



Republic of Ghana

**MINISTRY OF FOOD AND AGRICULTURE**



**GHANA TREE CROPS DIVERSIFICATION PROJECT (GTCDP)  
(P180060)**

**RESETTLEMENT POLICY FRAMEWORK (RPF)**

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## GLOSSARY OF KEY TERMS

<b>Asset</b>	Any property owned by a person, group of persons or an institution/ agency.
<b>Census</b>	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) and to create an inventory of project affected land and other assets as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
<b>Community</b>	A group of individuals broader than the household, who identify themselves as a common unit due to recognized social, religious, economic or traditional government ties, or through a shared locality.
<b>Compensation</b>	Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.
<b>Cost of Disturbance</b>	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.
<b>Cut-off Date</b>	A day beyond which any person who encroaches on the project area, or constructs assets on land required for project use, will not be eligible for compensation. The cut-off date is the date established by the Project as the deadline for entitlement to any form of compensation
<b>Economic Displacement</b>	Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) which results from the construction or operation of a project or its associated facilities.
<b>Eligibility</b>	The criteria for qualification to receive benefits under a resettlement program
<b>Entitlements</b>	The benefits set out in the resettlement instrument (RPF, RAP and Process Framework), including, for example: financial compensation; the right to participate in livelihood restoration programs; housing, house sites and service provision; transport and other short-term assistance required to resettle or relocate. It is

the compensation plus the assistance to be provided economically and physically displaced persons in the respective eligibility category

**Full Replacement Cost**

The method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs associated with asset replacement. In applying this method of valuation, depreciation of structures and assets are not be taken into account.

**Grievance Redress Mechanism**

The processes established under law, local regulations, or administrative decision to enable property owners and PAPs or other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.

**Involuntary Resettlement**

Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement or when the state exercises its pre-imminent domain under article 20 of the 1992 Constitution of the Republic of Ghana.

**Land Acquisition**

It refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

**Livelihood**

This refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering

**Market Value**

The sum of money which the seller might have been expected to realize when an asset is sold in the open market by a willing seller to a willing buyer. It is the most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, act competitively and rationally are motivated by self-interest to maximize satisfaction

and both act independently and without collusion, fraud or misrepresentation

<b>Project</b>	Ghana Tree Crops Diversification Project.
<b>Physical Displacement</b>	The removal of people from their land, homes, farms, etc. as a result of implementing a project. Displacement occurs during the involuntary taking of lands and from involuntary restriction or access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of PAPs
<b>Project Affected Person</b>	A person that loses assets and/or usage rights and/or income generation capacities (e.g., land, structure, crops, businesses) because these assets/rights/capacities are, or are located on land to be acquired or used, for needs of the project. Not all PAPs are displaced due to the Project, but all are potentially affected in the maintenance of their livelihood.
<b>Restoration of Livelihoods</b>	The provision of assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable Project Affected Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-Project levels
<b>Physical Resettlement,</b>	A process through which physically displaced persons are provided with replacement plots and residential structures at a designated site. Resettlement includes initiatives to restore and improve the living standards of those being resettled.
<b>Resettlement Assistance</b>	This refers to assistance that is usually provided during, and immediately after relocation, such as moving allowances, permanent residential housing, or rentals or other assistance to make the transition smoother for PAPs/ affected households.
<b>Stakeholders:</b>	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
<b>Vulnerable Groups</b>	People who may by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status are more adversely affected by resettlement than others; and who may have limited ability to claim or take advantage of resettlement assistance and related development benefits

## EXECUTIVE SUMMARY

## Introduction

The Government of Ghana (GoG), in implementing the proposed Ghana Tree Crops Diversification Project (GTCDP), is committed to complying with Ghanaian laws, and the World Bank Environmental and Social Standard 5 (ESS 5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.

The purpose of developing a Resettlement Policy Framework (RPF) at this stage of the GTCDP is to outline the framework and principles that will govern project-related land acquisition and restrictions on land use, and help guide the preparation of Resettlement Action Plans (RAPs) or Abbreviated Resettlement Action Plans (ARAPs) when needed. This will allow for early and effective disclosure to key stakeholders, and subsequent feedback and inputs, prior to development of Resettlement Action Plans (RAPs) for sector/ subproject activities.]

## Project Description and Objective

The project has four main components namely:

- institutional strengthening and value chain governance;
- improving Tree Crops Productivity and Climate Resilience;
- support for Post-Harvest Management, Value Addition, and Market Access; and
- project Coordination, Management, Monitoring and Evaluation.

It will focus on the cocoa, cashew, rubber and coconut sectors, hereafter referred to as the selected or project value chains or sectors.

GTCDP aims at supporting the existing capacity of COCOBOD and strengthening the nascent organizational capacity of TCDA, and providing the optimal enabling environment through the legalization and operationalization of tree crop regulations and agribusiness policies. This, in turn, will ensure that local farmers, traders, and processors are well supported and able to generate jobs and profits from production of cocoa, cashew, rubber and coconut. More importantly, and at the most fundamental level, farmers will be provided with the required support to increase productivity. This includes the knowledge and financing to adopt new climate-smart technologies to boost yields, reduce pest and disease, rehabilitate, and sustainably intensify production and thus, avoid deforestation and mitigate the impacts of climate change and contribute to social sustainability.

Farmers will be provided with inputs, extension (technical assistance), organization, and digitization. Without traceable digital systems in which farmers are uniquely identified it is more difficult to ensure farmers receive fair prices and premiums for engaging in responsible – child labor free, deforestation free – climate friendly production systems. Supporting farmers implies supporting the development and uptake of practical, cutting-edge research on tree crops. This includes setting up laboratories that enable the transfer of genetic and plant varieties including addressing the most critical issues faced on the farm. The project design recognizes the need to invest in all these areas in the different segments of the tree crop systems and will support their development.

The Project Development Objective (PDO) of GTCDP is to improve economic, climate, and social resilience in selected tree crop value chains.

## Need for the Preparation of RPF

The activities to be undertaken under the GTCDP are likely to involve loss of livelihood due to disruption of economic and livelihood activities, temporary loss of use of land for planting nurseries, and some

restrictions on land use. The project activities are not expected to require acquisition of new lands as activities will involve the use of existing lands for the rehabilitation and maintenance of existing farms, nurseries, other infrastructure (laboratories/ research centers) for Climate Smart Agriculture (CSA). The project's component 2 (improving tree crop productivity and climate resilience) will support the socially and environmentally sustainable productivity, profitability, and climate resilience of tree crop farms addressing a lack of availability and access to technologies. Investments under this component for cocoa will focus on rehabilitation of diseased cocoa farms for participating farmers with one-time grants and alternative livelihood support mechanism to be agreed upon with farmers and documented in the project implementation manual. These are envisaged to be farm based, small scale, community focused and will take place largely in existing footprints using local labor. There is, however, the potential loss of income and livelihood from the rehabilitation, maintenance, and CSA interventions. There is also potential small scale land acquisition for nursery plantations and for the siting of the proposed CSSVD laboratories to be established under the project.

No communal and/ or public lands will be utilized for the project, but existing institutional lands including that of research institutions under COCOBOD and the Council for Scientific and Industrial Research (CSIR). However, restrictions on land use may occur in some instances where biodiversity reserves may be created in the farms for conservation purposes.

There is insufficient information to estimate the number of PAPs at this stage. However, based on an understanding of the social structure of rural, peri-urban, and urban communities and the nature of the project activities, the categories of population most likely to be adversely impacted include but are not limited to individuals, farmers, hunters, herbalists, landowners including institutional ones, traditional authorities and communities as a whole.

### Potential Social Impacts

The GTCDP is expected to have both positive and negative social impacts on assets and livelihoods.

The potential positive social impacts include:

- **Employment:** A number of people and households would be gainfully employed under component two of the project, e.g., through tree crop multiplication, nurseries and farm rehabilitation as well as spraying.
- **Skills Development:** Through the Institutional Strengthening and Value Chain Governance component of the Project (Component One), varied training to build institutional capacity of TCDA and COCOBOD, as well as the capacity to improve the business enabling environment for farmers and agribusinesses in the selected value chains. It will also build capacity of the institutions to institutions TCDA and COCOBOD to monitor child labor.
- **Improvement of Improvement of Farms through CSA.** The rehabilitation and maintenance of farms through private delivery of climate-smart extension and other relevant services to be channeled through FBOs and collaboration with research centers to learn from demand driven research, training of extension agents of COCOBOD and MOFA, including the delivery of e-extension services, which is to train farmers in the use of CSA practices.
- **Female empowerment.** The Project has as one of its aims to support and empower at least 60% of female owned Small Medium Scale Enterprises (SMEs). This would eventually lead to the economic empowerment of women, especially those that are SME heads in the cocoa, cashew and coconut value additions, which will cover circa 212 SMEs.

- **Private Sector Investment.** Investments in the private sector through component three are expected to leverage significant additional private sector resources and provide jobs for circa 21,000 beneficiaries.
- **Financial Inclusion:** The Project would use electronic means in the payment to beneficiaries e.g., livelihood support payments, which would allow them to possess transaction accounts. Access to a transaction account is a first step toward broader financial inclusion since it allows people to save money and send and receive payments. A transaction account can also serve as a gateway to other financial services.
- **Enhanced Institutional Capacity to Improve the Business Enabling Environment for Farmers and Agribusinesses.** The support to TCDA and COCOBOD will enhance their capacity for improved service delivery in the selected commodity value chains as well as support organizational capacity development, invest in digitizing the value chains for traceability including environmental and social sustainability, and build the national capacity to monitor and prevent child labor.

