

VOLTA RIVER AUTHORITY



LAND ACQUISITION & RESETTLEMENT POLICY FRAMEWORK

GHANA ENERGY DEVELOPMENT AND ACCESS PROJECT

FEBRUARY, 2007

Table of Contents

1.0	Introduction	3
2.0	Background to GEDAP Projects	5
2.1	GEDAP Projects Description	5
3.0	Land Requirements	7
4.0	Objectives of the LARP	8
5.0	Scope of the LARP	9
6.0	Guiding Principles	9
7.0	Legal Framework	11
7.1	Constitution of the Republic of Ghana	11
7.2	State Lands Act, 1962 (Act 125)	12
7.3	The Volta River Development Act, 1961(Acts 46)	13
7.4	Volta River Authority (Transmission Line Protection) Regulations, 1967 (LI 542),	13
7.5	The Lands (Statutory Wayleaves) Act, 1963(Act 186)	14
7.6	The Lands (Statutory Wayleaves) Regulations, 1964 (LI334)	15
7.7	State Lands Regulations (1962) LI 230	15
7.8	The Ghana Land Policy, 1999	16
7.9	Forestry Commission Act (1999)	17
7.10	Environmental Protection Agency Act, 1994(Act 49)	17
7.11	The Environmental Assessment Regulations, 1999	17
8.0	Categories of Affected People	18
9.0	Land Acquisition	19
	(a) Private Treaty	
	(b) Compulsory Acquisition	
10.0	Resettlement Action Plan (RAP)	20

11.0	Compensation Matrix	21
11.1	Cut-off date	25
12.0	Valuation	25
(a)	Building / other structures	
(b)	Crops	
(c)	Land	
13.0	Assessment /Payment of Entitlements of compensation	26
14.0	Time Frame for payment of Compensation	27
15.0	Conflict Resolution or Grievance Procedure	28
16.0	Monitoring and Evaluation	30
17.0	Records Management	32
	Glossary of Definitions	32
	Appendix A	36

1.0 INTRODUCTION

This Land Acquisition and Resettlement Policy (LARP) Framework has been put in place by the Volta River Authority, a public corporation in Ghana whose main function is to generate and transmit electrical power to meet the needs of its customers within Ghana and the West African sub-region.

As most of the Authority's projects are land based, execution of such projects of national importance tend to impact on the population especially land owners and users. There is therefore the need to put in place, various systems to define the mode of operation and addressing the effects of such operations on the people.

Experience has shown that unsatisfactory handling of effects of developmental projects gives rise to severe economic hardship as well as social and environmental risks. This may result in upheavals and disruption of project implementation as the project affected persons (PAPs) will naturally fight for their rights.

For the VRA, in particular and other sister institutions in general affected communities are seen as important stakeholders and provision is always made for their concerns to be addressed.

This LARP framework is designed to establish broad principles, organizational arrangements and fair criteria to be applied in acquiring various interests in land and handling the attendant impacts on the PAPs.

This document is prepared to conform to the standards of legal requirements in Ghana as enshrined in the 1992 Constitution and various

enabling legislation. Also the framework fits into the requirements of international financial Institutions on Involuntary Resettlement especially the World Bank's Guidelines as per OP. 4.12.

2.0 BACKGROUND TO GEDAP PROJECTS

Access to high quality electricity is crucial in the achievement of development objectives in the country. In view of the ever increasing demand for electrical power, adequate safeguard measures are needed to be put in place so as to meet customer load requirement.

The Ghana Energy Development And Access Project (GEDAP) is a carefully designed scheme aimed at enhancing the reliability of adequate power supply in the country. The project proposes using the country's environmental system and social safeguards rather than World Bank's or Lending Agencies Operational Policies and Guidelines. The rationale for adopting this Pilot Scheme is to among others scale up development impact, increase country's ownership and enhancing cost effectiveness.

The Development Objectives of GEDAP are to

- a) Improve the transmission and distribution networks to enhance reliability of power to existing customers.
- b) Provide increased access to affordable reliable and adequate electricity and
- c) Improve the efficiency and security of fuels such as Liquefied Petroleum Gas, Wood and Charcoal.

2.1 GEDAP PROJECT DESCRIPTION

GEDAP will consist of four components. The project will be implemented within a timeframe of five years at a total cost of USD 368 Million, of which USD 65 Million will be financed by an IDA credit and USD 7 Million by a

Global Environment Facility (GEF) grant. Board approval is expected to be in June 2007. Possible sources of co-financing include ADB and bilateral donors active in the energy sector in Ghana.

- **Component 1 .** This component will be implemented by the VRA. The main thrust of this component is to reduce transmission losses and to enhance the reliability of supply. To remedy this situation this project provides a transmission rehabilitation and expansion component, which will comprehensively address the shortcomings of the overall transmission system and includes the augmentation of specific transmission lines which are overloaded. Substations upgrades, and technical assistance programme to complement ongoing activities under WAPP APL, are some of the activities to be funded under this component.
- **Component 2: Distribution.** This component will be implemented by ECG, and will build on the ongoing work under the Distribution System Upgrading Project (DSUP), which is part of the Bank-supported Thermal Project. Key investments focus on improvement of energy service quality and resulting financial flows by rehabilitating the existing networks, improving the quality of service delivery, implementing loss reduction measures and enhancing commercial capabilities. Major investments in network rehabilitation will include upgrades of the Mallam BSP and additional switchgear (in support of the second Kumasi BSP and the third Accra BSP), a new 69/33KV substation at Jasikan, a 33KV switching station at Bogoso, and three other new 33/11KV primary stations. The following are additional measures under this component: reinforcement of distribution transfers, upgrades of existing overhead lines, replacement of capacitors, computerization of commercial operations, secondary network automation, rural Supervisory Control and Data Acquisition (SCADA) system prepayment metering, provision of voltage regulators on long

feeders, an energy conservation and safety program, and additional service centers, vehicles, computers, software, tools and instruments.

