

**West Africa Regional Fisheries Program in Ghana (WARFPG)**

**Resettlement Policy Framework**

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## **Introduction**

The Government of Ghana is preparing a fisheries project with funding support from the World Bank. This project has triggered the involuntary resettlement policy (OP 4.12) and the environmental assessment policy (OP4.01) of the World Bank. This requires that appropriate instruments are prepared, consulted on, and disclosed as part of project preparation and approval processes. This resettlement policy framework (RPF) is one of two instruments prepared in response to the triggered OP 4.12. The other instrument is a process framework which has been developed separately. The RPF has been prepared because some project activities are likely to result in land acquisition for civil works and or may lead to loss of livelihood. The RPF outlines measures and strategies that should be adopted or implemented to mitigate or reduce the potential impacts.

## **Project Description**

The project development objective is to sustainably increase the overall wealth generated for Ghana through the use of its fish and aquatic resources. This objective will be achieved through activities outlined in the project components below.

The project cost is estimated at US\$53.8 million, of which IDA will finance US\$50.3 million and US\$3.5 million is being financed by the GEF. It has four components described as follows:

*Component 1: Good Governance and Sustainable Management of the Fisheries. (\$17.2 M IDA; \$3.5 M GEF).* This component aims to build the capacity of the Government and stakeholders to develop and implement policies through a shared approach that would ensure that the fish resources are used in a manner that is environmentally sustainable, socially equitable and economically profitable. It will comprise the following four sub-components: (i) developing the capacity, rules, practices and procedures for good governance of the fisheries; (ii) strengthening fisheries management, including fishing rights and co-management and ensuring necessary research activities for sustainable exploitation; (iii) aligning fishing capacity and effort to sustainable catch levels; and (iv) social marketing, communication and transparency.

*Component 2: Reduction of Illegal Fishing (\$11.8 m IDA).* The component aims to reduce the illegal fishing activities threatening the sustainable management of the country's fish resources by strengthening aquaculture and fisheries monitoring, control and surveillance (MCS) systems.

*Component 3: Increasing the Contribution of the Fish Resources to the Local Economy (US\$19.4 m IDA).* The component aims to identify and implement measures to increase the benefits to Ghana from the fish resources, by increasing the share of the value-added captured in the country. It will comprise the following sub-components: (i) value chain development (fresh/frozen product/trade facilitation); (ii) fish product trade, information and systems; (iii) marine and inland aquaculture development, including the establishment of a US\$5 million Credit Guarantee Fund to support bank lending to profitable aquaculture projects.

*Component 4: Coordination, Monitoring and Evaluation and Project Management (US\$1.9 m IDA).* The component aims to support project implementation and regional coordination with the WARFP, ensuring that regular monitoring and evaluation is conducted, and the results are fed back into decision-making and project management.

## **Objectives of the Resettlement Policy Framework (RPF)**

The objectives of the Resettlement Policy Framework (RPF) are to:

- Establish the resettlement and compensation principles and implementation arrangements for the West Africa Regional Fisheries program in Ghana ( WARFPG);
- Describe the legal and institutional framework underlying Ghanaian approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Provide procedures for filing grievances and resolving disputes and;
- Develop an outline for the development of Resettlement Action Plans (RAPs)

The RPF will apply to construction works and major rehabilitation of landing sites and basic infrastructure financed under the Ghana Fisheries Project. The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E). When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Detailed Measurement Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12), as described in Annex 1.

The RPF ensures that any possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:

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

## **Rationale for RPF**

Most Development Partners (DPs) and funding institutions, including the World Bank have their respective EA requirements. Under the World Bank, the level of EA for the Ghana Fisheries project is category B; implying that the potential environmental and social impacts will be minor, site-specific and manageable to a reasonable level.

As part of funding arrangements for component activities, two of the World Bank's safeguards policies are triggered; Environmental Assessment (OP 4.01) and Involuntary Resettlement (OP 4.12) and they must apply. This is due to impacts due to activities proposed under components 1, 2 and 3 that are likely to lead to a degree of land take or restriction of access to sources of livelihood and resources. This is the basis for the preparation of this Resettlement Policy Framework (RPF). The OP 4.12 also requires the development of a process framework which has been developed separately. The RPF is developed because although the types of sub-projects likely to be constructed by MMAs are known, their specific location and zone of impacts cannot be determined at this stage of project preparation. The RPF will be used to screen all undertakings for their potential resettlement impacts and streamline all the necessary procedures to follow in mitigating and minimizing resettlement impacts due to implementation of the identified activities. During implementation of project activities, when required, appropriate resettlement

action plans (RAPs) or abbreviated resettlement action plans (ARAPs) will be developed to address specific impacts and mitigation and compensations issues.

### **Legal and Institutional Framework**

This legal and institutional framework is presented in six sections:

1. Political economy and governance in Ghana;
2. Property and land rights, as defined by Ghanaian law and customary practice;
3. Acquisition of land and other assets, including regulations over the buying and selling of these assets;
4. Human rights and compensation, in particular, the accepted norms influencing peoples' basic rights to livelihood and social services;
5. Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and
6. Comparison with World Bank OP4.12, using equivalence and acceptability standards.

Below is the list of key documents upon which the legal framework of the RPF is based:

- The Constitution of the Republic of Ghana i.e. Article 20 of the 1992 constitution;
- The Administration of Lands Act, 1962 (Act 123);
- The State Lands Acts, 1962 (Act 125) which gives authority for land to be acquired;
- The State Lands Regulations 1962 (LI 230);
- The State Lands (Amendment) (No.2) Regulations 1963 (LI285);
- Lands (Statutory Way Leaves) Act, 1963 (Act186); and
- The World Bank Operational Directive OP 4.12.

### ***Political Economy and Governance in Ghana***

The political and legal context for the application of Resettlement Policy Frameworks (RPFs) is mainly governed by the Constitution of Ghana (1992), the Ghana National Land Policy (1999), the Lands (Statutory Wayleaves) Act (Act 186 of 1963), and The State Lands Act (Act 125 of 1962).

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

The Land Valuation Board establishes compensation levels, using market value for lands, and replacement value for property. Ghanaian law does not give illegal squatters or settlers the right to compensation, unless they can claim a right to the property under the Limitation Decree. The Constitution requires that all persons have access to the High Court in the case that there is a dispute with regard to his right or interest over the land or the amount of compensation he has been offered.

### ***Property and Land Rights in Ghana***

The Constitution of Ghana (1992) upholds the fundamental rights of citizens to own property and receive support from the state when that property is compulsorily acquired by the state. Article 20(3) the 1992 Constitution requires that where a compulsory acquisition or possession of land effected by the State involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable

alternative land with due regard for their economic well-being and social cultural values. The state allows for compulsory acquisition of property if it is deemed necessary for “national defense, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such a manner as to promote the public benefit.” The reasoning for the compulsory acquisition must also be clearly stated and must provide “reasonable justification for causing any hardship that may result to any person who has interest in or right over the property.” (Constitution, Article 20).

The Constitution states that everyone has the right to own property, either individually or in conjunction with a group, and that “no person shall be subjected to interference with the privacy of his home, property, correspondence, or communication except in accordance with law and as may be necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of the rights and freedom to others.” (Constitution, Article 18). There are three types of land ownership in Ghana:

1. Customary ownership;
2. State ownership; and
3. Split Ownership.

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

**1) Customary Ownership:**

- a) *Allodial Title*. This is the highest interest recognized by customary law. It is normally communally owned and is generally held or vested in stools or skins. In other traditional areas, this interest is held by subgroups like sub-stools, clans, families, or individuals. The owner of the allodial land holds this land under no restrictions or obligations other than those imposed by the law of Ghana.
- b) *Freehold Title*. This is divided into customary law freehold and common law freehold.
  - i) *Customary Law Freehold* aka usufructuary title. Refers to an interest held by subgroups or individuals in land that is known to be owned allodially by a larger community. It can be acquired by cultivation or succession. It is perpetual, inheritable, and the holder has the right to sell, lease, or grant agricultural tenancies on the land. The land holder can occupy the land and derive economic benefit from it. The government and/or the allodial land owner may terminate holding rights if the land holder fails to produce successors, through compulsory acquisition, if the holder abandons the land, or in rare circumstance where the holder denies the absolute title of the allodial owner.
  - ii) *Common Law Freehold*. Refers to an interest in land that stems from the sale or gift to a person outside the community, by the community that holds the allodial title to the land. The land holder’s rights, and any dispute settlement mechanism, are defined by common law. This type of freehold is created by express grant. The grantor may impose terms on the grant, provided those terms are reasonable and not contrary to public policy. Only Ghanaian citizens may acquire freehold title to land.
- c) *Leaseholds*. This is the right to occupy and develop the land granted for a certain period of time. Ghanaian law specifies 99 years for Ghanaian citizens, and 50 years for non-Ghanaians. A lease may be granted either by the holder of the allodial title or a customary freeholder. It is a creation of the common law. The grantor may impose various terms on the lease, including the payment of rent.

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

## 2) *State Ownership*

State land is the land which the state has compulsorily acquired for public purposes or in the public interest, as specified in the Constitution. Under such ownership, the allodial rights become vested in the government, which thus allows the government to, for example, lease or allocate the land to state institutions, individuals or organizations. Cadastral surveys are used to determine the boundaries of state lands.

## 3) *Split Ownership (Vested Lands)*

Split ownership occurs when the state takes legal ownership of the land, but the customary owner retains the equitable interest in the land. The state, as the legal owner, thus has the right to sell, lease, manage, and collect rent on the land. Although vested lands are generally managed in the same way as State Lands, the boundaries are not determined through cadastral survey (which can lead to confusion with regard to land ownership), and often cover large expanses of land.

## **Acquisition and Valuation of Land and other Assets**

### **(a) *Land Acquisition***

The Constitution of Ghana (1992) explicitly states that the government can only acquire property if the “taking of possession or acquisition is necessary in the interest of defense, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such a manner as to promote the public benefit” and “the necessity for the acquisition is clearly stated and is such as to provide reasonable justification for causing any hardship that may result to any person who has interest in or right over the property.” Importantly, it also states that compulsory acquisition of property by the state can only occur under a law which makes provision for the prompt payment of fair and adequate compensation. The constitution also specifies that if the state acquires land and later determines that it will not need the land for the stated purpose (or another project in the public interest) the original owner must be given the first option to re-acquire the land. (Constitution, Article 20).

The State Lands Act vests the authority to acquire land for the public interest with the President. (State Lands Act, Act 125). Where the government needs to establish a right of way to create a project in the public interest, the Lands (Statutory Wayleaves) *Act* states that the President may declare the land to be subject to such a statutory wayleave. On publication of a wayleave instrument specifying the area acquired, and without further assurance, the land becomes subject to wayleave. Compensation is then determined and paid, with the right of appeal to a tribunal established by the President in parallel with the Lands Act of 1962. The State may create a statutory wayleave for a highway, any other structure, or works for the purpose of, or in connection with, any public utility service, or any “specified works”.

The Lands (Statutory Wayleaves) Act provides that a copy of every wayleave instrument shall be served on the owner or occupier of the land affected by the statutory wayleave, and if neither the owner or occupier can be found shall be posted in a conspicuous place on the land and published in a newspaper circulating in the locality. The owner/occupier of the land must receive seven days advance notice of intent to enter, and given at least 24 hours notice before actual entry (The Lands (Statutory Wayleaves) Act). Any damage caused by is subject to compensation according to the procedures established by the Minister (unless the land is restored or replaced).

**(b) Valuation**

*The Land Valuation Board:* is responsible for the computation of compensation on the basis of market value in the case of land and replacement value for houses and other properties damaged or destroyed as a result of the acquisition.

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

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

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

**Human Rights and Compensation**

Ghanaian law makes provision for compensation when development projects affect people’s land, property, or livelihoods. It also details the rights and privileges of citizens in dealing with the government and the compulsory acquisition of property.

**(a) Economic Well-being and Social and Cultural Values**

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

**(b) Prompt and Adequate Compensation**

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

**(c) Damage or Loss**

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

**(d) Claiming Compensation**

The State Lands Act states that the affected person or group is responsible for registering a claim against land acquisition (State Lands Act, Act 125). Any claim for compensation must be made to the Minister no more than three months after the date of declaration made by the president under Act 186, Section 1. No person shall be entitled to any compensation for loss or damage if, in the opinion of the minister; (1) any alleged damage to the land has been sufficiently address, and the land has been reinstated, (2) any alleged loss arising out of the deprivation of the use of any land, (3) the person alleging the loss has been offered other land of equivalent value, (4) the alleged damage is to movable property, and the property has been sufficiently restored or replaced, or (5) the works constructed do not substantially interfere with the enjoyment of land.



(e) **Highways**

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

**Dispute Resolution and Grievance Mechanisms**

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

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

**Comparison to World Bank OP 4.12**

There are significant gaps between Ghanaian laws and regulations and the requirements for resettlement as laid out in OP 4.12. The “*Safeguards Diagnostic Review for Piloting the Use of Ghanaian Systems to Address Environmental Safeguard Issues in the Proposed World Bank-Assisted Ghana Energy Development and Access Project (GEDAP)*” which was completed in December 2006, concluded that: “the Ghanaian systems on involuntary resettlement are deemed not to be equivalent with the Bank’s.” Table 4.1 (below) highlights the differences between Ghanaian laws and World Bank policies regarding resettlement and compensation. Below is a short discussion of the most important differences.

Ghanaian law requires prompt, adequate, and fair compensation for project affected people (PAPs); this is not atpar with OP 4.12, which requires that compensation be completed prior to the start of the project. Additionally, there is no provision for relocation assistance, transitional support, or the provision of civic infrastructure under Ghanaian law. (Table 4.1, Section II)

Additionally, Ghanaian law does not make any specific accommodation for squatters or illegal settlers, other than under the *Limitation Decree* where settlers can claim rights to the land after living on it for 12 years and where the legal owner of the land has failed to exert his legal ownership. (Table 4.1, Section I)

OP 4.12 requires that affected communities be consulted regarding project implementation and resettlement. Affected communities should also receive the opportunity to participate, implement, and monitor resettlement. However, Ghanaian law states that, when it is determined that a right of way must be established, the President publishes a wayleave instrument and the land specified is immediately subject to the wayleave. The instrument must then be publicized where the owner or occupier of the land can easily see it. The owner/occupier must receive at least 7 days notice of intent to enter, and 24 hours notice before entry. (Table 4.1, Section II).

Ghanaian law makes no specific accommodations for potentially vulnerable groups such as women, children, the elderly, ethnic minorities, indigenous people, the landless, and those living under the poverty line. These groups are at highest risk to experience negative effects due to resettlement, and should receive special consideration during the preparation of a resettlement policy framework to assure that they can maintain at least the same standard of living after displacement takes place. (Table 4.1, Section I). Finally, there is also no provision in the law that the state should attempt to minimize involuntary resettlement.

Where there is a discrepancy between Ghanaian law and the World Bank's Operational Policy 4.12, the more stringent requirement will prevail. As is indicated in the following table, in order that the project comply with Bank policy requirements, most of the compensation measures will follow the requirements of OP 4.12.

