proportion of migrants with access to irrigated lands as against locals. Migrants who wish to acquire lands within the project area irrespective of the traditional area or clan apply to the appropriate family. Upon acceptance of his request, he pays "drink money" to the guides who show him to the land. He also pays a consideration to the family head for the land he is granted as well as "drink money". There is no outright discrimination against migrants for lands. However in the Mepe area, Devime and Dove such request are hard to satisfy due to intense pressure on land for family members.

Land Disputes and Resolution Mechanisms

Even though land ownership by the paramountcies and clans in many cases appear to be just jurisdictional and not proprietary, disputes among clan heads against the

paramountcies invariably affect land ownership. Currently, it is reported that there is disquiet over the status of the paramount chief of Osudoku. The traditional land dispute resolution mechanism enunciated by the various traditional authorities therefore does not appear to be effective in resolving land boundary and ownership disputes. There were many clan disputes being referred to the court in Kadjanya, Aveyime, Kasunya. Only in the matter of Asafotse Lawer K. Djababkor & Ano and Tettehngua families was the matter conclusively resolved in the courts.

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Land Use Issues affecting both State and Customary Land

a) Peri-Urban Development

There is an emerging trend in the expansion of peri-urban Accra-Tema Metropolitan area into the Osudoku Traditional Area. Large swathes of peri-urban land are being acquired for development of residential communities. This generally could reduce the quantum of land for agriculture cultivation.

b) Sand Winning

Sand winning along the Volta River between Natriku to Volivo poses great environmental damage to the communities and the natural vegetation. In addition, men are diverted from potential agriculture to this activity. However, it appears land security in these areas also contribute to the practice.

c) Cattle Rearing

Increasing rearing of cattle in the area poses challenges to irrigation systems as they frequently break constructed canals to access water. There is need therefore to create watering holes and grazing areas to avoid conflicting uses with other farming activities.

Concerns of Migrants

- In the traditional scheme, migrants are welcome and can access land easily upon the payment of appropriate fees. However, with the state acquisitions especially the Kpong Irrigation Project and the Asutsuare project areas, tensions arise because of perceived favouritism in favour of migrants by the Ghana Irrigation Development Authority. The danger is that migrant communities may be inappropriately targeted.
- Customary land conflict among the Osudukus cause much distress to migrant communities as rival groups request forceful allotment of tenancy to each contending party. Resolution of such local conflicts will prepare the appropriate landlords for the migrants to deal with.

2.2 The SADA Regions

The Northern Savanna forms more than half of the total Ghana land surface cover of about 239,000 square km (23.9 million ha). The project area lies between latitudes 8^o and 11^o N and longitude 1^o E and 3^o W. Togo bound it to the east, Burkina Faso to the north, Cote d'Ivoire to the west and the high forest ecological zone to the south. The economy of the northern savanna ecological zone is based mainly on agriculture, which is the basis of livelihood for a majority of the population. The small-scale family holding is the basic unit of production. Most of the project area falls within the Guinea Savannah zone, although activities may extend into a small area of Sudan Savannah in the extreme northeast corner of the country.

Physical and Biological Environments

The Guinea and Sudan Savanna zones are both characterized by a unimodal rainfall regime lasting from April to October, although mean annual rainfall is higher in the Guinea Savanna zone (1000-1200 mm), *than in* the Sudan Savanna (900-1000 mm). The Northern Savanna Zone is mainly drained by the White Volta and its tributaries Morago, Red Volta, Atankwindi and Asibelika in the Upper East Region, Kulpawn with its tributary, Sisili in the Upper West Region and the Black Volta, Nasia and Oti in the Northern Region. The project area has savanna ecology, which extends into the neighbouring countries. It is classified into the Guinea savanna and the Sudan savanna ecological zones. The Guinea savanna covers more than 90% of the land surface area of the Northern Savanna Zone but not restricted to it. It stretches from the upper regions down south to the forest fringes. The zone includes the grassland of the north and the derived savanna on the fringes of the forests.

Socio-Cultural Environment

According to provisional results on the 2000 Population and Housing Census released by the Ghana Statistical Services Division, the population of the three northern regions (Northern, Upper East and Upper West) stands at 3,346,105. The Northern region carries the highest human population of 1,854,994, followed by the Upper East region with 917,251 and the Upper West region with 573,860 in that order. However, population densities follow the reverse order-104 persons/km² for Upper East, 31 persons/km² for Upper West and 26 persons/km² for the northern region. Land hunger is greatest in the Upper East, where soil productivity is lower and climate harsher than in the two other regions. The main ethnic groups in the project pilot areas include the Dagbani, Mamprusi and Gonja in the Northern Region, Dagaaba and Sisala in the Upper West Region, Builsa, Kassena, Nankani, Grunnie, Nabdam and Kussasi in the Upper East Region. In all these ethnic patrilineal inheritance is the norm and traditional authority is vested in the chief, who sits on a skin, an acknowledged symbol of identity of the group and authority (Acheampong, 2001).

On-farm livelihood activities

The majority of people in the three northern regions are traditionally crop and livestock farmers, growing cereals, root and tubers and keeping livestock, mainly goats, cattle and sheep for subsistence and gain. Outside farming season activities include farm produce processing and marketing, livestock grazing and "pastoralling", bush fire prevention and control and renovations/rehabilitation of residential accommodation. Cattle husbandry plays an important role in the socio-economic life of people of the three regions. Wealth is mostly invested in cattle. The number of cattle a person owns determines ones wealth. Cattle are used for bride price and on other important social occasions. Most cattle owners, therefore, put greater emphasis on the herd size, rather than the quality of their stock. To them large herds mean security, wealth and prestige in the community. This leads to overstocking in many parts of the northern savanna area. With respect to range tenure, grazing is on communal basis and anyone with animals may graze his/her animals on communal lands in the community where he/she lives. On the contrary, herders from other communities will have to obtain grazing rights from the village chief or head of the land-owning group before putting their animals on communal lands to graze. For inhabitants of a village or community there are no restrictions to the use of the communal grazing lands provided that the user of the land does not change the land use form, for instance, into human habitation.

Traditionally, forage crops are not grown and livestock graze on communal pastures, for which no one has management responsibility. Communal lands are "common good" and are rather taken for granted as limitless gift of nature available to be used. Even in the communities, there is growing concern about the rate of deterioration of pastures, particularly in heavily populated areas (Acheampong, 2001).

Culture and Religion

Each region consists of at least three ethnic groups and spoken languages are varied accordingly. The major ethnic groups are each represented by a paramount chief. The Northern Region has four paramount chiefs who represent four major ethnic groups. Islam is the dominant religion in the Northern Region, whereas Traditional and Christian religions are prominent in the Upper East and Upper West Regions respectively. Aside agriculture, the people engage in the manufacture and sale of traditional artifacts and musical instruments. Blacksmithing and pottery are also common (CEHRT, 2010).

Land Tenure and Land Related Issues at the SADA Regions Project Area

In the Upper West and Upper East regions, ownership of land is vested in the Tindanas (Landowners), while in the Gonja area of the Northern Region the land-owning authority are the "skins" or chiefs. In most parts of the SADA regions undeveloped and unoccupied land may be described as communal lands and subject to common rights. These lands need to be allocated by the traditional authority and may be subject to traditional user rights of local communities.

The essential principle is that all lands, including wasteland and unoccupied land, are owned by the community or group on a communal basis. The Tindana determines new areas that are to be put under cultivation every farming season. Once a plot is allocated to an individual the person obtains a user's right and continues to till it for any number of years. An individual acquires land user's rights by purchase, gift or through inheritance but he cannot sell it to anyone outside the group. A person who obtains a user right to land cannot be deprived of the land without his/her consent - even by the owner of the allodial title. A person who does not belong to the land owning group can acquire stool or family land only by some form of grant; license or contract irrespective of whatever use it will be put to (Acheampong, 2001).

2.3 Gender and Vulnerable Groups Related Issues

Women's Rights to Own and Use Land

Gender challenges may be tackled from traditional point of view. In the Accra Plains, women are involved in farming, harvesting, marketing and all aspect of irrigation farming. They are allowed to own land and usually priority is given to community members including women. Women mostly cultivate rice and vegetables. Owner of land is mainly patrilineal which is often the preserve of men. Women have access to land if requested from the respective family heads. The key limitation to accessing land is lack of capital. Most women have small holdings.

In the Accra Plains, customary rules and regulations preclude women whose children's paternity does not emanate from native men. In the case of women for whom appropriate customary rights of marriage have been performed, their children are absorbed as natives. However, for those whose husbands are not natives, their children can only access lands for use only and are not capable of owning such lands.

In most parts of the SADA regions, ownership of land is mainly patrilineal and is often the preserve of chiefs and Tendanans. Men front for women to acquire land and most women have small holdings 1-5 acres. In many parts of the SADA Regions, women do not have the right to own land. However, they do have a long established right to borrow land from their husbands or male skin to cultivate a crop of their own. If a woman is unable to obtain land from these men, she will negotiate the loan of land from another compound (Abaka-Yankson, 2009). With the introduction of the Water Users Association, women are increasingly getting involved in dry season irrigation farming which to a large extent represents a change in cultural behavior towards women. In Bongo Central for instance, women participation in dry season irrigation increased by 64% in four years (Abaka-Yankson, 2009).

Access to Agriculture Extension Agents and Credit Facilities

Extension services provided by MoFA are beneficial but insufficient due to small number of Agriculture Extension Agents (AEA) compared to the large number of farms for both Accra

Plains and SADA Zone. In the Accra Plains and SADA Region sources of access to credit facilities include Rural Banks, Traders, Friends, relatives, spouse. In the SADA Zone, some of the women interviewed have access to small bank loans from the rural bank. However the mode of repayment which is monthly is problematic to them as they are unable to save over a long period.

Storage

In the Accra Plains, some parts of the project area Dangme West and Dangme East experience high rate of post-harvest losses, whilst respondents from North Tongu are able to sell their produce due to the limited volume of their produce and the size of their farms. Further they state that they are involved in the production of non-perishable crops (APIP Gender Studies 2009, Focus Group discussion). With respect to storage facilities and warehousing in the SADA zone, there are organizations like 'Buffer Stock' which have rented or purchased and rehabilitated old warehouses and are storing large quantities of rice and maize by buying produce from the producers. A number of old warehouses still exist that could be rehabilitated for storage purposes. The women rice farmers in Chuchuliga also indicated that Technoserve has provided a warehouse for them where they store their produce for rather short periods as they need to market the produce to enable they get income for their daily upkeep and home maintenance. They also have access to technology through the use of tractors.

Income

Accra Plains indicate enough satisfaction from income 67.9%, even though almost all the income 92.9% is used for maintenance of the household. It is heartening to note 71.4% have control over such income – (APIP Gender Studies 2009). In the Northern Zone however, the female rice farmers especially were not happy with their income

Decision making

In the Accra Plains, a higher percentage of women at the project area take part in decision making. In SADA zone however, women farmers are not as assertive. They rely mostly on the few men among their group who act as secretaries or front for them to access land, information and other needs that demand literacy skills to speak on their behalf.

Youth Unemployment

The rate of youth unemployment in the Accra Plains is alarming. In the SADA zone, though there is youth unemployment, some opportunity for employment has been created through the introduction of 'Block Farming' by the 'Youth in Agriculture Programme' of the government.

Education

Most farmers in the Accra Plains project area – Dangme West, Dangme East, North Tongu and South Tongu are illiterate. In SADA also, both farmer groups from Tamale and Chuchuliga are illiterate so rely on the few men in their group for support where literacy

issues are concerned. In the Accra Plains, there is absence of training for emerging women farmers. Many youthful women require training in farming and farming support activities.

Other Gender issues

There is a gradual breakdown of gendered barriers in the Northern zone as more women are now involved in all aspects of agriculture with various crops on both small and large scale, while men are also getting more and more into marketing which used to be more female oriented in the immediate past

In general, women are estimated to constitute over 70% of the farming community but are constrained by lack of access to credit, poor road infrastructure, shortage of labour and domestic roles of looking after kids and husbands. Other vulnerable groups in the project area include: Children, Orphans, Aged, Widows, Female Heads of Households, Migrant/Settler farmers, and Nomadic cattle herders.