The potential negative social impacts include:

- **Land Use Restriction, Temporary Loss of Livelihood and Economic Displacement.** Possible cases of restrictions to land use may occur if biodiversity reserves are sited in participating farms for Climate Change Mitigation Intervention (CCMI) etc. or for temporary loss of livelihood for activities relating to Component 2 on farm rehabilitation.
- **Decline in local economy and livelihoods of PAPs/ farmers:** With farm rehabilitation, farmers/ PAPs would lose the little proceeds the farms provide currently to support their livelihoods until such a time that the farms become productive again.
- **Restriction to Use or Benefits from Ecosystem Services.** The rehabilitation of farms (that have been affected by swollen shoot) may temporarily restrict access to acquisition of particular medicinal plants, mushroom, snails and other ecosystem services, etc during the period of rehabilitation.
- **Social Conflict:** The possible misdistribution of benefit among key stakeholders may result in conflicts.
- **Child Labor:** Child labor is outlawed in Ghana. However, it is known that child labor occurs in agriculture where boys usually do some of the manual work on farms while the girls are mostly involved in childcare, which may not be interpreted as child labor. Thus, use of child labor in the project will not be allowed and mitigation measures are already documented in the Labor Management Procedure (LMP) developed for this project.

The proposed GTCDP activities may not involve land acquisition but restrictions to access to land use may occur resulting in loss of livelihood and economic displacement. Therefore, in compliance with the laws of Ghana and World Bank ESS 5, this RPF has been prepared to guide and address potential impacts related to any land use issues and to mitigate the negative impacts on PAPs.

### Objectives of the RPF

The objectives of the RPF are to:

- avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- avoid forced eviction;
- mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely and sufficient compensation for loss of assets at replacement cost

and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;

- improve living conditions of poor or vulnerable persons who are physically displaced, and prevent the need to resort to negative coping mechanisms, such as child labor through provision of adequate housing, access to services and facilities, and security of tenure;
- conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
- ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

### **Country Legal Framework on land administration and resettlement related issues**

The relevant national policies and laws regarding resettlement related land acquisition and compensation issues under this project include:

- The 1992 Constitution of the Republic of Ghana;
- National Land Policy, 1999;
- Land Act 2020, Act 1036;
- The Lands (Statutory Wayleaves) Act 1963, Act 186;
- The Lands (Statutory Wayleaves) Regulation of 1964, LI 334;
- Survey Act 1962, Act 127;
- Land Title Registration Act 1986, PNDCL 152;
- Lands Commission Act 2008, Act 767
- Land Use and Spatial Planning Authority (LUPSA) Act 2016, Act 925
- Office of the Administrator of Stool Lands Act 1994, Act 481; and
- Alternative Dispute Resolutions Act 2010, Act 798.

Key institutions involved in land administration and or resettlement related activities in line with this RPF include:

- Metropolitan/Municipal/District Assemblies (MMDAs) and the Physical Planning Department;
- Lands Commission;
- Office of the Administrator of Stool Lands (OASL);
- Environmental Protection Agency (EPA);
- Traditional Authorities.

Land ownership may be categorized into these 3 main forms:

- Customary land comprising stool and family lands;
- Public land comprising state and vested lands; and
- Privately- owned lands.

### **Proposed Project Resettlement /Compensation Policy and Principles**

The key principles which are in line with the objectives of the RPF will be followed.

Any impact of the GTCDP on land and/ or people (land acquisition, restrictions on land use, physical displacement/ resettlement, livelihood restoration of affected people) will be addressed in compliance with the Constitution of Ghana, with other Ghanaian regulations, and with the World Bank ESS 5 – Land



Acquisition, Restrictions on Land use and Involuntary Resettlement. Where there are gaps or inconsistencies between Ghanaian laws and the World Bank Standards, this RPF which is consistent with the World Bank ESS 5 will apply.

In line with the World Bank ESS 5, displacement of people will be minimized through the following:

- The project will focus mainly on public lands or communal land or stool lands vested in the traditional authorities.
- Poor landowners, traditional authorities, communities and farmers who already own and or have access to lands will be considered.
- Where land acquisition or restriction on land use is required for project infrastructure, such lands should not have or host settlements or dwellings such that affected persons will be 200 or more which will require the preparation of RAP;
- Wherever inhabited permanent dwellings/structures, or communal properties such as cemeteries or religious places may potentially be affected by a component of a GTCDP sector/ commodity sub-project, the sub-project shall be reassessed to avoid any impact on such permanent dwellings or communal properties and to avoid displacement/relocation accordingly;
- Culturally sensitive sites such as cemeteries, sacred groves and shrines as much as possible will be avoided and not be relocated; and
- Biodiversity reserves/ conservation areas as much as possible will be avoided and not be relocated; and
- Costs associated with displacement and resettlement will be internalized into sub-project costs to allow for fair comparison of processes and sites.

In line with ESS 5 principles, compensation shall be paid prior to displacement/ land entry and will be at full replacement value. The “full replacement value” includes the full cost of materials and labor required to reconstruct a building of similar surface and standing. In applying this method of valuation, depreciation of structures and assets are not taken into account. In other words, the affected person must be able to have their structure/property rebuilt in a different location using the compensation paid for the old building.

The main objectives of the resettlement related/ compensation program are to:

- ensure that PAPs are consulted and their concerns included in the resettlement/ relocation program for implementation;
- ensure that PAPs are adequately compensated for loss of property or restrictions on the property use, e.g. land, crops and structure, or communal property;
- compensate the affected units and enterprises for their loss at full replacement cost;
- ensure that physically displaced persons are properly relocated or resettled;
- identify vulnerable groups including the elderly, physically challenged, women, children, poor people/ farmers, etc. among the PAPs and prescribe any special assistance they may require in terms of extra attention during the implementation of the program;
- ensure that gender considerations are factored in the whole program and a significant proportion of individual beneficiaries are women; and
- comply with both country and World Bank requirements on land acquisition, restrictions on land use and involuntary resettlement.

## **Implementation Arrangements**

The institutional arrangements would be built on existing structures pertaining to TCDA and COCOBOD under the auspices of MoFA and the statutory government agencies responsible for the implementation of resettlement activities in Ghana as follows:

- MoFA;
- PCU, TCDA;
- PIU, COCOBOD;
- EPA (Regional Offices);
- Regional Lands Commission- Land Valuation Division (LVD)/ Survey and Mapping Division;
- Regional Coordinating Councils (RCCs);
- District Assemblies (Physical Planning Departments);
- External Consultants;
- Communities;
- Traditional Authority; and
- PAPs.

The PIU and PCU will make use of Environmental and Social Safeguard Specialists (ESSs) available in their respective institutions to deal with resettlement/ compensation related issues. Compliance with World Bank ESF requirements, needs and some capacity building shall be carried out for relevant staff of TCDA and COCOBOD at the PIU, PCU and the district/ community levels. A training workshop is proposed as part of this RPF and/or during RAP implementation.

### **Grievance Redress Mechanism**

The overall objective of the Grievance Redress Mechanism (GRM) is to provide an effective, transparent and timely system that would give aggrieved persons redress and avoid litigation, minimize bad publicity, avoid/minimizes delays in project implementation, ensure public health and safety, and sustainability of the GTCDP interventions. Specifically, the GRM:

- Provides affected people with avenues for making a complaint or resolving any dispute that may arise during the implementation of projects;
- Ensures that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants through Alternative Dispute Resolution (ADR) strategies; and
- Avoids the need to resort to the Court of Law.

The grievance management process will be as follows:

- Identification of grievance;
- Grievance assessed and logged;
- Grievance is acknowledged;
- Development of response;
- Response signed off;
- Implementation and communication of response;
- Complainant's (s) Response; and
- Close of grievance.

### **Monitoring and Evaluation**

Monitoring and evaluation will be carried out during the implementation of the resettlement program. The general objectives are:

- Monitoring of specific situations or difficulties arising from the implementation, and of the compliance of the implementation with objectives and methods as set out in this RPF; and
- Evaluation of the impacts of the Resettlement/Compensation Actions on PAPs' livelihood, environment, local capacities, on economic development and settlement.

The monitoring would focus on the following:

- Whether affected individuals, households, and communities were able to maintain their pre- project standard of living, and even improve on it; and
- Whether local communities remain supportive of the project.

### **Implementation Schedule**

The implementation schedule for the resettlement program will be determined by the following major activities:

- Preparation, approval and disclosure of RPF;
- Implementation of RPF – Training and Workshops;
- Confirmation of subproject activities;
- Screening of subproject activities for resettlement related issues;
- Preparation, approval and disclosure of RAPs;
- Implementation of RAPs; and
- Implementation of project/ subproject activities.

### **Budget and Funding**

The estimated budget for implementing the RPF which will cover the following key activities is approximately US\$252,000:

- Consultations and disclosure;
- Training and sensitization on RPF and WB ESS 5;
- Awareness creation;
- GRM activities; and
- M& E activities;

The World Bank does not disburse against compensation and therefore the Government of Ghana will be responsible for payment of compensation under the project (GTCDP).