***Comparison of Ghanaian and World Bank Policies on Resettlement and Compensation<sup>1</sup>***

<b>Types of Affected Persons/ Lost Assets</b>	<b>Ghanaian Law</b>	<b>World Bank OP4.12</b>	<b>Comparison/Gaps</b>
<b><i>Section I: Property and land rights</i></b>			
Land Owners	Property acquired compulsorily in the public interest or for a public purpose shall be used only in the public interest or for the purpose for which it was acquired. Where the property is not used in the public interest or the purpose for which it was acquired, the owner of the property, immediately before the compulsory acquisition, shall be given the first option for acquiring the property and shall, on such re-acquisition, refund the whole or part of the compensation paid as provided for by law or such other amount as is commensurate with the value of the property at the time of the re-acquisition.  Resettlements in the case of acquisitions can be claimed as of right only by persons with proprietary interests in acquired lands.	Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas  Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.	The legal right to resettlement is applicable only to those with proprietary interest in the affected land  The Constitution provides for land-based resettlement. Although its provisions could be interpreted as implying a preference for land based strategies for displaced persons whose livelihoods are land-based, there is no specific legislative or regulatory provision made for this preference.
Land Tenants/Squatters	No constitutionally or legislatively recognized resettlement rights or	For those without formal legal rights to lands or	While in principle no distinction or

<sup>1</sup> Source: *Safeguards Diagnostic Review for Piloting the Use of Ghanaian Systems to Address Environmental Safeguard Issues in the Proposed World Bank-Assisted Ghana Energy Development and Access Project (GEDAP)*, December 2006

Types of Affected Persons/ Lost Assets	Ghanaian Law	World Bank OP4.12	Comparison/Gaps
	assistance for those without recognized (formal) legal rights to land.	claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihoods	discrimination is made on the basis of gender, age, or ethnic origin, there is no equivalence on the specific requirement of non-discrimination or the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.  Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.
Land Users	Article 20(3) the 1992 Constitution requires that where a compulsory acquisition or possession of land effected by the State involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values.	Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between Bank and Ghanaian systems for identifying and addressing impacts resulting from project related activities.
Owners of non-permanent buildings	There are no constitutionally or legislatively recognized resettlement rights or assistance for those without recognized (formal) legal rights to land.	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.	There appears to be a significant difference between Ghanaian laws and Bank policy. Those without formal legal rights or claims to such lands and/or semi-permanent structures are not entitled to resettlement assistance or compensation.
Owners of permanent buildings	<i>The Land Valuation Board</i> is responsible for the computation of compensation on the basis of market	Entitled to in-kind compensation or cash compensation at full	Ghanaian law requires the affected persons receive compensation on the basis

Types of Affected Persons/ Lost Assets	Ghanaian Law	World Bank OP4.12	Comparison/Gaps
	<p>value in the case of land and replacement value for houses and other properties damaged or destroyed as a result of the acquisition.</p> <p>The <i>State Lands Act</i> defines <i>replacement value</i> as the amount required for “reasonable reinstatement equivalent to the condition of the land at the date of said declaration.”</p>	<p>replacement cost including labor and relocation expenses, prior to displacement</p>	<p>of replacement value when permanent structures are affected. Although the law can be interpreted to include labor and relocation expenses, these are not explicitly enumerated under Ghanaian law.</p>
<b>Section II: Resettlement and Compensation Process</b>			
Timing of compensation payments	<p>There are no relevant constitutional or legislative provisions that specify the timing of completion of resettlement and compensation.</p>	<p>Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.</p>	<p>There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access. Even if these requirements are met, they would be applicable only to communities with proprietary rights or interests in affected lands.</p>
Calculation of compensation and valuation	<p>Ghanaian laws require the Minister for social welfare to take all reasonable measures to assist in the resettlement of people inhabiting lands liable to be inundated and adjacent lands needed by the Authority for the discharge of its functions, to ensure that no person suffers undue hardship or is deprived of necessary public amenities as a result of his or her resettlement.</p>	<p>Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training</p>	<p>There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.</p>

Types of Affected Persons/ Lost Assets	Ghanaian Law	World Bank OP4.12	Comparison/Gaps
		or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.	
Relocation and resettlement	In situations where inhabitants have to be displaced, the state is to resettle all on “suitable land with due regards for their economic well being and social and cultural values”	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Ghanaian laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement
Completion of resettlement and compensation	There are no relevant constitutional or legislative provisions that specifically state that resettlement and compensation needs to be completed.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence between Ghanaian law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access. Even if these requirements are met, they would be applicable only to communities with proprietary rights or interests in affected lands.
Livelihood restoration and	There are no specific laws or regulations specifying support for livelihood restoration and transition	Livelihoods and living standards are to be restored in real terms to	Ghanaian policy and legislation would need to be aligned with Bank

Types of Affected Persons/ Lost Assets	Ghanaian Law	World Bank OP4.12	Comparison/Gaps
assistance	and moving allowances	pre-displacement levels or better	policy to effectively guarantee rights of all affected persons of involuntary resettlement
Consultation and disclosure	Consultation requirement not provided for directly in legislative or constitutional provisions. The issue of compensation is the responsibility of the Lands Commission and the Lands Valuation Board on the basis of the criteria established under the State Lands Act 1962 as amended.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	<p>While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy, noted above also.</p> <p>In LI 1652 (Regulation 17), similar considerations apply and the same differences are identifiable: There is no requirement to disclose the preliminary report under Regulation 9.</p> <p>Despite the differences identified, the practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language. This is significant considering the composition of those most likely to be excluded from the remit of Ghanaian legislative and constitutional protection for involuntary resettlement (i.e., squatters).</p>
<b>Section III: Dispute Resolution</b>			
Grievance mechanism and	There are various legislative measures that govern the rights of	Establish appropriate and accessible grievance	

Types of Affected Persons/ Lost Assets	Ghanaian Law	World Bank OP4.12	Comparison/Gaps
dispute resolution	persons with formally recognized interests in land. They preserve extensive State powers to compulsorily acquire land but also provide for procedural redress and complaint mechanisms, including direct recourse to a minister, appeals to tribunals, as well as for determination by the High Court and Court of Appeal of disputes arising from conflicting claims or interests. There is legislative provision made for notice and procedural requirements – 1964 Lands (Statutory Way Leaves) Regulations, and for compensation for compulsory acquisition – 1963 Lands (Statutory Way Leaves)	mechanisms	

## **Institutional Framework**

### **Land Valuation Board (LVB)**

The LVB is the statutory government institution responsible for assessing and approving compensation amount to PAPs. LVB will receive, value and verify documentation on affected properties. This is to ensure that payments are not made to people who are not adversely affected and also compensations offered affected persons are reasonable. The LGCSP project falls within the jurisdiction of LVB.

### **Ministry of Finance/Accountant General’s Department**

The Ministry of Finance and Economic Planning is the agency that manages the central government’s budget. The Ministry of Finance is responsible for releasing money to be paid to victims of projects undertaken by state agencies. On request from the MLGRD, the Ministry of Finance will authorize and release to MMAs, the funds required to implement the RAPs, pay supplemental assistance and compensations. The Ministry may also enter into special arrangements with participating MMAs regarding implementation of provisions in the RAPs especially with reference to payments of compensations.

### **Land Commission/Ministry of Lands and Forestry**

This is the state agency charged primarily with the management and administration of state and vested lands. It is responsible for advising on policy framework for development of particular areas so as to ensure that development of such areas is coordinated. The functions of Lands Commission are spelt out in Article 256 of the 1992 Constitution and the Lands Commission Act (Act 483) 1994. The Commission’s role in the compulsory acquisition is that it serves as a member/Secretary to the site selection committee, a technical committee that considers request for compulsory acquisition by the state agencies and

recommends its acceptance or otherwise. The proprietary plan covering the site to be acquired is plotted by the Commission in the government records. Also recommendation on the acquisition is processed by the Commission for the approval by the Minister responsible for lands, before an executive instrument would be issued and gazetted.

#### **Town and Country Planning Department (MMAs)**

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

#### **Attorney General's Department and Ministry of Justice**

The Attorney General's Department of the Ministry of Justice has redress mechanisms in place for aggrieved persons. The Attorney General will encourage all individuals (PAPs) who will not be satisfied with compensation offered them to seek redress in a court of law as empowered by constitution. Within the grievance redress mechanism this will be a last resort after all parties have exhausted opportunities outlined by the grievance redress team established by the project.

#### **The Metropolitan/Municipal Assemblies**

The MMAs are the local authorities who have jurisdiction over the project corridors and sites. They grant permits and licenses for development and operation of infrastructure and any commercial activity

### **COMPENSATION AND ENTITLEMENT MATRIX FOR LAND AND OTHER ASSETS**

The RPF guidelines apply to all eligible activities under components 1, 2 and 3 of the Ghana Fisheries Project, whether or not they are directly funded in whole or in part by the World Bank Funding. The RPF applies to activities in sub-projects (or components) affecting those who would be physically displaced or who would lose some or all access to resources and livelihood, and regardless of the total number affected, the severity of impact, and their legal status (note: the RPF guidelines apply also to those with ill-defined or no title to the land).

The RPF provides special attention to the needs of vulnerable groups among the Project Affected Persons (PAPs), especially households with incomes below the national poverty line, including the landless, elderly and disabled, women and children, indigenous groups and ethnic minorities, and other historically disadvantaged groups.

#### **Description of the project activities with potential for Compensation and Resettlement**

Through the work of the West Africa Regional Fisheries Program it has been accepted that restriction of rights to fisheries as a natural resource may in some circumstances amount to loss of livelihood for affected individuals.

The activities in the project that are expected to have some land acquisition or restriction of access include the following: adjusting fishing effort and supporting alternative livelihoods; reduction in the illegal fishing activities threatening the sustainable management of the country's fish resources by strengthening monitoring, control and surveillance (MCS) of fisheries licenses and regulations; fish product trade infrastructure, marine and inland aquaculture development and development of existing or new harbours and landing sites.

Current proposals include the improvement of nine landing sites, the construction of additional berthing facilities at Elmina and possible construction of a new harbour at Axim. Each of these sub-projects is at the concept stage and full feasibility studies and designs will need to be undertaken before any firm commitment is entered into for their development. It is therefore not possible to prepare, or even confirm



the need for, specific Resettlement Action Plans (RAPs) in these instances. Once the need for RAPs is confirmed, the project will prepare and disclose the RAPs after the necessary clearances, approvals and consultations.

### **Project Affected Persons (PAPs)**

They are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or economic resources as a result of activities related to sub-project(s). For the purpose of this RPF, an estimated to be between 1,000 to 3,000 persons who might lose their livelihood as a result of project-supported reductions to the semi-industrial and industrial trawl fleet (see Process Framework). PAPs may be affected by the different activities that trigger the OP 4.12. This estimate can change when the actual figures are confirmed during the social assessment and socio-economic surveys that will be carried out subsequently.

### **Project Affected Households**

Are groups of PAPs in one household and where one or more of its members are directly affected by the activities outlined above. These include head of households, male and female members, dependent relatives, tenants, etc.

### **Vulnerable Groups of People**

From these households the project will separately identify the vulnerable members, such as those who are too old or too ill; children; those stricken with HIV/AIDS; women; unemployed youth; etc. Households headed by women that depend on sons, brothers, and others for support are especially vulnerable. Similarly, households with elderly or seriously ill persons are eligible for additional support.

During implementation of the project a social assessment will be carried out to identify the areas or sites where expected resettlement impacts due to land acquisition or restriction of access to resources are likely to be. At that stage, OP 4.12 calls for the preparation of separate stand-alone Resettlement Action Plans (RAPs) consistent with the guidelines provided in this RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed.

- All potential PAPs should be identified (through a scoping exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);
- PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and
- PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.

### **Eligibility Criteria of PAPs**

The PAPs may be eligible for compensation and resettlement assistance if:

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

The above PAPs eligibility criteria is according to the World Bank Involuntary Resettlement Policy, OP 4.12 and State Lands Act 1963 section 6(1) of the Government of Ghana which provides that any person whose property is affected by public projects shall be entitled to compensation. The Act also provides avenues for people who are not satisfied with compensation to seek redress (see Table 5.1 below).

Resettlement Action Plans or abbreviated resettlement action plans may be required in instances where PAPs have been identified. In such cases, a number of actions will be required by MMAs. These would include the following:

### **Screening**

This process would lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) that sub-projects will construct that may potentially involve resettlement issues. This list will be presented to affected communities using a sensitization and consultation process. These consultations will be documented for each site (sub-project).

### **RAP Preparation**

As soon as the list (sub-projects) is identified and approved by the responsible implementing agency, a consultative and participatory process for preparing a RAP should be started, as follows:

- A socio-economic survey will be completed to determine scope and nature of resettlement impacts;
- The socio-economic study will be carried out to collect data in the selected sub-project sites; and
- The socio-economic assessment will focus on the potential affected communities, including some demographic data, description of the area, livelihoods, the local participation process, and establishing baseline information on livelihoods and income, landholding, etc.

Annex 2 describes the requirements for the RAP in detail. In general, a RAP should contain the following information:

- i. Baseline census;
- ii. Socio-Economic survey;
- iii. Specific compensation rates and standards;
- iv. Entitlements related to any additional impacts;
- v. Site description;
- vi. Programs to improve or restore livelihoods and standards of living;
- vii. Detailed cost estimates and implementation schedule.

The following guidelines are used when a RAP is developed.

(i) ***Consultation and Participatory Approaches***

A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process.

(ii) ***Disclosure and Notification***

All eligible PAPs are informed about the Fisheries project and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) – may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.

(iii) ***Documentation and Verification of Land and other Assets***

The government authorities at both national and local levels; community elders and leaders; representatives from the Ministry of Fisheries will arrange meetings with PAPs to discuss the

compensation and valuation process. The RAP preparation team will complete a Compensation Report (CR) containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in the CR, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The CR will be regularly updated and monitored.

(iv) ***Compensation and Valuation***

All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, the Ministry of Fisheries will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. Table 5.1 below provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons, an independent NGO as witness and community/local leaders.

(v) ***Community Payments***

Although most sub-projects do not normally take land and other assets belonging to a community, such as a community centre, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation of wells or pumps; creation of market places; and reconstruction of community roads.

(vi) ***Grievance Mechanism***

The Ministry of Fisheries will establish an independent grievance mechanism supported by other agencies and comprising representatives of PAPs, implementing agencies including local authorities and community leaders. All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation and relocation. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP team will produce a report containing a summary of all grievances. The dispute resolution process may include Ghanaian Courts of Law, but traditional institutions can be an effective first step.

**Entitlement Matrix**

<b>Land and Assets</b>	<b>Types of Impact</b>	<b>Person(s) Affected</b>	<b>Compensation/Entitlement/Benefits</b>
Agricultural Land	<p>Cash compensation for affected land equivalent to market value</p> <p>Less than 20% of land holding affected</p> <p>Land remains economically viable.</p>	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
		Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	<p>Greater than 20% of land holding lost</p> <p>Land does not become economically viable</p>	Farmer/ Title holder	<p>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice.</p> <p>Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )</p>
		Tenant/Lease holder	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>agreement, whichever is greater.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )</p> <p>Relocation assistance (costs of shifting + allowance).</p>
Commercial Land	<p>Land used for business partially affected</p> <p>Limited loss</p>	Title holder/ business owner	<p>Cash compensation for affected land</p> <p>Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</p>
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	<p>Assets used for business severely affected</p> <p>If partially affected, the remaining assets become insufficient for business purposes</p>	Title holder/ business owner	<p>Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</p>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		Business person is lease holder	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to reestablish the business.</p>
Residential Land	Land used for residence partially affected, limited loss	Title holder	Cash compensation for affected land
	Remaining land viable for present use.	Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Title holder	<p>Land for land replacement or compensation in cash according to PAP's choice.</p> <p>Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
	Land and assets used for residence severely affected	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws		<p>Cash compensation equivalent to 3 months of lease/ rental fee</p> <p>Assistance in rental/ lease of alternative land/ property</p> <p>Relocation assistance (costs of shifting + allowance)</p>
Buildings and Structures	Structures are partially affected	Owner	Cash compensation for affected building and other fixed assets
	Remaining structures viable for continued use	Rental/lease holder	<p>Cash assistance to cover costs of restoration of the remaining structure</p> <p>Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs</p>
	Entire structures are affected or partially affected  Remaining structures not suitable for continued use	Owner	<p>Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant)</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</p> <p>Assistance to help find alternative rental arrangements</p>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Rehabilitation assistance if required (assistance with job placement, skills training)
		Squatter/informal dweller	<p>Cash compensation for affected structure without depreciation</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</p> <p>Rehabilitation assistance if required assistance with job placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re- establish the business.</p>
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)



## IMPLEMENTATION ARRANGEMENTS

This section outlines the institutional arrangements for implementing resettlement or compensation related activities. Some institutions to participate in the exercise are identified as follows:

### Institutional Framework

No.	Institution	Responsibility
1.0	Ministry of Food and Agriculture/Fisheries Commission	Overall supervision of the preparation and implementation of the RPF and Resettlement/Compensation Plan. Trigger the process through inventory of affected persons and assets and implement plan in close consultation with Consultant To provide funds for compensation payment
2.0	Environmental Protection Agency (EPA)	Review and monitor Social Impact Assessment
3.0	District Assembly Committees	Represent community and assist in inventory of affected persons
4.0	Ministry of Lands and Natural Resources	To assist in the valuation and compensation payment process and reporting
5.0	Consultant, NGO	Prepare Resettlement plans and assist with implementation and capacity building. NGOs to help with monitoring and validation of the implementation of the safeguards instruments and action plans and some sensitization/education and capacity building activities

WARFP in Ghana PIU in conjunction with the Ministry of Food and Agriculture/Fisheries Commission has the overall responsibility for preparing the Resettlement Policy Framework and implementing any follow up Resettlement Action Plans with World Bank approval. It will ensure that all compensation, resettlement and rehabilitation activities are carried out satisfactorily before construction work commences. Much of the work will be spearheaded by WARFP PIU in conjunction with the Ministry of Food and Agriculture/Fisheries Commission and with the assistance of local authorities to ensure that Communities are properly and adequately informed (timely) of the Plans, and also their rights and options relating to their properties that may be affected by the project. Specific measures will include:

- Broad consultations with PAPs and other stakeholders
- Coordinating activities on resettlement or compensation plans
- Ensuring timely provision of compensation, in cash and/ or kind
- Attending to any grievances submitted by the affected persons

WARFP in Ghana will engage and involve all sections of the community in discussions on the Plan. The project team will:

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

## IMPLEMENTATION

### Sequence of implementation and responsibilities

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

No	Task	Institutions
1	Preliminary assessment of resettlement issues	Ministry of Food and Agriculture/Fisheries Commission / World Bank/Consultants
2	Confirm need for resettlement/compensation actions	Ministry of Food and Agriculture/Fisheries Commission /Ministry of Lands / EPA/ Consultants
3	Assess the number of affected persons	Ministry of Food and Agriculture/Fisheries Commission / EPA/ District Committees, Consultants
4	If number of affected persons is less than 200, prepare abbreviated resettlement plan (ARP) for approval.	PIU WARFP in Ghana, Ministry of Food and Agriculture/Fisheries Commission, Consultants
5	If number of affected persons is 200 and more, prepare RAP for World Bank approval.	PIU WARFP in Ghana, Ministry of Food and Agriculture/Fisheries Commission, Consultants
6	Use conditions set out in the RPF to trigger the process required to undertake land acquisition and compensation payment	PIU WARFP in Ghana, Ministry of Food and Agriculture/Fisheries Commission
7	Budgeting of costs	PIU WARFP in Ghana, Ministry of Food and Agriculture/Fisheries Commission, GEPA, Consultants
8	Confirm arrangements for managing funds	Ministry of Food and Agriculture/Fisheries Commission / GEPA/ District Committees, Consultants
9	Implement Policies and Plans	PIU WARFP in Ghana, Ministry of Food and Agriculture/Fisheries Commission
10	Monitor Implementation	PIU WARFP in Ghana, Ministry of Food and Agriculture/Fisheries Commission

### Procedures for delivery of entitlements

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

*Compensation Committee:* The committee will comprise representatives of the affected persons, DistrictsAssemblies, Ministry of Food and Agriculture/Fisheries Commission, EPA, Producer organizations.