- **Component 3: Rural Access.** This component is proposed to be implemented initially by a Project Management Unit under the MOE, which may later be developed into a Rural Electrification Agency with a separately administered Rural Electrification Fund. The component would complement the Government's efforts to achieve its electrification goals through grid extensions and use of renewable sources (mini-hydro, solar and wind). This component would also support promotion of efficiency and security of fuels such as Liquefied Petroleum Gas (LPG), Wood and Charcoal.
- **Component 4: Capacity Building.** Capacity building efforts will complement the efforts of the Government to establish and operate robust, sustainable energy sector institutions and carry out informed policy making.

3.0 LAND REQUIREMENTS

The VRA requires land for the under mentioned projects among others.

- ❖ Generation Sites (Hydro and Thermal Sites)
- ❖ Transmission Lines (Right of Ways-Rows)
- ❖ Transmission Substations
- ❖ Subtransmission and Distribution Lines
- ❖ Residential accommodation/ Offices.

For any of these projects various parcels of land are acquired. Characteristically the different types of power systems have varying degrees of land requirements and the associated impacts on PAPs by way

of loss of proprietary rights, loss of use, loss of shelter, may be also vary.

4.0 OBJECTIVES OF THE LARP

The main objectives of this policy frame work are as below.

- a) To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs. Particular attention would be given to socio-cultural considerations, such as cultural or religious significance of land, the vulnerability of the affected population, or the availability of in kind replacement for assets, especially when they have important intangible implications. When a large number of people or a significant portion of the affected population would be subject to relocation or would suffer from impacts that are difficult to quantify and to compensate, the alternative of not going ahead with the project would be given a serious consideration;
- b) To minimize and mitigate impacts of involuntary resettlement on project affected people (PAPs) resulting from the implementation of projects.
- c) To ensure that people adversely affected are fully compensated and successfully resettled, the livelihoods of displaced people are re-established and the standard of living improved.
- d) To ensure that no impoverishment of PAPs shall result as a consequence of compulsory land acquisition or acquisition of assets, for purposes of implementing the Authority's.
- e) To make all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive.

- f) To have in place a consultative, transparent and accountable involuntary resettlement process within a time frame which is feasible and agreed.
- g) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investments resources to enable the persons displaced by the project a share in the project benefit.

5.0 SCOPE OF THE LARP

This policy will apply to all VRA projects which in nature are land based and involve land acquisition resulting in physical displacement of people, acquisition of physical assets or disruption of livelihood among others.

The policy, as it aims at minimization of adverse impacts on PAP will apply to all projects regardless of the source of funding. The application will, however, depend on the nature of project and extent or nature of loss suffered by the PAP.

6.0 GUIDING PRINCIPLES

The operations of the VRA will be guided by the following broad principles.

- a. Except where unavoidable, all necessary steps should be taken to avoid built up areas or sites of environmental and socio-cultural significance. Alternative sites where the impact will be minimized or avoided should be preferred.
- b. Comprehensive Resettlement Action Plans should be prepared identifying PAPs, assessing impacts on the PAPs, and providing detailed mitigation measures.

- c. Affected persons should be fully informed and consulted on resettlement and compensation issues. In the event of relocation of sites the PAP should be involved and their preferences considered.
- d. Compensation Payment should be fair and adequate and the affected persons should not be made worse off as a result of the implementation of any of the Authority Projects
- e. Prior to the commencement of constructional activities, the PAPs should have been paid their compensation to enable them relocate whether or not compensation has been paid.
- f. Compensation for loss of land, structures, crops other assets should be based on full replacement cost or Market Values (which ever is higher). For losses that cannot be easily quantified in monetary terms (e.g. access to public services, fishing grazing etc acres), attempts will be made to establish access to equivalent and culturally acceptable resources.
- g. Where actual resettlement is executed for resettling displaced populations it should be planned as a development activity. The affected people should be engaged and fully involved in the planning, implementation and monitoring of the resettlement process. The Authority must ensure that the livelihood and living standards of the affected people prior to the displacement shall not be made worse off but rather improved.
- h. Lack of formal title to land should not be a bar to compensation or resettlement / rehabilitation. All affected persons are eligible regardless of legal or ownership titles. The compensation package however is dependant on the nature and quantum of loss suffered.

- i. Land based projects generally affect a number of vulnerable groups such as households headed by women or children, the aged, and the physically disabled etc. Appropriate measures are to be provided to improve their socio-economic conditions rather than simply restoring them to their pre-project levels of vulnerability.

7.0 LEGAL FRAMEWORK

It is the policy of the Government of Ghana to pay fair compensation or offer resettlement assistance to people whose properties or lands on landed properties are affected by projects being undertaken by any state or para-statal agency. Where appropriate, land will be provided to the affected populations. Volta River Authority, in line with the Directive of State Policy, subscribes to this principle.

7.1 CONSTITUTION OF THE REPUBLIC OF GHANA

The 1992 Constitution of the Republic of Ghana makes adequate provision for the protection of property ownership rights. The states power of eminent domain, which is used to compulsorily acquire land, has been critically reviewed. Private properties are only to be taken where there is compelling reasons for the state to interfere with such rights.

Article 20 establishes that no property “shall be compulsorily taken possession of or acquired by the State” unless it is, among various purposes, “to promote the public benefit”.

The Constitution provides further in same Article 20 that “No property of any description, interest in or over any property shall be compulsorily taken possession of or acquired unless.

- a. The taking of possession or acquisition is necessary
- b. The necessity for the acquisition is clearly stated and is as such to prove reasonable justification for causing hardship that may result to property owners.

- c. Provision must be made for prompt payment of fair and adequate compensation.

Clearly by the Constitution, State acquisitions can only be done when there are compelling reasons for such acquisitions. It further provides that where a property is compulsorily acquired and not used for the specific purpose, or in the public interest, the original owners shall be given the first option of re-acquiring the land back. A novelty introduced in the 1992 Constitution is that where the acquisition involves the displacement of inhabitants, they should be resettled on alternative sites having in mind their cultural and social values.