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**LIST OF ABBREVIATIONS**

ADR	Alternative Dispute Resolution
AfDB	Africa Development Bank
CSSVD	Cocoa Swollen Shoot Virus Disease
COCOBOD	Ghana Cocoa Board
COVID-19	Corona Virus Disease of 2019
CPESDP	Coordinated Programme of Economic and Social Development Policies
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESRS	Environmental and Social Review Summary
ESS	Environmental and Social Standard
FBO	Farmer Based Organization
GDP	Gross Domestic Product
GoG	Government of Ghana
GRM	Grievance Redress Mechanism
GSS	Ghana Statistical Service
GTCDP	Ghana Tree Crops Diversification Project
LUSPA	Land Use and Spatial Planning Authority
LVB	Land Valuation Board
LVD	Land Valuation Division
MMDA	Metropolitan, Municipal and District Assembly
MoFA	Ministry of Food and Agriculture
MLGDRD	Ministry of Local Government, Decentralization and Rural Development
OASL	office of Administrator of Stool Lands
OP	Operational Policy
PCN	Project Concept Note
PCU	Project Coordination Unit
PDO	The Project Development Objective
PID	Project Information Document
PIU	Project Implementation Unit
PNDC	Provisional National Defence Council
PPP	Public-Private Partnership
RAP	Resettlement Action Plan
RoW	Right-of-Way
RPF	Resettlement Policy Framework
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
TCDA	Tree Crops Development Authority
WB	World Bank

## 1.0 INTRODUCTION

### 1.1 Background

Ghana is situated on the West Coast of Africa between latitude 4° 30' and 11° N and longitude 1° 10' E and 3° 15' W with a land size of 238,539km<sup>2</sup>. The country is divided into 16 administrative regions comprising 261 Metropolitan, Municipal and District Assemblies (MMDAs), i.e., 6 Metropolitan, 109 Municipal and 146 District Assemblies. The total population based on the 2021 population and housing census is estimated to be 30.8 million out of which 49.3% are males and 50.7% are females with a population density of 129 persons/km<sup>2</sup> (<https://census2021.statsghana.gov.gh/>).

As a lower middle income country, Ghana's economy has faced a number of challenges recently due to significant macroeconomic imbalances as a result of the double effect of the Corona Virus Disease of 2019 (COVID-19) and the Russia-Ukraine war. For instance, inflation as of December 2022 was 54.1% according to the Ghana Statistical Service (GSS) and Gross Domestic Product (GDP) growth of 3.6% according to the Africa Development Bank (AfDB). This is in contrast with the GDP of 5.4% obtained in 2021 of which agriculture's contribution was 8.4% which was better than industry (-0.8%) mainly due to poor performance in mining (-12.1%), on account of oil and gas (-12.5%). The GoG has therefore shown strong desire to elevate the agriculture sector by promoting tree crops production to boost agriculture growth in the economy.

A perennial agriculture system based on the cultivation of tree crops offers a number of advantages over the traditional annual agriculture methods of staple carbohydrates such as corn, cassava and yam among others. While these systems take several years to get established, once production has begun the main body of work is minimized and the profits begin to emanate. Indeed, tree crops produce oxygen and sequester carbon, and ensure sustainable agriculture, which are essential to climate change mitigation. It is based on these ideals that the GoG established the Tree Crops Development Authority (TCDA) to oversee the growth of tree crop production in Ghana. These are all geared towards modernizing agriculture and accelerating industrialization, as well as prioritizing climate resilience and mitigation. It is also in sync with the goals of Ghana's 'Coordinated Program of Economic and Social Development Policies (2017–2024)', which sets-out the Government's vision for 'a strong economy that expands opportunities, inspires people to start businesses, stimulates expansion of existing businesses, and ultimately leads to the creation of jobs, increased economic growth and aggregate incomes.

The Ghana Cocoa Board (COCOBOD) is the GoG agency responsible for the production, research, extension, internal and external marketing and quality control. The functions are classified into two main sectors; Pre-harvest and Post-harvest which are performed by specialized divisions of the Board. COCOBOD and TCDA are collaborating with the World Bank to implement the Ghana Tree Crops Diversification Project (GTCDP). To this end, the World Bank is supporting the GTCDP with a credit of US\$200 million to implement the Project.



## 1.2 Project Description and Objectives

The GTCDP among others aims at supporting the existing capacity of COCOBOD and strengthening the nascent organizational capacity of the TCDA and providing the optimal enabling environment through the legalization and operationalization of tree crop regulations and agribusiness policies. This in turn, will ensure that local farmers, traders, and processors are well supported and able to generate jobs and profits from production of cocoa, cashew, rubber and coconut. More importantly, and at the most fundamental level, farmers will be provided with the required support to increase productivity. This includes the knowledge and financing to adopt new climate-smart technologies to boost yields, reduce pest and disease, rehabilitate, and sustainably intensify production. In this case, avoiding deforestation and mitigating the impacts of climate change and contributing to social sustainability. Farmers also will be provided with inputs, extension (technical assistance), organization, and digitization. Without traceable digital systems in which farmers are uniquely identified it is more difficult to ensure farmers receive fair prices and premiums for engaging in responsible – child labor free, deforestation free –, climate friendly production systems. Supporting farmers implies supporting the development and take up of practical, cutting-edge research on tree crops. This includes setting up laboratories that enable the transfer of genetic and plant varieties including addressing the most critical issues faced on the farm. The project design recognizes the need to invest in all these areas in the different segments of the tree crop systems and will support their development.

The project's geographical scope will concentrate on a selected number of districts within one or at most two regions with substantial cocoa, cashew, rubber and coconut coverage as shown in **Table 1-1** and further illustrated in **Figure 1-1**.

The Project Development Objective (PDO) is to improve economic, climate, and social resilience in selected tree crop value chains.

Table 1-1: Selected Regions and Districts for Tree Crop Diversification Project

Commodities	Region	District	Selection Criteria	Socio-economic Characteristics	Commodity Farmer Population	Target farmers	Total Land Area (Ha)	Land Area being Targeted (Ha)
Cashew	Savannah	Bole, Bole	High cashew production. High levels of poverty. Decline in quality and productivity levels due to inappropriate management practices	Population: 115,800 (M=59,903; F= 55,897)	21,509	5,377	963,100	96,310
		Sawala-Tuna-Kalba, Sawla	High Level of production Potential for expansion. High levels of poverty. Decline in quality and productivity levels due to inappropriate management practices	Population: 112,664 (M=53,004; F= 59,660)	26,889	6,722	460,100	46,010
	Bono	Wenchi Municipal, Wenchi	Major cashew production. Processing area. Research Station. Decline in quality and productivity levels due to inappropriate management practices	Population: 124,758 (M=60,960; F= 63,798)	63,840	15,960	493,900	49,390
		Tain, Nsawkaw	High cashew production. High levels of poverty. Decline in quality and productivity levels due to inappropriate management practices	Population: 115,568; (M = 58,382; F=57,186)	39,414	9,854	195,300	19,530
	Bono East	Techiman Municipal, Techiman	Major production and trading hub of cashew in Ghana. Decline in quality and productivity levels due to inappropriate management practices	Population: 243,335; (M = 118,699; F=124,636)	27,365	6,841	111,900	11,190

Commodities	Region	District	Selection Criteria	Socio-economic Characteristics	Commodity Farmer Population	Target farmers	Total Land Area (Ha)	Land Area being Targeted (Ha)
		Techiman North, Tuobodom	Major production area, Decline in quality and productivity levels due to inappropriate management practices	Population: 102,529; (M = 50,248; F=52,281)	33,052	8,263	38,940	3,894
<b>Rubber</b>	Eastern	Upper West Akim, Adeiso	Predominant production area in Eastern region. Potential Expansion	Population: 93,391; (M = 45,548; F=47,843)	2,000	500	34,320	8,580
<b>Coconut</b>	Eastern	Upper West Akim, Adeiso	Predominant production area in Eastern region. Potential Expansion due to proximity to urban market.	Population: 93,391; (M = 45,548; F=47,843)	1,500	375	34,320	1,000
		Suhum Municipal, Suhum	Emerging production area in Eastern region. Potential Expansion due to proximity to urban market.	Population: 126,403; (M = 61,226; F=65,177)	500	125	101,800	1,000
<b>Cocoa</b>	Western North	Bia East, Adabokrom	High prevalence of Cocoa Swollen Shoot Virus Disease (CSSVD) in the Western North region	Population 53,073; M= 28,154; F= 24,919	8,500	5,500	23,426.45	10,000
		Bia West, Essam	High prevalence of CSSVD in the Western North region	Population 115,881; M= 59,955; F= 55,926	8,400	5,500	26,785.49	10,000
	Eastern	West Akim, Asamankese	High prevalence of CSSVD in the Eastern region	Population 120,145; M= 58,268; F= 61,877	13,500	3,000	19,744.53	5,000
Source: Population and Housing Census 2021; Ghana Agriculture Census 2017/2018								