Analysis of Potential Opportunities, Benefits and Adverse Impacts of Project Activities on Women and the Youth

Opportunities and Benefits

The PPPs envisaged in the GCAP offers numerous inherent opportunities and benefits for the intended target groups – especially women and youth who would be involved in the small-holder/out-grower contract schemes. The following are worth mentioning:

Opportunity to:

- participate equally in decision making in well-organized governance and management systems in matters that impact on their well-being;
- acquire access to land of economic size that would make them more productive;
- enhance their operational capacity through skill and innovative transfer acquisition of knowledge farming practices;
- access to improved agriculture inputs i.e. seeds, fertilizers, implements, extension services;
- access to adequate and improved economic and social infrastructural facilities namely farm to market roads, electricity, irrigation, potable water, storage, schools, health facilities day-care centres;
- access to credit facilities;
- access to enlarged and ready markets;
- form stronger and mutually beneficial social groups;
- generation of employment; and
- creation of more income, wealth and savings through diversified activities.

Adverse Effects

If gender is not mainstreamed in all the different aspects of the Project, the target groups, especially women, are most likely to suffer the under listed adverse effects.

- insecurity in land acquisition and tenure;
- inability to expand their farms;
- continued operation at subsistence level using old and unproductive tools and farming practices;
- loss of farms without adequate compensation;
- loss of livelihood for entire families;
- resettlement without due regard to the welfare of the target groups;
- restricted access to improved economic and social infrastructural facilities;
- limited ability and capacity to diversify their operations;
- depressed employment opportunities especially for the youth;
- non motivation to form associations to improve their wellbeing;
- Increase gender disparities among men and women; and
- exposure to greater economic disparities resulting in worsening of poverty among the target groups.

3.0 JUSTIFICATION AND DESCRIPTION OF THE PROPOSED PROJECT

3.1 Project Justification

Ghana's current agricultural policy framework and national development plan emphasizes the importance of graduating from a subsistence-based small-holder system to a sector characterized by a stronger market-based orientation based on a combination of productive small-holders alongside larger commercial enterprises engaged in agricultural production, agro-processing and other activities along the value chain. To maximize the impacts of private investment in agriculture on development, a particular focus is to facilitate small-holder linkages with other commercial businesses through, for instance, contract farming and out-grower schemes. Recognizing some of the challenges of past efforts, the Government is adopting a new approach of public-private partnerships (PPPs) in which complementary and targeted public support serves to leverage of facilitate private investment in the agriculture sector.

3.2 Proposed Project Development Objectives

The project development objective is to increase access to land, private sector finance, input- and output-markets by smallholder farms from private-public partnerships in commercial agriculture in both the Accra Plains and SADA zones.

The main outcome of the project would be an improved investment climate that delivers more – and more inclusive – private sector investment in agriculture. Accordingly, project success would be defined by the following results:

- Increased private investment in agriculture should increase across a range of related enterprises including large(r)-scale commercial farming, agricultural processing and marketing industries and small-scale entrepreneurial farmers.
- An expansion of marketing arrangements that link small-holders with larger commercial entities. (These commercial entities could be engaged in production, as in the traditional nucleus-out grower type model, or in downstream marketing or processing, in the case of contract farming.)
- Increased productivity of small-holder farmers brought about by a combination of (input and output) market access improvements, improved technology and behavioral shifts resulting from lower risks and/ or improved incentives generated from a stronger private-sector led agricultural sector.

3.3 Project Components

The project has three components: (i) strengthening investment promotion infrastructure, facilitating secure access to land and project management; (ii) securing PPPs and small-holder linkages in the Accra Plains; and (iii) securing PPPs and small-holder linkages in the SADA region.

Component 1: strengthening investment promotion infrastructure, facilitating secure access to land and project management.

This component will ensure that Ghana attracts fit and proper investors – not speculative investors – willing and able to invest in strategic subsectors that contribute most positively to national development gains. It will promote a secure investment climate – particularly with respect to access to land – that clarifies and strengthens the rights and obligations of investors, government and affected communities. This component will also support an improved mechanism for facilitating access to land by reducing the search costs to potential investors through an expansion of a database of land suitable for investors and by building on nascent mechanisms for actively matching potential investors with suitable land owners (i.e. past efforts at constructing a 'land bank'). In the case of land under traditional ownership, due diligence and sensitization of surrounding communities will promote an understanding of the rights and obligations from subsequent lease agreements. A 'model' lease agreement will be developed to form the basis of all subsequent investor agreements, and which includes indicative arrangements for managing leasehold payments and other community development-type funds. A national framework for out-grower schemes will be developed. Finally, this component will fund project management including M&E and the reimbursement of the PPA.

Component 2: securing PPPs and small-holder linkages in the Accra Plains.

This component will conclude a transaction for a PPP in an irrigation investment in the Accra Plains. The project area includes the existing Kpong Irrigation Project (KIP) as well as an expansion of an additional 7,000ha under a PPP arrangement, inclusive of commercial 'anchor' farms and associated out-growers. Specifically, the project will provide technical assistance to take a PPP to market in line with national PPP policy as well as the costs of any public subsidy that is required to incentivize a private operator by providing viability gap financing. Special attention will be paid to the facilitating the clarification of land rights to promote security of tenure for investors and local communities and small-holder participation in the proposed out-grower arrangements.

Component 3: securing PPPs and small-holder linkages in the SADA region.

This component will involve support to the identification and realization of private investments in the agricultural value chain through PPPs, complementary public investments, and technical assistance concentrated in the SADA zone of northern Ghana. It will support the establishment of out-grower schemes as well as nucleus investments in certain locations, through PPPs. Recognizing the lack of storage facilities in the region, it will seek to establish PPPs in storage infrastructure through the divestiture of rehabilitated state-owned facilities and new constructions. It will also use similar modalities to secure private investment in new milling capacity and other strategic processing businesses. Finally, in an effort to put agri-businesses on a more robust business footing, the project will provide business development services.

4.0 RELEVANT LEGAL, REGULATORY AND ADMINISTRATIVE FRAMEWORK

4.1 Relevant National Legislative Framework

The legal and institutional framework in Ghana over land administration, land tenure, and land expropriation is complex. The National Land Policy was prepared in 1999, and the on-going Land Administration Project (LAP) seek among other things, to streamline the myriads of laws regulating land administration and/ or establishing mandates for different land administration agencies in the country. Among the numerous land-related laws passed in the last 50 years, the most relevant to GCAP Programme are:

- The Constitution of the Republic of Ghana, 1992;
- The Lands Commission Act 2008, Act 767.
- The State Lands Act 1962, Act 125 and Amendments;
- Survey Act 1962, Act 127;
- The Lands (Statutory Wayleaves) Act, 1963;
- Land Title Registration Act 1986, PNDCL 152 and Regulations 1986 LI 1341;
- Office of the Administrator of Stool Lands Act 1994, Act 481; and

The Constitution of Ghana and the Protection of Individual Property

Article 20 of the 1992 Constitution of Ghana provides for the protection from deprivation of property unless such acquisition is made in the interest of defence, public safety, public order, public morality, town and country planning, or the development or utilisation of property to promote public interest.

Under the same Article 20 of the Constitution, such compulsory acquisition of property by the State should be made under a law which makes provision for prompt payment of fair and adequate compensation as well as a right of access to a High Court by any person who has interest in or right over the property for the determination of his interest or right and the amount of compensation to which he is entitled.

The Lands Commission Act 2008, Act 767

The Lands Commission Act 2008 establishes the Lands Commission to integrate the operations of public service land institutions in order to secure effective and efficient land administration to provide for related matters. The objectives of the Commission include among others to:

- Promote the judicious use of land by the society and ensure that land use is in accordance with sustainable management principles and the maintenance of a sound eco-system; and
- Ensure that land development is effected in conformity with the nation's development goals.

Currently, the commission has the following divisions:

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

The State Lands Act 1962, Act 125

The State Lands Act 1962, Act 125 vests in the President of the Republic the authority to acquire land for the public interest via an executive instrument.

In addition, the State Lands Act, 1962, details the different elements to be taken into consideration when calculating compensation and these include:

- “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;
- “Market value” means the sum of money which the land might have been expected to realise if sold in the open market by a willing seller or to a willing buyer,
- “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
- “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.

Survey Act 1962, Act 127

The Survey Act 1962, Act 127 relates to geological, soil and land survey. Part II of the Act deals with demarcation and survey of lands. Under the law, the sector minister may appoint official surveyors and the Chief Survey Officer (Director of Surveys) may license private surveyors. It is the official surveyor or licensed surveyor that shall certify plans for attachments to instruments of conveyance, leases, assignment, charge or transfer. Under the law it is an offence to damage, destroy or alter any boundary mark.

The Act 127 gave legal backing to the Director of Surveys to carry out cadastral and other surveys through official surveyors who work directly under him at the Survey Division of the Lands Commission. It also gave authority to the Director of Surveys to recommend from time to time experienced surveyors to the Minister responsible for Lands to be licensed to undertake surveys.

The Lands (Statutory Wayleaves) Act, 1963

The Lands (Statutory Wayleaves) Act 1963, Act 186 details the process involved in occupation of land for the purpose of the construction, installation and maintenance of

works of public utility, and for the creation of right-of-ways for such works. The key elements of this Act include the following:

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

Further to this Act, the Statutory Wayleave Regulations, 1964, provide procedural details and address grievance mechanisms.

The Land Title Registration Act 1986, PNDCL 152

The challenges arising from registration of instruments under the Land Registry Act 1962, Act 122 led to the promulgation of the Land Title Registration Act 1986, PNDCL 152 which would be an improvement on the registration of deeds. The Law provides for accurate parcel or cadastral maps which would reduce fraud, multiple registrations and reduce litigation. It also provides for publication and adjudication of conflicts. The certificate of title to the land is indefeasible and can only be cancelled by a court of law. The Land Title Registration Law provides for the registration of all interests held under customary law and also the common law. Under this law the registrable interests include (i) allodial title, (ii) usufruct/ customary law freehold, (iii) freehold, (iv) leasehold, (v) customary tenancies and (vi) mineral licenses.

Office of The Administrator of Stool Lands Act 1994, Act 481

The Act establishes the Office of the Administrator of Stool Lands as enshrined in Article 267 (2) of the 1992 Constitution and it is responsible for establishment of stool land account for each stool, collection of rents and the disbursement of such revenues. The Administrator is charged with the management of stool lands and in accordance with the provisions in the 1992 Constitution, 10% of the gross revenue goes to the Administrator of Stool Lands for administrative expenses whilst the remainder is disbursed as follows:

- 25% to the stool through the traditional authority for the maintenance of the stool;
- 20% to the traditional authority;
- 55% to the District Assembly, within the area of authority of which the stool lands are situated.

The Act 481, the Administration of Lands Act, 1962 (Act 123), the Concessions Act, 1962 (Act 124) and the State Lands Act, 1962 (Act 125) and their amendments

4.2 Institutional Framework

The key institutions responsible for administration of lands and or resettlement activities in line with this RPF include:

- Lands Commission (The Public and Vested Lands Management Division, Land Valuation Division, Land Registration Division, and Survey and Mapping Division)
- Environmental Protection Agency;
- The Metropolitan, Municipal and District Assemblies;
- Department of Town & Country Planning; and
- Traditional Authorities e.g., Chiefs.

Public and Vested Lands Management Division of the Lands Commission

The Public and Vested Lands Management Division of the Lands Commission (established by the Lands Commission Act, 2008, Act 767) is the principal land management organisation of the government. All public land is vested in the President of Ghana and held in trust by him for the people of Ghana. The Public and Vested Lands Management Division manages all public land on behalf of the President. In each of the ten regions of Ghana, a branch, known as the Regional Lands Commission, performs the functions of the Lands Commission. In addition to managing public lands on behalf of government, its other mandates includes among others:

- Advise the government and local authorities on policy matters, and to ensure that the development of individual parcels of land is consistent with area development plans; and
- Advise on, and assist in the execution of a comprehensive programme of land title registration.