7.2 STATE LANDS ACT 125 AS AMENDED

The State Lands Act (as amended), which is the main law under which lands could be acquired compulsorily, spells out the mechanisms for the acquisition. Thus the survey of the land, entry of possession and the documentation to validate the acquisition have all being spelt out in the law. Failure to comply will render the acquisition a nullity.

States Lands (Act 125) provide for compensation payment to eligible people affected by projects. The procedure for making claims is spelt out in section 4 of the law. Section 11 provides for the settlement of disputes relating to amounts of compensation to the high court.

Under the Act, the principle of compensation is pivoted on the basis that the value of the property for purposes of compensation shall be the market value or the replacement value.

The Act, defines the terms cost of disturbance, market value, replacement value and other damage. “Cost of disturbance’ means the reasonable

expenses incidental to any necessary change of residence or place of business by any person having a right or interest in the land.”

“‘Market value’ means the sum of money which the land might have been expected to realize if sold in the open market by a willing seller at the time of the declaration made under section 1 of this Act.”

‘Replacement value’ means the value of the land where there is no demand or market for the land by reason of the situation or of the purpose for which the land was devoted at the time of the declaration of intention to acquire a specific parcel of land made under section 1 of this Act, and shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the said declaration.” Finally, “‘other damage’ means damage sustained by any person having a right or interest in the land or in adjoining land at the date of the declaration so made under the Act, by reason of severance from or injurious affection to any adjoining land.”

7.3 THE VOLTA RIVER DEVELOPMENT ACT, 1961 (ACTS 46),

The Act established the Volta River Authority (VRA) and defined its functions and responsibilities. Part 4, Section 17 (2) (d) of the Act authorizes the VRA to acquire land necessary “for the proper discharge of the Authority’s functions.” Act 46 enjoins the VRA to pay monetary compensation or resettle affected people as may be applicable so as to ensure that those whose properties are affected by its operations are adequately catered for.

7.4 VOLTA RIVER AUTHORITY (TRANSMISSION LINE PROTECTION) REGULATIONS, 1967 (LI 542) AND LI 1737 OF 2004

The Volta River Authority (Transmission Line Protection) Regulations, 1967 (LI 542) as amended by Regulation No. 1737 of 2004 was enacted to give protection to the VRA transmission systems from human activities that would have adverse impacts on life and property. The Regulation prohibits specified activities within the Right of Way corridor. It defines the “**transmission line right-of-way**” to include the area extending for distances of fifteen meters for 69KV and 161KV

- Fifteen meters for 69KV and 161 KV transmission line
- Forty meters for 225KV and 330KV transmission line

It is the responsibility of VRA to ensure that the line is not encroached by human activity so as to provide for the needed protection of the ROWs. Once the route of the transmission line has been established the land lying within the ROW will be subject to the provisions of the law.

Currently, the regulations prohibit a number of activities in the ROW, including mining, construction of buildings and cultivation or farming without the permission of the VRA. This is to ensure that human activity does not adversely affect the transmission system.

7.5 THE LANDS (STATUTORY WAYLEAVES) ACT, 1963(ACT 186)

Act 186 provides for entry on any land for the purpose of the construction, installation and maintenance of works of public utility, and for the creation of rights of way for such works.

The owner/occupier of the land must be formally notified at least a week in advance of the intent to enter, and be given at least 24 hours notice before actual entry. (An authorized person may enter at any time for the purpose of inspecting, maintaining, replacing or removing any specified works (Section 5.) Any damage due to entry must be compensated in accord with the established procedure. (Sect. 6-1) unless the land is restored or

replaced. The only exception is owners of large tracts mainly farmlands for which operations are not substantially affected by the implementation of the project. The same Act provides avenues for people who are dissatisfied with amounts offered as compensation to seek redress. (In the case of roads, not more than one-fifth of a plot may be taken and the remainder must be viable, or the entire plot must be taken; Section 6-3(b).

Where a right of way must be established in the public interest, the President may declare the land to be subject to such statutory wayleave. On publication of a wayleave instrument specifying the area required, and without further assurance, the land shall be deemed to be subject to wayleave. Compensation is then determined and paid, with the right of appeal to a Tribunal established by the President, in parallel with the Lands Act, 1962. (Again, appeal to the Tribunal has, under the 1992 Constitution, been replaced by appeal to the High Courts.)

7.6 THE LANDS (STATUTORY WAYLEAVES) REGULATIONS, 1964 (LI334)

This law restates the principles of the Lands (Statutory Wayleaves) Act of 1963, and establishes provisions for Wayleave Selection Committees to determine the optimal routing and to ensure that the selected Wayleave are consistent with town and country planning. As Transmission Lines are Linear Projects spanning long distances impacts affect a much wider area of influence. Clearly, the main issues for the RAP arise from the acquisition of the *right-of-way* (ROW) for the project. The implications of these regulations on the acquisition of the ROW have been discussed, and form the basis of evaluation of some aspects of the impacts on the socio-economic/cultural environment regarding loss of land use.

7.7 STATE LANDS REGULATIONS (1962) LI 230

This law was made pursuance to the enactment of the State Lands Act (1962) Act 125, LI 230 provides general guidelines and directives for the

better carrying into effect the provisions of Act 125 regarding compulsory acquisition and consequential compensation matters.

The law makes provision for a Site Advisory Committees (SACs), a technical body to consider all requests for compulsory acquisition of lands; and advise on their suitability for the intended projects. The SACs are composed of professionals from the State Lands Agencies, Public Work Departments and the Utilities.

The recommendations of the SACs are forwarded to the Regional Minister for approval.

Before examining the merits of any proposed acquisition, the SACs “shall first be satisfied that sufficient funds are or will be available for the purpose of implementation of the proposed user of lands”.

Again it is mandatory that the SACs “before recommending the acquisition of any site must first be satisfied that no other suitable site is available without such acquisition”.