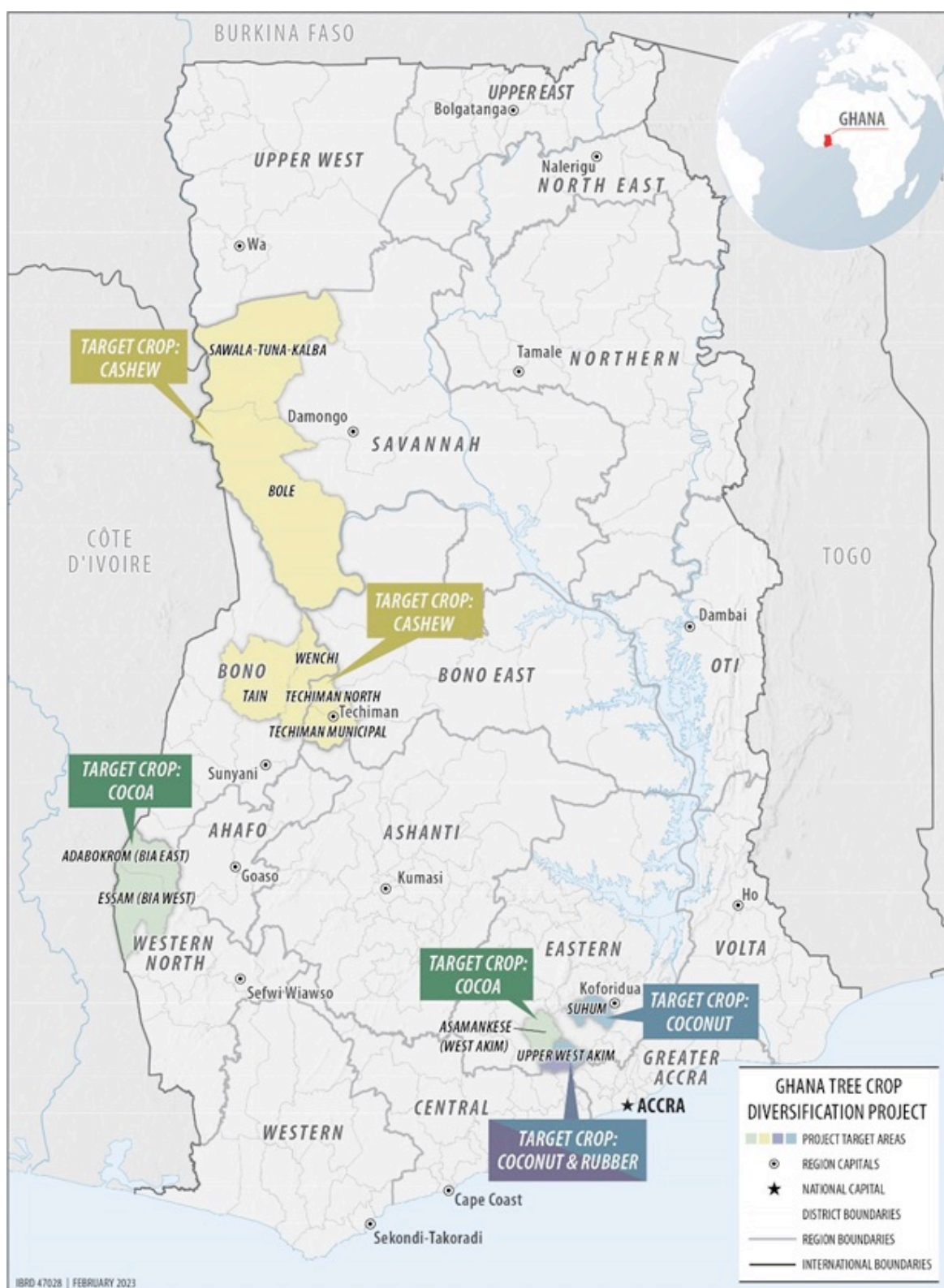


Figure 1-1: Map of Ghana Showing Proposed Project Districts and Tree Crops/ Commodities to be Promoted

### 1.3 Project Components and Implementing Institutional Roles and Responsibilities

#### 1.3.1 Project Components

The project has four main components namely:

1. institutional strengthening and value chain governance;
2. improving tree crops productivity and climate resilience;
3. support for post-harvest management, value addition, and market access; and
4. project coordination, management, monitoring, and evaluation.

The project will focus on the cocoa, cashew, rubber and coconut sectors, hereafter referred to as the selected or project value chains or sectors.

The activities to be undertaken under the GTCDP are likely to involve some restrictions to land use although land acquisition is not likely to occur. Thus, the World Bank Environmental and Social Standard (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, ESS 5 is relevant. The World Bank ESS 5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. The cardinal objectives of this Standard are to avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives and also to avoid forced eviction.

**Component 1. Institutional strengthening and value chain governance.** The objective of this component is to strengthen the institutional capacity of TCDA and COCOBOD and improve sector governance for competitive and sustainable development of tree crops. This will be achieved by: (i) supporting organizational capacity development of both institutions; (ii) operationalizing policies and regulations meant to improve the enabling environment; (iii) investing in digitizing the value chains for traceability including environmental and social sustainability, and (iv) building the national capacity to monitor and prevent child labor in the tree crop sector.

This component has the following subcomponents:

- Institutional capacity, policies, and regulations;
- Value chain digitalization for traceability; and
- Preventing and Responding to Child Labor.

**Component 2. Improving Tree Crops Productivity and Climate Resilience.** This component supports the productivity, profitability, and climate resilience of tree crop farms and these objectives will be achieved by: (i) strengthening research capacity for tree crops and ensuring collaboration with value chain actors to promote demand driven research; (ii) rehabilitating farms affected by cocoa trees disease through the use of a compensation mechanism and adoption of improved cutting, spraying, and other farming practices; (iii) supporting cashew, coconut and rubber nurseries engaged in climate-smart tree multiplication and input delivery centers; (iv) linking private sector service delivery to farmers via the coconut federation, cashew council and FBOs; and (iv) strengthening delivery of climate-smart extension and other relevant services. The component promotes reforestation, restoration of degraded lands, and carbon sequestration to maximize climate co-benefits (CCBs).

This component has the following subcomponents:

- Demand driven research
- On-farm productivity; and
- Strengthening of FBOs.

**Component 3. Support for Post-Harvest Management, Value Addition and Market Access.** This component will support private investments in secondary value addition of SMEs in cocoa, cashew, and coconut value chains and in cashew and coconut processing units.

**Component 4. Project Coordination, Management, Monitoring and Evaluation.** This component will focus on the establishment of a Project Coordination Unit (PCU) at TCDA and Project Implementation Unit (PIU) at COCOBOD for effective coordination, management, and project monitoring and evaluation.

### 1.3.2 Implementing Institutional Roles and Responsibilities

The GTCDP will be implemented by TCDA and COCOBOD, which are institutions under the Ministry of Food and Agriculture (MoFA).

#### 1.3.2.1 Ministry of Food and Agriculture

MoFA is the ministry responsible for the development and growth of agriculture. The primary roles of this ministry are the formulation of appropriate agricultural policies, planning and coordination, monitoring and evaluation within the overall economic development. Currently, MoFA has the following technical directorates:

- Directorate of Crops Services (DCS);
- Directorate of Agricultural Extension Services (DAES);
- Plant Protection and Regulatory Services Directorate (PPRSD);
- Veterinary Services Directorate (VSD);
- Animal Production Directorate (APD); and
- Women in Agricultural Development (WIAD).

#### 1.3.2.2 Tree Crops Development Authority (TCDA)

The TCDA was established by an Act of Parliament, the Tree Crops Development Authority Act 2019, Act 1010. TCDA is a corporate body with perpetual succession to regulate and develop in a sustainable environment the production, processing, and trading of six tree crops namely Cashew, Shea, Mango, Coconut, Rubber, and Oil palm. The main functions of TCDA are:

- Implement policies to ensure the viability of tree crops sub-sector;
- Conduct and promote research to develop the tree crop sub-sector;
- Regulate, register, co-ordinate and promote all activities relating to tree crops;
- Develop, promote and commercialize research findings as well as provide technical, advisory and consultancy services;
- Develop and maintain markets as well as promote efficient marketing for the commodities;
- Liaise and co-ordinate with other organizations inside and/or outside their respective countries to further enhance the tree crops sub-sector;
- Plan and implement training programs and human resource development in line with the needs of the tree crops sub-sectors; and
- Act as the resource and information center of the industry including the publication and dissemination of information.

In 2022, the TCDA launched a five-year tree crops development strategy (2022–2027) targeting the six-priority tree crops: cashew, shea, mango, coconut, rubber, and oil palm. The strategy aims to double their output and better respond to market opportunities as a means of promoting inclusive economic diversification. Market opportunities stem notably from the expansion of global demand for tree crops in general, and for sustainably, ethically, and inclusively sourced products in particular. To these ends, in 2022, the authority developed a set of tree crops regulations, which is yet to be passed by Parliament and expected measures could range from producer price guarantees to the taxation of unprocessed products. It is also TCDA's intention to build and leverage Public-Private Partnerships (PPPs).

TCDA has as its vision “A highly developed, diversified, value-added, globally competitive and sustainable tree crop sector in Ghana” and its mission is “to facilitate the development and well-being, through research, capacity building and excellent services, of the selected tree crop industries with a view to achieving long-term commercial productivity and sustainability, while providing a higher contribution to the national economy of Ghana.” It has a mandate “to regulate and create a conducive environment for the growth and development of tree and industrial crops in Ghana with consequential benefits to the economy of the country.”