*Consultations:* The interests of potentially affected persons should have been taken fully into account as a result of active consultations at the beginning of and throughout the project. All affected persons should be given access to the Resettlement Plan and the information should be communicated in a form that is readily understood in local languages.

*Notification on Entitlements:* Affected persons will be notified through both formal (in writing) and informal (verbal) manner, for example at community meetings on their entitlements.

*Documentation:* The names and addresses of affected persons will be compiled and kept in a database including claims and assets. The Ministry of Food and Agriculture/Fisheries Commission will maintain records of these. The records are also important especially for future monitoring activities.

*Contract Agreement:* A contract listing of all property and land being surrendered and the types of compensation (both cash and kind) would be prepared. The contracts will be presented at meetings 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, an independent NGO 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 or decommissioning can begin until the project affected persons have been compensated in full or resettled.

*Redress of Grievances:* If affected persons are not satisfied with proposed entitlements or its implementation, they can seek redress through a Grievance Committee whose composition will be determined following stakeholder consultation during finalization of the Resettlement Process Framework. If the affected persons are still not satisfied they could take it up further to the law courts.

*Financial Obligations:* It is the responsibility of the Government of Ghana through the WARFP in Ghana to pay compensation and WARFP in Ghana will facilitate this through the responsible sector Minister/Ministry.

## **GRIEVANCE MANAGEMENT AND REDRESS MECHANISM**

### **Potential grievances/disputes**

In practice, grievances and disputes that arise during the course of implementation of a resettlement and compensation program may be related to the following issues:

- Mistakes in inventorying or valuing properties;
- Disagreement on plot boundaries, either between the affected person and the expropriation agency;
- Disputed ownership of a given asset (two or more affected people claiming that the affected asset is theirs);
- Disagreement on plot/asset valuation;
- Disagreement on the resettlement package (the location of the resettlement site does not suit them; proposed housing or resettlement plot characteristics are not in their view adequate) and;
- Delays in payment of compensation/other entitlements.

### **Proposed grievance management and redress mechanism**

In such compensation and resettlement operations, it often appears that many grievances derive from misunderstandings of project policy, which can usually be resolved through adequate mediation. Most grievances can be settled with additional explanation efforts and some mediation and effective communication. This is why a first instance of dispute handling through the grievance redress committee will be set up with the aim of settling disputes amicably. 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.

**Formation of the Grievance Committees**

Persons to ensure amicable mediation will be selected from among the following members:

- Representatives (preferably two) from the Project implementation unit of WARFP in Ghana
- An attorney of the affected person(s)
- Representative of the relevant government agency-
- A local elder/local government representative
- A local NGO –as witness

**Registration of Grievances**

The proposed mechanisms will comprise of the following steps:

- Registration; and
- Amicable mediation and settlement

WARFP in Ghana will establish a register of resettlement/compensation related grievances and disputes. 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.

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 and the RPF in particular. It is important that these mediation committees be set up as soon as compensation report or resettlement plan preparation starts.

**Appeal to Court**

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

**Documentation and Tracing**

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.

**Proposed schedule for Grievance Redress**

The schedule is summarised in the Table below which suggests a period of about 37 to 66 working days to identify and resolve project grievances. It is recommended that a maximum of two months should be set for completion of the grievance review process.

Step	Process	Description	Time frame (Days)	Other information
1	Identify grievance	Face to face; phone; letter, e-mail; recorded during public/community interaction; others	1	Email address; hotline number
2	Grievance assessed and logged	Significance assessed and grievance recorded or logged (i.e. in a log book)	3-6	Significance criteria Level 1 –one off event; Level 2 – complaint is widespread or repeated;

				Level 3- any complaint (one off or repeated) indicating breach of law or policy or this RPF provisions
3	Acknowledge grievance	Acknowledgement of grievance through appropriate medium	5-12	
4	Develop response	-Grievance assigned to appropriate party for resolution -Response development with input from management/ relevant stakeholders	3-6 8-12	
5	Response signed off	Redress action approved at appropriate levels	3-6	Senior management staff of WARFP in Ghana should sign off
6	Implement and communicate response	Redress action implemented and update of progress on resolution communicated to complainant	8-12	
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	3-6	
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	3-6	Final sign off on by Project Coordinator of WARFP in Ghana

## BUDGET AND FUNDING ARRANGEMENTS

The actual of 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 the preparation and implementation of the action plans. For the preparation of this RPF some cost estimates have been included in the matrix below. Specifically, the cost will be related 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 according to the following cost lines:

### *Preparation of Plan*

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

### *Relocation and transfer*

- Cost of moving and transporting items
- Cost of site and infrastructure development and services
- Subsistence allowance during transition
- Cost of replacement of businesses and downtime

### *Income and means of livelihood restoration plans*

- Cost of estimating income losses
- Cost of income restoration plans

#### *Administrative costs*

- Operation and support staff
- Training and monitoring
- Technical assistance

A template for the itemization of budget centres is to be prepared under the compensation plan or RP with cash compensation. All compensation activities will need to be properly documented.

#### **Budget Items**

<b>No.</b>	<b>Line Item</b>	<b>USD</b>
<b>1.0</b>	<b>PREPARATORY PHASE COST</b>	
1.1	Inventory of affected persons, assets and livelihoods	5,000
1.2	Valuation fees (Assessment Committee or private valuator)	2,000
1.3	Preparation of resettlement plans or compensation reports	25,000
<b>1.4</b>	<b><i>Subtotal 1 (Preparatory phase cost)</i></b>	<b><i>32,000</i></b>
<b>2.0</b>	<b>COMPENSATION COST</b>	
2.1	Compensation for permanent acquisition of land	150,000
2.2	Compensation for temporary occupation of land	15,000
2.3	Compensation for destruction of permanent immovable structures	Not applicable
2.4	Compensation for temporary displacement of moveable structures	25,000
<b>2.5</b>	<b><i>Subtotal 2 (Compensation cost)</i></b>	<b><i>190,000</i></b>
<b>3.0</b>	<b>LIVELIHOOD RESTORATION/MITIGATION MEASURES COST</b>	
3.1	Provision of compensation or support for developing alternative livelihoods for loss of income	25,000
3.2	Cost of special assistance to vulnerable persons	20,000
<b>3.3</b>	<b><i>Subtotal 3 (Livelihood restoration/mitigation cost)</i></b>	<b><i>45,000</i></b>
<b>4.0</b>	<b>CAPACITY BUILDING &amp; IMPLEMENTATION COST</b>	
4.1	Capacity building for key stakeholders –consultant	15,000
4.2	Overhead cost for compensation disbursement/grievance redress/monitoring & evaluation	15,000
4.3	Legal fees (in case of court dispute)	2,000
<b>4.4</b>	<b><i>Subtotal 4 (Capacity building &amp; implementation cost)</i></b>	<b><i>32,000</i></b>
<b>5.0</b>	<b>TOTAL COST (addition of all subtotals)</b>	<b>299,000</b>
<b>6.0</b>	<b>CONTINGENCY (5%-10% OF TOTAL COST)</b>	<b>15,000</b>
<b>7.0</b>	<b>GRAND TOTAL COST (Total Cost + Contingency)</b>	<b>314,000</b>

#### **METHODS FOR CONSULTATION AND PARTICIPATION**

##### **List of individuals/organizations contacted**

A series of consultations was held with various groups of stakeholders concerning the Government of Ghana's draft Fisheries and Aquaculture Development Plan, which includes the activities that this project will support, notably the reduction of the semi-industrial and industrial trawl fleets.

The consultation process for the Plan, which is the basis for this investment and the key provisions requiring the RPF, included a series of stakeholder consultations on the following dates and venues:

<i>No.</i>	<i>Stakeholder Category</i>	<i>Venue</i>	<i>Date</i>
1.	Policy Makers	M-Plaza Hotel, Accra	15 <sup>th</sup> – 16 <sup>th</sup> September, 2010
2.	Civil Society represented by Media and Fisheries-based Non-Governmental Organizations	Ghana Institute of Management and Public Administration (GIMPA), Accra	22 <sup>nd</sup> – 23 <sup>rd</sup> September, 2010
3.	Small Scale Fish Processors and Traders	Windy Bay Lodge, Winneba	30 <sup>th</sup> November to 1 <sup>st</sup> December 2010
4.	Marine Inshore Fishers	Stella Hotel, Tema	16 <sup>th</sup> -17 <sup>th</sup> December 2010
5.	Marine Industrial Fishers (Industrial Tuna fishers and industrial Trawlers)	Stella Hotel, Tema	8 <sup>th</sup> – 9 <sup>th</sup> February, 2011
6.	Fish Importers and Exporters and Canneries	Stella Hotel, Tema	10 <sup>th</sup> -11 <sup>th</sup> February 2011
7.	Marine Artisanal Canoe Fishers	Windy Bay Lodge, Winneba,	14 <sup>th</sup> -15 <sup>th</sup> February 2011
8.	Aquaculture Operators	Onyinka Hotel, Koforidua	17 <sup>th</sup> -18 <sup>th</sup> February 2011
9.	Inland Capture Fisheries	Johnson's Inn/Hotel; Kpando	24 <sup>th</sup> -25 <sup>th</sup> February, 2011

Subsequently, consultations with various stakeholders connected with the project during the preparation of the Resettlement Policy Framework (RPF) were held from October 27<sup>th</sup> to November 4<sup>th</sup>.

Participants in the consultations included representatives from the Fisheries Commission, the Ministry of Food and Agriculture, the Ghana National Canoe Fishermen Council, the Ghana Tuna Association, the Ghana Aquaculture Association, Ghana Inshore Fisheries Association, the University of Ghana, the University of Cape Coast, the Water Resources Institute, the Food Research Institute, the Ministry of Information, the Ministry of Tourism, a number of fishing companies in Accra, and a number of representatives from the media.

### **Stakeholder Consultations and Concerns**

Some of the issues raised during the stakeholder consultations, which should be considered in the implementation of this RPF, include:

- The need to reduce pressure on the fishing stocks was appreciated, but a cautious approach should be taken;
- The most inefficient vessels should be removed first;
- There is a need for greater information-sharing about the status of the resources to the industry, and greater education of fishers on this status;
- It was acknowledged that the fisheries cannot continue to operate in an open access system;
- Gradual replacement of canoes with fiberglass boats may be desirable, to reduce pressures on the forests, and to increase efficiency of the vessels;
- There is a need for institutionalized support to alternative livelihoods to fishing; and

- There were clear messages that programs would need to be developed to address crew members who are unemployed as a result of reductions to trawl vessels, and their families.

## MONITORING ARRANGEMENTS

The monitoring program will provide feedback on the implementation of the RPF and the Plan itself. Monitoring teams will be constituted and will report regularly to the Steering Committee of WARFP in Ghana. Monitoring will be for both the decommissioning of industrial fishing vessels, and any resettlement of local people arising from new construction works. It is necessary to compare the objectives of both the decommissioning/resettlement plan alongside achievements regarding whether livelihoods and living standards have been restored or enhanced. In case deviations are observed, appropriate measures will be implemented to address the shortcomings. The scope of monitoring will comprise social and economic considerations as well as technical components, which may further look at any physical infrastructure provided the affected persons.

The monitoring indicators should cover areas such as (1) restoration of living standards and livelihoods, (2) levels of affected persons' satisfaction determined by number of grievances registered and settled, and (3) effectiveness of resettlement planning.

An evaluation program will be implemented periodically to also check on compliance with policy and provide lessons to amend strategies, especially in the longer term. The evaluation will be based on current WB procedures and also national provisions on resettlement/compensation. It will identify actions which will improve policy and offer higher guarantees of implementation success. The process will be incorporated into the general assessment with clear reporting on safeguards implementation status.

### *Potential RPF Implementation Obstacles and Mitigation Measures*

	<b>Potential RPF Implementation Obstacles</b>	<b>Proposed Mitigation Measures</b>
1	Absence of clear-cut procedures for managing resettlement/compensation within the Ministry	The implementing agencies should adopt this RPF as a working document to address resettlement issues
2	Delays in disbursement of funds for compensation and resettlement payments	Adequate funds must be allocated for resettlement and compensation issues and in a timely manner to avoid delays.
3	Low capacity and knowledge in resettlement and compensation issues are frequently transferred)	Capacity must be built for all key implementing staff at all levels across the country on resettlement and compensation issues



4	Lack of coordination between the assemblies and regional EPA offices in handling E&S issues pertaining to assemblies' projects (without donor E&S criteria)	<ul style="list-style-type: none"> <li>- The capacity building on SEA by EPA must further focus on the need to ensure the various sub-projects adhere to EA processes</li> <li>- EPA should hasten decentralization process by establishing metropolitan and municipal district offices</li> <li>- EPA should strengthen its E&amp;S compliance monitoring of sub-projects</li> </ul>
5	Agitation of community members against implementation of projects (due to lack of awareness or politicization)	<ul style="list-style-type: none"> <li>- Adequate sensitization of the community</li> </ul>

## **ANNEX 1: World Bank Resettlement Policy Framework (RPF)**

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

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by [OP / BP 6.00](#), Bank Financing - that is, those in countries with [approved country financing parameters](#). Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects.*

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

### **Resettlement Policy Framework**

For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see [Annex A](#), paragraphs 23-25). The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs.

For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see [Annex A](#), paragraphs 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects<sup>26</sup> that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see [Annex A](#), paragraphs 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

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

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

## **ANNEX 2: Annotated Outline for Preparing a Resettlement Action Plan (RAP)**

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website,

<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,cont entMDK:20064610~isCURL:Y~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

*Description of the sub-project:* General description of the sub-project and identification of sub-project area or areas.

*Potential Impacts:* Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

*Objectives:* The main objectives of the resettlement program as these apply to the sub-projects.

*Socio-economic studies:* The findings of socio-economic studies to be conducted in the early stages of project preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

- (i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labor, 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;
- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- (v) 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, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

- (i) Land tenure, property, 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 sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- (iii) Public infrastructure and social services that will be affected; and
- (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

*Legal Framework:* The analysis of the legal and institutional framework should cover the following:

- (i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- (ii) Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- (iii) Relevant laws ( including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;
- (iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- (v) Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- (vi) Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

- (i) Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- (ii) Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- (iii) Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

*Eligibility:* Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

*Valuation of and compensation for losses:* The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

*Resettlement Measures:* A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of OP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

*Site selection, site preparation, and relocation:* Alternative relocation sites should be described and cover the following:

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- (iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

*Housing, infrastructure, and social services:* Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

*Environmental protection and management.* A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

*Community Participation:* Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

- (i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- (ii) Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
- (iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

- (i) Consultations with host communities and local governments;
- (ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- (iii) Conflict resolution involving PAPs and host communities; and

- (iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

*Grievance procedures:* The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

*RAP implementation responsibilities:* The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

*Implementation Schedule:* An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule should indicate how the RAP activities are linked to the implementation of the overall project.