The law also gives guidelines and directions on entry on to the land for purposes of inspection, valuation and construction as the case may be. In all cases sufficient notice is to be given to the PAPs.

7.8 THE GHANA LAND POLICY, 1999

It 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. Key objectives of the Land Policy, which are relevant to the Projects, include: protection of the rights of landowners, ensuring payment, within a

reasonable time, fair and adequate compensation for land acquired; and promoting public awareness at all levels and community participation in sustainable land management.

7.9 FORESTRY COMMISSION ACT (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.

The VRA and the Forest Services Division (A Division of the Commission) have concluded a Memorandum of Understanding (MOU). This is expected to provide guidelines for the two institutions to collaborate effectively for the efficient management of electric power-related activities in national forest reserves.

7.10 ENVIRONMENTAL PROTECTION AGENCY ACT, 1994(ACT 490)

The EPA was established, among other things, with the mandate to prescribe standards and guidelines relating to environmental pollution. The Agency may by notice in writing require any person responsible for any undertaking which in the opinion of the Agency has or is likely to have adverse effect on the environment to submit to the Agency in respect of the undertaking an Environmental Impact Assessment containing such information within such period as shall be specified in the notice.

7.11 THE ENVIRONMENTAL ASSESSMENT REGULATIONS, 1999

This Regulation clearly spells out undertakings requiring registration and issue of environmental permit. Hydroelectric power plants and related structures fall under this category as stipulated in schedule 1 (section 13 e) of the Regulations, as indicated below;

- ❖ Construction of dams and associated reservoirs;
- ❖ Inter-or intra-basin water transfers;

- ❖ Construction of hydroelectric power developments
- ❖ EIA for these undertakings is considered mandatory.

Appendix 'A', shows a matrix of how the Bank's guidelines differ from the in country systems, and the mitigation measures put in place to address them.

8.0 CATEGORIES OF AFFECTED PEOPLE

Land based projects generally affect a number of people. For purposes of this Policy, all properties of economic, social, cultural value are covered. The category of people affected is thus defined as these who stand to lose directly or indirectly as a result of the implementation of the Project. Thus owners of physical and non physical assets including building structures, productive lands such as farms, building plots, cultural sites commercial properties, etc.

The affected people can thus be grouped as follows;

- a. Those that will physically relocate or lose their shelter.
- b. Those who will lose assets or access to assets
- c. Those that will lose a source of income or means of livelihood whether or not they physically relocated to another place.

9.0 LAND ACQUISITION

The acquisition of land is done with respect to laid down procedures. The various sites may be taken through private treaty transactions or by resorting to the state's power of eminent domain.

(a) Private Treaty

This is acquisition by negotiation and is normally employed where the site required is small and ownership conflicts are literally absent. It is also used where the impacts on the affected people would be minimal. This approach is driven by the “Willing Buyer and Willing Seller” principle.

Extensive negotiations are held with the affected owners and agreement reached for the transfer of ownership. Considerations paid are usually the market value or the replacement cost value as would be appropriate.

(b) Compulsory Acquisition

This is the taking of land or an interest in land by the state compulsorily for public use. It is carried out by systematically following the procedures and provisions in the enabling legislations.

Prior to the acquisition, notice of intent to acquire and entry for various areas are issued and the owners and occupiers are served copies. The law makes provision for a Statutory Technical Committee comprising representatives of the various land agencies, Utility and public works departments to be constituted to critically examine the request and give recommendation on the acquisition of the land for the specific project.

An executive instrument is subsequently published to give legal effect to the taking of the particular land as described in the schedule of the instrument.

10.0 RESETTLEMENT ACTION PLAN (RAP)

To ensure that all the impacts are identified and remedial measures provided, the VRA subscribes to the preparation of the Resettlement Action Plan (RAP) for all projects. However, details of each RAP would depend on type of project and the magnitude of the people affected. In

conformity with the best practices and standards of international financiers, where the number of people to be displaced does not exceed 200 and the impact would be minimal, an abbreviated RAP would be prepared and implemented. This form of report will be based, among others, on;

1. A census survey of the expected size of the displaced persons, their socioeconomic status including the value of their assets and other sources of livelihood should be carried out.

2. The displaced people and the host population should be consulted about acceptable project alternatives and should be informed about project's potential impacts on them.

3. Description of compensation options to be offered and other resettlement assistance to be provided should be documented and discussed with the resettlers including their preferred choice.

4. Institutional responsibilities for implementation of the resettlement plan, including involvement of other land agencies in monitoring the plan, should be established; and

5. The schedules, budget and sources of funds would be agreed upon with the World Bank.

On the other hand, where the displaced people exceed 200 and the impacts are envisaged to be extensive then a full or detailed RAP would have to be prepared and implemented. This form of RAP would cover the following among others;

1. Description of the project, project area and area of influence

2. Potential Impacts
3. Organizational Responsibility
4. Community consultation and participation
5. Integration with host communities
6. Socio-economic studies
7. Legal framework including mechanisms for conflicts resolution and appeals
8. Institutional Framework.
9. Eligibility criteria (including vulnerable groups)
10. Valuation of and compensation for losses
11. Identification of alternative sites and selection of resettlement site(s), site preparation, and relocation.
12. Detailed budget
13. Implementation schedule
14. Framework for monitoring, evaluation and reporting.

11.0 ENTITLEMENT MATRIX

On the basis of eligibility policies and careful assessment of project impacts an entitlement matrix has been developed for the various categories of PAPs. The Matrix recommends the eligibility and attendant payments for standards for compensation resettlement.

