



**GHANA: SECOND LAND ADMINISTRATION PROJECT:
CR. NO. 4870-GH**

ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)

COMPLETION REPORT

**PROPOSED SITE FOR THE CONSTRUCTION OF LANDS
COMMISSION HEADQUARTERS**

ACCRA

DECEMBER, 2016

1. Brief description of Project

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The Government of Ghana through the Ministry of Lands and Natural Resources is implementing a long term land administration program to address problems in the land tenure system in Ghana with funds provided by the International Development Association (IDA), Department of Foreign Affairs Trade and Development – Canada and the Government of Ghana (GoG).

The Project Development Objective (PDO) of LAP-2 is *to consolidate and strengthen urban and rural land administration and management systems for efficient and transparent land service delivery*. The Project is building on LAP-1 which laid the foundation for efficient and transparent land administration system in the country.

LAP-2 is being implemented through four interrelated components namely:

- Component 1: Strengthening the Policy, Legal and Regulatory Framework for Land Administration
- Component 2: Decentralizing and Improving Business and Service Delivery Processes
- Component 3: Improved Maps and Spatial Data for Land Administration
- Component 4: Human Resource Development and Project Management

3. Summary of ARAP

The implementation of the first phase of LAP triggered two Safeguards Policies of the World Bank namely: the Environmental Assessment (OP 4.01) and the Involuntary Resettlement (OP 4.12). As required by these policies, an Environmental Impact Assessment and a Resettlement Policy Framework were prepared for LAP 1 since the sites of impacts were not known. However, the site of impact was identified with regards to the construction of a National Headquarters to house the Lands Commission and other Land Sector Agencies in the Greater Accra Region. Consequently, an Environmental and Social Impact Assessment (ESIA) and an Abbreviated Resettlement Action Plan (ARAP) were prepared in October, 2010 through a consultative process with the LAP Unit, decentralized Land Sector Agencies (LSAs), Accra Metropolitan Assembly and Project Affected Persons (PAPs).

The objective of the ARAP is to ensure that people whose livelihoods may be affected as a result of the project are assisted in their efforts to improve their livelihoods and standards of living or at least helped to restore their standard of living, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of the project implementation, whichever is higher.

The ARAP was prepared by Messrs Praisel Consulting Limited in accordance with the World Bank Safeguard Policy OP4.12 and the laws of the Republic of Ghana. The report provides details of Project Affected Persons (PAPs), entitlement matrix, a description of the compensations and livelihood restoration measures to be implemented and procedures for ensuring affected persons receive compensation. The ARAP was disclosed locally in the Ghanaian Dailies in 2010 and by the World Bank at its infoshop. However, an addendum to the original ARAP was submitted to the World Bank and disclosed in-country in May 2013 as a result of delays in compensation payment.

This Resettlement Action Plan (RAP) provides the profiles of 77 PAPs who own 99 structures (2 permanent and 97 temporary structures). All affected persons are Ghanaians engaged in petty trading, artisans and other income generating activities. All PAPs were informed about the project and the need to relocate their activities from the site. Their resettlement preference was to be paid cash compensation for the loss of their structures since the land belongs to the government. Key social impacts identified were loss of employment and incomes. Eligibility criteria for entitlement adopted was based on three criteria proposed in the World Bank Policy on Involuntary Resettlement as follows:

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

(b) Those who do not have formal legal rights to land from the beginning of the census but have a claim to such land or assets, provided that such claims can be substantiated under the existing laws of Ghana or become recognized through a process identified in the resettlement plan; and

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

Persons who were at the project site as at the date of the census were deemed eligible under category C above. The Cut-off date agreed upon was the date of the survey (i.e. 11th October 2010) which was revised to 3rd August, 2012 due to delays in compensation payment. The new cutoff date was published in two National Dailies and posted on the project site. Table 1 presents the implementation schedule.