*Costs and budget:* The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

*Monitoring and evaluation:* Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.





#### ANNEX 4: Glossary of Terms

Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
Cutoff Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the EASP program area boundaries. This is the date on and beyond which any person whose land is occupied for EASP program, will not be eligible for compensation.
Grievance Mechanism	The RPF contains a grievance mechanism based on policies and procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.
Implementation Schedule	The RPF contains an implementation schedule that outlines the time frame for planning, implementation, and monitoring and evaluation of the RAPs for sub-projects, if applicable.
Project Implementing Unit (PIU)	Some projects make use of project implementing units (PIUs), which are generally separate units within the project recipient's agency. The PIU is often composed of full time staff devoted to implementing the project, and have been encouraged to have separate teams with environment and social specialists who can carry out the activities, for example, as outlined in the RPF or RAP.
Rehabilitation Assistance	Rehabilitation assistance is the provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, needed to assist PAPs or DPs restore their livelihoods.
Replacement Cost	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. The cost should be based on Market rate (commercial rate) according to Ghanaian laws for sale of land or property. It is normally calculated based on a willing buyer-willing seller basis, but also applies in Ghana to acceptable market valuation or from an assessment from the Land Commission and government valuer.
Resettlement Action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when sub-project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or

Assistance	other assistance to make the transition smoother for affected households.
Resettlement Policy Framework (RPF)	The RPF is an instrument to be used throughout the project's implementation. The RPF sets out the objectives and principles, organizational arrangements, and funding mechanisms for any resettlement, that may be necessary during implementation. The RPF guides the preparation of Resettlement Action Plans (RAPs), as needed, for sub-projects.
Rights and Entitlements	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.
Witness NGO or Independent Monitor	Some RPFs refer to a witness NGO or an independent monitor that can be contracted to observe the compensation process and provide an independent assessment of the quality of the process. These are usually NGOs or other agencies that are not directly involved in the project and have a reputation for independence and integrity.

## ANNEX 5: Relevant Laws

Property Rights and Land Rights	Law / Regulation
Every person has the <b>right to own property</b> either alone or in association with others.	Constitution, Article 18
<p><b>Customary ownership</b> occurs where the right to use or to dispose of use-rights over land rest governed purely by customary laws of the land owning community. Customary laws in Ghana vary from one community to another and the Ghanaian society is made up of various ethnic communities with their varying social structure, customary practices and norms. These customary laws and norms rest neither on the exercise of brute force, nor on the evidence of rights guaranteed by government statute, but on the fact that they are recognized as legitimate by the community, the rules governing the acquisition and transmission of these rights being usually explicitly and generally known, though not normally recorded in writing (Bower, 1993). Such ownership may occur in any one or a combination of the following ways:</p> <ol style="list-style-type: none"> <li>1. Discovery and long uninterrupted settlement</li> <li>2. Conquest through war and subsequent settlement</li> <li>3. Gift from another land owning group or traditional overlord</li> <li>4. Purchase from another land owning group.</li> </ol> <p>Within the customary owned land system various schemes of interest with varying quantum of rights exist. The <i>Allodial title</i> is the highest quantum of land right capable of ownership and it forms the basis of all land rights in Ghana. The Allodial title in land is equivalent to the common law freehold rights. These rights are vested in a stool, a clan, a family, an earth priest or a private individual person.</p> <p>Other lesser interest that such as usufructuary interest, tenancies, licenses, and pledges emanates from the Allodial title. In Ghana, customary lands are managed by a custodian (a chief or a head of family) together with a council of principal elders appointed in accordance with the customary law of the land owning community. The custodian and the elders are necessarily members of the land owning community and are expected by customary law to hold the land in fiduciary capacity in trust for the members of the land owning community. They are thus accountable to the members of the land owning community for their stewardship. Membership is obtained by birth. All grants of land rights by the custodian require the concurrence of at least two of the principal elders for the grant to be valid.</p> <p>Customary ownership presents considerable land acquisition problems in Ghana. The boundaries of most customary owned lands are not generally surveyed and in some cases undefined. It is also plagued with land ownership squabbles and trying to identify the true owner of any piece of land can be risky. There is improper record keeping of judgments, dispositions and other records relating to the land by the custodians. In many instances, there is the need to distinguish between jurisdictional rights of custodians and propriety rights in land.</p>	Extended version of Customary Ownership of Land.
<p>Ghanaian law recognizes the main following four interests in land:</p> <ul style="list-style-type: none"> <li>• Allodial interest is the highest interest recognized by customary law. It is equivalent to freehold. Allodial titles are normally vested in stools or skins, and also in families or individuals, depending on areas and ethnic groups.</li> <li>• Customary law freehold is a perpetuity interest vested in members of the community</li> </ul>	None Cited

<p>that holds the allodial title. Customary law freehold implies that the holder can occupy the land and derive economic use of it.</p> <ul style="list-style-type: none"> <li>• Common law freehold is an interest that results from sale or gift to a nonmember of the community that holds the allodial title by the custodian of this title.</li> <li>• Leasehold is a right to occupy and develop the land granted for a certain period (up to 99 years for Ghanaian citizens and 50 for non-Ghanaian), usually against the payment of a rent.</li> </ul>	
<p>Allodial Title. In the Ghanaian context, this is the highest interest capable of being held in land. The Allodial title is customarily communally owned and is generally held or vested in stools or skins. In some traditional areas, it is held by clans, families, or individuals. Being generally in the form of communal interest in land it accrues to the entire community and is administered by the recognized traditional authority. The owner of the allodial title has complete and absolute freedom to use and dispose of the land only subject to the restrictions, or limitations or obligations as may be imposed by the general laws of the country.</p> <p>The mode of acquisition of the allodial title is by: discovery by hunters or pioneers of the stool etc of unoccupied land and subsequent settlement thereof and use by the subject; conquest, purchase or gift.</p>	None Cited
<p>Allodial Title. In the Ghanaian context, this is the highest interest capable of being held in land. The Allodial title is customarily communally owned and is generally held or vested in stools or skins. In some traditional areas, it is held by clans, families, or individuals. Being generally in the form of communal interest in land it accrues to the entire community and is administered by the recognized traditional authority. The owner of the allodial title has complete and absolute freedom to use and dispose of the land only subject to the restrictions, or limitations or obligations as may be imposed by the general laws of the country.</p> <p>The mode of acquisition of the allodial title is by: discovery by hunters or pioneers of the stool etc of unoccupied land and subsequent settlement thereof and use by the subject; conquest, purchase or gift.</p>	None Cited
<p>Customary Freehold. The customary freehold is an interest or title which a member of the larger community which holds the allodial title acquires in the communal land. It is an interest which is held as of right by virtue of being a member of the community. It is of indefinite duration and thus potentially subsists forever.</p> <p>The member who holds such interest has the right of beneficial occupation; unfettered use (also subject to the laws of the country). Upon death, the interest devolves on his/hers successors in title and infinitum. This interest prevails against the whole world including the allodial title from which it was derived. The customary freehold may however be terminated by the occurrence of any of these occasions; failure of successors, compulsory acquisition by the state; sale or gift by owner, abandonment or forfeiture in rare circumstances where for example the holders denies the absolute title of the allodial owner.</p>	None Cited
<p>Customary Tenancies. These are lesser interests in land and are created by the holder of the allodial title or customary freehold (or common law freehold). These types of</p>	None Cited

<p>tenancies are in nature share cropping arrangements. They are quite common in Ghana and occur when a tenant-farmer gives a specified portion of the farm produce to the land owner at each harvest time in consideration for use of the land. The two popular tenancy arrangements are the 'Abusa' and 'Abunu' schemes.</p> <p>Other forms of customary tenancies in which the consideration from the tenant is not sharing of crops but cash or a combination of crops and money exist. The customary license is in this category.</p>	
<p>The Common Law Freehold. This is an interest held for an indefinite period. It is derived from the rules of common law. The holder of this interest has the right of beneficial occupation and may subject to the laws of the land use in any manner.</p> <p>This type of freehold is created only by express grant. The grantor may thus impose terms on the grantee provided such terms are reasonable and not contrary to public policy or unconscionable. Currently, the laws of the land forbid non- Ghanaians from acquiring freehold in lands in Ghana</p>	None Cited
<p>The Leasehold. This type of interest is also a creation of the common law and not Ghanaian customary law. It is an interest in land for a specified period. The leasehold may be granted by the allodial holder in respect of lands in which no conflicting interest exists; or by a customary freeholder; or common law freeholder.</p> <p>In Ghana, leasehold may be for a maximum duration of 99 years. (Again non-Ghanaians can only acquire leases up to 50 years). Various terms and conditions may be imposed by the grantor including the payment of rent as consideration for the grant.</p>	None Cited
<p>Land owned customarily is governed by customary laws prescribed by the local community and therefore varies greatly from place to place.</p> <p>Allodial titles are vested in stool lands and it is the highest right to ownership of land. Family land is vested in the head of the family and is not under government control as Stool lands are under the Administrator of Stool Lands.</p>	None Cited
<p>State lands have been compulsorily acquired by government for public purposes or in the public interest and administered by the Lands Commission. Vested land is customarily owned but vested in the government which manages it on behalf of the owner (e.g. stool).</p>	None Cited
<p>State land. State land is land that the State has compulsorily acquired for public purposes or in the public interest. It is administered by the Lands Commission.</p>	None Cited
<p>State lands are those specifically acquired by government under an appropriate enactment using the state powers of eminent domain. Currently the principal acquiring legislation is the State Lands Act of 1962, Act (122) for public purposes or in the public interest. Under such ownership the allodial rights become vested in government who can then proceed to dispose of the lands by way of leases, certificate of allocations, licenses etc to relevant beneficiary state institutions as well as private individuals and organizations. The boundaries of these lands are cadastrally surveyed but are scattered throughout the country.</p>	State Lands Act of 1962
<p>Vested land. Vested land is still owned by a customary landowner, typically a stool, but</p>	None Cited

has been 'vested' in the Government which manages it on behalf of the customary owner. This should mean that the customary owners still retain the land economic benefits, whereas the Government, through the Lands Commission, manages the land (i.e. has a right to sell or lease it for instance).	
The third category of land in Ghana is the generally referred to as vested lands and they are lands owned by a stool but managed by the state on behalf of the land owning stool. Under such ownership the legal rights to sell, lease, manage, collect rent, is taken away from the customary landowners by the application of specific law to that land and vested in the state. The landowners retain the equitable interest in the land i.e. the right to enjoy the benefits from the land. This category of land is managed in the same way as state lands. Unlike state lands however, the boundaries are not cadastral surveyed and they are usually larger in size, covering wide areas.	None Cited
In Ghana there is no land without an owner, it is presumed that any parcel of land in Ghana would fall within one of the above-discussed categories and since state and vested lands are acquired expressly through legislation, all other lands outside these categories belong to the class of customary lands - stools, clans or families.	None Cited
Stool land. Stool land is land the allodial title of which is vested in a stool. Although under customary law, stool land has a customary custodian (the chief of the stool); the 1992 Constitution has created the Office of the Administrator of Stool Land, which is in charge of collecting fees and royalties, which amount to land taxes.	None Cited
Act 123 of 1962 was enacted to facilitate the management and administration of stool lands (and other lands). The Act empowers the Minister responsible for lands to manage stool lands in accordance with the provision of the law.	Act 123, Administration of Lands Act 1962
Family land. Family land is vested in the head of the family. These lands are not placed under the control of the Government, as stool lands are, and are less regulated.	None Cited
Ghana Land Policy provides guidelines and policy actions for land use (e.g., agriculture, forestry, extractive industry, settlement, and infrastructure). These guidelines are aimed at enhancing conservation and environmental quality, thus preserving options for present and future generations.	Ghana Land Policy 1999
The main objective of Ghana Land Policy is to provide guidelines aimed at enhancing land management systems, land use, conservation of land resource and enhancing environmental quality. All these are intended to ensure coordinated and orderly use of land, a vital resource, by present and future generations.  Ultimately the policy seeks to give protection to proprietary rights and promote the concept of prompt payment of adequate and fair compensation for compulsorily acquired lands and also create the enabling environment for community participation in sustained land management.	Ghana Land Policy 1999
The Forestry Commission Act confirms the constitutional position of the Forestry Commission and reaffirms it as sole implementing agency of government policy in the forestry sector.	Forestry Commission Act
Inhabited and cultivated land is generally exploited by individuals. Clearing bush requires	None Cited

<p>heavy labor and usually occurs from September to the start of the April -June season. Customary rights recognize the labor that an individual invests in clearing and maintaining land. Individual fanners have control over the land they clear as long as they keep it in cultivation. Among all ethnic groups, immediate blood kin also have residual rights to any land a recently deceased person was cultivating. If there are no close classified relatives, or once the individual ceases to use this land, it begins to revert back to the community. For this reason, individuals may not relinquish land they are using to an outsider without the general agreement of the village.</p>	
<p>Inhabited and cultivated land is generally exploited by individuals. Clearing bush requires heavy labor and usually occurs from September to the start of the April -June season. Customary rights recognize the labor that an individual invests in clearing and maintaining land. Individual fanners have control over the land they clear as long as they keep it in cultivation. Among all ethnic groups, immediate blood kin also have residual rights to any land a recently deceased person was cultivating. If there are no close classified relatives, or once the individual ceases to use this land, it begins to revert back to the community. For this reason, individuals may not relinquish land they are using to an outsider without the general agreement of the village.</p>	None Cited
<p>Exploited bush is considered community land. Even if a village moves, it still retains residual rights to its exploited land. Others can use it but generally check first with the village. When a village falls apart or ceases to exist, its land reverts to the district wide pool.</p>	None Cited
<p>Bush that is not regularly exploited may be used by anyone. However, bush may contain trees that have been protected by individual farmers who once farmed this land. These farmers would have first claim to the fruits of these trees, even though the land has reverted to bush.</p>	None Cited
<p>Conservation sites are considered communal or open access land where exploitation of the natural resources is free to all members of the village community. Each village claims primary, though not exclusive, rights to its perceived village territories usually identified using natural features (trees, rivers or streams). These boundaries, it is believed, are determined by village founders and elders and knowledge of them is passed from generation to generation. Community members normally live, farm, gather and hunt within their perceived territories. People from other communities are free to hunt in perceived territories of other villages if they are passing through or pursuing an animal, but would ask permission to make more than a casual hunting or gathering expedition. Within each perceived village territory, an individual looking for land to cultivate, after ensuring that no one else has a prior claim to the plot, approaches the village chief and/or village council for permission to cultivate it. Once an individual has obtained permission to clear the land for cultivation, a claim is established. People moving into tribal areas not owned by them and wanting land to farm may either rent or buy. Land over which there are no individual claims is communal, implying that all community members have equal rights to it and its resources.</p>	None Cited
<p>The Lands Commission is to manage, on behalf of the Government, public lands and any land vested in the President by the 1992 constitution or by another law or any land vested with the Commission.</p>	Land Commission

The Lands Commission is to advise the Government, local Authorities and Traditional Authorities on the framework for the development of a particular area of Ghana to ensure that the development of individual piece of land is coordinated with the relevant development plan for the area in concern	Land Commission
The Lands Commission must formulate and submit to Government on national policy with respect to land use and capability	Land Commission
The Lands Commission must advise on and assist in the execution of a comprehensive program for the registration of title to land throughout Ghana.	Land Commission
The Town and Country Planning in the districts would scrutinize and approve, or otherwise, the building plans and would provide a Zoning Report. The Building Plans and the Zoning Report are to be attached to the filled EAI Form and submitted to EPA for each project component.	Town and Country Planning



## **Annex 6: Regional Resettlement Policy Framework for the West Africa Regional Fisheries Program**

### **RESETTLEMENT POLICY FRAMEWORK FOR FISH LANDING SITES/BASIC INFRASTRUCTURE WEST AFRICA REGIONAL FISHERIES PROGRAM WEST AFRICA**

This Resettlement Policy Framework (RPF) provides guidelines to communities, local leaders and project officers for the development of Resettlement Action Plans (RAPs) under the West Africa Regional Fisheries Program (WARFP). RAPs are required, by agreement of each Government with the World Bank, for: i) the indemnification of property such as land, houses or businesses whether held under formal legal title or by customary right, ii) the physical relocation (resettlement) of families or businesses, and iii) the restoration of economic livelihoods in the event that these assets or activities are affected by a sub-project, be it through land acquisition or through restriction on access to natural resources. This RPF will define these situations and provide guidelines for suggested remedial measures to incorporate in the RAPs.

This RPF applies to all fish landing sites and basic infrastructure financed under the WARFP that require land for their investment.