ASSET CATEGORY	TYPES OF LOSS	TYPES OF AFFECTED PERSONS	COMPENSATION STRATEGY
Agricultural Land	<ul style="list-style-type: none"> • Restriction on use due to ROW • Loss of title and use 	<ul style="list-style-type: none"> • Stools, families, individuals, lessees, 	<ul style="list-style-type: none"> • Cultivation may continue subject to height restrictions. <p>Cash payment at full market value or offer of replacement land.</p>
Residential/Commercial Land	<p>Loss of title and or restriction of use Restriction of use</p>	<ul style="list-style-type: none"> • Families, individuals, lessees, stools 	<p>Cash payment at full market value Payment for diminution in value</p>
Structures	<ul style="list-style-type: none"> • House or living quarters • Other physical structures • Structure used in commercial/Business/Industrial activity. • Unapproved structures 	<ul style="list-style-type: none"> • Families, individuals • squatters 	<p>Cash payment at full replacement cost or offer of replacement houses.</p> <ul style="list-style-type: none"> • Resettlement assistance.
Business/Occupation	<ul style="list-style-type: none"> • Displacement from rented or occupied commercial/business premises 	<ul style="list-style-type: none"> • Affected persons 	<ul style="list-style-type: none"> • Full compensation on establishment of nature of loss.

<p>Annual Crops</p> <p>Economic trees</p> <p>Income and Livelihood</p>	<p>Loss of income/ crops</p> <p>Loss of income</p> <ul style="list-style-type: none"> • Income from wage earnings • Income from affected business 	<p>Tenant farmer, Land owner, sharecropper</p> <p>Tenant farmer, Land Owner, sharecropper</p> <p>Affected Person</p> <p>Affected business</p>	<p>Cash compensation at market value based on share cropping arrangements.</p> <p>Cash compensation based on type age and productive value.</p> <p>Cash compensation equal to 6 months income if loss is permanent. If temporal then for the period interruption.</p>
<p>Community and Cultural sites</p>	<ul style="list-style-type: none"> • Schools, community centers, markets, health centers, • Shrines, other religious symbols or sites. • Places of worship (church, temple, mosque) • Cemeteries, burial sites • Rights to food, medicines and natural resources • Loss of grazing land. 	<p>Communities</p> <p>Communities, religious leaders</p> <p>Trustees.</p> <p>Communities</p> <p>Communities</p> <p>Communities</p>	<p>Construction of replacement properties at suitable sites.</p> <p>Pacification rites/full payments for replacement.</p> <p>Construction of replacement properties at suitable sites.</p> <p>Offer of equivalent land and pacification rites.</p> <p>Payment in kind/cash based on negotiation.</p> <p>Offer equivalent land</p>

Infrastructure	<ul style="list-style-type: none"> Roads, bridges, utilities 	<ul style="list-style-type: none"> Communities 	Repairs, rehabilitation or replacement
Environment Related	<ul style="list-style-type: none"> Losses due to environmental impacts that might result from land acquisition or from the programme itself. 	Affected Persons	Offer mutually agreed compensation

TABLE 1: COMPENSATION MATRIX

11.1 CUT-OFF DATE

All properties of Socio-cultural significance and or of economic values will be referenced and paid for. The date of completion of the census and assets inventory of persons affected by the project shall however be the cut-off date. Persons occupying the project area after the cut-off date will not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.

12.0 VALUATION

Resettlement or compensation payments are made on the basis of the open market value or replacement cost of the property. The method of valuation adopted usually depends on the nature of the property, type of loss and other relevant and reliable data. The assessment of land values as determined by considering the going market value of the land at the time of valuation. Issues like cost of acquisition, documentation and registration of title are factored into the valuation before arriving at the compensation payable.

(a) Building / other structures

The replacement cost based on the market cost (at the time of valuation) of materials to build a replacement structure plus the cost of transporting materials to site, cost of labour and contractors fees are considered. In addition, the market value of the land is assessed and added to arrive at the replacement cost of the building. To this is added cost of disturbance and any other incidental expenses for relocation of building.

(b) Crops

Crops, economic trees and other perennials are assessed based on current market/replacement value. Where a farm is the seasonal crops or isolated economic trees, the acreage/ unit rates which reflect the market values or replacement values are used in assessing the compensation payable. The values are based on the type, age and productive value.

In assessing the applicable fair rates, costs of annual land rented and prepared of new sites for plenty are considered among other costs which are to be reasonably expanded.

For economic trees, which are usually cultivated on plantation basis, the investment method of valuation is used. It uses the project future incomes and cost to arrive at the present value of the asset. For this approach, the net annual income from the farm is capitalized at an appropriate rate over the expected remaining life of the crops.

(c) Land

Compensation for land would be assessed on the basis of the market value of the affected land. The approach that is usually adopted is the comparative method of valuation also known as the Market Data Approach.

13.0 ASSESSMENT /PAYMENT OF ENTITLEMENTS OF COMPENSATION

The compensation assessment and payment process starts with the referencing of the properties of the affected persons. The affected people are notified of the day and time the referencing would be carried out. This is to ensure that the exercise is carried out in the presence of the either the property owners themselves or their representatives or agents. The

Land Valuation Board which is the governmental agency with the responsibility for the assessment of compensation payable for government acquisitions is involved in the referencing of the affected properties. Receipt providing details of properties as referenced are issued and signed by the claimants.

The computation and valuation is thereafter prepared by the estate surveyors of the Authority to arrive at the compensatable values. The approach used for the valuation would depend on the criteria already prescribed above. The Land Valuation Board also prepares its own independent report.

The project affected persons also have the right to be represented by their own Valuer in which case the consultant would prepares his own valuation and submit it to the Authority. In most of the case, the project affected persons employ the services of such professional in the estimation of the amount of compensation payable.

The payments are normally made directly to the affected people. Professional fees for consultants of the claimants are not borne by the claimants.

The procedure for payment is that the approved amounts are communicated to the beneficiaries who have the option to accept or raise queries. Where structures are involved, payments are made and owners given reasonable time to relocate. The owner/ occupiers are never compelled to vacate their premises when full payment has not been made.

14.0 TIME FRAME FOR PAYMENT OF COMPENSATION

The compensation payment is made before the construction process commences and completed within a period of one year. Where the

valuation advice from the LVB delays (it takes on average about four to six month before their report is submitted to the Authority), in order to forestall any interruptions in the project implementation process due to non payment of compensation, the value assessed by the VRA's Estate Officers are used as a basis for the payment of compensation.