The acquisition of any rights of exclusive possession over public lands would necessitate discussions with the relevant Regional Lands Commission for a lease over the selected site.

Land Valuation Division (LVD)

It was established in 1986 (PNDC Law 42) as Land Valuation Board (LVB), through a merger of valuation divisions operating within different ministries. However, the LVB was brought under the Lands Commission as the Lands Valuation Division with the promulgation of the new Lands Commission Act 2008, Act 767. The LVD is responsible for all valuation services for the government, including assessing compensation to be paid as a result of land acquisition or damage to an asset in view of a government project. The Division keep rates for crops which are applicable nation-wide. The LVD has offices in all the ten (10no.) regions of Ghana and 44 district 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.

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.

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.

Environmental Protection Agency (EPA)

The EPA established under the EPA Act, 1994 (Act 490) is responsible for the protection of the environment and this include the human/ socio-economic environment as well. Its functions include the following amongst others:

- Advise the Minister on the formulation of policies on all aspects of the environment and in particular make recommendations for the protection of the environment;
- Ensure compliance with any laid down environmental impact assessment procedures in the planning and execution of development projects, including compliance in respect of existing projects;
- Act in liaison and co-operation with government agencies, district assemblies and other bodies and institutions to generally protect the environment; and
- To promote effective planning in the management of the environment.

The EPA is the main government body for receiving and reviewing all Environmental and Social Impact Assessment reports. Currently, Resettlement Plan reports sent to the EPA for review are usually attached to the main stream Environmental Impact Assessment (EIA) Reports. The Agency is yet to develop a general guideline or format for the preparation of a Resettlement Plans as it has done for the preparation of an EIA report. The EPA has offices in all the ten (10no.) regions of Ghana.

District/Municipal Assemblies and Town & Country Planning Department

The current local government structure or the district assembly system is established by two main Acts, namely Act 462 and Act 480. Both Act 462 and Act 480 designate the District/Municipal/Metropolitan Assembly as the planning authority, charged with the overall development of the district. Both Acts provide that local people (communities) must participate in the formulation of the District Development Plan.

A key feature of this Assembly System is the involvement of communities or zones or whole villages who elect their representatives (Assemblymen) to the Assembly. The structure of the Assembly comprises Unit Committees which are usually formed at the community levels, and the Urban/Town/Area Councils.

The district assemblies have limited role in the process of land acquisition but may assist and support communities in the inventory of PAPs.

Town & Country Planning Department

Established in 1945, it is responsible for designing plans (planning schemes) and controlling settlements. It is no longer an independent department but currently forms part of the Assembly Structure.

The Town and Country Planning Department have limited role in the process of land acquisition but responsible for designing plans and controlling settlements.

Traditional Authorities

In the 1992 Constitution, chieftaincy together with its traditional councils is guaranteed and protected as an important institution in the country.

In Ghana land is owned predominantly by customary authorities (stools, skins, clans and families). Together they own about 78% of all lands while the State owns about 20% with the remaining 2% owned by the state and customary authorities in a form of partnership (split ownership), (Larbi W O, 2008). 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. All revenue from stool lands are collected and disbursed by the Office of the Administrator of Stool Lands (OASL).

Customary land represents all the different categories of rights and interests held within traditional systems and which includes stool lands, skin lands, clan lands, and family lands. The Common law rights include freehold, leasehold, licenses and easements. Customary lands are managed by a custodian (a chief or a ahead of family) with the principal elders of the community. Any decision taken by the custodian that affects rights and interests in the land, especially disposition of any portion of the communal land to non-members of the land holding community, require the concurrence of the principal elders.

The State exerts considerable control over the administration of customary lands. All grants of stool land to non-subjects of the stool require the concurrence of the Lands Commission to be valid. No freeholds can be granted out of stool lands. Foreigners cannot own more than 50 year leases in stool and state lands (Article 267(5) of the 1992 Constitution).

4.3 Administrative Frameworks

Ghanaian government ministries and key administrative bodies with responsibilities related to the project are listed below.

- Ministry of Food and Agriculture (MoFA) through the Ghana Irrigation Development Authority (GIDA);
- Ministry of Environment, Science and Technology-represented through the Environmental Protection Agency (EPA);
- Ministry of Local Government and Rural development (MLGRD)-represented through the Regional Coordinating Councils (RCCs).
- Savannah Accelerated Development Authority (SADA)

Ministry of Food and Agriculture

The Ministry of Food and Agriculture is the ministry responsible for the development and growth of agriculture in the country. The primary roles of this ministry are the formulation of appropriate agricultural policies, planning and coordination, monitoring and evaluation within the overall economic development. The Ghana Irrigation Authority (GIDA) falls under this ministry.

Ministry of Environment, Science and Technology

The Ministry of Environment, Science and Technology exists to establish a strong, national scientific and technology base for accelerated sustainable development of the country to enhance the quality of life for all. The EPA is part of this ministry.

The Environmental Protection Agency (EPA)

The EPA was established under the Environmental Protection Agency Act (Act 490 of 1994) as the leading public body responsible for the protection and improvement of the environment in Ghana. It is responsible for enforcing environmental policy and legislation, prescribing standards and guidelines, inspecting and regulating businesses and responding to emergency incidents. It is responsible for issuing environmental permits and pollution abatement notices for controlling waste discharges, emissions, deposits or others sources of pollutants and issuing directives, procedures or warnings for the purpose of controlling noise. The EPA has the authority to require an EIA and is responsible for ensuring compliance with EIA procedures.

Ministry of Local Government and Rural development

The Ministry of Local Government and Rural Development exists to promote the establishment and development of a vibrant and well-resourced decentralised system of local government for the people of Ghana to ensure good governance and balanced rural based development. The Ministry is involved in:

- formulating, implementing, monitoring, evaluating and co-ordinating reform policies and programmes to democratise governance and decentralise the machinery of government;

- reforming and energising local governments to serve effectively as institutions for mobilising and harnessing local resources for local national administration and development;
- facilitating the development of all human settlements through community and popular participation;
- Facilitating the promotion of a clean and healthy environment;
- facilitating horticultural development and
- improving the demographic database for development planning and management. Promoting orderly human settlement development.

The Local Government Act, 1993 Act 462 establishes and regulates the local government system and gives authority to the RCC and the District Assembly to exercise political and administrative power in the Regions and District, provide guidance, give direction to, and supervise all other administrative authorities in the regions and district respectively. The Assembly is mandated to initiate programmes for the development of basic infrastructure and provide municipal works and services as well as be responsible for the development, improvement and management of human settlements and the environment in the district.

Savannah Accelerated Development Authority (SADA)

The Savannah Accelerated Development Authority (SADA) is to coordinate the Sustainable Development Initiative for the Northern Savanna. Following severe flooding in the north in 2007, 2008 and 2009, the NDI strategy was approved by Parliament in December 2009 as a comprehensive strategy for closing the development gap with the rest of the country whilst increasing resilience to climatic extremes. SADA is overseen by a Board with a small secretariat, and have a strategy, policy and coordination mandate within the savannah ecological zone, including the three northern regions and areas of Brong-Ahafo Region. An Act establishing the Authority, its mandate and working arrangements with other MDAs will be elucidated in an Act expected to be passed by Parliament before Project Approval.

5.0 WORLD BANK SAFEGUARDS POLICIES

5.1 World Bank Safeguard Policies

The World Bank is guided by policies/ procedures to ensure the safe development of projects it is funding. The relevant WB safeguard policies, including a summary of their core requirements and those triggered by this project are provided in **Table 2**.

Table 2: Summary of World Bank Safeguard Policies

Policy	Summary of core requirements	Triggered
OP/BP4.01 Environmental Assessment	Screen early for potential impacts and select appropriate instrument to assess, minimise and mitigate potentially adverse impacts	Yes
OP/BP 4.04 Natural Habitats	Do not finance projects that degrade or convert critical habitats. Support projects that affect non- critical habitats only if no alternatives are available and if acceptable mitigation measures are in place	Yes
OP 4.09 Pest Management	Support integrated approaches to pest management. Identify pesticides that may be financed under the project and develop appropriate pest management plan to address risks	Yes
OP/BP 4.10 Indigenous peoples	Screen to determine presence of local peoples in project area. Policy triggered whether potential impacts are positive or negative. Design mitigation measures and benefits that reflect indigenous peoples cultural preferences.	No
OP/BP 4.11 Physical cultural resources	Investigate and inventory cultural resources potentially affected. Include mitigation measures when there are adverse impacts on physical cultural resources	Yes
OP/BP 4.12 Involuntary Resettlement	Assist displaced persons in their effort to improve or at least restore their standards of living. Avoid resettlement where feasible or minimise. Displaced persons should share in project profits	Yes
OP/BP 4.36 Forests	Support sustainable and conservation oriented forestry. Do not finance projects that involve significant conversion or degradation of critical forest areas	Yes
OP/BP 4.37 Safety of dams	For large dams, technical review and periodic safety inspections by independent dam safety professionals	Yes
OP/BP 7.50 Projects on international waterways	Ascertain whether riparian agreements are in place, and ensure that riparian states are informed of and do not object to project interventions.	Yes
OP/BP 7.60 Projects in disputed areas	Ensure that claimants to disputed areas have no objection to proposed project.	No

5.2 World Bank Safeguard Policy on Involuntary Resettlement

The World Bank's safeguard policy on involuntary resettlement, OP 4.12, (December 2001) is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. It includes requirements that:

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

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 among, 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.

5.3 Gaps between Ghana Regulations and World Bank Policies

There are significant gaps between Ghanaian regulations and World Bank policies. These are summarised in **Table 3**.

Table 3: Comparison of Ghanaian Regulations with World Bank Policies

Topic	Ghana legislation requirement	WB policy requirement	Gaps Filling Procedures
Timing of compensation payment	Prompt	Prior to displacement	Compensation payments are done prior to displacement.
Calculation of compensation	Fair and adequate	Full replacement cost	The Replacement Cost Approach (RCA) will be adopted for the calculation of compensation.
Squatters including settlers/Migrant	No provision. Are deemed not to be eligible	Are to be provided resettlement assistance (but no compensation for land)	Are to be provided resettlement assistance (but no compensation for land)
Resettlement	In the event where inhabitants have to be physically displaced, the State is to resettle them on <i>“suitable land with due regard for their economic well-being and social and cultural values”</i> .	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.	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.)
Resettlement assistance	No specific provision with respect to additional assistance and monitoring.	Affected people are to be offered support after displacement, for a transition period	Affected people are to be offered resettlement support to cover a transition period
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.	Particular attention to be paid to vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children.
Information and consultation	The owner/occupier of the land must be formally notified at least	Displaced persons and their communities are provided timely and relevant	Displaced persons and their communities are provided timely and relevant information,

Topic	Ghana legislation requirement	WB policy requirement	Gaps Filling Procedures
	a week in advance of the intent to enter, and be given at least 24 hours' notice before actual entry	information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.	consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.
Grievance	Access to Court of Law	Appropriate and accessible grievance mechanisms to be established	Appropriate and accessible grievance mechanisms to be established in the RPF.

6.0 POTENTIAL PROJECT IMPACTS ON ASSETS AND LIVELIHOODS

6.1 Overview

The project is expected to have extensive impacts on both assets and livelihoods. Provisions are made under this RFP to minimize all such impacts including those of socio- economic significance and on environmentally sensitive sites. Provisions are also made in this RFP to accommodate all potential situations, including cases that entail actual displacement and livelihood restoration assistance in accordance with the World Bank Policy on Involuntary Resettlement, OP4.12.