TCDA will operate a Project Coordination Unit PCU for coordination of GTCDP activities.

### **1.3.2.3 Ghana Cocoa Board (COCOBOD)**

COCOBOD was established by ordinance in 1947. The Board traces its beginning further back to the cocoa hold-up of 1937. The Board's mandate is to:

- Initiate programs aimed at controlling pests and diseases of cocoa, coffee and shea nut;
- Undertake and encourage the processing of cocoa, coffee, shea nut and cocoa waste with the aim of adding value for export and local consumption;
- Undertake, promote and encourage scientific research aimed at improving the quality of cocoa, coffee, shea nut and other tropical crops;
- Regulate the internal marketing of cocoa, coffee and shea nut. Secure the most favorable arrangements for the purchase, grading and sealing, certification, sale and export of cocoa, coffee and shea nut;
- Purchase, market and export cocoa and cocoa products produced in Ghana which is graded under the Cocoa Industry (Regulations) (Consolidation) Decree, 1968 NLCD 278, or any other enactment as suitable for export; and
- Assist in the development of the cocoa, coffee and shea nut industries of Ghana.

All these operations, handled by various subsidiaries and divisions of COCOBOD, are gracefully coordinated and blended to yield good results for the cocoa industry and the national economy. The functions of COCOBOD center on the production, research, extension, internal and external marketing, and quality control. The functions are classified into two main sectors; Pre-harvest and Post-harvest which are performed by specialized divisions of the Board.

COCOBOD continues to provide services to the sector and retains a monopoly over cocoa purchases and exports, thus continuing to set prices. The GoG's has developed its Second Cocoa Sector Development Strategy for 2017-2027 (CSDS-II), which aims to enhance cocoa productivity by



empowering smallholders to adopt modern technologies, and to increase the cocoa industry's efficiency, effectiveness, and sustainability by modernizing the business environment and increasing access to certified product markets. The CSDS-II proposes investments in climate-smart productivity enhancement including Research and Development (R&D) and extension, soil fertility management, rehabilitation and replanting, and disease and pest control, as well as in the marketing and pricing of cocoa products.

COCOBOD would operate a PIU.

#### 1.4 Justification for Resettlement Framework

As explained above, the project is structured around four(4) components designed to improve productivity, increase value added, and promote climate and social resilience for selected tree crops in project areas in Ghana. The activities to be carried out under this project and their location are not yet known with precision. They will be known once the preliminary studies are carried out. However, it is known that some of the project activities are likely to affect the local population, property and livelihoods, particularly some activities related to Components 2 and 3.

The activities related to these components are those of component 2 on rehabilitation of farms, support for the multiplication of plant varieties suitable for the geographic conditions through a financing mechanism for nurseries for coconut and cashew. Component 3 will support for post-harvest management, processing, and marketing of cocoa, cashew, and coconut, with the intention of enhancing quality, value addition, and supply to new markets, including also providing technical assistance and finance SMEs under component 3.

These activities have the potential to create negative social impacts, which include:

- **Involuntary resettlement.** Involuntary resettlement may not occur under this project, however, temporary restriction of land use may occur if portions of farms are sited for biodiversity reserves and for Climate Change Mitigation Intervention (CCMI) or CSA, for siting of biodiversity reserves in farms, etc.
- **Decline in local economy and livelihoods of PAPs/ farmers:** With farm rehabilitation, farmers/ PAPs would lose the little proceeds the farms provide currently to support their livelihoods until such a time that the farms become productive again.
- **Restriction to Use or Benefits from Ecosystem Services.** The rehabilitation of farms may restrict access to acquisition of medicinal plants, mushroom, snails and other ecosystem services, etc.
- **Social Conflict:** The possible misdistribution of benefit among key stakeholders may result in conflicts.
- **Child Labor:** Child labor is outlawed in Ghana. However, it is known that child labor occurs in agriculture where boys usually do some of the manual work on farms while the girls are mostly involved in childcare, which may not be interpreted as child labor. Thus, use of child labor is not allowed on the project.

These negative externalities together with the need to ensure sustainable development justify the need for guidelines, principles and procedures for the execution of the project, hence the RAP.



## 1.5 Objectives of the RPF

The overall objective of the RPF is to provide clear principles, procedures, guidelines and mitigation measures, and organizational arrangements and design criteria to be applied for the preparation of resettlement plans for subproject activities when their specific locations are well known during implementation.

The specific objectives of the RPF are:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant;
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected; and
- Conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.

## 1.6 Methodology Employed for the Preparation of the RPF

Preparing of the Resettlement Framework applied both primary data (data from field visits) and secondary data including the World Bank Environmental and Social Framework, Draft Project Appraisal Documents, existing National Policies and legislations, etc.). Additionally, stakeholder and public consultation and focus group discussions were conducted. The following approach was used:

- Desktop Review;
- Field Visits and Interviews;
- Stakeholders' consultation.

### 1.6.1 Desktop Review

This involved conducting review of existing relevant national legislation, policies, World Bank's Environmental and Social Framework (ESF), particularly ESS5, the Project Concept Paper and preparatory technical discussions held with the World Bank. National Policies and legislations relating to land use resettlement and compulsory land acquisition and compensation were reviewed. These reviews provided information on the national legislations that regulate land related issues in the country, with reference to compulsory land acquisition and involuntary resettlement in ESS5. Primary data were collected from the field through field consultations, observations, stakeholders engagement and interviews.

The relevant documentation (both print and electronic) available and they included the following:

1. Relevant World Bank ESS, i.e., ESS5 and ESS 10;
2. The Coordinated Programme of Economic and Social Development Policies (CPESDP) - Agenda for Jobs: Creating Prosperity and Equal Opportunity for All 2017-2024, October 2017;
3. 2021 Population and Housing Census, Results- Ghana Statistical Services, General Report Highlights in Different Volumes, February 2022;
4. National Land Policy, June 1999;
5. Relevant Land Laws of Ghana including;
  - a. The Constitution of the Republic of Ghana, 1992,
  - b. Land Act 2020, Act 1036,
  - c. Lands (Statutory Wayleaves) Act 1963, Act 186,
  - d. Lands (Statutory Wayleaves) Regulation of 1964, LI 334,
  - e. Lands Commission Act 2008, Act 767,
  - f. Land Use and Spatial Planning Act 2016, Act 925, and
  - g. National Building Regulation 1996, LI 1630.
6. Project Appraisal Document (PAD), Concept Stage. World Bank, December 2022;
7. Project Information Document (PID), Concept Stage. World Bank, November 2022;
8. Environmental and Social Review Summary (ESRS), Concept Stage. World Bank, November 2022;
9. TCDP Aide Memoire Ghana, World Bank, Nov-Dec 2022;
10. Project Concept Note (PCN), World Bank, September 2022; and
11. Compulsory Land Acquisition and Compensation in Ghana: Searching for Alternative Policies and Strategies, Wordsworth Odame Larbi (undated).

The reviewed documents provided information on the project as well as national legislations that regulate land related issues in the country, with reference to compulsory land acquisition and highlighted the Bank ESS 5.

#### 1.6.2 Field Visits

The visits and the consultations provided the opportunity to:

- to discuss with the stakeholders and Interested and Affected Parties (I&APs) about the project and its requirements for land and any social issues the potential beneficiaries may wish to raise;
- Identify specific interests and discuss potential roles and responsibilities of stakeholders that would facilitate their participation, ownership and sustainability of the project; and
- Assess/ reconfirm the potential project areas and likely resettlement issues that may arise as a result of the sector/ commodity subproject activities.

#### 1.6.3 Stakeholder Consultations

As part of the RPF preparation process, consultations were held with proposed project implementers, beneficiaries, community representatives and other stakeholders. The consultations focused on project implementation and the mandate of the identified stakeholders, including communities at the local level and individuals with the capacity to provide information relevant to the RPF. Consultations were held to gain an insight on land tenure system, grievance handling and how resettlement issues

have been handled with respect to government of Ghana funded projects and donor funded projects including the World Bank.

The consultations took the form of engagement with representatives of relevant government agencies and focus group discussions with potential project beneficiaries at the national, regional and district levels.

The national regional and district level institutions consulted for GTCDP include among others Ministry of Finance (MoF)- World Bank Unit, MoFA, TCDA, COCOBOD, The Commodities Value Chain Specialists, Environmental Protection Agency (EPA), Food and Drugs Authority (FDA), Ghana Standards Authority (GSA) and Research Institutions of the Council for Scientific and Industrial Research (CSIR).

The District Assemblies (DAs) consulted included the Directors of Agriculture in all the intervention districts/ municipalities.

## 2.0 REVIEW OF THE RELEVANT POLICIES, LAWS AND ADMINISTRATIVE FRAMEWORK

This RPF will apply laws, legislation, policies, and regulations governing the use of land and other assets in Ghana and the world bank's ESF particularly ESS 5. In case of any discrepancies between these set of standards, the world bank's ESS 5 will prevail. The relevant world bank environmental and social framework (ESF) and standards (ESS5) and the national legal framework applicable to the preparation and implementation of the RPF are described below to guide implementation of GTCDP.

