



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

**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)**

**COMPLETION REPORT**

**SITE FOR THE CONSTRUCTION OF REGIONAL  
OFFICE COMPLEX FOR LAND SECTOR AGENCIES**

**KUMASI –ASHANTI REGION**

**JUNE, 2016**

## **ARAP COMPLETION REPORT**

### **1. Brief description of Project**

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

### **2. 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 impacts was identified with regards to construction of a Regional Office complex to house Land Sector Agencies in Kumasi in the Ashanti Region. Consequently, an Environmental and Social Impact Assessment (ESIA) and an Abbreviated Resettlement Action Plan (ARAP) were prepared by a consulting firm-Messrs Praisel Consulting Limited in October, 2010 through a consultative process with the LAP Unit, decentralized Land Sector Agencies (LSAs) and Project Affected Persons (PAPs).

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

The Kumasi project site is all the piece of land known as site for Civic and Cultural uses situated at Danyame, Ridge residential area layout. It is located to the South-east of the Junior Military Officers Mess at Danyame, near the Catering Rest House in Kumasi. It is an 11.21 acres land bounded to the East by Government Road, on the South by a public park, on the South-West by the Pine Avenue and on the North-West by Mess Avenue.

The Abbreviated Resettlement Action Plan (ARAP) provided the profiles of the six PAPs (one female and five males aged between 28 years and 65 years). All affected persons are Ghanaians. Whilst one was engaged in only piggery, one combining piggery and crop farming, the rest were into only crop farming. The major crops were cassava, plantain and maize. Earnings from these activities varied widely from GHC10 to GHC400 per month. All PAPs were informed about the project and the need to relocate to pave way for the construction to begin. Their resettlement preference was to be paid cash compensation for the loss of farms since the land is government land. The key social impact 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.*

The Cut-off Date agreed upon was the date of the survey (i.e. 11<sup>th</sup> October 2010). Persons who were at the project site as at this date were deemed eligible under category C above. Table 1 presents the implementation schedule.

**Table 1: Implementation Schedule**

<b>Activity</b>	<b>Date</b>	<b>Responsible Agency</b>
Approval of ARAP from World Bank	29 <sup>th</sup> October 2010	The World Bank
Formation of Grievance Committee	5 <sup>th</sup> November 2010	PCU
Public Forum	17 <sup>th</sup> November 2010	PCU
Inauguration of Grievance Committee	17 <sup>th</sup> November 2010	PCU
Disclosure of ARAP	29 <sup>th</sup> November 2010	WB, PCU
Processing of Compensation	2 <sup>nd</sup> December 2010	LC, PCU

Release of Compensation Amount	22 <sup>nd</sup> March, 2013	Government/MLNR/PCU
Notifying PAPs to Collect Compensation package	28 <sup>th</sup> March, 2013	PCU
Payment of Compensation	12 <sup>th</sup> April, 2013	LC, PCU

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

<b>Task</b>	<b>Institution(s) Responsible</b>
Overall coordination of the implementation of ARAP	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
Funds for Payment of Compensation	Government of Ghana
Affected Persons Representation	One elected representative of the Project Affected Persons (PAPs)
Payment of Compensation	Land Valuation Division and PCU
Monitoring and Evaluation of ARAP	PCU and CSOs represented by Civil Society Coalition on Lands (CICOL)
Dispute Resolution	MLNR, PCU, Lands Commission, CSOs and one representative of PAP in the Grievance Redress 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 Comparative Sales Approach was used 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. Table 4 below shows the Assessment of losses for affected persons and entitlements paid.

**Table 4: PAP Eligibility and Entitlement**

No.	Name of Claimant	Gender	Item	Remarks
1	G.N	Female	Food Crops	Paid
2	S. K	Male	Food Crops	Paid
3	D. A. M	Male	Food Crops	Paid
4	K.K.	Male	Food Crops	Paid
5	P. B	Male	Temporary Structures for piggery farm (relocation of structure & pigs) & Civil Works (mass concrete floor)	Paid
6	K. N	Male	Temporary Structures for piggery farm (relocation of structure & pigs) & Civil Works (mass concrete floor)	Paid

### 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 mainly relating to payment modalities of entitlement, request for additional time to relocate and/or to harvest crops before government repossess the land.

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 on the Grievance Committee and

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, PCU, Ministry of Lands and Natural Resources, Project Affected Persons and Civil Society organizations represented by CICOL. The GRM was set up to address and resolve promptly and fairly any grievances or complaints from affected persons. The steps of the grievance redress mechanism were explained to affected persons and options available for resolution of complaints.

Complaints received were mainly request for extension of time to relocate to enable them harvest their crops. All complaints were discussed and addressed during Grievance Redress Committee meetings and Site meetings with PAPs.

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

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

### **3. Implementation of ARAP**

Compensation budget as at October, 2010 was estimated at GH¢ 4,502.64. The values were reviewed upwards in May 2013 using the prevailing valuation rates due to time lapse and inflation. The budget therefore increased from GH¢4,502.64 to **GH¢ 7,540.00**.

All Six (6) PAPs (5 Males and 1 Female) have dully received their entitlements. No unplanned payment was made in relation to the implementation of the ARAP.

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

Transitional arrangement for PAPs with temporary structures included the provision of adequate time to salvage and relocate from the site. Crop farmers were allowed adequate time as requested (November, 2010 until April, 2013) to harvest their crops since construction had not started. The Site was handed over to the Contractor in April, 2015 after all PAPs had successfully relocated.

### **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, involvement of CSOs and PAPs in the Redress Committee) ensured fairness and transparency and built trust and confidence of PAPs in the system. This contributed greatly to the successful implementation of the ARAP and relocation of PAPs without the use of force. Affected farmers accepted their entitlements and were allowed adequate time to salvage items and to relocate after they were paid compensation since construction had not started.

**What lessons were learnt?**

- Delays in the release of funds for payment to PAPs resulted in upward review of entitlements due to time lapse and inflation. The government therefore had to pay more than the originally assessed compensation amount.
- Post resettlement interactions by the PCU were very useful. It provided adequate feedback to the Project on the coping strategies of PAPs at their new locations. PAPs were very appreciative of the follow-ups. Through these interactions, the PCU found that five out of the six PAPs have restored their livelihoods. Three PAPs are currently in formal employment and two are engaged in income generating activities. Only one person is not engaged in any activity due to old age. The interactions also revealed that the two piggery farmers (a civil servant and one self-employed) teamed up with friends in other suburbs within the region to relocate the animals since the Kumasi Metropolitan Assembly did not permit the operation of the piggery farming on a land they secured in town. This enabled them to remain in the piggery business. One affected crop farmer also identified a new farmland within the vicinity and continued to farm to sustain himself and family. Another farmer (an auto mechanic by profession) invested the compensation amount into his auto mechanic shop and is still in business even though according to him business has slowed down due to the general economic condition in the country. Another PAP invested the compensation amount into his brother's tertiary education which facilitated the successful completion of his brother's education. Another PAP who was farming for additional income has been employed by the Military after furthering his education.
- The ARAP report mentioned 11 seasonal farmhands (who were not fulltime employees of the farmers but supported the farmers on ad hoc basis particularly during weeding and harvesting periods). This category of farmers were not captured to receive compensation for loss of income because they come to the farm on adhoc basis. As at date, no compliant have been recorded by the Project from any affected farmer nor the farmhands.