6.2 Assessment of social impacts

The potential social impacts associated with the project are described in the **Table 4** below:

Table 4: Potential adverse social impacts/ issues

No.	Type of Impact	Description of Potential Impact/Issue	Social Significance
Social Environment			
1	Involuntary Resettlement	<p>SADA Regions Possible cases of involuntary resettlement are expected during construction of infrastructure, land leases with investors.</p> <p>Accra Plains Regions The project in the Accra Plains will involve the need to move people or displace their rights to use land as a result of the construction of infrastructure, land leases with investors.</p>	Major Major
2	Local economy such as employment and livelihood, etc.	<p>SADA Regions and Accra Plains Regions Land will be cleared during the land preparation stage when the project is fully operational. It is estimated that pastoralists likely to lose grazing grounds for their livestock and in addition women may lose access to gardens.</p> <p>Accra Plains Regions Animal husbandry is one of main source of local economy. Irrigation canals likely to block cattle grazing, if cattle crossing point is not provided. Access to resources and livelihoods more broadly</p>	Major Moderate
3	Land use and utilization of local resources	<p>Condition of existing land likely to be changed to farming land. Possible change of land use in case of construction works. Land will be cleared during the land preparation stage when the project is fully operational. It is estimated that Pastoralists likely to lose grazing grounds for their livestock. Possible conflicts between farmers and pastoralists at any time during project implementation, especially prior to or during harvest period. Women may lose access to gardens. Loss of access to medicinal plants may result.</p>	Major Major Major Moderate
4	Social	The influx of migrants into these communities as result of the project	Major

No.	Type of Impact	Description of Potential Impact/Issue	Social Significance
	institutions	<p>may dilute some local customary practices and beliefs.</p> <p>Accra Plains Regions For example, within the project area, the use a hoe for farming activities is prohibited on the fourth day of every week. The differences in religious beliefs and customs can lead to conflict between local beneficiary communities and migrants or among different ethnic groups.</p>	Major
5	Existing social infrastructures and services	<p>Increase influx settlers likely to put pressure on existing social facilities including educational, health, water and sanitation facilities in the project area.</p> <p>Accra Plains Regions There are water intakes for 3-Districts Water Supply Scheme and Aveyime Community Water and Sanitation Service at right side of the Volta river in Aveyime. If outlet of drainage of the irrigation project is installed near the water intakes, raw water is polluted.</p>	Major Major
6	The poor, local communities and ethnic people	Livelihood of the people likely to be affected if they need to be relocated due to farm land cleaning and leveling.	Major
7	Misdistribution of benefit and damage	Possible misdistribution of benefit among communities. For example, some farmer may receive benefit from irrigation development; however some farmer may not receive benefit from irrigation development.	Major
8	Cultural heritage	<p>SADA Regions Buried cultural heritage resources could be damaged during trenching or ploughing.</p> <p>Accra Plains Regions There are culturally sensitive areas within the project area which may be affected by the construction of infrastructure, land leases with investors.</p>	Moderate Major
9	Local conflict of interests	The establishment of construction camp within project zone can generate social conflicts between site workers and local residents.	Moderate

7.0 PRINCIPLES, OBJECTIVES AND PROCESSES

7.1 Principles and objectives

These principles are intended to minimize negative impacts. However, it will not always be feasible to avoid displacement or land acquisition. In addition to impact minimization measures, mitigation measures are therefore needed, hence this RPF.

Regulatory Framework

Any impact of the GCAP 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 (OP 4.12). Where there are gaps or inconsistencies between Ghanaian laws and the World Bank policy, the World Bank policy OP 4.12 will apply in compliance with this RPF.

Minimization of Physical Displacement

In line with the World Bank safeguard policy OP 4.12, the GCAP will minimize displacement through the following design procedures:

- Wherever inhabited dwellings may potentially be affected by a component of a sub-project, the sub-project shall be redesigned (facility relocation, rerouting) to avoid any impact on such dwellings and to avoid displacement/relocation accordingly;
- Wherever the impact on the land holding of one particular household is such that this household may not be sustainable in the long term, even if there is no need to physically displace this household, the sub-project shall be redesigned (facility relocation, rerouting) to avoid any such impact;
- Minimization of land impact will be factored into site and technology selection and design criteria;
- Costs associated with displacement and resettlement will be internalized into sub-project costs to allow for fair comparison of processes and sites;
- To the extent possible, project facilities will be located on community lands; a participatory approach will be put in place for the communities to confirm where to site these facilities. This participatory approach process will pay particular attention to representation and participation of women community members;
- Infrastructures required by the project will be routed inside existing right-of-ways, easements or reservations (roads, streets, power lines) wherever possible.

Cut-off date

In accordance with OP 4.12 and for each sub-project activities under the GCAP, 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 notification to owners/occupiers as provided under the Lands (Statutory Wayleaves) Act, 1963, where acquisition of land is involved.

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 [recognize ownership and use systems inherent in customary land tenure systems] recognized under the laws of the country);
- b) those who do not have formal legal rights to land at the time of the cut-off but have a claim to such land or assets-provided that such claims are recognized under the laws of Ghana or become recognized through a process identified in the resettlement plan; and
- c) those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) above are provided compensation for loss of land and assets and other assistance as needed. Persons covered under (c) above are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to the cut-off date.

In practice, this means that people usually considered in Ghana as “squatters” will be entitled to Project assistance 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).

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. Where necessary, 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. They may include the following:

- Agricultural development measures (agriculture, livestock),
- Micro-finance support (savings and credit), and other small business development activities,
- Skill development and training.

Where necessary links to existing programs will be facilitated and appropriate monitoring measures put in place.

Compensation payment

Compensation principles will be as follows:

- Compensation shall be paid prior to physical displacement / land entry;
- Compensation will be at full replacement value using the current market value or above.

By contrast with the depreciated or net value of a structure, the “replacement value” includes the full cost of materials and labour required to reconstruct a building of similar surface and standing. In other words, the affected person must be able to have their structure rebuilt in a different location using the compensation paid for the old building.

Costs related to resettlement and compensation will be paid by GOG.

7.2 Processes

Categorization of project activities with respect to land needs

From the observation of site conditions, it appears that as far as land needs and resettlement requirements are concerned, two different situations may be encountered in the course of the implementation of the GCAP:

- a. the project component has no land need other than already acquired State land (e.g. the critical access infrastructure including roads and power connections which will be laid in existing land reservations). In such cases, documentation of resolution of previous disputes will be required before these are approved.
- b. the implementation of the project component (e.g. critical access infrastructure including roads, power connections, primary irrigation facilities, the development of warehouse receipts system etc.) requires land acquisition (involuntary land acquisition from individuals with freehold title and involuntary land acquisition from communities).

In situation a) above, the fact that there is no land acquisition involved means that procedures required by the Ghanaian 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 Ghanaian procedures and WB requirements are to be followed, hence the need for an integrated process.

Overview of the resettlement preparation process

The proposed process for project component without land acquisition is summarized by **Figure 2** hereunder, and that for project component with land acquisition by **Figure 3**. As indicated in the figures, the process varies according to the following two parameters that will need to be checked early in the design stage through a field reconnaissance:

1. whether involuntary land acquisition is involved (**Figure 3**) or not (**Figure 2**);

2. the number of affected people, which will determine whether the process is to include the preparation of a full RAP (200 affected individuals or more), or of an Abbreviated Resettlement Action Plan (ARAP)
3. In some instances ARAPs are required where projects affect more than 200 people, but with minor land acquisition (10% or less of all holdings is taken) and no physical relocation is involved.

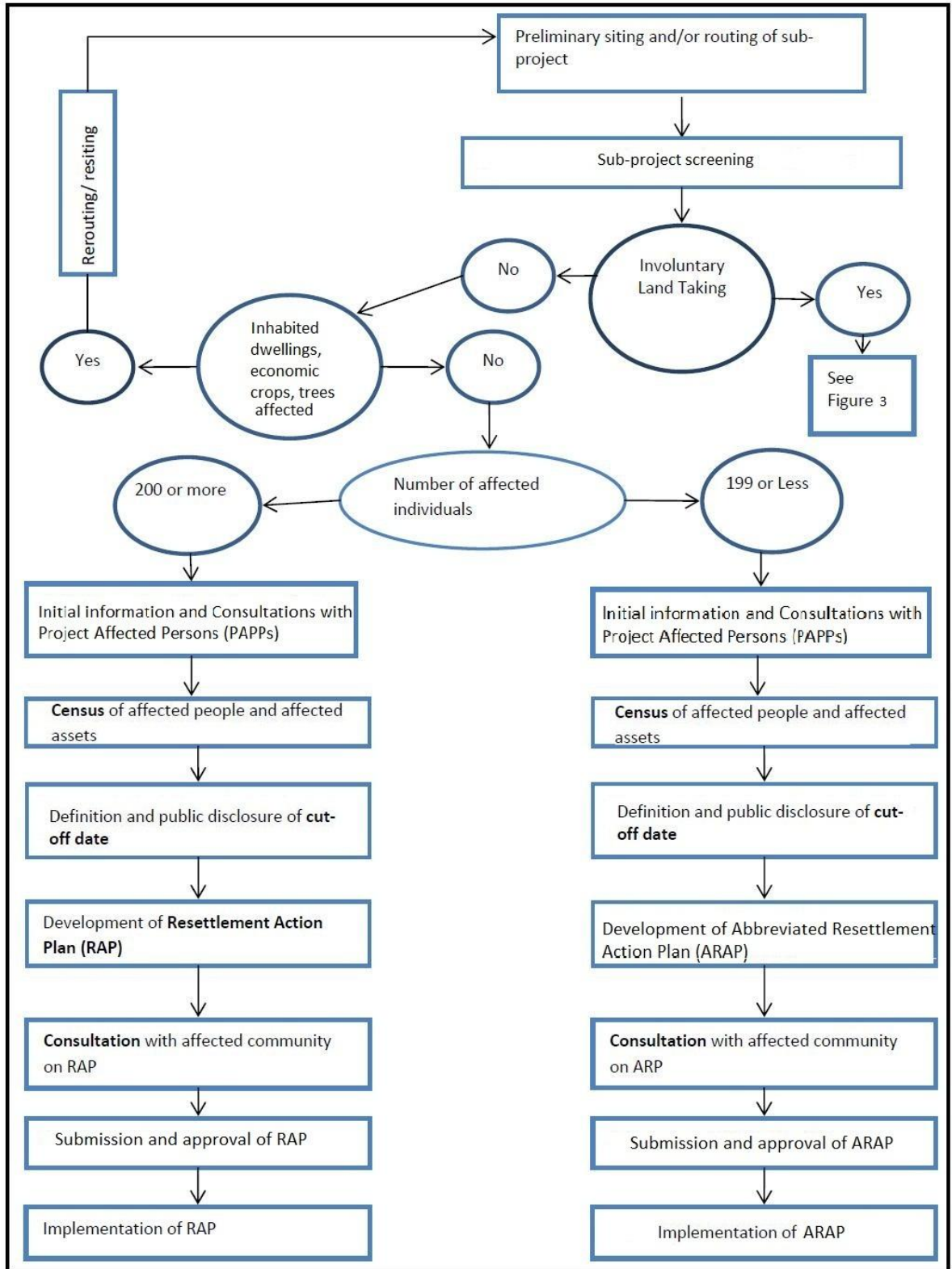


Figure 2: Proposed process for project component without involuntary land acquisition