Thus, usually as a result of delays on the part of Lands Valuation Board, the payments are made with respect to VRA assessed values. On receipt of the LVB's report, any differences are paid to the LVB values are higher.

15.0 CONFLICT RESOLUTION OR GRIEVANCE PROCEDURE

Grievances may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances. The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. The project will use a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost. The response time will depend on the issue to be addressed but it should be addressed with efficiency.

The Volta River Authority, in consultation with the chiefs and elders of all the affected communities, would take the necessary steps to minimise the potential for disputes to the extent possible. PAPs may raise issues formally when informal mechanisms fail to redress their concern. If the issue cannot be resolved at this level, the aggrieved party has, access to

redress through the judicial system. Some of the mechanisms put in place in the event of such conflicts include;

- ❑ Inclusion of community opinion leaders in the survey and valuation stages to serve as witnesses in terms of disputes on plot limits, ownership and tree counts/measurements
- ❑ A project officer is always at hand to take note of all disputes
- ❑ Some of the PAP's including local notables have been selected by the PAP's as their Grievance committee members who are readily available to investigate any dispute as and when they arise
- ❑ Petitioning the company in charge of the project for redress
- ❑ The Ghana Constitution allows for the right of access to the court of law by any person who has an interest or right over an affected property. In practice going to court has been a rare occurrence. In most cases PAPs, represented by the consultants are able to negotiate acceptable awards. The fees of such consultants are paid by the acquiring authorities.

Experience has indicated that most questions involve disputes over the physical inventory counts. Although the field counts are generally accurate, it may be that some economic trees were overlooked during the field count. Such oversights are typically brought to the attention of the VRA staff, either the representative from the Real Estate Department, the Land Valuation Board or the project staff. The VRA representative verifies the validity of the complaint, and corrects the official count accordingly if found to be authentic.

For the sake of transparency and to ensure that the PAPs have confidence in the grievance resolution mechanism, Grievance Committees would be formed for all the settlements., Members of the committees are nominated by the PAP's themselves, including opinion leaders, and chiefs(where necessary).

The role of the grievance committees as set up is outlined below;

- ✓ To witness the collation of the field data during the survey and crop count exercise
- ✓ To take stock of all tree counts on the field
- ✓ To sign the form F's indicating that the tree counts recorded are a true representation of the counts
- ✓ To investigate any anomalies/complaints brought by any PAP's and report to the project officials for verification, if their findings confirm the grievance of the PAP.
- ✓ To have in their possession copies of the government rates adopted in the valuation and cross-check figures on any disputes presented to the committee
- ✓ Report formally any anomaly detected during the RAP implementation period for early resolution.

The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs taking into cognizance the fact most people are illiterate requiring a speedy, just and fair resolution of their grievances.

Communities and/or farmer groups will in general be a party to the contract would not be the best organizations to receive, handle and rule on disputes.

16.0 MONITORING AND EVALUATION

The main aim of the monitoring and evaluation process is to ensure that the Resettlement Policy Framework is implemented and to correct any anomalies in how the resettlement process is carried out. The monitoring and evaluation process would provide continuous feedback to Project managers and other stakeholders on the project implementation.

The relevance, performance, efficiency and impacts of the resettlement policy both the foreseeable and unforeseeable would be evaluated in relation to the objectives that were set. It would also assess whether the objectives were appropriate and also have been met.

In addition it would help evaluate whether the livelihood and living standards of the PAP's have been reinstated or enhanced. There would also be regular evaluation of project impacts, identify constraints and suggest remedies.

The objective will be to make a final evaluation in order to determine if the people who were affected by the project have been affected in such a way that they are now living at a higher standard than before, living at the same standard as before, or they are they are actually poorer than before. For sub-projects triggering the resettlement safeguard, indicators tracking the households affected by the acquisition of land will be assessed in comparison to those of households not affected. In order to access whether these goals are met, the resettlement plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

For example the following parameters would be monitored;

- Each individual will have records on his or her initial situation, all subsequent sub project use of assets/improvements, and compensation agreed upon and received.
- The project will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement, land impacts or damages
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- Proposed use of payments

- The number of contention cases out of the total cases
- The number of grievances and time and quality of resolution
- Ability of individuals and families to re-establish land and crops or other alternative incomes
- Agricultural productivity of new lands
- Number of impacted locals in the workforce
- General relations in the local communities

The PAPs representatives will participate in the project completion workshops, to give their evaluation of the impacts of the effects of the project. They are also to suggest corrective measures, which may be used to improve implementation of other subprojects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey.

17.0 RECORDS MANAGEMENT

At the various stages of the implementation of the RAP, records of the affected people, the identified impact on the people and the remedial measures instituted would be documented on continuous basis.

On completion of the project and the attendant full implementation of the RAP, a resettlement report giving full details would be prepared on an acceptable format. Copies of the report would be made available to the various stakeholders. This is intended to serve as evidence of compliance to agreed resettlement packages and also for records purposes.

GLOSSARY OF DEFINITIONS:

Project Affected Person (PAP) means the same as displaced person within the meaning of IFC's Performance Standard 5 on land acquisition and involuntary resettlement, and means any person experiencing loss of asset, access to

income whether of a temporary or permanent nature due to the land acquisition process regardless of whether they are physically displaced or relocated or not.

Project Affected Household means the family or collection of PAPs that will experience effects from land acquisition regardless of whether they are physically displaced or relocated or not.

Compensation means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost.

Cut-off-date means the date after which PAPs will NOT be considered eligible for compensation, i.e. They are not included in the list of PAPs as defined by the socio-economic survey.

Displaced Persons means all the people affected by a project through land acquisition, relocation, or loss of incomes and includes any person, household, firms, or public or private institutions who as a result of a project would have their;

- (i) Standard of living adversely affected;
- (ii) Right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; or
- (iii) Business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement.

Encroachers mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.