Table 1: Implementation Schedule

Activity	Date	Responsible Agency
Approval of ARAP from World Bank	29 th October 2010	The World Bank
Public Disclosure of ARAP / Dissemination meeting	17 th November 2010	WB, PCU
Processing of Compensation	2 nd December 2010	LC, PCU, MLNR
Formation and Inauguration of Grievance Committee	8 th September, 2012	PCU, MLNR

Release of Compensation Amount	22 nd March, 2013	Government/MLNR/PCU
Offer Letters to PAPs	21 st May, 2013	PCU
Payment of Compensation	12 th April, 2013	LC, PCU

• **Table 2: Plan of activities undertaken and by which institution**

Task	Institution(s) Responsible
Overall coordination of implementation of ARAP	LAP PCU (Ministry of Lands and Natural Resources)
Determination of Affected Persons and compensation levels	Independent Valuer (Consultant) in collaboration with the Land Valuation Division of Lands Commission
Payment of Compensation	Government of Ghana through the Ministry of Lands and Natural Resources
Affected Persons Representation	Two nominated representatives of the Project Affected Persons (PAPs)
Monitoring and Evaluation of ARAP	LAP PCU and CICOL
Dispute Resolution Committee	LAP PCU, Financial Controller of the Ministry of Lands and Natural Resources, Representative from Land Valuation Division of the Lands Commission, CICOL representative, Accra Metropolitan Assembly representative- Assembly Member for the Area, and two PAPs formed the Grievance Committee.

b. Legal framework for the country and the World Bank in regards to involuntary land acquisition and compensation

One of the critical policies of Government of Ghana is that fair and adequate compensation is paid or in the alternative, resettlement assistance is provided for eligible people who for the sake of national interest have to surrender their interest in land or landed properties to the State for development.

The Ghana statutes makes provision for compensations to be paid to only persons who have suffered any loss and can produce any form of title that is legal in the form of deeds, leaseholds, or legally binding tenancy agreement to the land in question. Under the Ghanaian statute, it is the preserve of the Minister to assess loss.

The World Bank Operational Policy OP 4.12 on Involuntary Resettlement, on the other hand, requires that explicit and adequate compensation be paid to Project Affected Persons who are

either displaced physically or economically or suffer other losses as a result of World Bank financed projects. The World Bank OP 4.12 also advocates the involvement of project affected persons throughout the process to ensure that all forms of losses without exception are catered for. To operate within the directives of the Bank, the ARAP was prepared in line with OP 4.12.

c. Summary of the compensation assessment procedures

The basis of valuation was the “**Open Market Value**”. The Replacement Cost Approach and Comparative Sales Approach was adopted in the assessment of cash compensation. The Full Replacement Cost of structures to be affected was estimated using the Replacement Cost Approach to assess the values of loss of structures and civil works and the Comparative Sales Approach to assess the value of crops. In assessing Amount Payable for Disturbance caused, provision was made by applying a percentage to the value estimated. In estimating Supplemental Assistance to be provided for Loss of location of Temporary or Movable Structures which were found, an average allowance was considered at this stage of the assignment and applied to the number of affected temporary structures (Appendix 1 shows the list of affected structures).

d. M&E and Grievance Redress Mechanism (GRM)

Internal monitoring of the resettlement process was undertaken by LAP-PCU under the Ministry of Lands and Natural Resources. The Project continuously engaged affected persons, discussed and clarified issues to payment modalities of entitlement, and time to relocate.

External monitoring was undertaken by civil society organizations represented by the Civil Society Coalition on Lands (CICOL) to monitor the entire process to ensure fairness and transparency in the entire process. CSOs were represented by CICOL supervised the payment of compensation by the Land Valuation Division of the Lands Commission.

- **What GRM was put in place at the local and Project level**

The Project established a Grievance Redress Committee made up of representatives from the Land Valuation Division of the Lands Commission, Accra Metropolitan Assembly, Assembly Member of the area, representatives from the PCU, Financial Controller of the Ministry of Lands and Natural Resources, Project Affected Persons, and Civil Society Organizations represented by CICOL. The GRM was set up to resolve promptly and fairly any grievances or complaints. The committee resolved all concerns from complaints within five days. The issues included conflicting claims of ownership of structures, request for more time to relocate and sharing of the compensation amount between structure owners and tenants. PAPs with conflicting claims were informed to submit documentary evidence to substantiate their claims. Through the process, owners and tenants who initially disagreed on payment modalities agreed on the amount to be paid to each party and were paid with separate cheques.

- **How are the complaints and grievance recorded (if any attach as Annex)**

Complaints received were recorded on the grievance redress form and others addressed to the Land Valuation Division of the Lands Commission. All complaints were discussed and addressed during Grievance Redress Committee meetings and meetings with PAPs.