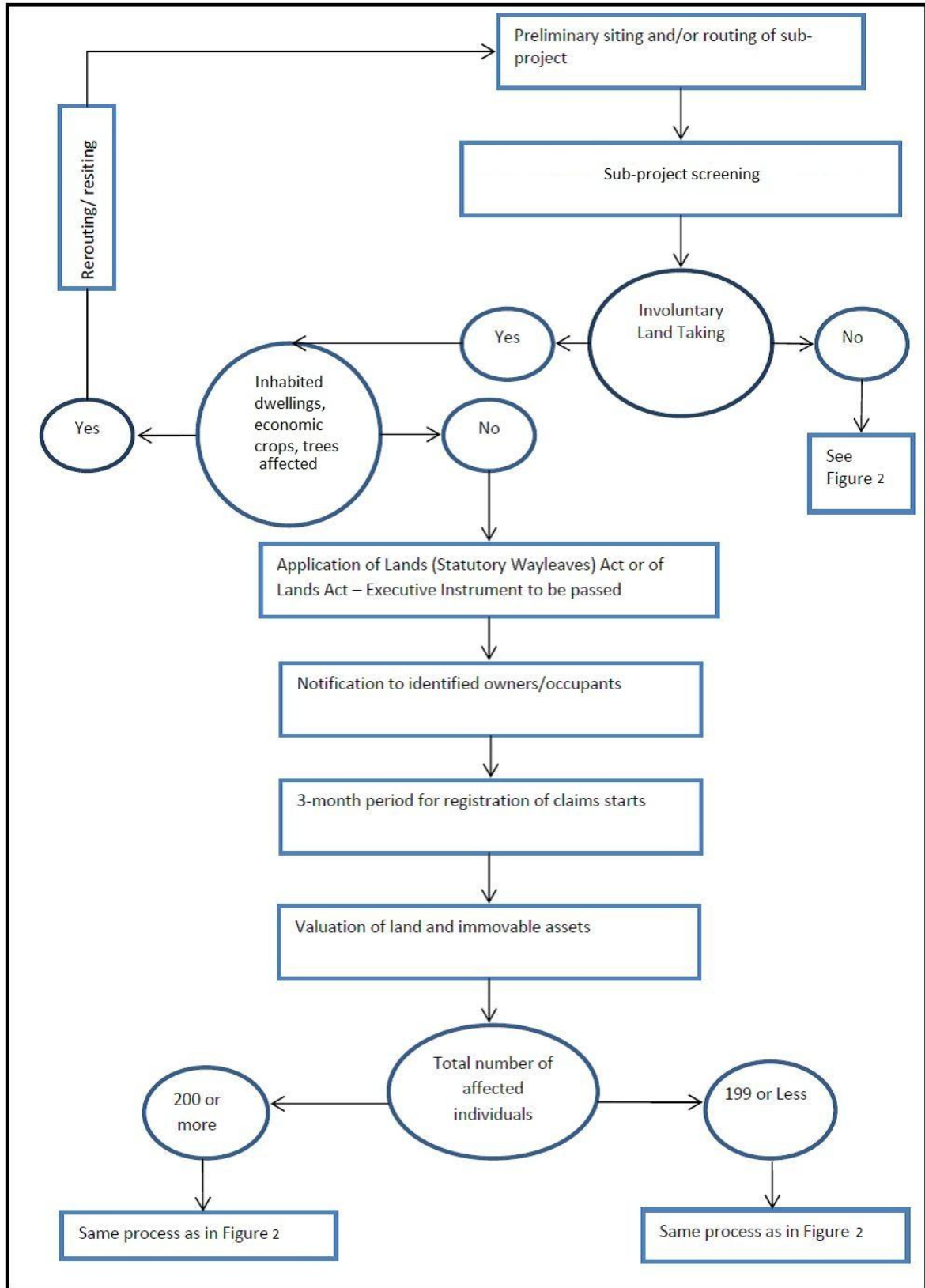


Figure 3: Proposed process for project component with involuntary land acquisition

Census of Affected Assets and Affected Households

In all events, a census will be carried out to inventory affected assets and affected households. **Annex 4** presents frameworks of forms to be used for this census, namely:

- Affected plot form,
- Affected structure form,
- Affected household form.

Resettlement Action Plan (RAP)

The Resettlement Action Plan will be used where more than 200 individuals are displaced. The outline of a RAP is given in **Annex 5**. All RAPs need World Bank approval prior to commencing resettlement activities.

Abbreviated Resettlement Action Plan (ARAP)

The Abbreviated Resettlement Action Plan will be used where less than 200 individuals are displaced or less than 10% of affected land is lost. The outline of an ARAP is given in **Annex 6**. The project must keep documentation and provide reports that detail what actions were taken in these areas. All ARAPs need World Bank approval prior to commencing resettlement activities.

Works packages

It is advised that RAPs and ARAPs should be grouped in a way consistent with lots of civil works that are defined by the PMU. This will ensure consistency in timing and approach.

8.0 ELIGIBILITY, ENTITLEMENTS AND VALUATION

The District Valuation officials will assist communities to calculate the rates based on government approved standards. However, **Table 5** provides the general guideline and method for the preparation of the costs.

Table 5: General guidelines and methods for costs preparation

Item	Types	Method
Land	Customary lands, private lands	1. Prevailing market value of the land to be acquired 2. Disturbance to the land owner (estimated at 10% of (1)) 3. Supplementary assistance representing loss of income where applicable
Building, structures	Cement, roofing sheets, doors, wood, paint, sand, stones etc.	Replacement cost method would be used to determine market value and will be based on (1) land value in comparable site, (2) drawings of buildings, related structures and support services, (3) average replacement costs of different types of buildings based on information on quantities and types of materials for construction, (4) prices of items on the local market, (5) costs of transportation, (6) estimates for construction of new buildings.
Businesses	Kiosks, containers, workshops, communication centres, chop bars, saloons	
Farm crops	Crops and fruit trees (cassava, oil palm tree, etc)	Market value as at the time of replacement
Standing trees	Coconut trees, etc.	Follow EPA requirement. Pay cash for every tree felled and in addition plant two more at location similar to where the other was felled.
Forests	Dedicated community forest areas, sacred groves, cemeteries, shrines	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, Fishing, etc.	Estimation of net monthly profit for business based on records; application of net monthly profit to the period when business is not operating.
Disturbance allowance	-	10% of total compensation

8.1 Description of Eligibility Criteria

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

It is not possible to provide an exhaustive list of such persons at this project preparatory stage. However, based on an understanding of the social structure of the rural community and the nature of the projects, it is possible to suggest that the most likely affected persons will comprise both individuals and communities as a whole including women, vulnerable groups and host communities.

Table 6: Eligibility criteria

Category of affected persons	Assets	Type of compensation
Persons with formal legal rights to land including customary leaders who hold land in trust for community members.	Physical and non-physical assets such as residential structures, productive lands, economic trees, farm lands, cultural sites commercial/ business properties, tenancy, income earning opportunities, and social and cultural networks and activities	To be provided compensation for land lost and other assistance. Compensation to be granted to communities.
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.
Persons with no recognizable legal right or claim to land they are occupying, e.g. squatters		To be provided resettlement assistance in lieu of compensation for land occupied.
Persons encroaching on land after the notification		Not eligible for compensation or any form of resettlement assistance

8.2 Generic entitlement matrix

Table 7 hereunder presents the matrix of entitlements for the different categories of impacts, likely to be encountered.

Table 7: The entitlement matrix for compensation issues for the Projects is given in the table below.

Asset	Type of Impact	Entitlement Units	Eligibility criteria	Entitlements
LAND	Permanent acquisition of land	Landowner (individual, household, stool)	Person with formal legal right to land /without formal legal right to land but have claims to property (including customary and traditional rights [recognize ownership and use systems inherent in customary land tenure systems] recognized under the laws of the country);	Replacement with an equivalent piece of land located in the vicinity of the affected area. If land is not available then cash compensation at full replacement value as well as disturbance allowance (10%) Users, reallocation of use rights. Community land – compensation to be granted to communities.
	Temporary acquisition of land	Landowner (individual, household, stool)	As above	<ul style="list-style-type: none"> • Full reinstatement to pre-project conditions; • Rent to be agreed upon for the period during which land is occupied. • Community land – compensation to be granted to communities.
	Acquisition of RoWs	Landowner (individual, household, stool)	As above	<ul style="list-style-type: none"> • Cash compensation to be negotiated based on value • Disturbance allowance (10%) • Community land – compensation to be granted to communities.
CROPS	Destruction of crops	Landowner/ tenant/ or farmer	Farmer	Cash compensation for crops not ready for harvesting at time of entry, and negotiated with LVB; Disturbance allowance
	Damage of crops	Landowner/ tenant/ or farmer	Farmer	<ul style="list-style-type: none"> • Cash crop compensation for damaged crops, and negotiated with LVB; • Disturbance allowance, 10%
STRUCTURE	Destruction of permanent immovable structures	Owner	Confirmed owner (with evidence) of affected structure irrespective of land ownership	<ul style="list-style-type: none"> • Resettlement to a similar dwelling in a similar location, or • Cash compensation at full replacement value of structure. • Cost of moving • Disturbance allowance (10%)
		Occupant	Tenant	Cost of moving Disturbance allowance (3 months rent)

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Asset	Type of Impact	Entitlement Units	Eligibility criteria	Entitlements
	Temporary displacement of moveable structure	Owner	Confirmed owner (with evidence) of affected structure irrespective of land ownership	<ul style="list-style-type: none"> • Cost of displacing the affected structure • Cost of moving the affected structure back to project affected land • Disturbance allowance of 10%
LIVELIHOOD	Agriculture	Farmer as distinct from affected plot owner	Been using affected land for agriculture irrespective of ownership situation	<ul style="list-style-type: none"> • Cash compensation of any loss of income • Assistance to livelihood restoration
	Businesses	Business person as distinct from owner of structure	Been operating business on project affected land irrespective of ownership (includes squatters)	Cash compensation for temporary loss of income Assistance to livelihood restoration
	Use of communal resources	User of such resources (individuals/communities)	Use of communal resources for livelihood (e.g. Fulani Herdsmen)	<ul style="list-style-type: none"> • Assistance to identify and access similar resource elsewhere • Cash compensation of temporary loss of income

8.2.1 Host communities and Vulnerable Groups

Vulnerable groups are those at risk of becoming more vulnerable due to the displacement, compensation, and resettlement process. The initial field assessment has identified likely vulnerable persons but this will be ascertained when the project scope is properly identified and confirmed. Vulnerable people at the proposed project site include, but not limited to:

- The elderly, usually above 60 years;
- Widows;
- Children;
- Disabled persons, whether mentally or physically;
- Women;
- Female heads of households;
- Herdsmen (Cattle rearers) and
- Migrant farmers.

Assistance to vulnerable people

Assistance to vulnerable people may include the following:

- Identification of vulnerable people and identification of the cause and impacts of their vulnerability through direct interviews. This step is critical because often vulnerable people do not participate in community meetings (because most often they are shielded by the society and fronted by other individuals), and their disability/vulnerability may remain unknown.
- Identification of required assistance at the various stages of the process: negotiation, compensation, moving;
- Implementation of the measures necessary to assist the vulnerable person; and
- Monitoring and continuation of assistance after resettlement and/or compensation, if required.

Assistance may take the following forms, depending upon vulnerable persons' requests and needs:

Other measures may include financial literacy training for women.

- Assistance in financial literacy training especially for women and assistance in compensation payment procedures (e.g., going to the bank with then person to cash the compensation cheque);
- Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery;
- Assistance in moving: providing vehicle, driver and assistance at the moving stage;
- Assistance in the locating and growing of fodder banks for the herdsmen for cattle grazing;
- Ensuring migrant and settler farmers are included in the consultations regarding the RPF/RAP and compensation and have their share of the compensation and assist in finding alternative sites for farming and also be incorporated into the out-grower and small holder schemes of the project;

- Assistance in building: providing materials, workforce, or building houses; and
- Health care if required at critical periods: moving and transition period.

Provisions to be made in RAPs/ARPs

Vulnerable people will be identified at census stage. Each RAP or ARP developed under GCAP will make precise provisions with respect to assistance to vulnerable groups, for example amongst assistance possibilities listed above. In some instances ARAPs are required where projects affect more than 200 people, but with minor land acquisition (10% or less of all holdings is taken) and no physical relocation is involved.

8.3 Methods of Valuing Affected Assets

8.3.1 Basis of Valuation

The purpose of the valuation exercise is to assess the loss to the affected persons as part of the Assessment of Resettlement Issues under the project. The scope of the valuation covers all assets on the site. Disruptions to accommodation and business activities should be considered as far as it may be appropriate for payment of compensation for the period of disruption of the activity.

The bases of this valuation are derived from the World Bank's Involuntary Resettlement Policy, OP 4.12; the Resettlement Policy Framework developed for the project; and Constitution of Ghana.