#### **A. PROJECT DESCRIPTION**

The objective of the West Africa Regional Fisheries Program (WARFP or the Program) is to sustainably increase the overall wealth generated by the exploitation of the targeted marine fish resources in the participating countries, and the proportion of that wealth captured by these countries. These objectives will be achieved by: (i) strengthening the countries' capacity to sustainably govern and manage their fisheries, not only at the government level but also through local co-management of resources ; (ii) reducing illegal fishing; (iii) increasing the value and profitability generated by fish resources and the proportion of that value captured by the countries ; and (iv) program monitoring.

The Program will be implemented in four countries (Cape Verde, Liberia, Senegal and Sierra Leone), and will extend to other member countries as conditions permit (Ghana, Gambia, Guinea Bissau, Guinea and Mauritania). Program investments in these countries will be concentrated largely in the coastal fishing communities and waters of these countries. The safeguard analysis therefore takes into account the current situation of overexploitation of the resources and excess fishing effort by these communities in the region as a whole, and in particular in the four targeted countries, and the possible social ramifications of reducing fishing effort in certain cases to allow the fish stocks to rebuild.

WARFP will provide a menu of activities from which each country will select options based on its specific local context. These activities will be implemented at the national and the local level in collaboration with the Commission Sous Regional de Peche (CSRP) in order to enhance regional coordination and policy harmonization. In other words, a common approach is coordinated at the regional level, but implemented nationally and locally in order to show concrete results on the ground.

This RPF accords with the WARFP principle of regional coordination of national implementation of regional initiatives for improved fishery sustainability and income. Also, this RPF provides general guidelines for the development of RAPs, when necessary. The emphasis in both this regional RPF and in each of the RAPs from each country is on local involvement and participation in the definition of options and initiatives, as well as on mitigation or compensatory actions when community decisions adversely impact a segment of the fishing community.

## 1. PROJECT DESCRIPTION

WARFP will support four component activities, several of which have sub-components. The overall program is described immediately below.

### Component 1: Good Governance and Sustainable Management of the Fisheries.

The objective of this component is to build the capacity of Governments and stakeholders to implement a shared approach that would ensure that the marine fish resources are used in a manner that is environmentally sustainable, socially equitable and economically profitable. This component will support the following sub-components:

- (i) Development of the Capacity, Rules, Procedures and Practices for Good Governance of the Fisheries
- (ii) Introduction of Fishing Rights;
- (iii) Adjustment of Fishing Effort and Capacity to more Sustainable Levels, Introduction of Alternative Livelihoods where Needed;
- (iv) Social Marketing and Communication

### Component 2: Reduction of Illegal Fishing.

The objective of this component is to reduce the illegal fishing activities threatening the sustainable management of the marine fish resources. More specifically, this component improves the Monitoring, Control and Surveillance (MCS) systems of participating countries and adapts them to the needs of fisheries management, within the framework of a coordinated approach between the participating countries. This component will support the following sub-components:

- (i) Enabling Environment for Reducing Illegal Fishing;
- (ii) Monitoring, Control and Surveillance Systems
- (iii) Strengthened Regional Collaboration for MCS.

### Component 3: Increasing the Contribution of the Marine Fish Resources to the Local Economies.

The objective of this component is to increase the benefits to West Africa from the marine fish resources, by increasing the share of the value-added captured in the region. This component will support the following sub-components:

- (i) Fish Landing Site Clusters;
- (ii) Fish Product Trade Infrastructure, Information and Systems – Regional Minimum Integrated Trade Expansion Platform (MITEP).

Component 4: Coordination, Monitoring and Evaluation and Program Management. The objective of this component is to support the countries to implement the Program in the context of the CSRP Strategic Action Plan, and to monitor and evaluate results. This component will support the following sub-components: (1) National Implementation and (2) Regional Coordination.

In component 3 noted above, the Program will support the development of basic infrastructure in several communities for fish landing site clusters, which provide a group of economic activities and services to the fisheries. These will consist of basic works to establish small jetties or landing sites for offloading of fish products, supported by an integrated package of services around the sites for processing the products.

More specifically, in component 3, as well as small elements of components 1 and 2, the following types of small infrastructure will be supported:

Component 1:

- Community centers to support co-management of the fisheries

Component 2:

- MCS offices and/or fisheries monitoring centers
- Small coastal surveillance stations/bases

Component 3:

- Fish landing sites
- Laboratories for sanitary competent authority to inspect fish products

In terms of the specific countries, the Program would include the following investments:

Cape Verde:

- Improvements to the port/landing site at Praia (no land acquisition needed)
- Construction of a new fish landing site at Palmeira/Sal (potential for land acquisition)

Liberia:

- Community centers for co-management of the fisheries (community-owned land)
- MCS office with sanitary competent authority (Government-owned land)
- Landing site at Robertsport (community-owned land)
- Industrial fishing jetty in Monrovia (Government-owned land)

Senegal:

- Two coastal surveillance stations (potential for land acquisition)
- Fish landing site at Kafountine (no land acquisition – reparations and investments on existing site)
- Improvements to other fish landing sites (no land acquisition – reparations to existing sites)

Sierra Leone:

- Community centers for co-management of the fisheries (community-owned land)
- MCS office/fisheries monitoring center (potential for land acquisition)
- Coastal surveillance stations (potential for land acquisition)
- Fish landing site at Konakree dee (community-owned land)
- Reparations to existing fish landing sites (no land acquisition)

The MCS office with sanitary competent authority envisaged in Liberia, the industrial fishing jetty envisaged in Liberia, the two coastal surveillance stations in Senegal, the MCS office/fisheries monitoring center in Sierra Leone, and the coastal surveillance stations in Sierra Leone will hereafter be referred to as ‘small, basic infrastructure investments’.

The fish landing sites, and community centers for co-management, will hereafter be referred to as ‘fish landing sites/community infrastructure’.

These two distinctions will be utilized throughout this RPF.

## 2. WHY RAPs CANNOT BE DEVELOPED AT THIS TIME

*Fish landing sites/community infrastructure.* A fundamental premise of the fish landing site clusters is that they will be linked to community-based resource management so that the entire value chain is targeted: from managing the fish in the water to processing the product for market. As such, the Program will support the introduction of such landing sites, together with the introduction of strengthened resource management and Territorial Use Rights Fisheries (TURFs) – i.e. areas of the sea where the fisheries would be managed by the communities. For this reason, the specific location of the landing sites is not always determined (even if the general area is), and will depend upon community identification in many cases.

*Small, basic infrastructure investments.* Small, basic infrastructure investments that would be made by the Program will depend in some cases on technical specifications or policy decisions from the Government during the first year of the Program’s implementation in order to specify the location.

For these reasons, a framework is being prepared to define the general policy principles for future RAP development, that will be applied to the fish landing sites/community infrastructure or small, basic infrastructure investments, as the technical design is completed. The express purpose of this Resettlement Policy Framework is to define those principles so, when this policy applies, local groups, in consultation and collaboration with project officials, can develop and implement their RAP prior to starting to implement the fish landing sites under the Program.<sup>2</sup>

## B. PRINCIPLES AND OBJECTIVES OF RESETTLEMENT OPERATIONS

The most effective measure for avoiding disruption of people’s lives and livelihoods is to avoid taking land in the first place. Involuntary resettlement can often be avoided by exploring all viable alternative designs for an investment. It is therefore expected that the Program will explore all possible configurations of the fish landing sites/community infrastructure and small,

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<sup>2</sup> Under World Bank processing procedures, any project that entails resettlement and that will be undertaken in the first year of the project must present its detailed resettlement budget by appraisal. This stipulation poses no difficulty for the West Africa Regional Fisheries Program. In the present instance, community consultations and technical design work will occupy much of the first year. Too, there are several fish landing sites that will be supported that will not entail any resettlement, and these can be undertaken in the first year.

basic infrastructure investments and their possible location, in order to avoid the need for taking any land or at least to minimize the extent of land take.<sup>3</sup>

Where land acquisition is unavoidable, a RAP is required. The RAP will specify the procedures for land acquisition, compensation and economic assistance of project-affected people (PAPs). The RAP will also take into account the following principles and objectives in order to at least restore, and preferably improve, the standards of living of the PAPs.

First, when land is required, the area taken will be the smallest area possible, so that the extent of physical and economic dislocation is reduced to the absolute unavoidable minimum. In such instances, it is usually less disruptive to take community land rather than private land, as long as it is not occupied or utilized by others, whether legally or not. Where suitable unused community land is unavailable, private land must be acquired.<sup>4</sup>

Second, PAPs will be afforded full and meaningful opportunity to participate and contribute to the design and implementation of the project. It is preferable, especially in small fish landing sites, that the people affected concur fully with the necessity of the acquisition of their land; if not, other land should be considered. Further, even when people agree with the aims of the project, the compensation and other remedial measures will be discussed with and accepted by the PAPs, and they will have an important role in implementing the measures. Finally, the PAPs will play an important role in monitoring the resettlement operation, for their satisfaction with the operation is a significant project monitoring dimension.

Third, all PAPs will be compensated fully for the loss of any and all assets. This includes, but is not limited to: land, houses, business premises, other infrastructure (fences, wells, latrines, lost crops and economic trees), as well as, in the instance of businesses, employee wages and business profits for the period of disruption. In the case of land, compensation in-kind (that is, land-for-land) is preferred in rural areas. For other assets that are not replaced in kind, compensation values will be at new replacement cost, without depreciation, in order to assure that people can replace each asset. Also, payments will be effected in a timely manner so that the PAPs are not further inconvenienced.

Fourth, PAPs will be assisted in case of physical relocation or resettlement. Local officials and/or project officers will help PAPs identify and acquire a new residence or business locale, and will provide any other necessary ancillary support (e.g., purchase and/or transport of building materials, hiring building contractors, physical transfer and reinstallation).

Fifth, PAPs will be provided all reasonable and necessary assistance to restore their livelihoods, to the extent these are affected. This policy holds that where it is not feasible to avoid economic dislocation, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons

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<sup>3</sup> This review of alternatives considered will be presented in the introductory section of the RAP, which describes the project and the alternatives considered to avoid, or at least minimize, land acquisition and resettlement.

<sup>4</sup> The Screening Process [below, Section C] distinguishes between these situations because a RAP will be required only for the acquisition of community or state land that is occupied or used and for the acquisition of private land. In Guinea Bissau, community land is often held for the community by the chiefs, and is referred to as 'kingdom land' or 'chief's land,' depending upon which level of chief is vested with the land. These are effectively community lands that may be alienated to the sub-project, without a RAP, if there is no other claimant or user, that is, no one is affected economically in a direct and adverse manner.

displaced by the landing site to share in the investment's benefits. Therefore, when incomes or livelihoods are affected, PAPs will be provided assistance 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.

These principles provide basic guidelines for developing a detailed and time-bound Resettlement Action Plan when a fish landing site/community infrastructure or small, basic infrastructure investment requires land. The purpose of developing a RAP is to work through not only the procedures for land acquisition but also the measures necessary to improve -- or at least maintain -- the standards of living of the project-affected people, and to do so prior to sub-project implementation.

### **C. PROCESS FOR PREPARING AND APPROVING RESETTLEMENT PLANS**

*Fish Landing Sites/Community Infrastructure.* The process for preparing and approving resettlement plans involves three steps. First, once a community in each country has agreed on a fish landing site or infrastructure investment, they will complete an Environmental and Social Screening Checklist (ESSC) to ascertain whether or not there is any land acquisition required (see Appendix 1). If so, the community, in consultation with the PIU staff, will develop a Resettlement Action Plan (see Appendix 2). Finally, the investment proposal, together with the RAP, will be submitted to the PIU for the approval of the appropriate authorities.

*Small, Basic Infrastructure Investments.* Once the PIU has completed the technical design for such investments, the PIU staff will complete an ESSC to ascertain whether or not any land acquisition is required (see Appendix 1). If so, the PIU will develop a RAP, which will be submitted to the appropriate authorities for approval.

These steps are detailed below.

## 1. VERIFYING WHETHER OR NOT THERE IS RESETTLEMENT:

### THE ENVIRONMENTAL AND SOCIAL SCREENING CHECKLIST

This section describes the process for ensuring that environmental and social concerns, in particular, resettlement issues, are addressed adequately and early on in the project cycle. The process involves a simple checklist, which is verified through existing institutional procedures for managing the identification, preparation, approval and implementation of the fish landing sites.

The Environmental and Social Screening Checklist (ESSC) is designed to inform the PIUs and local Co-Management Associations (CMAs) created through the Program to manage the TURFs about critical issues and to make available to reviewers key information so that mitigation measures, if any, can be identified and/or that requirements for further analysis can be determined at an early stage of the project cycle for compliance with national legislation and Bank safeguards.

For fish landing sites/community infrastructure, once a CMA decides together with the national Program Implementation Unit (PIU) on the location of the fish landing site and accompanying basic infrastructure, or once identified by PIUs in the case of the small, basic infrastructure investments, the specific investment is checked by the CMA or PIU to complete the ESSC, and in particular to answer the following questions (12 and 13 in the ESSC):

- Will the landing site or basic infrastructure result in displacement, loss of assets, or access to assets (Yes or No)? and
- Will the landing site or basic infrastructure result in the permanent or temporary loss of crops, fruit trees, and household infrastructure (such as granaries, outside toilets and kitchens, etc.) (Yes/No)?

If the answers are 'No,' the fish landing site/community infrastructure or small, basic infrastructure investment poses no particular resettlement concern. In this cases, the fish landing site/community infrastructure proposed by the CMA can be forwarded to the PIU for field verification of the findings and for final processing. If one or more of the answers are 'Yes,' then a Resettlement Action Plan (RAP) is required, and the CMA will work together with the PIU to develop it.

This screening exercise must be carried out on a case-by-case basis to determine: i) whether land that is occupied or used will be required and ii) whether associated mitigating measures that will be necessary before the construction phase of the landing sites have been defined in sufficient detail that they can be readily implemented.

## 2. DEVELOPMENT OF A RAP AND PROJECT CERTIFICATION

When the initial assessment indicates that there will be land acquisition and therefore involuntary resettlement as defined under this policy, for fish landing sites/community infrastructure the CMA, with the assistance of the PIU staff, will develop a Resettlement Action

Plan. For small, basic infrastructure investments, the PIU will develop a RAP. The Bank's policy requires a RAP for any investment that involuntarily displaces people from land or productive resources, and the displacement results in: relocation, the loss of shelter, the loss of assets or access to assets important to production; the loss of income sources or means of livelihood; or the loss of access to natural resources.

The RAP should meet the requirements a subproject and be easy to use. There is no standard format or length. Nonetheless, the RAP will:

- a. Describe the landing site or infrastructure (and alternatives considered to minimize resettlement)
- b. Define the impacts (including those identified during the census and socio-economic survey)
- c. Census the population affected and undertake a baseline socio-economic survey
- d. Detail the type and extent of loss incurred by each PAP
- e. Specify whether compensation is in-kind for each loss or, for those assets whose indemnification is in cash, the unit compensation rates and overall cost for monetary compensation, including transport, administrative and other (e.g., contractor hiring) costs
- f. Determine and prepare the resettlement site, if any, including institutional arrangements
- g. Present any economic rehabilitation measures required
- h. Provide a timetable for resettlement and sub-project activities
- i. Present a detailed budget, and identify the sources of funds.

In practice, once the CMA or PIU has determined that there will be land acquisition and involuntary resettlement: (i) for fish landing sites/community infrastructure, the CMA (or a committee constituted of its members) will conduct a census of the affected population and an inventory of the assets each PAP will lose. At the same time, the TURF Facilitators working with the PIU will record basic demographic and economic information, specifically, the name, age, marital status, number of dependents, primary and secondary occupations of each PAP household, in parallel to CMA-conducted census, and the Facilitators will record the extent and type of impact and the importance of the area lost to each PAP family (See Appendix 2 for an example of a data collection sheet.); or (ii) for small, basic infrastructure investments, the PIU will conduct the above census and record basic demographic information, in order to record the extent and type of impact and the importance of the area lost to each PAP family. In the case of fish landing sites/community infrastructure, this work will be carried out with the assistance of the assigned PIU staff. In both cases the work will be supplemented, if necessary, with external technical assistance financed from the PIU budget.

Once it is determined how many people are affected and how severely, the CMA or PIU will consult with the PAPs on remedial measures. Ideally, all land lost will be replaced by land of the same size and of the same characteristics. Structures can be replaced in-kind by the sub-project or by the PAP using his or her indemnification payment(s). Annual crops that are lost before harvest are compensated at the market rate for that production at the mid-point between harvests. And economic trees are either valued for their lumber (timber trees) or, in the case of fruit trees, valued at the amount of production lost for the period it takes a replacement seedling to come into production.