### 2.1 Relevant World Bank Environmental and Social Standards

The World Bank published a revised version of the safeguard policies in its Environmental and Social Framework (ESF) document (August 2016) in 2018. The ESF sets out the World Bank's commitment to sustainable development, through a Bank Policy and a set of Environmental and Social Standards (ESS) that are designed to support Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity. The ESF comprises:

1. A Vision for Sustainable Development, which sets out the Bank's aspirations regarding environmental and social sustainability;
2. The World Bank Environmental and Social Policy for Investment Project Financing, which sets out the mandatory requirements that apply to the Bank; and
3. The Environmental and Social Standards, together with their Annexes, which set out the mandatory requirements that apply to the Borrower and projects.

The World Bank Environmental and Social Policy for Investment Project Financing (IPF) sets out the requirements that the Bank must follow regarding projects it supports through IPF. It also sets out the policy of the Bank to support borrowers to develop and implement environmentally and socially sustainable projects as well as build capacity in the assessment and management of environmental and social impacts and risks associated with the implementation and operation of projects. The World Bank, as part of the ESF also has environmental and social standards that borrowers must comply with in order for projects to be sustainable, non-discriminatory, transparent, participatory, environmentally and socially accountable as well as conform to good international practices. There are ten (10) Environmental and Social Standards (ESS) that establishes the standards that the Borrower and the project will meet through the project life-cycle and they are summarized in **Table 2-1**.

**Table 2-1: Summary of WB Environmental and Social Standards**

Standard	Summary of Core Requirements
ESS 1	Assessment and Management of Environmental and Social Risks and Impacts
ESS 2	Labor and Working Condition
ESS 3	Resource Efficiency and Pollution Prevention and Management
ESS 4	Community Health and Safety
ESS 5	Land Acquisition, Restrictions on Land Use and Involuntary Resettlement
ESS 6	Biodiversity Conservation and Sustainable Management of Living Natural Resources
ESS 7	Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities

Standard	Summary of Core Requirements
ESS 8	Cultural Heritage
ESS 9	Financial Intermediaries
ESS 10	Stakeholder Engagement and Information Disclosure

The applicable World Bank Environmental and Social Standards for the preparation and implementation of the RPF include:

- ESS 5 – Land Acquisition, Restrictions on Land use and Involuntary Resettlement;
- ESS 10 - Stakeholder Engagement and Information Disclosure;
- ESS 4 - Community health and safety; and
- ESS 8 - Cultural Heritage.

#### 2.1.1 ESS 5 – Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

“Involuntary resettlement” refers to instances where project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood) or both. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

The World Bank ESS 5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. The cardinal objectives of this Standard are to avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives and also to avoid forced eviction.

Other objectives of ESS 5 include:

- Providing timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Improve living conditions of poor or vulnerable persons who are physically displaced;
- To conceive and execute resettlement activities as sustainable development programs that will enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use:

- Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;

- Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights;
- Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and
- Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

#### 2.1.2 ESS 10 - Stakeholder Engagement and Information Disclosure

It requires the proponent or client to engage with stakeholders throughout the project life cycle, from the preparation stage and during project implementation, and in a timeframe that enables meaningful consultations with stakeholders.

Resettlement related activities are expected to be planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected, and addressing and responding to grievances.

## 2.2 Relevant National Policy and Legal Framework

The legal and institutional framework in Ghana over land administration, land tenure, and land expropriation is complex. The relevant national policies and laws with regard to resettlement related, land acquisition and compensation issues under this Project include:

- The 1992 Constitution of the Republic of Ghana;
- National Land Policy, 1999;
- Land Act 2020, Act 1036;
- The Lands (Statutory Wayleaves) Act 1963, Act 186;
- The Lands (Statutory Wayleaves) Regulation of 1964, LI 334;
- Survey Act 1962, Act 127;
- Land Title Registration Act 1986, PNDCL 152;
- Lands Commission Act 2008, Act 767
- Land Use and Spatial Planning Authority (LUPSA) Act 2016, Act 925
- Office of the Administrator of Stool Lands Act 1994, Act 481; and
- Alternative Dispute Resolutions Act 2010, Act 798.

#### 2.2.1 The 1992 Constitution of Ghana (Articles 18 and 20)

The implementation of the proposed project involves expropriation of land/ property and/ or acquisition of right of way by the Government. The 1992 Constitution of Ghana makes provisions that protects the right to private property and sets principles under which citizens may be deprived of their property in the public interest.

Article 18 provides that “Every person has the right to own property either alone or in association with others.”

Article 20 (1) of the 1992 Constitution of Ghana states:

*No property of any description or interest in or right over any property shall be compulsorily taken possession of or acquired by the State unless the taking of possession or acquisition is necessary in the interest of defence, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such manner as to promote the public benefit.*

Article 20 (2) of the Constitution states that compulsory acquisition of property by the State shall only be made under a law which makes provision for:

- The prompt payment of fair and adequate compensation; and
- a right of access to the High Court by any person who has an interest in or right over the property whether direct or on appeal from any other authority, for the determination of his interest or right and the amount of compensation to which he is entitled.

Article 20 (3) of the 1992 Constitution of Ghana describes the circumstances under which displacement of people can occur:

#### Displacement of people

Clause 3 of Article 20 states that:

*“Where a compulsory acquisition or possession of land effected by the State in accordance with clause (1) of this article 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.”*

#### 2.2.2 National Land Policy, 1999

The National Land Policy of 1999 provides guidelines and policy actions for land use (agriculture, forestry, extractive industry, settlement, and infrastructure). The Policy aims at enhancing conservation and environmental quality, thereby preserving options for present and future generations. The key objectives of the Land Policy, which are relevant to the Project, are the protection of the rights of landowners to receive adequate compensation for land acquired, the promotion of public awareness of the proposed project and their legal rights at all levels, and community participation in sustainable land management.

#### 2.2.3 The Lands Act 2020, Act 1036

The Land Act 2020, Act 1036 repeals the State Lands Act 1962, Act 125, and other related laws. The Land Act 2020, Act 1036 seeks to revise and consolidate the laws on land, with the view to harmonizing those laws to ensure sustainable land administration and management and effective land tenure. The Act seeks to consolidate the various legislation on land into one enactment to provide easy access to legislation on land and help remove the overlaps and inconsistencies associated with land legislation. The Act also seeks to complement the Lands Commission Act, 2008 (Act 767), the Administration of Stool Lands Act, 1998 (Act 481) and the Land Use and Spatial Planning Act, 2016 (Act 925), with the view to providing a comprehensive legal regime for the land

sector in Ghana and also support decentralized land service delivery to bring about efficiency, cost-effectiveness and enhanced accessibility to land.

The Act 1036 vests in the State the authority to compulsorily acquire land for public purposes via an Executive Instrument (EI) and shall ensure the prompt payment of fair and adequate compensation for the acquisition. It also declares that the Lands Commission shall act on behalf of the State with regard to the compulsory acquisition of land under the Act. The basis for the assessment of compensation and other considerations for compensation determination include among others:

- Market value considerations
- Any improvement to the property of the claimant as a result of the acquisition;
- Any damage sustained or likely to be sustained by the claimant as a result of the acquisition;
- The need of the claimant to change residence or place of business and reasonable expenses incurred as a result of the change;
- Any other cost that is necessary for the compulsory acquisition; and
- The resettlement of a displaced claimant on the suitable alternative land.

#### 2.2.4 The Lands (Statutory Wayleaves) Act, 1963

The Lands (Statutory Wayleaves) Act, 1963 (Act 186) details the process involved in occupation of land for the purpose of the construction, installation and maintenance of works of public utility, and for the creation of Right-of-Ways (RoW) for such works. Where a RoW 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. Once the property owner is served a copy of the Way leaves, he/she has three months from that date within which to make a compensation claim.

The key elements of this Act include the following:

- The owner/ occupier of the land must be formally notified at least a week in advance of the intent to enter, and be given at least 24-hour notice before actual entry;
- Any damage due to entry must be compensated in accord with the procedures established by the Minister unless the land is restored or replaced;
- In the case of highways, no compensation shall be paid, unless the land taken is more than one fifth of the total holdings of an affected person; and
- 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.

#### 2.2.5 The Lands (Statutory Wayleaves) Regulation of 1964 (LI334)

The Lands (Statutory Wayleaves) Regulation of 1964 (LI334) restates the principles of the Act 186, in that the State retains the power to compulsorily acquire any area of land for public use if necessary and pay prompt and appropriate compensation to the original owner(s) of said land. LI334 also establishes provisions for Wayleave Selection Committees to determine the optimal routing and to ensure that the selected wayleaves are consistent with urban and rural planning. Occupiers of current RoWs have no right to compensation under Ghanaian law if they occupied the RoW after its formal declaration.



### 2.2.6 Survey Act 1962, Act 127

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

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

### 2.2.7 Land Title Registration Act 1986, PNDCL 152

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

### 2.2.8 Lands Commission Act 2008, Act 767

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

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

Currently, the Commission has the following Divisions: Survey and Mapping; Land Registration; Land Valuation; and Public and Vested Lands Management. The work of the Land Valuation Division is central is estimating valuation, certifying professional valuers and providing the national minimum rates for compensation of properties.