Entitlement means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer

assistance, income substitution, and relocation which are due to /business restoration which are due to PAPs, depending on the type and degree nature of their losses, to restore their social and economic base. Environmental Social Resettlement policy framework

Involuntary Resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that result in displacement. This occurs in cases of:

(i) Lawful expropriation or restrictions on land use based on eminent domain: and
(ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail. In the event of adverse economic, social, or environmental impacts from project activities other than land acquisition (e.g., loss of access to assets or resources or restrictions on land use), such impacts will be avoided, minimized, mitigated or compensated for through the social and environmental assessment process of IFC's Performance Standard 1 on social & environmental assessment and management system.

Land acquisition means the process whereby a person or household is involuntarily alienated from all or part of the land she /he owns or possesses, to the ownership and possession of a project for public purposes, in return for fair compensation.

Market Value means the process of determining market value has sought to establish appropriate compensation figures so that the affected population is able to restore their standards of living to levels "at least as good as or better than" than they were prior to the project.

Relocation means the physical moving of PAPs from their pre project place or residence, place for work or business premises, also called physical displacement under IFC's Performance Standard 5.

Resettlement Action Plan means the time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.

Resettlement Impacts The direct physical and socio-economic impacts of resettlement activities in the project and host areas.

Socio-economic survey means the census of PAPs of potentially affected people, which is prepared through a detailed survey based on actual data collected.

Stool means a community of a group of people normally headed by a chief which is a unit holds the paramount interest(known as the allodial title) in a particular parcel of land.

Vulnerable means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e.

- (i) female-headed households with dependents;
- (ii) Disabled household heads;
- (iii) Poor households;
- (iv) Landless elderly households with no means of support;
- (v) Households without security of tenure; and
- (vi) Ethnic minorities.

Appendix A

Bank Policy (OP 4.00) Requirements (Objective and Operational Principles)	Involuntary Resettlement Government of Ghana's Equivalent Requirements	Significant differences between OP 4.00 and Government requirements.	Mitigation Measures
	Constitutional and Legislative Provisions		
<p>Objective: 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.</p>	<p>Article 20 of the 1992 Constitution leaves intact the powers of the State to acquire land compulsorily subject to constitutional limitations under the same Article for prompt, adequate and effective compensation. Under Article 20 (3), 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</p> <p>Resettlements in the case of acquisitions can be claimed as of right only by persons with proprietary interests in acquired lands.</p> <p>These various legislative measures govern the rights of 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) Act.</p>	<p>Significant differences: the constitutional and legislative frameworks do not appear to make provision for the avoidance or minimizing of involuntary resettlement, The compensation requirements contained in the law do not specifically provide for a principle of improving or restoring livelihoods and standards of living to pre-displacement levels.</p> <p>Finally, the legal right to resettlement is applicable only to those with proprietary interest in the affected land.</p> <p>For these reasons, and the gaps identified below, the Ghanaian systems on involuntary resettlement are deemed not to be equivalent with the Bank's, and will therefore not be relied upon in this project.</p>	<ul style="list-style-type: none"> • Currently the EPA insists on resettlement plans as part of the EA process. • Consultations are held with stakeholders, specially communities that are to be impacted on. • policy directives ensures that PAPs enjoy the benefits of new project • Squaters rights are recognized, and given assistance to relocate. • Where there is a gap between the Bank's requirement and the country's system, the former is adopted.
<p>Operational Principles:</p> <p>1. Assess all viable alternative project designs to avoid, where feasible, or minimize involuntary resettlement.</p>	<p>The Administration of Lands Act, 1962 (Act 123); State Lands Act, 1962 (Act 125) as amended; the Lands (Statutory Way Leaves) Act, 1963 (Act 186); the Public Conveyancing Act, 1965 (Act 302); and the Volta River Development Act, 1961 as amended.</p>	<p>Significant differences: there is no provision in Ghanaian law made for assessing all viable alternative project designs to avoid or minimize involuntary resettlement. The legal right to resettlement applicable only to those with proprietary interest in the affected land.</p>	<ul style="list-style-type: none"> • policy directives ensures that PAPs enjoy the benefits of new project • Squatters rights are recognized, and given assistance to relocate. • Where there is a gap between the Bank's requirement and the country's system, the former is adopted.
<p>2. Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and</p>	<p>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.</p>	<p>No equivalence with the Bank's policy requirement to address the impacts of involuntary resettlement in a comprehensive way, and no provisions made for census or socio-economic surveys of the affected population. The coverage of the requirement</p>	<ul style="list-style-type: none"> • This issue is now addressed through RAPs •

Bank Policy (OP 4.00) Requirements (Objective and Operational Principles)	Involuntary Resettlement Government of Ghana's Equivalent Requirements	Significant differences between OP 4.00 and Government requirements.	Mitigation Measures
	Constitutional and Legislative Provisions		
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.		to compensate for involuntary resettlement is heavily circumscribed by the exceptions and the areas delineated where it does not apply.	
3. 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 specific requirement in the constitution or legislation to identify impacts from project related activities or on cumulative impacts. VRA's Draft PFESM – ESIA 1 and ESIA 4 relate to aspects of involuntary resettlement but do not contain any equivalent provisions on project related activities.	No equivalence between Bank and Ghanaian systems for identifying and addressing impacts resulting from project related activities.	
4. Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the	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.	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy, noted above also. In LI 1652 (Regulation 17), similar considerations apply and the same differences are identifiable: There is no requirement to disclose the preliminary	<ul style="list-style-type: none"> • VRA undertakes consultations at project planning, design, and implementation • Civil Society and NGOs are very active, and now insists on best practice • Vulnerable people are identified and special attention paid to