This information is compiled in the RAP, along with key information on institutional arrangements, timetable and cost. In the case of fish landing sites/community infrastructure, the CMA leaders will sign the RAP to indicate that they and the PAPs agree with the propositions, and the TURF Facilitator will sign to certify that all of the information is complete and accurate. The RAP may then be sent to the PIU for further processing. In the case of small, basic infrastructure investments, the PIU will sign the RAP to indicate that they and the PAPs agree with the propositions, and the Director of Fisheries from the Ministry in charge of fisheries will sign to certify that all information is complete and accurate.

### **3. THE APPROVAL PROCESS**

For fish landing sites/community infrastructure, the approval process involves three steps:

1. Once the location for the fish landing site/community infrastructure has been selected and the ESSC completed, the (CMA) will review the proposal, and sign the submission to indicate their support for and agreement with the initiative. If a RAP is required, the CMA members, as well as the TURF Facilitator who worked on the development of the investment, will sign the RAP in order to indicate their familiarity with the compensation and economic assistance measures and their willingness to carry them out efficaciously. The CMA then forwards the proposal to the PIU.
2. The Coordinator of the PIU will review the submission, and carry out any field verification that he or she believes to be warranted, before signing the proposed investment.
3. The Coordinator of the PIU will forward the proposed investment to the Director of Fisheries for approval, who is responsible for the PIU and day-to-day oversight of Program implementation.

For small, basic infrastructure investments, the approval process involves two steps:

1. The PIU will prepare the investment and ESSC, as well as a RAP if needed.
2. The proposal, together with the RAP will be forwarded to the Director of Fisheries for approval.

### **4. IMPLEMENTATION AND MONITORING**

For details on implementation, please see Section I, and for details on monitoring, Section M, below.

### **5. TRAINING**

In view of the fact that, in practice, project and local officials, as well as communities, may not be familiar with project requirements, it is recommended that (a) these aspects be covered in training courses, (b) simple field guides be prepared and provided (e.g., a one-page brochure of how to report land occupation and how to plan and implement mitigation measures) and (c) specialist advice be provided as required.

Training will be provided to PIU, collaborating agencies, and community representatives in the identification of these issues and the development of appropriate mitigating measures. This training can be conducted in several stages. During the Project Kick-off meetings, at least one session will be devoted to resettlement issues. Subsequently, the TURF Facilitators, with the support of the PIU Coordinator, will conduct resettlement and environmental impact workshops at the local level.

Simple brochures will be prepared for these training sessions. Each brochure will discuss the issues involved in one environmental or social topic (e.g., natural habitats, cultural property, involuntary resettlement). The brochures will be distributed during the training programs and afterwards, so that participants have the material for future reference.

Situations may arise where Project-funded technical assistance is required, especially when the screening form triggers the need for an EIA or a RAP, i.e., if land must be acquired for a subproject or someone’s access to resources they are accustomed to using is restricted/denied. Once the need for a Resettlement Action Plan has been determined, it will be important to assess the complexity of the operation and decide whether external technical assistance would be helpful to the CMA or PIU in preparing a RAP according to principles and procedures detailed in the RPF.

#### **D. ESTIMATED POPULATION DISPLACEMENT BY CATEGORY**

As shown in section A.1, a number of the potential fish landing site/community infrastructure investments, as well as small and basic infrastructure investments – but certainly not all -- may entail land acquisition. Constructing jetties or fish landing sites may require land taking. So does economic infrastructure to support these investments, as landing sites may be fenced off (restriction of access), and fish-processing and other value-adding activities need new buildings and building plots. In addition to fish landing sites, construction of new offices for MCS operations, including small surveillance stations, may also require land acquisition.

Table 1 (below) details whether an activity is likely to involve land acquisition, and, if so, how much land is involved and a likely range of the number of people to be affected. As the table illustrates, it is likely that land acquisition is apt to be relatively infrequent and, even in those instances, restricted in extent, so that the number of families affected will be limited.

Table 1: Estimated Area Affected and Number of Project-Affected People, by Type of Investment

COUNTRY	INVESTMENT	LAND ACQUISITION LIKELY (YES OR NO)	LIKELY AVERAGE EXTENT OF LAND ARE TO BE TAKEN (HAS.)	LIKELY AVERAGE NUMBER OF OWNERS/OCCUPIERS (FAMILIES) AFFECTED
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#### **Fish Landing Sites/Community Infrastructure**

Cape Verde	Construction of a new fish landing site at Palmeira/Sal	Yes, unless unoccupied community land available	Less than 1 ha	(Total: TBD)
Liberia	Community centers for co-management of the fisheries	Potentially, but unoccupied community land is likely available	Area likely less than 50 meters by 50 meters	(Total: TBD) (Most likely, unoccupied village land will be available)
	Fish landing site at Robertsport	Potentially, but unoccupied community land is likely available	Less than 1 ha	(Total: TBD)
Senegal	Fish landing site at Kafountine	No, reparations to existing site	Existing site roughly 1 ha	0
	Improvements to other existing fish landing sites	No, reparations to existing site	Existing sites each less than 1 ha	0
Sierra Leone	Community centers for co-management of the fisheries	Potentially, but unoccupied community land is likely available	Area likely less than 50 meters by 50 meters	(Total: TBD) (Most likely, unoccupied village land will be available)
	Fish landing site at Konakree De	Potentially, but unoccupied community land is likely available	Less than 1 ha	(Total: TBD)
	Reparations to existing fish landing sites	No, reparations to existing site	Existing sites each less than 1 ha	0
<b>Small and Basic Infrastructure Investments</b>				
Cape Verde	Improvements to the port/landing site at Praia	No, improvements to existing site	0 ha.	0
Liberia	MCS office with sanitary competent authority	Unlikely, unoccupied Government land available	Area of roughly 1 hectare at Monrovia port	0
	Industrial fishing jetty in Monrovia	No, unoccupied Government land available	Less than 1 ha	0
Senegal	2 coastal surveillance stations	Yes, unless unoccupied community land available	Each station would occupy area less than 100 m x 100 m	TBD
Sierra Leone	MCS office/fisheries monitoring center	Yes, unless unoccupied Government land available	Area likely less than 0.5 ha	Total: TBD
	Coastal surveillance stations	Yes, unless unoccupied community land available	Each station would occupy area less than 100 m x 100 m	TBD

The total number of PAPs depends upon the specific locations selected for the above investments. As such, the actual number of people that might lose land or assets is difficult to estimate.

Table 2:  
Estimated Number of PAPs by Project Investment

Type of Investments	No. of Investments	Est. No. of PAPs
1. Construction of new fish landing sites	4	65 <sup>5</sup>
2. Reparations to existing fish landing sites	9	0
3. Community centers	12	125 <sup>6</sup>
4. MCS office/fisheries monitoring centers	2	10
5. Coastal surveillance stations	4	40
6. Industrial landing jetty/ improvements to existing ports	2	0
<b>Total</b>	<b>33</b>	<b>240</b>

It warrants repetition here that there is, at this time, before any communities have met to define their development options and to establish their investment priorities, no sure way at present to estimate the approximate number of families that might be affected and how.

## **E. ELIGIBILITY CRITERIA**

The OP on Involuntary Resettlement classifies as eligible for consideration all those who either have formal legal rights to land (including customary and traditional rights recognized under the laws of the country), those who do not have legal rights but have a claim to land or assets under national legal processes that could be adjudicated over time, and those who have no recognizable legal right or claim to the land they are occupying. Of this last category, the policy provides for resettlement assistance as necessary to achieve the objectives set out in the policy (recovery of lost assets, incomes and standards of living, or improvement of them). The only caveat is that all people should be recognized as having occupied the project area or had rights to its resources prior to an established cut-off date.

Thus, under this Policy Framework, any individual who loses land or other assets (e.g., residence, business premise, crops or economic trees) or whose livelihood is affected by land acquisition or changed land use by the West Africa Regional Fisheries Program is eligible for indemnification and/or assistance. The nature and extent of indemnification and assistance depends on the rights that individual has to the land taken and on the nature and extent of the impact (Table 3).

In some instances, it may not be necessary to acquire the entire plot. If the remaining area is no longer viable, the entire plot will be acquired. Where, however, sufficient area remains for the occupant to continue using the remaining area, land and any structures taken are compensated, and the structures lost are rebuilt on the remaining area by the owner, if he or she so wishes.

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<sup>5</sup> Estimated maximum of 13 families, 5 persons per family

<sup>6</sup> Estimated maximum of 25 families, 5 persons per family

Temporary land-take should be relatively uncommon, and is generally treated as land rent (e.g., area for a construction depot).

2. CUT-OFF DATE. The cut-off date for eligibility will be set for each investment as the date when either the CMA or the PIU completes the census of people occupying the land to be acquired and the inventory of their assets (land, built structures, and other infrastructure such as wells, latrines, fences),

**Table 3: Illustrative Matrix of Compensation Packages  
By Type of Asset Lost and Ownership Right**

IMPACT	RIGHT	COMPENSATION
Land	Formal title or customary title	Replace with plot of similar size and location for residence or similar size and characteristics (soil, water) for agriculture
	Renter or Leasee	No payment for land; assistance to locate replacement plot for rent
	Squatter	No payment for land; assistance to locate replacement plot
House or Business Premise (including all infrastructure such as wells, fences, outdoor kitchens, chicken coops and the like)	Owner	Replace with house of at least same size and infrastructure
	Renter	Reimburse any advance rental payments; provide assistance to locate new rental property; provide at least three months rent (as disturbance fee)
	Squatter	Provide assistance to locate new rental property; provide at least three months rent (as disturbance fee); assistance to acquire houseplot recommended
Crops	Owner/farmer	Compensate for lost production (yield) at price between harvests
Trees	Owner	Provide seedlings as replacement; Value of lumber or of fruit lost until seedlings come into production
Business	Owner	Compensate monthly profits foregone during period of relocation; Pay employee salaries during period of relocation
	Renter	Compensate profits and employees for wages as above, plus assistance to acquire new locale (as for all renters)

## **F. LEGAL FRAMEWORK**

### **1. LAWS AND REGULATIONS OF CAPE VERDE**

In terms of the legal framework for environmental impacts and activities, the Government elaborated the Second National Environmental Action Plan (PANA II), which has a 10-year horizon (2004-2014). The Plan's general objective is to provide the country with a strategy, promoting a rational use of natural resources and a sustainable management of economic activities. PANA II intends to answer to the Cape-Verdean diversity in topographic and agro-ecological terms, which is reflected in different environmental concerns and opportunities in each municipality.

The document identifies as priority environmental problems: i) limited water availability, suitable for home consumption and the development of economic activities; ii) the loss of marine and terrestrial biodiversity; iii) a poorly developed basic sanitation infrastructure that considerably affects public health and tourist development.

By means of a transversal, participative and decentralized process, involving public and private sectors, municipalities Non-Governmental Organizations and other civil society groups, municipal environmental plans were elaborated, and four priority interventions were identified: i) Sustainable management of water resources: ii) Basic sanitation, iii) Biodiversity and iv) Land use planning. In addition, several implementation instruments were outlined of which education, information, and environmental legislation and law enforcement were highlighted.

Additional laws and regulations that apply to this annex to the RPF include: Decree Number 3/2003 of February 24, 2003, which established the judicial regime for natural areas, the countryside, public monuments and areas that have importance in terms of biodiversity, natural resources, ecological functions, socio-economic interests, cultural interests, tourist interests or more broadly strategic interests, that would merit special protection in a national network of protected areas.

### **2. LAWS AND REGULATIONS OF LIBERIA**

Administratively, the Republic of Liberia is divided into 15 counties namely Bomi, Bong, Gbarolu, Grand Bassa, Grand Cape Mount, Grand Gedeh, Grand Kru, Lofa, Margibi, Maryland, Montserrado, Nimba, River Cess, River Gee and Sinoe. Counties are further divided into Districts, Townships and Villages. Townships are made up of a number of villages. In the traditional structure, the county is also divided into clans, which are subdivided into sub-clans. Townships are grouped into clans depending on the language groups and traditional affiliations.

The County administrative head is the Superintendent. A District is headed by a Commissioner, a Clan by a paramount chief, a sub-clan by a clan chief, a township by a town chief and the village by a village chief.

With regards to fisheries management by rural communities, the Bureau for National Fisheries, within the Ministry of Agriculture, has the primary management oversight responsibility. The following are Ministries whose jurisdictions are relevant to various fishing communities:

- Ministry of Agriculture (land use, farming, shifting cultivation, farming settlements, plantations);

- Ministry of Gender and Development - created 2002 (the role of gender in development);
- Ministry of Information and Culture/Bureau of Culture and Tourism (eco-tourism, recreational use, cultural/natural heritage sites);
- Ministry of Internal Affairs (administration of political subdivisions from counties to towns);
- Ministry of Planning and Economic Affairs (long-term national planning, coordination of international aid programs);
- Ministry of Rural Development (integrated rural development including agricultural development); and
- Ministry of Public Works (road and bridge construction).

Liberia's policy, legal and regulatory frameworks do not adequately address the safeguard mechanisms found in OP/BP 4.12. Perhaps the closest parallels to the fishing sector are found in forestry, where community forests have been developed and supported. As far back as 1983-84, the Forest Development Authority paid compensation for lost livelihoods and infrastructure (crops, buildings, other) related to Sapo National Park, determined at prevalent local rates and negotiated with affected stakeholders. However the predominant approach to forest-resource decision-making has still been highly commercially driven and Monrovia-focused. Local concerns were seldom given relative priority. Thus the measures to establish communal forests, and to involve local communities and district and county environment committees in Park decision-making and development planning, represent tremendous strides towards establishing communities' rights over their environment and natural resources. The fisheries sector aims to follow a similar approach, with the creation of the TURFs in coastal fishing communities, and in the instances of construction of fish landing sites/community infrastructure. The measures outlined in the national RAPs will address situations where OP/BP 4.12 is triggered and will establish precedent in Liberia for dealing with similar situations in a transparent and consistent manner.

### 3. LAWS AND REGULATIONS OF SENEGAL

In 1972, with the creation of the rural communities, the implementation of the law on the national field (law no.64-46) became effective. In order to better secure the property of the State, Senegal adopted Law 76-66 concerning the Code of the Domaine of the State, which divided property into two categories: public and private domaine. However, this law did not allow the State to have complete power of seizure on all property. As such, Law 76-67 concerning expropriation of property for public utility was developed. Subsequently, in the implementation of the policy of decentralization, the Government revised initial laws and regulations through a number of reforms. Over the long term, the policy of decentralization led to the transfer of responsibility for land and property matters to the local government agencies, through the passage of Laws 96-06 and 96-07 concerning the code of local government agencies.

The laws governing land ownership and property in Senegal are the following:

- The Constitution of Senegal, which is the fundamental law in the country, and in particular article 15 guarantees property rights;
- Law 64 - 46 of June 17, 1964 relative to National Domaine, which governs public goods managed by the State and local authorities;
- Decree No 64 - 573 of July 30, 1964 concerning the application of the above law for national domaine;



- Law 76 - 66 of July 2, 1976 concerning the code for Public Domains, governing the mobile goods and real estate belonging to the State;
- Loi 76 - 67 of July 2, 1976 relative to the expropriation of property for public utility, which constitutes the legal basis for procedures of resettlement and compensation;
- Law 96 - 06 of March 22, 1996 concerning the code of local collectives, which includes the aggregate group of legal provisions for the organization of and operation of the regions, communes and rural communities;
- Law 96 - 07 of March 22, 1996 concerning the decentralization of responsibilities to the regions, communes and rural communities; which governs the responsibilities and roles of the local collectives (i.e. the regions, the communes and the rural communities) vis-à-vis central Government; and
- Decree 96 1130 of December 27, 1996 concerning the application of the above Law to management and use of private and public domains;

In Senegal, land is divided in three categories:

1. the national domain comprised of lands not included in the public domain, nor registered in the Land Registry,
2. the domain of the State, comprised of goods and land rights which belong to the State, and
3. private domain, with land registered to private individuals.

According to Article 15 of the Constitution of Senegal, property rights can be expropriated only in the case of legally established public need, on condition of a fair and preliminary compensation:

- preliminary in the sense that it is established and paid in advance of the loss of property or ownership, and
- fair in the sense that it should compensate the totality of the direct, material and unquestioned losses or damages resulting from the expropriation of land or property.

Thus, expropriation of land or property on the grounds of public need or utility requires a fair and preliminary compensation for the totality of the damages directly caused by that expropriation. Article 38 of Decree number 64-573 of July 30, 1964, setting the regulations applicable to the Law 46-64 of June 17, 1964 concerning national domain, was modified by Decree 91-838 of August 22, 1991, in order to permit all of the occupants of land expropriated for public utility to be compensated (even if they were not there legally).