8.3.2 Valuation Method

Land

The Market Comparison Approach (MCA) will be adopted for the valuation of land. It involves the direct comparison of the property's value determining features with those of the immediate and surrounding vicinity that sold recently. In applying this method, values of plots of land from the neighbourhood of the sites will be collected, compared, adjusted to take account of minor differences, and applied to arrive at the reported values. This is to ensure that the values obtained would be adequate to secure in-kind alternative land or cash compensation for the affected owners.

Structures

The Replacement Cost Approach (RCA) will be adopted for the valuation of the structures. The RCA is based on the assumption that cost and value are related. It involves finding the estimate of the gross replacement cost of a structure which is the estimated cost of constructing a substitute structure, having the same gross area as that existing, at prices current at the relevant date.

Livelihood (Supplementary Assistance)

Losses of income for businesses will be estimated from net daily/monthly profit of the business verified by an assessment of visible stocks and activities. In addition to the compensation, disturbance allowances of 10% of total compensation will be considered.

The estimation of supplementary assistance for affected commercial structures or business units will generally be based on the following factors:

- estimated income obtained from the use of the business/commercial unit; and
- estimated period of disruption of business activities.

Generally, loss of income will be minimal. The farmers will be incorporated into the out-grower and small holder schemes of the project. It is the intention of GCAP to develop new pastures in grasslands surrounding the project area. These areas will be used by cattle herdsman as grazing areas for their livestock.

Economic Plants

The Enumeration Approach will be adopted for the crops affected by the project. The Enumeration Approach involves taking census of the affected crops and applying flat realistic rate approved by the Land Valuation Division.

8.4 Compensation Payment Procedure

Compensation will be paid to affected persons prior to the destruction of the affected structures and vacating of the land. Actual vacation will be monitored by PMU of GCAP in cooperation with local authorities (District Assembly representatives and local elders). Each eligible affected person will sign a compensation claim form, *GCAP-GH Form C1* (as shown in **Annex 1**) together with the authorized GCAP project representative and in the presence of a witness before receiving the compensation cash or cheque.

The compensation claim form clarifies mutual commitments as follows:

- On the project side: commitment to pay the agreed compensation, including all its components (disturbance, livelihood assistance);
- On the affected person's side: commitment to vacate the land by the agreed date.

The PMU of GCAPP will issue a compensation receipt, *GCAP-GH Form C2* (as shown in **Annex 2**) to the claimant or recipient confirming compensation amount collected.

8.5 Engagement and Participatory Consultation with Project Affected Persons (PAPs)

The valuation of the assets will be done with the engagement and participation of the PAPs. The PAPs have the opportunity to do their own valuation if they have doubts or misgivings through the facilitation of the project for further negotiations between them (PAPs) and the PMU of GCAP.

All negotiations will be done in collaboration and in the presence of Grievance Redress Committee to ensure that the PAPs that don't not have good negotiating skills are not left behind, and also get benefits to commensurate with their losses in most cases

9.0 PROPOSED MITIGATION MEASURES

9.1 Mitigation measures

The potential social impacts to be addressed within the context of preparing this Resettlement Framework have been identified as previously shown in **Table 4**. It is expected though that site specific social assessment studies will be carried out within specific localities, as and when required. The framework for the compensation/ resettlement will then be applied incorporating specific (1) institutional arrangements, (2) resettlement/ compensation eligibility criteria, (3) implementation procedures, (4) financial responsibilities, and (5) monitoring and evaluation plan.

9.1.1 Livelihood restoration measures

Furthermore, the livelihood restoration measures will consider issues such as (1) income levels of affected persons, (2) other non- monetary sources of livelihood, (3) constraints and opportunities for income generation, (4) number of persons not able to revert to previous occupation, and (5) existing skills of affected persons. Baseline and follow-up surveys will be conducted to ensure that livelihood restoration for PAPs is met.

Table 8: Proposed mitigation measures for some potential impacts

Item	Impact severity	Mitigation measures and Monitoring
1. Involuntary Resettlement	<p>The project in the Accra Plains will involve the need to move people or displace their rights to use land as a result of the construction of irrigation canals and farmlands in the Accra Plains Regions.</p> <p>Possible cases of involuntary resettlement are expected during construction of warehouses and farmlands in the SADA Regions</p> <p>Cases of voluntary land agreements (customary land) resulting in restriction of access, use, customary ownership rights.</p>	<p>Planning Phase GCAP needs to hold continuous meeting between land owners, land users and community members (including women and migrants) based on the State Lands Act (Act 125) of 1962 till basic agreement is obtained.</p> <p>No land acquisition (involuntary or otherwise) should occur on land that is under dispute.</p> <p>Hold continuous meeting between land owners and land users (including women and migrants) until agreement is obtained.</p>
2. Local economy such as employment and livelihood, etc.	<p>Animal husbandry is one of main source of local economy. Land will be cleared during the land preparation stage when the project is fully operational. It is estimated that Pastoralists likely to lose grazing grounds for their livestock.</p>	<p>Planning Phase When designing irrigation canals, cattle crossing point needs to be provided.</p> <p>Construction Phase Temporary cattle crossing point needs to be provided.</p> <p>Operation phase There is a proposal to develop new pasture in grassland areas within the project area. These areas may be used</p>

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Item	Impact severity	Mitigation measures and Monitoring
		for grazing areas for livestock within the project area. Ponds will developed as water points for livestock. Crossing points need to be designed for cattle and other livestock.
3. Land use and utilization of local resources	Animal husbandry is one of main source of local economy. Condition of existing land likely to be changed to farming land. Possible change of land use in case of construction works. Land will be cleared during the land preparation stage when the project is fully operational. It is estimated that Pastoralists likely to lose grazing grounds for their livestock.	Construction Phase When designing irrigation canals, cattle crossing point needs to be provided. Operation phase Temporary cattle crossing point needs to be provided. Necessary bridges have been planned to be facilitated at the major points of canal crossing. Need to allocate alternative grazing grounds
6. The poor, local beneficiary communities	Livelihood of the people likely to be affected if they need to be relocated due to farm land cleaning and leveling.	Planning Phase Land around the poor should not be acquired, unless they agree to relocate. Construction Phase Contractor needs to respect local customary practices and beliefs. Operation phase GCAP needs to hold consultation meetings between existing communities and new settlers to create better communication and relationship.
7. Misdistribution of benefit and damage	Possible misdistribution of benefit among communities. For example, some farmer may receive benefit from irrigation development; however some farmer may not receive benefit from irrigation development.	Planning Phase GCAP needs to hold continuous meeting between land owners, land users and community members (including migrants and women based on the State Lands Act (Act 125) of 1963 till basic agreement is obtained. Construction Phase Contractor needs to pay careful attention to existing social facilities including educational, health, water and sanitation facilities. Operation phase Scheduling of irrigation operations in consultation with farmers within individual blocks. This is expected to reduce flooding and wastage.
8. Cultural heritage	There are culturally sensitive areas within the project area which may be affected by the development of the irrigation fields.	Planning Phase Land around the culturally sensitive areas should not be acquired. Construction Phase Alignment of the irrigation canals need to make a detour from those culturally sensitive

10.0 GRIEVANCE REDRESS MECHANISM (GRM)

10.1 Objective

The objectives of the grievance process are to

- Provide affected people with avenues for making a complaint or resolving any dispute that may arise during the course of the implementation and determination of entitlements of compensation and implementation of the project;
- 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.

Court cases are known to be cumbersome and time consuming. It is therefore proposed here to make available a simple procedure for affected persons to be able to follow easily, and which will provide aggrieved people with an avenue for amicable settlement without necessarily opening a Court case. Aggrieved people would however remain free to open a Court case without having registered their grievance. The fees for the hiring of a legal officer (attorney, land valuer) will be borne by the project (GCAP).

10.2 The Grievance Redress Process

The general steps of the grievance process comprise:

- Receipt of complaints;
- Determining and implementing the redress action;
- Verifying the redress action;
- Amicable mediation and settlement; and
- Dissatisfaction and alternative actions.

Receipts of complaints

MoFA 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 community/town as part of the consultation undertaken for the project in general. The Project will determine the redress action in consultation with the complainant if necessary and with the representative of the PAPs.

Determining and implementing the redress action

The grievance redress committee (GRC) will first investigate the foundation of the grievance and then determine the redress action in consultation with the complainant and concerned party if necessary. The proposed redress action and the timeframe in which it is to be implemented will be discussed within 1 week of receipt of the grievance. The grievance

issue should be resolved within 2 weeks of receipt of complaints, unless it requires further investigation which could go up to 4 weeks. Should there be an unexpected delay, the GRC will make sure to inform the concerned parties about the delay and its impacts on the initial schedule.

Verifying the redress action

The grievance redress committee (GRC) 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 not satisfied with the outcome of the redress action, additional steps may be taken to resolve the issue or reach an amicable agreement. Verification should be completed within one week of the redress action being taken.

The Grievance Redress Management Committee will issue a grievance resolution form, *GCAP Form R1* (as shown in **Annex 4**) to the complainant confirming resolution of grievance.

Amicable mediation and settlement

The intervention of a 3rd party (e.g. NGO or private attorney) could be used to jumpstart and/or unbundle the associated grievance.

The grievance redress committee (GRC) attempting amicable mediation/litigation will be selected from among the following members:

- Representatives (preferably two) from the implementing company (MoFA);
- An attorney of the affected person(s), if available;
- The administrator of stool lands;
- District Assembly representative/ Assembly man;
- Traditional leader (or representative); and
- Heads of families of the land owners.

When a grievance/dispute is recorded as per above-mentioned registration procedures, the mediation committee will be established, and the mediation meetings will be organized with interested parties. Minutes of meetings will be recorded. The existence of this mechanism will be widely disseminated to the affected people as part of consultation undertaken for the project in general. It is important that these mediation committees be set up as soon as compensation report or resettlement plan preparation starts. Disputes can arise from census operations and it is therefore important that the mediation mechanisms be available to cater for claim, disputes and grievances at the early stage.

10.2.1 Dissatisfaction and Alternative Actions

If the complainant is not satisfied with the decision of the grievance redress committee, he/she can bring it to the attention of the District Chief Executive (DCE). The DCE in consultation with GCAP will set up an appropriate mediation team at the project town level

to resolve the issue within 2 weeks from the date of receipt of such a decision at the Council level, unless further investigations is required.

Appeal to Court

Courts of law will be a “last resort” option, in view of the above mechanism. The Ghanaian allows any aggrieved person the right to access to Court of law. If the complainant still remains dissatisfied with the mediation effort of the district assembly, the complainant has the option to pursue appropriate recourse via judicial process in Ghana.

10.2.2 Financing, Documentation and Tracing

The entire GRM process will be financed by the Ministry of Food and Agriculture. A complaint log book and file will be opened for all complaints at the project level. The complainant’s name, date of complaint, nature of complaint, follow-up actions and their dates will all be logged for future referencing and tracing.

10.3 Schedule Template for Grievance Redress and Institutional Responsibilities.

The table below presents a summary of the grievance redress procedure with institutional roles and responsibilities.