- **What options are available to any disaffected PAPs**

PAPs were encouraged to seek advice from external parties (professional bodies-lawyers/ valuers etc) if they were dissatisfied.

3. Implementation of ARAP

a. Budget of ARAP: how much was planned and how much has been spent on ARAP?

A total amount of **GH¢326,203.00** have been paid out of the GH¢340,748.00 budgeted compensation amount assessed by the Land Valuation Division of the Lands Commission

b. Status of compensation payments

A total of 66 affected persons (26 males and 40 females) have received compensation. Items paid for comprised two permanent structures (sandcrete block structures) and temporary structures- wooden structures, movable wooden kiosks or partially enclosed table-tops, metal container shops (either free- standing or mounted on concrete platforms), sheds (either open sided, partially or fully enclosed). However Eleven (11) PAPs remain unpaid (See Appendix 2, 3 and 4 for Full List of PAPS and Status of Compensation Claim Payment, and total unpaid compensation).

c. Outstanding issues

A total of Eleven (11) claims remain unpaid. The following reasons account for the unpaid compensation to PAPs:

- i. PAPs yet to accept offer (3No.)
- ii. Offer accepted, yet to collect cheque (3No.),
- iii. Offer accepted yet to provide adequate proof as beneficiary/successor/next of kin of deceased PAP (1No.)
- iv. Unpaid owing to conflicting claims; adequate evidence of ownership yet to be provided (1No.).
- v. Unknown PAPs could not be identified on site (unknown PAPs) - (3No.)

- **Are there any legal issues pending and what are they, if any?**

There are no pending legal issues of compensation that have come to the attention of the Project.

- **How much is the total cost of any outstanding compensation.**

An amount of Fifteen Thousand Three Hundred and Twenty Four Ghana Cedis (**GhC 15,324.00**) for eleven (11) Affected Persons remains unclaimed. The unclaimed compensation amount is in the custody of the Land Valuation Division of the Lands Commission for future payment to affected persons.

PAPs whose compensation remains unpaid will be required to submit identification and requisite documentation to the Land Valuation Division of the Lands Commission anytime during working hours from Monday-Friday to claim their entitlement.

d. What were the transitional arrangements provided to PAPs?

Adequate time (August 2013 until December, 2014) was allowed PAPs with temporary structures to salvage their items after receiving compensation since construction had not commenced. This enabled the PAPs to reclaim almost all their items from the site. Subsequently, the PCU through the Ministry officially instructed the Lands Commission to take possession of the Site.

4. Conclusion

- **Were there any positives and negatives during ARAP implementation and what are they?**

The processes adopted by the Project (constant engagements with PAPs, clarification and feedback provided, Grievance Redress Mechanism established involving the representatives from the Ministry, the PCU, CSOs, the local Assembly-Accra Metropolitan Assembly -AMA, the Assembly Member of the area and representatives of the PAPs) ensured fairness and transparency and built trust and confidence of PAPs in the whole process. This contributed greatly to the successful implementation of the ARAP and relocation of PAPs without the use of force. Adequate time allowed for PAPs to salvage items significantly help them to recoup items they could use at their new locations.

- **What lessons were learnt?**

- Delays in the release of funds by government for compensation payment resulted in upward review of entitlements due to time lost and inflation. The government therefore had to pay more than the originally assessed compensation amount.
- Post resettlement interactions by the PCU provided adequate feedback on the coping strategies of PAPs at their new locations. PAPs were very appreciative of the follow-ups as this contributed positively to their livelihood restoration and adjustment at their new locations.

- Recommendations, if any?

APPENDICES

Appendix1: Total Affected Permanent Properties and Temporary Structures

PROPERTY	WITHIN SURVEY SCHOOL COMPOUND	OUTSIDE SURVEY SCHOOL COMPOUND	TOTAL
Immovable/Permanent Properties	2	0	2
Movable/Temporary Structures	36	61	97
TOTAL	38	61	99

** 99 structures identified on Site but 66 Persons affected since some PAPs owned two or more structures.*

Appendix2: Total Number of Unclaimed Compensation

PROPERTY	WITHIN SURVEY SCHOOL COMPOUND	OUTSIDE SURVEY SCHOOL COMPOUND	TOTAL
Immovable/Permanent Properties	-	-	-
Movable/Temporary Structures	9	2	11
TOTAL	9	2	11