The calculation of compensation is described in the declaratory act of public utility in accordance with the regulations applicable to the expropriation of property for public utility (article 30 of Decree number 64-573 of July 30, 1964).

The compensation due to affected persons is set by a commission comprised of the Prefet or his/her representative and the following members: (i) a representative from the service of Public Works, (ii) a representative of the services of Lands, the Land Register, Planning, Water and Forests, and Engineering, (iii) two representatives from the communes, associations or organizations affected, including the president of the rural council if one exists.

The compensation is set on the exclusive basis of the constructions, operation, plantations or agriculture conducted by the affected persons (article 32 of Decree number 64-573 of July 30, 1964).

The commission signs the minutes of the meeting, as the basis of a decree establishing the zone of intervention, the amount of compensation, method of payment and the expropriation of the land for public utility.

#### 4. LAWS AND REGULATIONS OF SIERRA LEONE

Administratively, Sierra Leone is divided into the Western Area (which includes Freetown, the capital city), and twelve districts. The districts are collectively known as the provinces. Each district is divided into several chiefdoms, which are sub-divided into sections, towns and villages.

At the district level, the administrative head is known as the Chief Administrator (CA), who is appointed by the Government. The Chiefdoms are headed by the Paramount Chiefs, the sections by the Section Chiefs, the towns by the Town Chiefs and the villages by the Village Chiefs. The chiefs are not appointed by the Government, but rather by their communities under customary law.

Land tenure in Sierra Leone is governed by Property Statutes in the capital city, Freetown and the surrounding areas collectively referred to as the Western Area, and everywhere else in the country, Customary Law exists in parallel with the Statutes.

In the Western Area of Sierra Leone, land is either state-owned or privately owned. The Law of Property Act of 1925 forms the basis for the land law. Public land of the State is inalienable and indefeasible. Rights of occupation over public land may be granted under warrant. National public property includes water flows, lakes, ponds, springs, islands, sandbanks and riverbanks formed in rivers, underground streams, mineral and mining deposits, navigation and irrigation channels, waterways, drainage and sewage systems, communication means, airports, telecommunication systems, power generation works for public utility, protective devices, geodesic and topographic boundaries and landmarks, national defense works and their perimeters of protection, public monuments, and collections or objects of cultural interest belonging to the state or to a subordinate public entity.

Customary rights of customary users of Public Land in the Western Area are not recognized. Therefore, according to Sierra Leone law, customarily the loss of such land does not entitle the customary users to any form of compensation for any investments or for provision of land elsewhere.

However, land that is not in the Public Land domain that is acquired by a warrant is eligible for compensation.

The State has the power, conferred by the Unoccupied Lands Act, Cap 117, to take possession of unoccupied land. All land shall be deemed to be unoccupied land where it is not proved, by the person/persons claiming the same that beneficial use thereof for cultivation, inhabitation or industrial purposes, has been made for twelve years.

Other statutes relating to land are:

- The Interpretation Act No. 8 of 1971
- Public Health Act No. 23 of 1960
- Public Land Act 116

In the private domain, private ownership may be established by registering the land with the Land Registry to obtain a legal title. Private Land may be held in Freehold or Leasehold. Customary Rights do not exist over Freehold or Leasehold property. The land owner is entitled to fair compensation for land itself as well as any investments.

In the provinces, Customary Law co-exists with Property Statutes and where there is conflict, the Statutes take precedence. As far as land tenure is concerned, it is governed predominantly by customary law. Land is vested in the chiefdoms and communities and can never be owned as freehold. Land always belongs to the communities under the different forms of tenure under customary law (e.g. family, communal or individual).

There are statutes like Cap 122, the Provinces Land Act, which regulates holding by non natives in the provinces. Non-natives being loosely defined for the purposes of this policy as those who do not have any inheritance rights in the chiefdoms. That is anyone from outside the community.

In section two of the Local Courts Act, customary law is defined as “any rule or law other than the general law having the force of law in any chiefdom in the provinces.” It also provides that there is established for every chiefdom a local court authorized to administer customary law, there can exist as many variations of customary law as there are chiefdoms or ethnic communities. But with land tenure the principles of customary law cuts across ethnic differences and the most common forms are: (i) family tenure, (ii) communal tenure, and (iii) individual tenure.

Family tenure is the most common form of tenure found in the provinces. Family is used in the sense of a kinship or descent group with the concept of clan or lineage. In most cases, lineage is traced, Patrilineally, for the purposes of inheritance. Therefore, a person can only be entitled to rights in family tenure, if that person is able to prove his kinship, patrilineally within a particular family in a chiefdom. Family tenure is a system of tenure under which entitlements to land within a particular chiefdom is claimed by various descent groups each with a common ancestor and who constitutes a family unit. Such family units are a corporate entity and have capacity to claim and hold land as a body. It also has the capacity of having the paramount title to the land vested in itself. Though the paramount title to family land is vested in the family as a group, yet underneath the umbrella of this title, varying degrees of lesser interests held in specific or particular portions of the family land may be held by some family groups or individuals. Responsibility for the management of family land is vested in the head of the family assisted by principal members. The head of the family has the right to allocate unoccupied portions of family land to members of the family, to bring claims on land against outsiders on behalf of the family for trespass on family land.

Communal tenure's main feature is that title in land in a given area in the chiefdom is claimed by or on behalf of the community as a whole and not by or on behalf of families or individuals. Like the family under family tenure, the community is also a corporate entity, endowed with a legal capacity to enforce and defend its claims and rights to communal lands vis-à-vis other communities. Unlike the family, a community is not a kinship, but a socio-political entity and its members are not necessarily related to each other. There are also similarities between the two entities in that membership of a community and members rights to claim an interest in communal land is based on descent from some kinship group within the community. The community for this purpose occupies an identifiable and precise boundary. At its broadest and highest level, the community is co-extensive with the chiefdom. Viewed externally, it gives the appearance of a monolithic unit. Another feature of communal tenure is that title to communal lands is not vested directly on the community as an entity as in the case of a family, it

is vested rather in the socio-political head of a particular community. It is thus vested in a representative capacity. Though they are sometimes referred to as owners of the land, one should not lose sight of the fact that they are holding such land in a representative capacity. Another feature of communal tenure similar to family tenure is that it is only the unapportioned and unappropriated portions of communal lands and those lands which are strictly public lands, such as sacred bushes, common grazing grounds and communal farms, that are subject to direct management, control and supervision by the socio-political heads.

Thus, communal land can be defined as land held under communal tenure, title to which is claimed by a community as a unit occupying an identifiable territory but with the paramount title thereto vested in the socio-political head, such as the paramount chief, section chief, etc., in a representative capacity for the community as a whole.

Individual tenure is the most controversial concept in Sierra Leone. It has been argued that in customary land tenure there is no individual land ownership. However, it is found to exist in some communities. For example, there are practices whereby families owning large pieces of land would allocate portions of land to individual members of the family to enable them to establish their individual households. Even though the paramount title remains vested in the family, each individual member holds interest in his holdings. When the individual dies, the land is inherited by his immediate or nuclear family or nearest next of kin, a matter of priority, rather than by the wider ancestral group. It is also common to find practices where a man may give each of his wives land for her use and that of her own children. When the man dies the land is inherited by the wife to whom the land was given.

There are generally three ways in which Individual Acquisition is implemented:

1. by clearing of virgin forest – any land not appropriated by the community as a whole can be claimed individually;
2. by straight-forward purchase – individuals who are not otherwise entitled to land in a given area can purchase land outright from the recognized owner; or
3. by gift – individual owners may acquire land as a gift.

## 2. BANK POLICY REQUIREMENTS

The World Bank Operational Policy on Involuntary Resettlement (OP 4.12) seeks to cover a multitudinous range of possible cases that can arise in countries around the world. The policy is therefore written in general terms, although its specifications can readily be defined for the individual country or case.

First, OP 4.12 mandates full community information and participation, with particular emphasis on including the poor, vulnerable and/or marginalized populations in a community. The premise here is not only that people have a right to know what investments and projects are being undertaken, they have a strong voice in making those choices. And since disadvantaged segments of a community may not feel concerned or confident enough to participate, special efforts must be made to involve the entire community, so that everyone understands, agrees with and thus supports the initiative.

In terms of eminent domain and asset acquisition, OP 4.12 stresses the importance of full and timely compensation for all assets lost due to land acquisition for a Bank-financed development projects. The premise here is simple: the people who make way for the project or investment

should not also be forced to bear any part of the cost of the project. To do otherwise, not only likely further impoverishes the project-affected population, it contradicts the very principle of development, which is the economic betterment of all (rather than just the general good).

The other major policy requirement of OP 4.12 is to at least restore and preferably to improve the standards of living of the PAPs. The basic premise here is, again, to ensure that those who give up most for the project (e.g., their land, their homes, their businesses) are assisted to the fullest extent possible to restore their livelihoods so that they can maintain or improve their standards of living.

In order to ensure that indemnification and economic rehabilitation take place as planned, OP 4.12 also mandates a monitoring and evaluation program to track project progress.

### 3. RECONCILING DIFFERENCES IN WORLD BANK POLICY AND NATIONAL LEGISLATION

The RAP developed for each instance of land acquisition for infrastructure required by WARFP (or set of related investments in a place) will detail the applicable national laws, assess any gaps between national legislation and World Bank policy, and detail whatever measures are necessary to reconcile any differences so that both standards are met.

In general, it may be noted that there are two major differences, although the extent of any difference will vary with the specific country context. First, there is seldom provision for active and meaningful participation of the local population in involuntary land acquisition operations. This difference will be less notable in WARFP, which is premised on community discussion and selection of options (see below).

Second, national laws of eminent domain deal only with the forced acquisition of land and other immovable assets. They rarely make provision for the economic rehabilitation of the population affected. Again, WARFP explicitly includes an Alternative Livelihoods program, which is specifically intended to replace any livelihoods that may be lost due to program investments and decisions (see the allied Process Framework for further detail).

## G. METHODS OF VALUING AFFECTED ASSETS

The valuation of losses will be determined at their new (i.e., undepreciated) replacement cost. 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, will be provided in each RAP.

Although national standards exist in each country, values in the various regions within countries will vary significantly from these centralized valuation lists. Therefore, the PIU, in collaboration with the CMA, will assess actual values in the local area, using local customary procedures and the following principles:

Land:

*House or Business Plots:* Same size in similar location, replaced in-kind; with, for businesses, particular attention to clientele location

*Agricultural Fields:* Same size and with same soil type and water availability, replaced in kind; if no unoccupied land is available, compensate at the current rate for informal land sales over the past three years, and monitor that the PAP actually replaces the land

#### Structures

Current cost of building same sized structure with similar or better materials

#### Businesses

In addition to land and structures, reimburse lost employee wages and business profit for the period of the relocation

#### Infrastructure (e.g., fences, latrines, wells)

Current cost of replacing infrastructure (or in-kind replacement)

#### Crops

Value of amount of production lost, priced at local market price at mid-point between harvests

#### Trees

*Timber trees:* Value of lumber were tree to be sold and sawn up

*Fruit trees:* Value of production lost during period while seedling comes into production; provide replacement seedlings

(Please also refer to Table 3, above.)

In order to ensure that during the project implementation any person displaced by land acquisition will be provided full replacement cost of lost structures and is able to rebuild or replace his or her house without difficulty, the PIU and CMA will ensure that estimated building compensation rates are based on full replacement cost without depreciation. The PIU and CMA will also be responsible for ensuring (or arranging to provide) that alternative residential plots are provided to the displaced persons. Once individual sub-project impacts are identified and valuation of individual structures is completed, detailed compensation rates for different structures will be included in the resettlement plan, and the plan will be submitted to, and reviewed for a no-objection by, the World Bank or its designated representative.

## **H. ORGANIZATIONAL PROCEDURES FOR DELIVERY OF ENTITLEMENTS**

The delivery of entitlements will be either the responsibility of the local community, in the person of the CMA assisted by the TURF Facilitators, or directly of the PIU, depending upon what type of asset or assistance is being provided.

Where land is required, the community will proceed to identify plots of similar size and quality that can be offered for the PAP's consideration. The identification and negotiation of plots will be carried out during the design phase of the resettlement operation. The RAP will include these arrangements in the chapter on compensation (See the RAP outline, Item E, in Section C-2, above) and will append the signed agreements with the PAPs. Once the investment has been approved, the formal transfer of the land to the PAPs will be effected.

Where other assets are also affected (buildings, other infrastructure, annual crops taken before harvest, economic trees), the unit value of each asset in the local area will be determined, and the total cost of such compensation (including land if it is not to be replaced in kind) will be included in the RAP. (See Item E, Section C-2 above).

The CMA, in collaboration with the TURF Facilitators, is responsible for monitoring and reporting on the resettlement operation for fish landing sites/community infrastructure. (See Section M, below.) In these cases, the CMA and TURF Facilitator will therefore certify when the resettlement operation has been completed successfully, with all replacement land formally transferred to the PAPs and all other assets lost compensated appropriately. Upon receipt of that certification, the PIU will verify the assessment and, when satisfied with its completeness and accuracy, release the funds allocated for the community development investment. Alternatively, for small and basic infrastructure investments, the PIU will be responsible for certification of the resettlement operation, prior to the investment.

## **I. IMPLEMENTATION PROCESS**

### **1. IMPLEMENTATION PROCESS**

Overall, the role of the state and the local organizations are to mutually consult, advise, and cooperate.

Figure 1 (below) depicts the general organizational structure of the WARFP.

The Ministry in charge of fisheries in each country, in consultation with a National Steering Committee, which will be constituted, will provide overall coordination for the project. The Ministry in charge of fisheries in each country will implement the project through a project implementation unit (PIU) embedded within the ministry.

In the case of fish landing sites/community infrastructure, once an investment has been approved by the CMA, and if there is no resettlement, the PIU would commence the works. The implementation process will be similar when there is resettlement, with the proviso that the PIU would not commence works until successful completion of the resettlement operation. This would also apply to the small and basic infrastructure investments directly managed by the PIU.

Thus, before any fish landing site/community infrastructure or small or basic infrastructure investment is made, PAPs must be compensated in accordance with the resettlement policy framework and subsequent RAP. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons.

The measures to ensure compliance with this policy directive will be repeated in any resettlement plan that must be prepared for a specific investment requiring land that is occupied or otherwise utilized and that therefore involves resettlement or compensation, as defined in this RPF.

### **2. THE ORGANIZATIONAL STRUCTURE OF WARFP**

#### **A. The Commission Sous Regional de Peche (CSRP)**

The Commission Sou Regional de Peche Maritime (CSRP) is the agency for regional coordination of national maritime fisheries initiatives. The CSRP was established by 6 member states in 1983 with the mandate to provide a forum to harmonize fisheries policy and management in the West Africa region.<sup>7</sup> CSRP consists of a Secretariat, based in Dakar, which carries out the directives of its Council of Ministers, which is composed of the Ministers in charge of fisheries in each member state, and more frequently the Coordinating Committee of the Directors of Fisheries of each member state. onal structure for regional coordination of national marine fisheries initiatives.

In the context of WARFP, CSRP will act as the coordinating agency for the national Ministries of Fisheries, or their equivalent, in each of the participating member states. In the specific context of this PF, CSRP is responsible for ensuring that the principles established in this policy

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<sup>7</sup> The CSRP now includes 7 member states: Mauritania, Senegal, the Gambia, Guinea-Bissau, Guinea, Cape Verde and Sierra Leone.



document are integrated into the national PF action plans for local co-management and for ensuring that innovations in one country or countries are disseminated to the other participating member states. To that end, CSRP will review and, with the relevant national Ministry amend each national PF before submitting it to the World Bank for review. CSRP, in consultation and collaboration with the national Ministries, will supervise implementation of the program, and ensure that local access restrictions and their consequent mitigative measures accord with the principles of this policy.