### 2.2.9 Land Use and Spatial Planning Authority (LUPSA) Act 2016, Act 925

This Act revises and consolidates the laws on land use and spatial planning, provide for sustainable development of land and human settlements through a decentralized planning system, ensure judicious use of land in order to improve quality of life, promote health and safety in respect of human settlements and to regulate national, regional, district and local spatial planning, and generally to provide for spatial aspects of socio economic development and for related matters. Section 104 (1a) provides for compensation of a person whose property is adversely affected by the operation of a scheme or by the execution of a work under a scheme under this Act.

### 2.2.10 Office of the Administrator of Stool Lands Act, 1994 (Act 481)

The OASL Act 1994, Act 481 establishes the Office of the Administrator of Stool Lands as enshrined in Article 267 (2) of the 1992 Constitution and it is responsible for establishment of stool land

account for each stool, collection of rents and the disbursement of such revenues. The Administrator is charged with the management of stool lands and in accordance with the provisions in the 1992 Constitution, 10% of the gross revenue goes to the Administrator of Stool Lands for administrative expenses whilst the remainder is disbursed as follows:

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

#### 2.2.11 Alternative Dispute Resolution Act 2010 (Act 798)

The purpose of the Act is to "...provide for the settlement of disputes by arbitration, mediation and customary arbitration, to establish an Alternative Dispute Resolution Centre and to provide for related matters." The Act further defines Alternative Dispute Resolution (ADR) "as the collective description of methods of resolving disputes otherwise than through the normal trial process" (Section 135). The ADR Act covers both domestic and international arbitration in Ghana and the enforcement of both domestic and foreign arbitral awards within the jurisdiction.

Under Section 1, Application, the Act applies to matters other than those that relate to:

- the national or public interest;
- the environment;
- the enforcement and interpretation of the Constitution; or
- any other matter that by law cannot be settled by an alternative dispute resolution method.

### 2.3 Land Administration and Institutional Framework

Key institutions involved in land administration and or resettlement related activities in line with this RPF include:

- Metropolitan/Municipal/District Assemblies (MMDAs) and the Physical Planning Department;
- Lands Commission;
- Office of the Administrator of Stool Lands (OASL);
- Environmental Protection Agency (EPA);
- Traditional Authorities.

#### 2.3.1 MMDAs and the Physical Planning Department

The Local Governance Act 2016, Act 936 establishes and regulates the local government system and gives authority to the MMDAs to exercise political and administrative power in the districts, provide guidance, give direction to, and supervise all other administrative authorities in the districts. The MMDAs are under the Ministry of Local Government, Decentralization and Rural Development (MLGDRD).

The MMDAs are mandated to initiate programs for the development of basic infrastructure and provide municipal works and services as well as be responsible for the development, improvement and management of human settlements and the environment in the district.

The Land Use and Spatial Planning Authority (LUSPA) is responsible for sustainable development of land and human settlements through a decentralized planning system, and currently operates at the

regional and district levels, with the responsibility for designing plans (planning schemes) and controlling settlements.

LUSPA, as a decentralized institution, forms part of the District Assembly structure as the Physical Planning Departments, which replaced the erstwhile Town & Country Planning Department; and at the regional level as the Regional Land use and Spatial Planning Authority.

The Physical Planning Departments which have the mandate of planning schemes and controlling settlements would lead the DAs in the land acquisition process.

### 2.3.2 Lands Commission

The Commission currently has the following Divisions:

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

#### Public and Vested Lands Management Division of the Lands Commission

The Public and Vested Lands Management Division of the Lands Commission is the principal land management organization of the government. All public land is vested in the President of Ghana and held in trust by him for the people of Ghana. The Public and Vested Lands Management Division manages all public land on behalf of the President. In each of the regions of Ghana (occur for the previous ten regions and new offices yet to be created for the new 6 regions), a branch, known as the Regional Lands Commission, performs the functions of the Lands Commission. In addition to managing public lands on behalf of government, its other mandates include among others providing:

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

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

#### Land Valuation Division (LVD)

It was established in 1986 (PNDC Law 42) as the Land Valuation Board (LVB). However, the LVB was brought under the Lands Commission as the Lands Valuation Division (LVD) with the promulgation of the Lands Commission Act 2008, Act 767. The LVD is responsible for all valuation services for the government, including assessing compensation to be paid as a result of land acquisition or damage to an asset in view of a government project.

The Division keep rates for crops which are applicable nation-wide. The LVD has offices in all sixteen (16no.) regions of Ghana and over 44 district offices. The district offices are involved only in 'rating valuation' and that any valuation taking place has to be undertaken by the Regional offices which have certified valuers. The LVD also keep records of private sector certified valuers.

#### Land Registration Division of the Lands Commission

It was established in 1986 as the Title Registration Advisory Board under Section 10 of the Land Title Registration Act, 1986. However, it was brought under the Lands Commission as the Lands Registration Division with the promulgation of the Lands Commission Act 2008, Act 767. The Division ensures registration of title to land and other interests in land; maintains land registers that contains records of land and other interests in land; ensures registration of deeds and other instruments affecting land, among other functions.

#### Survey and Mapping Division of the Lands Commission

It was established in 1962 under the Survey Act 1962, Act 127 as the Survey Department. The Department was brought under the Lands Commission as the Survey and Mapping Division with the promulgation of the Lands Commission Act 2008, Act 767. The Division supervises, regulates and controls the surveys and demarcation of land for the purposes of land use and land registration. It also supervises, regulates, controls and certifies the production of maps. It is responsible for planning all national surveys and mapping among other functions.

### 2.3.3 Environmental Protection Agency (EPA)

The EPA is established under the EPA Act, 1994 (Act 490) and is responsible for the protection of the environment and this include the human/ socioeconomic environment as well. The Agency is under the Ministry of Environment, Science, Technology and Innovation. Its functions include the following amongst others:

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

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

### 2.3.4 Traditional Authorities

In the 1992 Constitution, chieftaincy together with its traditional councils is guaranteed and protected as an important institution in the country. This institution operates in tandem with the Ministry for Chieftaincy and Traditional Affairs, which is the official Ghanaian agency responsible the creation of linkages between the Government of Ghana and the traditional authorities in the country.

In Ghana land is owned predominantly by customary authorities (stools, skins, clans and families). Together they own about 78% of all lands while the State owns about 20% with the remaining 2% owned by the state and customary authorities in a form of partnership (split ownership), (Larbi W

O, 2008). Article 267 (1) of the 1992 Constitution avers that all stool lands in the country shall vest in the appropriate stool on behalf of, and in trust of the subjects of the stool in accordance with customary law and usage. All revenues from stool lands are collected and disbursed by the Office of the Administrator of Stool Lands (OASL).

## 2.4 Gaps between Ghana Regulations and World Bank Standards

There are significant gaps between Ghanaian regulations and World Bank requirements. These are summarized in **Table 2-2**.

**Table 2-2: Comparison of Ghanaian Regulations with World Bank Requirements**

Issue	Ghana Legislation Requirement	WB Requirements	Gaps Filling Procedures
Timing of compensation payment	Prompt	Prior to displacement ESS 5 requires the provision, before displacement occurs, of compensation and other assistance required for relocation, as well as the preparation and allocation of resettlement land with appropriate facilities, where required. In particular, the taking of land and related property can only take place after the payment of compensation and, where applicable, the provision of resettlement land and travel allowances to the displaced.	Compensation payments are done prior to displacement. Resettlement will be complemented by ESS 5, which provides for more conditions to be met before physical or economic, among them, resettlement assistance, the preparation and allocation of land, and relocation allowances.
Calculation of compensation	Fair and adequate	"Replacement cost" is the method of valuing assets to determine the amount sufficient to replace losses incurred and to cover transaction costs. For losses that are difficult to value or compensate for in monetary terms (e.g., access to public services, customers or suppliers; or to fishing, grazing or forest areas), an attempt is made to establish access to equivalent and culturally acceptable resources and income sources.	Depending on the case, the competent national agencies (for land, crops or buildings) will be called upon to make the evaluations and weigh the proposals of the PAPs. However, the compensation standard will be the replacement cost. The national provisions for compensation will be supplemented by the criteria of the full replacement cost standard, including: - the valuation method must determine the amount sufficient to replace the losses incurred and cover transaction costs - depreciation is not included in the valuation of the property

Issue	Ghana Legislation Requirement	WB Requirements	Gaps Filling Procedures
			- when dealing with loss of access to public resources, an attempt is made to establish access to equivalent and culturally acceptable resources and income sources
Squatters	No provision. Are deemed not to be eligible and therefore not entitled to any compensation	Squatters are eligible for compensation, and shall receive resettlement assistance in lieu of compensation for the land they occupy, and any other assistance necessary to achieve the objectives of ESS 5, provided that they have occupied the land in the project area before the cut-off date. Are to be provided resettlement assistance (but no compensation for land)	Are to be provided resettlement assistance (but no compensation for land)
Resettlement	In the event where inhabitants have to be physically displaced, the State is to resettle them on <i>"suitable land with due regard for their economic well-being and social and cultural values"</i> .	Affected people who are physically displaced are to be provided with residential housing, or housing sites, or, as required, agricultural sites at least equivalent to the old site. Preference to be given to land-based resettlement for displaced persons whose livelihoods are land-based.	ESS 5 will apply. Physically displaced PAPs are to be provided with housing sites at least equivalent to the old site. Preference to be given to land-based resettlement for displaced persons whose livelihoods are land-based (i.e., farmers, etc.)
Resettlement assistance	No specific provision with respect to additional assistance and monitoring.	Affected people are to be offered support after displacement, for a transition period	Affected people are to be offered resettlement support to cover a transition period
Information and consultation	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.	Displaced persons and their communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.	Displaced persons and their communities are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.