Bank Policy (OP 4.00) Requirements (Objective and Operational Principles)	Involuntary Resettlement Government of Ghana's Equivalent Requirements	Significant differences between OP 4.00 and Government requirements.	Mitigation Measures
	Constitutional and Legislative Provisions		
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. Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.		report under Regulation 9. There is no requirement to disclose the final EIA unless it is attached to a permit. No requirement for documents disclosed to be in the local language. Regulation 17 on public hearings does not specifically prescribe the use of local language. However, the practice adopted by the EPA under Regulation 17 has been to have proceedings in the local communities conducted in the local language; NGOs may attend and make submissions for and on behalf of communities. Despite the differences identified, the practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language. Moreover, while in principle no distinction or discrimination is made on the basis of gender, age or ethnic origin in such exercises, 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. 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).	their needs.
5. Inform displaced persons of their rights, consult them on options, and provide them with technically and economically feasible resettlement alternatives	Although the 1992 Constitution provides for the payment of prompt, adequate and effective compensation for compulsorily acquired lands and resettlement of affected persons on suitable alternative lands, it does not contain specific provision on the principles of information and consultation required by Bank policy. Moreover, the constitutional provisions apply only to persons with proprietary interests in the acquired land. EPA Act 1994, Volta River Authority Act 1961 (Act 46), as amended by the	No equivalent provisions on the specific requirements for information and consultation required by Bank policy. No equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.	<ul style="list-style-type: none"> • PAPs are informed of their rights, during the consultation stages • Relocation assistance shall be provided • Gap identified has been addressed in compensation

Bank Policy (OP 4.00) Requirements (Objective and Operational Principles)	Involuntary Resettlement Government of Ghana's Equivalent Requirements	Significant differences between OP 4.00 and Government requirements.	Mitigation Measures
	Constitutional and Legislative Provisions		
<p>and needed assistance, including: (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 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.</p>	<p>Volta River Development Act 1961 Decree (NLCD 268) and the Volta River Project (Supplementary Provisions) Act (Act 96) s.29, addresses involuntary resettlement explicitly but in general terms only. It requires 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>matrix.</p> <ul style="list-style-type: none"> • PAPs are encouraged to seek independent expert opinion, • All costs that are reasonably incurred as a result of the involuntary resettlement are reimbursed by VRA
<p>6. Give preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based.</p>	<p>Article 20 of the 1992 Constitution provides for land based resettlement for displaced persons with proprietary interest in affected lands,</p>	<p>Constitution provides for land-based resettlement; its provisions could be interpreting as implying a preference for land based strategies for displaced persons whose livelihoods are land-based. However there is no specific legislative or regulatory provision made for this preference.</p>	<ul style="list-style-type: none"> • Resettlement assistance will be given to squatters • Will adopt Bank's policy

Bank Policy (OP 4.00) Requirements (Objective and Operational Principles)	Involuntary Resettlement Government of Ghana's Equivalent Requirements	Significant differences between OP 4.00 and Government requirements.	Mitigation Measures
	Constitutional and Legislative Provisions		
7. For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, provide resettlement assistance in lieu of compensation for land to help improve or at least restore their livelihoods.	No constitutionally or legislatively recognized resettlement rights or assistance for those without recognized (formal) legal rights to land.	Significant difference. Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated as of right.	<ul style="list-style-type: none"> • Resettlement assistance will be given to squatters • Will adopt Bank's policy
8. Disclose draft resettlement plans, including documentation of the consultation process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.	EPA Act, Section 2, provides the basis for LI 1652; which was made pursuant to the powers conferred on the Minister responsible for the Environment under Section 28 of the EPA Act 1994.	No equivalent requirements on the disclosure and consultation requirements of draft resettlement plans, nor regarding accessible place, form and language. Since here again, LI 1652 (Regulation 17) applies, similar limitations are identifiable. There is no requirement to disclose the preliminary report under Regulation 9. There is no requirement to disclose the final EIA unless it is attached to a permit. There is no requirement for documents disclosed to be in the local language. Regulation 17 on public hearings does not specifically prescribe the use of local language. However, the practice adopted by the EPA under Regulation 17 of LI 1652, has been to have proceedings in the local communities conducted in the local language; NGOs may attend and make submissions for and on behalf of communities. Despite the differences identified, the practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language	<ul style="list-style-type: none"> • Will adopt Bank policy

Bank Policy (OP 4.00) Requirements (Objective and Operational Principles)	Involuntary Resettlement Government of Ghana's Equivalent Requirements	Significant differences between OP 4.00 and Government requirements.	Mitigation Measures
	Constitutional and Legislative Provisions		
9. Apply the principles described in the involuntary resettlement section of this Table, as applicable and relevant, to subprojects requiring land acquisition.	No relevant constitutional or legislative provision identified.	Given the breadth of coverage of LI 1652, there appears to be no significant difference save the substantive limitations noted above, including that only those with legal or propriety rights to such lands are entitled to be compensated.	Will adopt Bank's policy
10. Design, document, and disclose before appraisal of projects involving involuntary restriction of access to legally designated parks and protected areas, a participatory process for: (a) preparing and implementing project components; (b) establishing eligibility criteria; (c) agreeing on mitigation measures that help improve or restore livelihoods in a manner that maintains the sustainability of the park or protected area; (d) resolving conflicts; and (e) monitoring implementation.	No constitutional or legislative provision on such participatory processes.	Gap with respect to the specific participatory process envisaged in the Bank policy.	
11. Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction	No relevant constitutional or legislative provision identified.	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	.Will adopt Bank's policy

Bank Policy (OP 4.00) Requirements (Objective and Operational Principles)	Involuntary Resettlement Government of Ghana's Equivalent Requirements	Significant differences between OP 4.00 and Government requirements.	Mitigation Measures
	Constitutional and Legislative Provisions		
of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.		with proprietary rights or interests in affected lands.	
12. Assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.	EPA Act, 1994 Section 2 (i) enjoins the EPA to ensure compliance with EIA procedures in the planning and execution of development projects including compliance in respect of existing projects.	No equivalence: no provision on assessing whether the objectives of the resettlement instrument have been achieved upon completion.	<ul style="list-style-type: none"> • Distric Assemblies in whose jurisdiction projects are implemented will monitor compliance . • VRA submits annual report to EPA, which will indicate compliance