Table 9: Schedule template for Grievance Redress with Responsible Agency/Persons

Steps	Process	Description	Time frame	Other information	Responsible Agency/ Person
1	Identification of grievance	Face to face; phone; letter, e-mail; recorded during public/community interaction; others	1 Day	Email address; hotline number	Projected Affected Person (PAP)/Complainant
2	Grievance assessed and logged	Significance assessed and grievance recorded or logged (i.e. in a log book)	4-7 Days	Significance criteria Level 1 –one off event; Level 2 – complaint is widespread or repeated; Level 3- any complaint (one off or repeated) that indicates breach of law or policy or this RPF provisions	PMU of GCAP/ Project Social/Environmental Officer
3	Grievance is acknowledged	Acknowledgement of grievance through appropriate medium and to ensure documentation and record keeping at all levels	7-14 Days		PMU of GCAP/ Project Social/Environmental Officer

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Steps	Process	Description	Time frame	Other information	Responsible Agency/ Person
4	Development of response	-Grievance assigned to appropriate party for resolution -Response development with input from management/ relevant stakeholders	4-7 Days 10-14 Days		Project Manager/ PMU of GCAP GCAP
5	Response signed off	Redress action approved at appropriate levels	4-7 Days		Chief Director of MoFA/GCAP should sign off
6	Implementation and communication of response	Redress action implemented and update of progress on resolution communicated to complainant	10-14 Days		Project Manager
7	Complaints Response	Redress action recorded in grievance log book Confirm with complainant that grievance can be closed or determine what follow up is necessary	4-7 Days		Project Manager and PAP
8	Close grievance	Record final sign off of grievance If grievance cannot be closed, return to step 2 or recommend third-party arbitration or resort to court of law	4-7 Days		Minister/ Chief Director of MoFA
9	Documentation, tracking, reporting and monitoring	Grievance Redress Mechanism Process is documented and monitored	-		PMU of GCAP and Chief Director of MoFA

11.0 PROPOSED ADMINISTRATIVE AND INSTITUTIONAL FRAMEWORK FOR PREVENTION AND MITIGATION

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

Table 10: Institutional framework

No.	Institution	Responsibility
1.0	Ministry of Food and Agriculture (MoFA)	<ul style="list-style-type: none"> • Overall supervision of the RPF and Resettlement/Compensation Plan. • To provide funds for compensation payment. • Trigger the process through inventory of affected persons and assets and implement plan in close consultation with Consultant.
2.0	Environmental Protection Agency (EPA)	Review and monitor Social Impact Assessment.
3.0	Regional Coordinating Council (RCC)	To liaise with district and MoFA in ensuring peaceful implementation of the process.
4.0	Regional/District Land Valuation Officers	To assist in the valuation and compensation payment process and reporting.
5.0	Administrator of Stool lands	To assist in the valuation and compensation payment process and reporting.
6.0	District Assembly (District Planning Officer and District Works Department), Traditional authorities, Heads of family owning lands.	To assist the community and support in the inventory of affected persons.
7.0	Consultants, NGO, CSO	Prepare plans and assist with implementation and capacity building. Assist with sensitisation and monitoring.
8.0	Local financial institutions (Banks)	Safe disbursement of compensation amounts.

The Ministry of Food and Agriculture (MoFA) has the overall responsibility for preparing the RPF and implementing the Resettlement Plan with World Bank approval. It will ensure that all compensation, resettlement and rehabilitation activities are carried out satisfactorily before the disbursement of funds for the project and construction work to commence.

The District Assembly will facilitate community orientation to fully understand and appreciate the processes and assist in implementation. Much of the work will be done at the district level, and the Assembly being the local administrative authority with the support from MoFA will further ensure that:

- Communities are properly and adequately informed (timely) by the TAs of the Plans, and also their rights and options relating to their properties that may be affected by the project. Women may be consulted separately. Youth should be included as should migrants and other vulnerable groups
- Coordinate activities between different communities implementing the resettlement or compensation plans
- Ensure timely provision of compensation, in cash and/ or kind
- Attend to any grievances submitted by the affected persons

The District Assemblies with support from MoFA will engage and involve all sections of the community in discussions on the Plan. They will with the support of the Project,

- Schedule open meetings to ensure that all community members are informed and they are fully aware of their rights and options regarding the resettlement activity
- Identify impacts on lands and assets and the members of the community to be affected and to what extent they will be affected

12.0 INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION SCHEDULE

12.1 Institutional Responsibilities

The main institutions involved with the implementation of the resettlement activities are:

- The Project Coordination Office- particularly the Social and Environmental team, GCAP;
- Ministry of Food and Agriculture (MoFA);
- Regional/District Land Valuation Officers;
- The Environmental Protection Agency (EPA);
- Regional Coordinating Councils (RCCs) and District Assemblies (DAs);
- Consultant; and
- PAPs' representative

The implementation activities will be under the overall guidance of the office of the coordinator of the Ghana Commercial Agriculture Project (GCAP), more specifically the Social and Environmental Team of GCAP.

12.2 Resettlement Management Teams

The Resettlement Management Teams which will be set by GCAP will consist of three smaller teams namely:

- Compensation Disbursement Team;
- Grievance Redress Team; and
- Monitoring and Evaluation Team.

The Compensation Disbursement Team will be responsible for organising and ensuring that compensations payable to PAPs are made in line with the provisions and procedures of this RPF.

The Grievance Redress Team will be responsible for receiving and logging complaints and resolving disputes. The team will undertake follow-ups on all measures taken to resolve each grievance or dispute to ensure that redress actions are implemented by whoever is mandated to undertake such action.

The Monitoring and Evaluation Team will be responsible for the monitoring of the RAP implementation programme to ensure that stated targets are met and project affected persons are duly compensated in line with the RAP requirements.

12.3 Sequence of implementation and responsibilities

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

Table 11: Sequence of implementation tasks and institutions

No	Task	Institutions
1.0	Siting and routing of project components	Supervising Engineer under PMU of GCAP/MoFA, Private investors
2.0	Sub-project screening	Supervising Engineer under PMU of GCAP/MoFA, Resettlement Consultants
3.0	Assessment of the need for rerouting / re-siting certain sub-project components in case they affect inhabited dwellings	Supervising Engineer under PMU of GCAP/MoFA
4.0	Preparation of designs for stages of the project	PMU of GCAP/MoFA/ Resettlement Consultants
5.0	Preliminary assessment of resettlement issues	DA/Consultants
6.0	Confirm need for resettlement/compensation actions	PMU of GCAP/MoFA /DA/Resettlement Consultants
7.0	Assess the options for land acquisition	PMU of GCAP/MoFA DA/Traditional authority/District Land Valuation Board
8.0	Assess the number of affected persons	PMU of GCAP/MoFA DA/ Resettlement Consultants
10.0	If number of affected persons is less than 200, prepare abbreviated resettlement action plan (ARAP) for country level approval.	PMU of GCAP/DA/Resettlement Consultants
11.0	If number of affected persons is more than 200, prepare a RAP for World Bank approval.	PMU of GCAP/MoFA/DA/Consultants
12.0	Use RP to comply with the process required to undertake land acquisition and compensation payment	PMU of GCAP/MoFA /DA/District Land Valuation Board/ DA
13.0	Review Plans	PMU of GCAP/MoFA / DA
14.0	Budgeting of costs	PMU of GCAP/MoFA /DA
15.0	Confirm arrangements for managing funds	PMU of GCAP/MoFA / RCC/DA
16.0	Determine arrangements for channelling compensation funds	PMU with relevant authorities in the central Government
16.0	Implement RAPs and ARAPs	PMU of GCAP/MoFA / RCC/DA

12.4 Procedures for delivery of entitlements

Entitlements may range from cash payments to the provision of new land, new homes and compensation for other lost properties. As stated above, the land for land compensation

option will be paid before owners/ occupiers are made to vacate their properties for commencement of construction works. Payments will be funded like any other activity under the project's administrative and financial management rules and manuals.

Compensation committee: The committee will comprise representatives of the affected persons (2 to 3no.), DA, LVB, EPA and Traditional authorities. The committee will be chaired by the representative of the District Assembly.

Consultations: The affected persons should be engaged in active consultations at the beginning of the project and any displacement should not be last hour notice. They should have access to the Resettlement Action Plan and be encouraged to provide input. 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, migrants, and groups at risk of exclusion, and also ensure prior distribution of project information in a form that is accessible to community members, etc.

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

Documentation: The names and addresses of affected persons will be compiled and kept in a database including claims and assets. The DA will maintain records of these persons as well as the RCC. The records are also important especially for future monitoring activities. Documentation will include documents relevant to land transactions (voluntary and involuntary).

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

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

Redress of grievances: If affected persons are not satisfied with proposed entitlements and its implementation through the grievance redress mechanism processes proposed in this framework, they can seek redress through Assembly person/ DA. The DA will liaise with the LVB and the administrator of stool lands to address the problems. If the affected persons are still not satisfied they could take it up further with the RCC and possibly, the Ministry of Food and Agriculture (MoFA). All grievances will be expressed in writing.

Ministry of Food and Agriculture (MoFA)

Financial obligations: The sector ministry i.e. the Ministry of Food and Agriculture (MoFA) is responsible for the payment of compensation. This should come out of its budget, not the project IDA budget.

13.0 BUDGET AND FUNDING

13.1 Estimated Budget to Implement RPF

The estimated budget for training of key personnel responsible for implementing the RPF as well as awareness creation and logistical support is presented in **Table 12** below.

Table 12: Estimated Budget for Training and Awareness Creation toward RPF Implementation

	Activity	Description	Item	Unit cost, US\$	No	Total Cost, US\$
1.0	Training	MoFA	Seminar	5,000.00	2	10,000.00
		SADA and AP (Farmers, TA, Extension officers).	Regional Workshops	6,000.00	2	12,000.00
		FBOs, CSOs, NGOs and Consultants	Workshops	8,000.00	2	16,000.00
2.0	Awareness Creation	Radio Discussions	Local FM Stations	LS	-	10,000.00
		Advertisements	National Dailies	LS	-	10,000.00
3.0	Logistical Support	EPA	Transport (Vehicle)	30,000.00	2	60,000.00
		Lands Commission	Transport (Vehicle)	30,000.00	2	60,000.00
	TOTAL					178,000.00

13.2 Budget for Preparation and Implementation of RAPs

The budget will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to (1) the preparation of the resettlement/compensation action plan, (2) relocation and transfer, (3) income and means of livelihood restoration plan, and (4) administrative costs.

A template for the preparation of budgets to prepare and implement RAPs is provided as **Annex 7**. This cost will be borne by the Government of Ghana.

14.0 PARTICIPATORY MONITORING AND EVALUATION PLAN

To ensure that the implementation of the resettlement is carried out in accordance with the relevant requirements of this resettlement policy framework, the actions will be monitored and evaluated internally by a Monitoring and Evaluation team (MET) to be constituted by the GCAP Coordination Office of the Ministry of Food and Agriculture, MoFA.

14.1 Internal Monitoring and Evaluation

Purpose and Responsibility

The purpose of the internal monitoring and evaluation will be to verify that:

- actions and commitments described in this resettlement plan are implemented;
- eligible people to be affected by the works receive their full compensation; and
- complaints and grievances lodged by PAPs are followed-up with and resolved.

Evaluation and monitoring are key components of the Resettlement Policy Framework.

They have the following general objectives:

- Monitoring of specific situations or difficulties arising from the implementation, and of the compliance of the implementation with objectives and methods as set out in this Resettlement Policy Framework;
- Evaluation of the mid- and long-term impacts of the Resettlement and Relocation Action Plan on affected households' livelihood, environment, local capacities, on economic development and settlement.

Monitoring aims to correct implementation methods during the course of the Project, as required, while evaluation is intended at checking whether policies have been complied with and providing lessons learnt for amending strategies and implementation in a longer term perspective. Monitoring will be internal and evaluation external.

Participatory Monitoring and Evaluation Plan Indicators

The Monitoring and Evaluation team (MET) will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts.

The GCAP Coordination Office will undertake the routine internal monitoring and evaluation of the implementation of the resettlement issues so as to ensure that all the responsible units follow the schedule and comply with the principles of the resettlement plan. The monitoring programme will provide a continuous feedback on the implementation of the resettlement plan. Monitoring teams will be constituted and will report regularly to the

coordinating office of GCAP. The team will include EPA, and appropriate departments under the Ministry of Food and Agriculture.

The monitoring and evaluation will be the main mechanism to alert the GCAP of any delays and problems and these activities will help measure the extent to which the main objectives of the RPF have been achieved. An evaluation programme will be implemented periodically to also check on compliance with action plan and provide lessons to amend strategies, especially in the longer term. NGOs will also help with monitoring and validation of the implementation of the safeguards instruments as well as help in monitoring of payments to communities and extent to which (i) use of resources are determined in a participatory and inclusive manner and (ii) those payments are used for community purposes. They will also help in action plans and some sensitization and education and capacity building activities. The evaluation will be based on current WB procedures and also national provisions on resettlement/compensation.