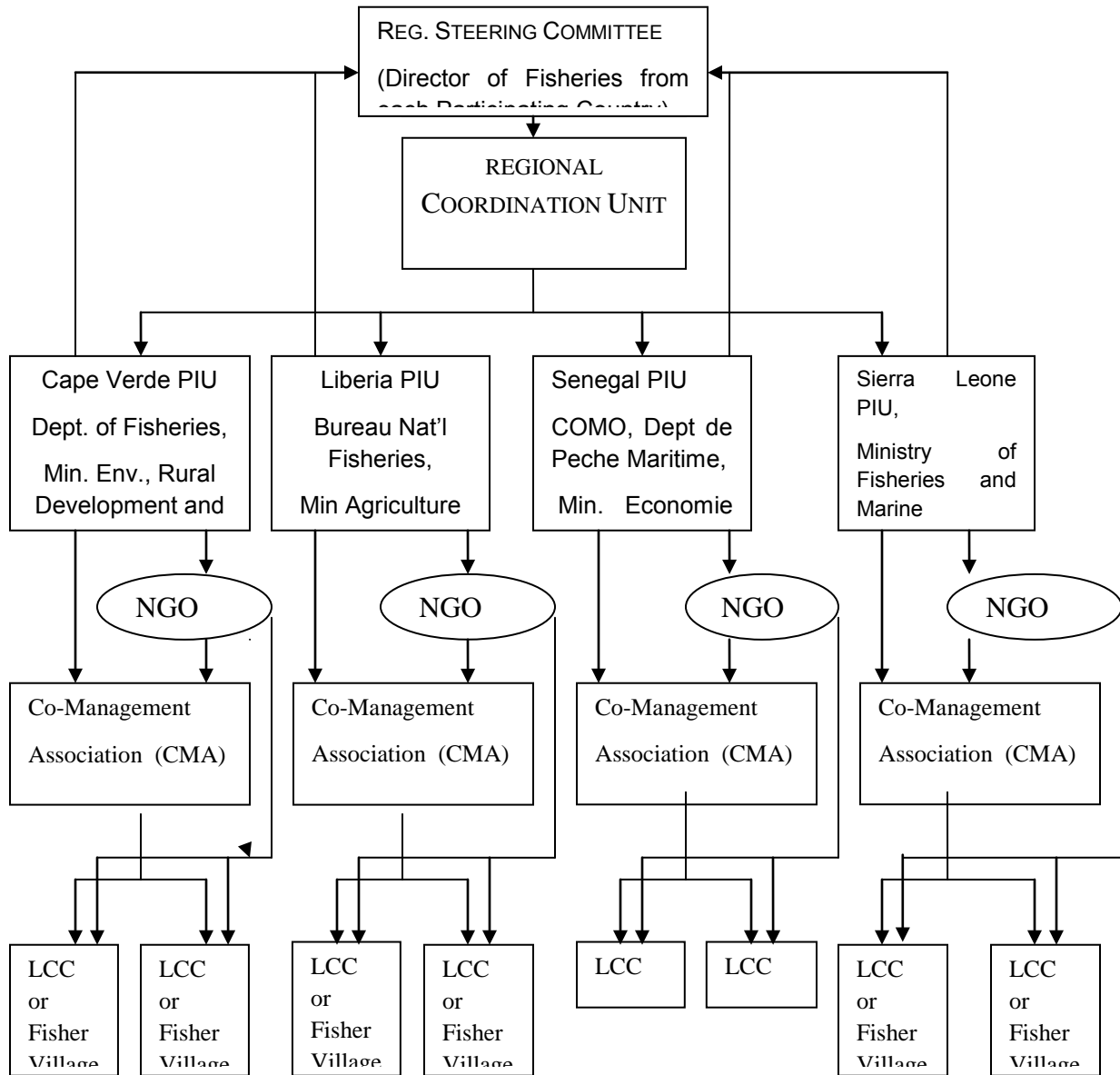
## **B. The National Ministries of Fisheries**

The lead agency in each member state is distinct. In Cape Verde, the lead agency is the Department of Fisheries of the Ministry of Environment, Rural Development and Marine Resources. In Liberia, the Bureau for National Fisheries, which is within the Ministry of Agriculture, will serve as the lead agency. In Senegal, the lead agency is the Ministère de Economie Maritime, Direction de Pêche Maritime (DPM), which has a Cellule d'opération de mise en œuvre (COMO) which was established under the current GIRMaC project. And, in Sierra Leone, the Ministry of Fisheries and Marine Resources will be the implementation agency. Each agency is expected to establish and staff a district office in each of its project areas for the supervision and coordination of activities in that area.

The lead agency in each country will be responsible for:

1. Development of the National Process Framework as part of the national co-management development plan;
2. Inventorying fishing villages in the project area,
3. Selection of villages to collaborate in WARFP in consultation with the villages themselves, (See the Process Framework for further detail);
4. Facilitating village organization, where necessary;;
5. Assisting in the registration of villages as formal juridical entities;
6. Providing all available baseline information to the participating villages;
7. Providing technical assistance to the local co-management groups in the definition and implementation of marine-resource restrictions;
8. Providing technical assistance and financing for all mitigation measures;
9. Implementing the informal and formal grievance resolution process; and,
10. Collaboration in and support for local efforts to monitor the co-management program.

Figure 1:  
Organizational Structure of WARFP



CMA: Co-Management Association (District Area Fishery Council; *Conseil local de peche artisanal* in Senegal)

LCC: Local Community Fishery Committee (*Comite local de peche* in Senegal)

Importantly, in the context of the local agreements that will be signed between the Ministry and the local communities, the Minister will sign any Ministerial decrees (e.g.,

arretes) necessary to support the implementation of the co-management initiatives, such as, for example, restrictions on (i) the use of certain types of fishing gear and motors; (ii) level of fishing harvest; (iii) fishing areas or periods open to fishing; (iv) processing of fish products.

### **C. NGO or Other Collaborating Agency**

In this work, the lead agencies may choose to engage outside assistance, as they deem advisable. In some instances, a research bureau may collaborate under contract to the lead agency for specified services. In other instances, a Non-governmental Organization (NGO) may be engaged to assist in community development, fishermen group organization and operation, implementation of the Alternatives Livelihood program, as well as in implementation and monitoring of the co-management program. Whatever agency or agencies contracted by the lead ministry unit, the firm will be responsible for daily oversight of a number of district- and local-level activities, including :

- Community develop activities
- Co-management activities
- Alternative livelihood activities
- Conflict resolution support; and
- Monitoring.

Each of these component activities itself involves a number of sub-component activities such as training, public meetings, social surveys, individual consultations, and monitoring studies and reports. The contract between the lead agency and the collaborating agency will specify which of these activities will be undertaken by each contractor, develop a timeline for these activities, and provide an adequate budget for them.

### **D. TURF Co-Management Associations (CMAs)**

The TURF Co-management Association (termed *Comite local de peche artisanale* [CLPA] in Senegal) is responsible for coordinating the activities of the local fishing communities, or, where established, the Local Community Committees or Councils (LCC; termed CLP or *Comite local de peche* in Senegal) in its area. The CMAs could be defined as either (i) local private associations comprised of elected representatives of each of the fishing communities in each TURF, i.e. entirely private entities, or (ii) local councils composed of representatives of Government agencies, such as the representative of the Ministry of Fisheries, senior traditional leaders, and elected representatives of the CLPs, including artisanal fishermen, fish processors, marketers and other stakeholders, following the CLPA model in Senegal, i.e. more of a public-private partnership. In Senegal, the CLPAs were established by Government in order to advise the Ministry of Fisheries on management and conservation measures for coastal fisheries.

### **E. Local Community Fishery Councils (LCC)**

At the local level, the Local Community Fisheries Councils (*Comite local de peche* [CLP] in Senegal) are the village-level co-management groups. The LCC are legally-recognized private associations that regroup fishermen and others working in fishery-related activities at the community level. The LCC is the deliberative body for local decision-making, assessing the options available to it for limitations on marine resource restrictions, determining which

segments of the community will be adversely impacted by those restrictions, resolving grievances in the first instance, and monitoring local conditions. The LCCs will work in collaboration with the NGOs and Fisheries Ministry staff to develop their co-management initiatives.

The co-management initiatives proposed by the LCCs will be consolidated into one sub-project for that community, describing the necessary implementation budget and support activities for each of the management or conservation measures proposed, such as (1) participatory research, (ii) training; (iii) education and awareness raising (iv) infrastructure and equipment needs; (iv) surveillance and enforcement of management and conservation measures; (v) monitoring and evaluation; and (vi) any other necessary activities.

The community co-management program will be submitted to the Ministry of Fisheries, after having been reviewed by the CMA representing that particular LCC (provided that the CMA has been legally established and is functioning effectively). The agreements will then be signed by the Minister and by the President of each LCC, and implemented by the respective LCCs with the support of the Government. A similar procedure will be followed for RAP development, where required.

## **J. GRIEVANCE REDRESS MECHANISMS**

The fish landing site/community infrastructure investments are premised on local determination of investment decisions. In this, it is critical that the community and CMA meetings include not only those members who will benefit from the activity (e.g., fishers, fish processors, merchants, etc.) but also those who may be adversely affected (i.e., land owners and occupiers). Both the CMA and the TURF Facilitator are charged with ensuring that the PAPs and any vulnerable segments of the community attend the meetings or at least are aware of the proceedings.

Since each investment will be a local development activity, it is presumed that the CMA and the community will minimize land take, and when land acquisition is unavoidable, use a community plot that is free of all occupation and claims. When no such suitable community land is available, the community, through its chief, may alienate private land held under customary tenure. In such instances, it is preferable to obtain the accord of all the people affected before proceeding with the investment.

Similarly, for small and basic infrastructure investments managed by the PIU, the PIU will aim to minimize land take, and when land acquisition is unavoidable, make every effort to utilize Government-owned land that is free of all occupation and claims.

If land that is owned or occupied privately must be acquired and one or more of the owners or occupiers is not in agreement with the alienation of the parcel to the community, the aggrieved will first make his or her case to the CMA. The proceedings of the meeting will be recorded, and if there is no agreement, will be forwarded to the PIU for further consideration.

If the PIU cannot arrange an agreement acceptable to the aggrieved, the complaint will be forwarded within 15 days to the Director of Fisheries within the Ministry. The Director will conduct hearings at the local level, and will report to the National Steering Committee for their determination of the matter.

If resolution of the matter cannot be reached at either the local level or the project level, the aggrieved always has the right to sue in court for an acceptable agreement. Such recourse is often costly in terms of time and money, and rarely successful. But the option remains open formally. No investment can be initiated until the matter is resolved.

## **K. FUNDING RESETTLEMENT ARRANGEMENTS**

Funding for local resettlement operations will be a mix of local and project resources.

When an investment requires private land, whether held under formal title or customary right, the CMA or PIU, in consultation with the relevant Land Chief(s), will identify an unclaimed and unoccupied parcel of land of similar size and of similar characteristics (urban location, or soil type and water availability for agricultural fields, orchards and pastures) to replace the parcel lost. The PAP will sign the transfer agreement in order to indicate his/her acceptance of the replacement land.

For structures, infrastructure, lost crops and economic trees (and land, if there is no replacement land available), the CMA or PIU will, as part of its RAP, estimate the value of the

assets lost and include the total cost of lost assets as a separate part of the budget for the investment. As soon as the resettlement operation is complete and certified, the PIU will be able to utilize the remaining part of the budget for that investment, to commence the works on behalf of the CMU, or directly in the case of small and basic infrastructure investments.

## **L. CONSULTATIVE PROCESSES AND LOCAL PARTICIPATION**

The basic approach of the WARFP project is for a village or group of villages within a CMA to meet, consider their fisheries management and development priorities, decide on particularly management measures and project investments, and work with the TURF Facilitator to develop a proposal for submission to the PIU. Once approved by the PIU, the project finances the commencement of the works, according to CMA specifications.

The same participatory approach applies when an investment involves resettlement. When villages or the CMA are considering options, they will, with the guidance of the TURF Facilitator, take into account the possible environmental and social (in particular, resettlement) implications. If land is required and no suitable, unoccupied community land is available, the group will and must consult with both the PIU and the potential PAPs. Ideally, the potential PAPs will accede to the need for their lands (or assets), and they will be offered the appropriate compensation, as defined in this RPF. If a PAP does not agree to a reallocation of land or to the other compensation offered, the group would do well to seek an alternative location, if possible, in order to avoid the delays inherent in a grievance process. At every stage of this process, full and complete information about the prospective investment, its land requirements, and the implications of that need will be available to all parties, in public meetings, in the reports of those discussions, as well as through printed materials.

The key to the success of the TURFs are their solid grounding in local processes. The level of transparency should be very high. Project information will be disseminated in, and public meetings will be held in, the local language(s), ensuring that the villagers are fully aware of developments. If those adversely affected disagree with the public consensus, they have the right to bring up their points during the CMA meetings, and if not listened to, to pursue their issues with, respectively, village leaders and project staff. While no participatory process can ensure that everyone will always be in full and complete agreement, the constant use of local participation and consultation will go a long way towards ensuring that the investments proposed by the community development group accord with the wishes of all of the villagers.

## **M. MONITORING AND EVALUATION**

Monitoring of resettlement operations will occur in three levels.

Most immediately, the PIU and TURF Facilitators are charged with daily supervision of any resettlement operation. They will make succinct, monthly reports to the Director of Fisheries on progress in identification and acquisition of replacement land, progress in construction of any replacement structures, identification, acquisition, transfer and opening of any new agricultural fields, and distribution of replacement seedlings for fruit trees.

Second, the Director of Fisheries will compile the monthly resettlement reports and make an integrated resettlement report in the annual Program M&E report to the Regional Coordinator at the Sub-Regional Fisheries Commission. The Regional Coordinator will incorporate the resettlement reports into his/her annual report to the Regional Steering Committee and the Bank.

Finally, inasmuch as the resettlement plans formally constitute part of the EIA and EMP, a social specialist will be engaged for the mid-term project review and for the Investment Completion Report in order to verify the findings of the field assessments.

#### **N. DISSEMINATION**

This RPF and any subsequent RAP will be made available to any and all interested parties at the Regional Coordination Unit at the Sub-Regional Fisheries Commission, the Ministries in charge of fisheries in each country, the PIUs and at the local CMA offices/meeting areas.

An executive summary of the RPF and of any RAP will be made available in the local languages of the TURFs in each country.

The Government will also authorize dissemination of this document through the World Bank InfoShop.

**Appendix 1.**

**RESETTLEMENT SUMMARY DATA SHEETS  
POPULATION CENSUS, ASSET INVENTORY  
AND SOCIO-ECONOMIC SURVEY**

1. Number of families who live on the parcel of land to be taken : \_\_\_\_\_

**CURRENT HOUSING**

FAMILY	HOUSE PLOT SIZE (M <sup>2</sup> )	HOUSE DIMENSIONS (M <sup>2</sup> ) ; (Number of Rooms)	CONSTRUCTION MATERIALS	OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)	OTHER OBSERVATIONS
PAP 1.					
PAP 2					
PAP 3					
...					

**Observations on Housing :**

PAP 1 : \_\_\_\_\_

PAP 2 : \_\_\_\_\_

PAP 3 : \_\_\_\_\_

**REPLACEMENT HOUSING COST**

FAMILY	HOUSE PLOT COMPENSATION (M <sup>2</sup> )			HOUSE COMPENSATION			OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)			TOTAL
	Replace in-Kind	Cash FCFA/ m <sup>2</sup>	Comp Tot	m <sup>2</sup>	FCFA/ m <sup>2</sup> (same building material s)	Total	Item	FCFA/ per	Tot	
PAP 1										
PAP 2										
PAP 3										
...										
Totals										



2. Number of businesses on the parcel of land to be taken : \_\_\_\_\_

CURRENT HOUSING

BUSINESS TYPE (E.G., TAILOR, HARDWARE STORE, GRAIN SELLER)	PLOT SIZE (M <sup>2</sup> )	BUSINESS DIMENSIONS (M <sup>2</sup> ) ; (Note whether structure, kiosk or table ; for structure, number of Rooms)	CONSTRUCTION MATERIALS	OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)	OTHER OBSERVATIONS (E.G., AMOUNT OF INVENTORY, NUMBER OF EMPLOYEES, MONTHLY PROFITS)
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- 1.
- 2.
- 3.

...

Observations on Businesses :

- 1 : \_\_\_\_\_
- 2 : \_\_\_\_\_
- 3 : \_\_\_\_\_

REPLACEMENT COSTS

BUSINESS	PLOT COMPENSATION (M <sup>2</sup> )			STRUCTURE COMPENSATION			OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)			LOST WAGES, PROFITS (PER MO.)		TOT
	Replace in-Kind	Cash Comp FCFA m <sup>2</sup>	Comp Tot	m <sup>2</sup>	FCFA/ m <sup>2</sup> (same building materials)	Total	Item	FCFA / per	Tot	Employee No.	Profit Wa ge	
PAP 1												
PAP 2												
PAP 3												
...												
Totals												

3. Number of Agricultural Plots Taken : \_\_\_\_\_

FARMER PAP	LAND		CROPS			TREES				OTHER INFRASTRUCT.		TOT	
	m <sup>2</sup>	In-kind	Cash Total (and FCFA / m <sup>2</sup> )	Crop (kg/ha)	Value (FCFA /ha)	Total (Prod ha x FCFA /ha)	Timber		Fruit		Item		Value
							Spec ies	Value	Spe cies	Yield (FCFA /kg)	Value		
1.													
2.													
3.													
...													
Totals													

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