Through the monitoring and evaluation, GCAP will establish a reporting system for the project RAP that will:

- (i) provide timely information to the project about all resettlement and compensation issues arising as a result of resettlement related activities;
- (ii) identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels;
- (iii) document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses; and
- (iv) evaluate whether all PAPs have been compensated in accordance with the requirements of this RAP and that PAPs have better living conditions and livelihoods.

Instruments of monitoring will include the following:

- (i) questionnaires with data stored in a database for comparative analysis (before-after and with-without);
- (ii) documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
- (iii) relocation/resettlement and Compensation Reports, including status of land impacts; percentage of individuals selecting cash or a combination of cash and in-kind compensation; proposed use of payments;

Independent Impact Evaluation

The Independent Impact Evaluation (IIE) will be done soon after the completion of the RAP implementation. The independent impact evaluation will determine:

- If compensation payments have been completed in a satisfactory manner; and
- If there are improvements in livelihoods and well-being of PAPs.

Several indicators will be used to measure these impacts. These include, among others,

- (i) a comparison of income levels before-and-after the RAP;

- (ii) access to livelihoods and employment;
- (iii) changes in standards of housing and living conditions;
- (iv) number of grievances and their status, time and quality of resolution;
- (v) number of individuals and families to re-establish their pre-resettlement activities, in terms of other alternative incomes;
- (vi) number of demolitions after giving notice, and
- (vii) number of PAPs paid in a given period in comparison with what was planned

The Resettlement team will maintain basic information on all physical or economic displacement arising from the project. This includes an update, for example on a bimonthly basis, of the following:

- (i) number of households and individuals physically or economically displaced by the project;
- (ii) length of time from sub-project identification to payment of compensation to PAPs;
- (iii) timing of compensation in relation to commencement of physical works;
- (iv) amount of compensation paid to each PAP household and communities (if in cash), or the nature of compensation (if in kind);
- (v) Decision-making process for use of funds paid to communities.
- (vi) number of people raising grievances in relation to the project
- (vii) number of grievances or complaints;
- (viii) Time spent to resolve the complaint; and
- (ix) number of resolved and unresolved grievances.

Reporting

The monitoring unit will submit periodic (preferably bimonthly) reports to the GCAP, and copied to the MoFA. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups.

15.0 STAKEHOLDER CONSULTATION, PARTICIPATION AND DISCLOSURE OF RPF

15.1 Stakeholder Consultation and Participation

The Consultants have carried out appropriate consultations with stakeholders during the preparation of this RPF. Stakeholders consulted include relevant Government agencies, local government authorities, non-governmental organizations, and civil society groups identified during the consultative period. Stakeholder consultations were undertaken from 22nd September to 13th October 2011. Furthermore, public consultations were held in Greater Accra at Mepe on 28th October, 2011 and in Northern Region at Tamale on 31st October, 2011 and 1st December, 2011.

The lists of persons consulted and issues discussed during the consultations and public meetings are presented in a standalone report. Some stakeholder concerns during the public consultation meetings included:

- What will happen to farmers who do not own the land;
- What will happen to government acquired lands when the project is over? E.g. Some lands acquired by government on some projects have been taken over by “watchmen” on the project. Should such lands not revert to original owners?
- What will happen to unskilled workers, because they want to avoid the situation whereby people are brought from other areas to work?
- Need assurance that the policies and measures in the reports will be adhered to and the project has come to stay.
- What happens to settler farmers who are not entitled to compensation for the land?
- Considering the nature of the system, how can poor peasant farmers who are not satisfied with their compensation get redress at the law court?
- The cutting down of economic trees to make way for the project will lead to the loss of livelihood for some people.
- Community members should be informed when the evaluation process ends to avoid confusion from people who later develop structures in the project area.

These questions/concerns raised have been answered in the standalone Public Consultation and Participation (PCP) report (Pages 31-33, 52-55).

Consultation on the Resettlement Policy Framework

As provided under WB policy OP 4.12, information and consultation on the GCAP Resettlement Policy Framework shall be organized as follows:

- Circulation of the draft RPF for comments to all relevant institutions (e.g. MoFA, all Land agencies, the EPA, and others as appropriate);
- Organisation of public stakeholder workshops and comments incorporated in the final RPF;

- Communication of comments to the Consultant for incorporation into a final RPF, together with WB comments; and
- Public Disclosure of final RPF (reviewed and cleared by both GoG & World Bank/ASPEN) both in-country (in project sites and official journals) and at the WB InfoShop prior to appraisal.

Consultation on RAPs and ARAPs

As indicated in section 7.2 (**Figures 2 and 3**), two steps of information and consultation are proposed to be implemented in the course of the preparation of RAPs and ARAPs:

- Initial information:
 - This step should coincide with the cut-off date (information should not be delivered in advance of the cut-off date to avoid encroachment by new arrivals),
 - Basic information will be provided to potentially affected people on the Project, and resettlement and compensation principles as they are outlined in this RPF,
 - The engagement of the PAPs will take the form of a public meeting at project areas,
- Consultation on draft RAP/ARAP: once these are available in draft form, they should be discussed with the MMDAs and affected communities, whose comments will be incorporated into final documents.

Community involvement and sensitisation

Communities within the project areas as well as host communities will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts will be well communicated to the community.

The Ghanaian law requirements on consultation and information, as well as those related with grievance management fall short of meeting WB requirements. The application of these will require:

- meaningful information and consultation to take place before the process leading to displacement is launched in each particular location concerned by a subproject,
- a specific grievance registration and processing mechanism to be put in place.

Methods and Arrangements for Engagement of PAPs

In order to do engage PAPs successfully, the strategies to be used will include using the assembly men/ women to assist in accessing the chiefs and people of communities and in the identification of PAPs/ contact persons/ stakeholders/ focal persons etc. The local dialects will be mostly used during the engagement periods. The methods to be employed will include (i) National Newspapers, (ii) local FM stations, (iii) beating of Gong-gong and (iv) oral presentations at social gatherings (churches, mosques, funeral grounds, durbars etc.).

15.2 Disclosure Requirements

The resettlement instrument will be disclosed in compliance with relevant Ghanaian regulations and the World Bank operational policy.

The documents will be disclosed at local sites (district centres) and in communities, and translated into the local languages.

16.0 REFERENCES

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MoFA, 2007. *Food and Agricultural Sector Development Policy (FASDEP II) First Draft-Second Revision*. Ministry of Food and Agricultural, Government of Ghana, pp. 1-56.

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ANNEXES

Annex 1	Compensation Claim Form
Annex 2	Compensation Receipt for Claimant
Annex 3	Grievances and Resolution Form
Annex 4:	Frameworks of Forms to be used for the Census of PAPs
Annex 5	RAP Outline
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Annex 1: Compensation Claim Form

GCAP Form C1

COMPENSATION CLAIM FORM

GHANA COMMERCIAL AGRICULTURE PROJECT

-COMPENSATION CLAIM FORM-

Affected Person Information:

Name of claimant: Sex: Age:

Name of Representative/Contact Person:

Region: Town: Suburb:

Affected property:

Total Compensation Due:

Affected property value (GHc)	Disturbance (GHc)	Livelihood support (GHc)	Total compensation (GHc)

Compensation Payment Proposal:

Name of recipient:

Payment Date:

Signature or Thumb print of claimant /recipient:

Administered by (MoFA/GCAP/PMU Rep):

Name of Witness

(Witness could be Councilor or Member of Parliament)

Signature of Witness

Remarks:.....
.....

Annex 2: Compensation Receipt for Claimant

GCAP Form C2

COMPENSATION RECEIPT

GHANA COMMERCIAL AGRICULTURE PROJECT

-COMPENSATION RECEIPT-

Received from **MINISTRY OF FOOD AND AGRICULTURE**

the sum of.....

..... *Ghana cedis*

being compensation on payable for affected properties.

GHC

Cheque No.

Date:

.....

MoFA Officer/Project Rep (Name)

.....

MoFA Officer/Project Rep (Signature)

Annex 3: Grievance and Resolution Form

GCAP Form R1

GRIEVANCE AND RESOLUTION FORM

GHANA COMMERCIAL AGRICULTURE PROJECT

-GRIEVANCE AND RESOLUTION FORM-

Name (Filer of Complaint):

ID Number (PAPs ID number):

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

Nature of Grievance or Complaint:

Date

Individuals Contacted

Summary of Discussion

.....

Signature.....

Date:

Signed (Filer of Complaint):

Name of Person Filing Complaint (if different from Filer):

Position or Relationship to Filer:

Review/Resolution

Date of Conciliation Session:

Was Filer 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 below:

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

.....

.....

Signed (Conciliator):

Signed (Filer):

Signed:

(Independent Observer)

Date:

Annex 4: Framework for the Census of Affected Assets and Affected People

AFFECTED PLOT OR LAND SHEET

Reference:

Location: Region: District: Village:

GPS Coordinates:

Surface:

Description of soil:

Crops

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

Structures: 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:

Location: Region: District: Village:

GPS Coordinates: Photograph number:

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:

Reference of Affected Asset:

Type: Structure Plot Crop

Reference of Affected Asset Sheet:

Location: Zone: Region:

Household Information:

Head of Household: Name: Age: Sex:
 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:

Number	Name	Relationship with Household Head	Sex	Age

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 Package:

Household's Wishes

Proposed Package

Number:	Level:
Number:	Level:

Date:

Prepared By:

Annex 5: RAP Outline

OUTLINE OF A RESETTLEMENT ACTION PLAN

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 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, non-title-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
 - 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. Based on the definitions and categorization in this RPF (see entitlement matrix), 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.

Annex 6: ARP Outline

OUTLINE OF AN ABBREVIATED RESETTLEMENT ACTION PLAN

Depending on the magnitude of the displacement, an Abbreviated Resettlement Action Plan (ARAP) should be between 10 and 25 pages.

1. Brief Description of the Sub-Project
 - 1.1. Sub-Project Land Needs
 - 1.2. Land Needs Justification and Minimization
2. Census Survey of Displaced Persons and Valuation of Assets
 - 2.1. Methodology
 - 2.2. Results
3. Affected Assets
4. Socio-Economic Features and Affected People's Livelihoods
5. Description of Compensation and Other Resettlement Assistance
6. Consultation with Displaced People
7. Procedures for Grievance Redress
8. Monitoring and Evaluation
9. Institutional Responsibilities and Arrangements for Implementation
10. Timetable, Budget and Funding Arrangements

Annex 7: Template for the preparation of budgets to prepare and implement RAPs

#	ITEM	USD
1.0	PREPARATORY PHASE COST	
1.1	Inventory of affected persons, assets and livelihoods	
1.2	Valuation fees (LVB or private valuer)	
1.3	Preparation of resettlement plans or compensation reports	
1.4	<i>Subtotal 1 (Preparatory phase cost)</i>	
2.0	COMPENSATION COST	
2.1	Compensation for permanent acquisition of land	
2.2	Compensation for temporary occupation of land	
2.3	Compensation for destruction of standing crops	
2.4	Compensation for destruction of permanent immoveable structures	
2.5	Compensation for temporary displacement of moveable structures	
2.6	<i>Subtotal 2 (Compensation cost)</i>	
3.0	LIVELIHOOD RESTORATION /MITIGATION MEASURES COST	
3.1	Compensation for farmers ' loss of income	
3.2	Compensation for business persons ' loss of income	
3.3	Cost of special assistance to vulnerable persons	
3.4	<i>Subtotal 3 (Livelihood restoration/mitigation cost)</i>	
4.0	CAPACITY BUILDING & IMPLEMENTATION COST	
4.1	Capacity building for key stakeholders –local consultant	
4.2	Overhead cost for compensation disbursement/grievance redress/monitoring & evaluation	
4.3	Legal fees (in case of court dispute)	
4.4	Development of RAP/ARP	
4.5	<i>Subtotal 4 (Capacity building & implementation cost)</i>	
5.0	TOTAL COST (addition of all subtotals)	
6.0	CONTINGENCY (5%-10% OF TOTAL COST)	
7.0	GRAND TOTAL COST (Total Cost + Contingency)	