Issue	Ghana Legislation Requirement	WB Requirements	Gaps Filling Procedures
Disclosure	No specific provision	RPF and subsequent resettlement instruments such as RAP should be submitted for public disclosure purposes	Resettlement instrument prepared including RPF will be submitted for public disclosure purposes
Use of resettlement instrument	No clear provision	Can use RPF, RAP, Process Framework	Will use RPF, RAP process framework as appropriate
Gender and Vulnerable Groups	The land act makes provision for legal and other expert assistance to vulnerable persons for assessing meaningful compensation (section 258).	Particular attention to be paid to vulnerable groups, especially those below the poverty line, the landless, the elderly, women, children, tenant farmers, and ethnic minorities	National legislation will be complemented by ESS 5. Particular attention to be paid to vulnerable groups as already stated.
Grievance Mechanism (GM)	Use of alternative dispute resolution (ADR) (section 254 of act 1036) and access to court of law (article 20 of 1992 Constitution of Ghana, and section 254 of act 1036)	A project level effective grievance mechanism for handling and following up complaints should be established, and PAPs should have easy access to this mechanism.	An accessible and efficient grievance mechanism will be available for PAPs. The Law Court and administrative resolution organs will always be available for PAPs, who do not need to finalize the process at the project level GM to have recourse to competent national bodies. Moreover, anonymous complaints will be admitted under the project GM.

(\*NB squatters do not have authorized permission from landowners, traditional or government authority or property owners to settle in the present location or occupy or use the property)

## 2.5 Project Measures to Ensure Compliance with World Bank Policy

In general, the Ghanaian laws and regulations make provision for resettlement issues, including land acquisition and compensation matters. However, there are some differences between the World Bank ESS 5 and Ghanaian laws as indicated in Table 2-2.

In order to harmonize such differences and ensure that the criteria used to determine compensations to Project Affected Persons (PAPs) satisfies the World Bank requirements as well as the national laws, the RPF has to be adopted to guide the assessment of all resettlement related issues during the Project implementation requiring resettlement.

The RPF will combine the World Bank ESS 5 and the national laws including the Ghana Land Policy (1999). It must be noted however, that in circumstances where gaps exist between national laws and World Bank ESS 5, the ESS 5 will apply. The RPF will therefore be the main guide for the preparation of any resettlement plans under GTCDP.



### 3.0 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

#### 3.1 Principles

ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and PAPs. The project related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both.

Where compulsory acquisition of land results in displacement of inhabitants, a land acquisition and resettlement plan must be prepared, i.e., a Resettlement Action Plan (RAP) outlining the processes and procedures for resettlement/ compensation including livelihood restoration measures. Annex 1 presents a template for preparing a RAP. Similarly, for possible restriction of access to ecosystem services if biodiversity reserves are sited on farms, a process framework consistent with ESS5 would be prepared.

The project would avoid forced eviction and mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by providing timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to improve or restore their livelihoods and living standards.

##### 3.1.1 Regulatory Framework

The key principles to follow for conducting involuntary resettlement under the project are to:

- avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- avoid forced eviction
- mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- conceive and execute resettlement activities as sustainable development programs, providing sufficient resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
- ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

Any impact of the GTCDP on land and/ or people (land acquisition, restrictions on land use, physical displacement/ resettlement, livelihood restoration of affected people) will be addressed in compliance with the Constitution of Ghana, with other Ghanaian regulations, and with World Bank ESS 5 – Land Acquisition, Restrictions on Land use and Involuntary Resettlement. Where there are

gaps or inconsistencies between Ghanaian laws and the World Bank Standards, this RPF which is consistent with the World Bank ESS 5 will apply.

### 3.1.2 Minimization of Displacement

In line with the World Bank ESS 5, displacement of people will be minimized through the following:

- The project will focus mainly on public lands or communal land or stool lands vested in the traditional authorities.
- Poor landowners, traditional authorities, communities and farmers who already own and or have access to lands will be considered.
- Where land acquisition or restriction on land use is required for project infrastructure, such lands should not have or host settlements or dwellings such that affected persons will be 200 or more which will require the preparation of RAP;
- Wherever inhabited permanent dwellings/structures, or communal properties such as cemeteries or religious places may potentially be affected by a component of a GTCDP sector/ commodity sub-project, the sub-project shall be reassessed to avoid any impact on such permanent dwellings or communal properties and to avoid displacement/relocation accordingly;
- Culturally sensitive sites such as cemeteries, sacred groves and shrines as much as possible will be avoided and not be relocated; and
- Biodiversity reserves/ conservation areas as much as possible will be avoided and not be relocated; and
- Costs associated with displacement and resettlement will be internalized into sub-project costs to allow for fair comparison of processes and sites.

### 3.1.3 Cut-off Date

In accordance with ESS 5 and for sub-project activities under GTCDP, where land acquisition or restriction on land use will be required, and there are properties or occupants on the land, a cut-off date taking into account the likely implementation schedule of the sector/ commodity sub-project will be determined. Preferably the cut-off-date will be based upon the date of inventory or completion of assets/ properties.

### 3.1.4 Compensation

One cardinal principle of the World Bank Environmental Standard 5 on Land acquisition, restrictions on land use and involuntary resettlement is that project affected persons should be *no worse-off if not better off* after the compensation or resettlement has taken place. The compensation package will include loss of income or livelihood restoration assistance or relocation assistance as appropriate.

Compensation principles will be as follows:

- Compensation shall be paid prior to displacement/ land entry;
- Compensation will be at full replacement value.

The “full replacement value” includes the full cost of materials and labor required to reconstruct a building of similar surface and standing. In applying this method of valuation, depreciation of structures and assets are not taken into account. In other words, the affected person must be able

to have their structure/property rebuilt in a different location using the compensation paid for the old building.

### 3.1.5 Income and Livelihood Restoration

Where impact on land use is such that people may be affected in the sustainability of their livelihoods, preference will be given to land-for-land solutions rather than cash compensation, in consistency with the Constitution of Ghana and with ESS 5. This applies to people who are not necessarily physically displaced but who are affected by a land loss that affects their sustainability.

Livelihood assistance or restoration measures will be assessed in relevant resettlement instruments to be prepared such as RAPs depending upon the specific situation of the considered location. They may include the following:

- Agricultural development and support measures (agriculture, livestock, provision of inputs/ extension services);
- Micro-finance support (savings and credit), and other small-scale enterprise or business development activities; and
- Skill development and training.

The cocoa sub-sector in particular is dominated by tenant farmers. The rehabilitation of farms affected by cocoa trees disease through the use of a livelihood support mechanism and adoption of improved cutting, spraying, and other farming practices under component 2 will affect the income and livelihood of tenant farmers in particular. This particular cocoa farm rehabilitation activity does not induce involuntary resettlement because farmers will participate on voluntary basis. However, the project will make provision for ensuring that tenant farmers have alternative income and livelihood throughout the period for the farm rehabilitation. The type and nature of the alternative income and livelihood will be determined through consultation with affected farmers in line with the national law and international best practice and documented in the project implementation manual.

### 3.1.6 Vulnerable Persons

During inventory of project affected persons under GTCDP, activity with impact on livelihoods or displacement of affected people, vulnerable persons will be identified in order for special assistance or measures to be put in place for them.

### 3.1.7 Consultations and Grievance Redress Mechanisms

Meaningful consultations and information disclosure to take place before the process leading to displacement is launched in each particular area or location affected by a GTCDP subproject activity.

A grievance registration and processing mechanism to be put in place, as early as possible to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons or project affected persons.

### 3.1.8 Community Involvement and Sensitization

Communities to benefit from the GTCDP will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts if any should be well communicated to the communities.

### 3.1.9 Categories of Resettlement Plan Reporting

Whether land acquisition is involved or not, the number of affected people and the impact of the land-take will determine whether the process is to include the preparation of a full Resettlement Action Plan (RAP). The project will use the PCU and PIU offices to determine the number of affected persons under any GTCDP subproject activity that is likely to generate resettlement related or compensation impact requiring compensation payment and / or resettlement assistance.

### 3.1.10 Voluntary Land Donations

The project activities may not require acquisition of new lands. The activities will involve the use of existing lands for the rehabilitation and maintenance of existing farms, nurseries, other infrastructure (laboratories/ research centers) for Climate Smart Agriculture (CSA). However, the empowered private actors may decide to expand their work or the project may establish nurseries requiring parcels of land. A parcel of land to be used by the project may be donated on a voluntary basis without payment of full compensation. Such situations will be considered subject to the World Bank's Voluntary Land Donation Protocol (see annex 4) and prior Bank approval. In any case, the conditions foreseen in ESS5 should be verified. The following requirements will need to be demonstrated and documented:

- The potential donor or donors have been appropriately informed and consulted about the project and the choices available to them;
- Potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation;
- No household relocation is involved;
- The donor is expected to benefit directly from the project;
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land;
- All family members (including spouses) must be aware of the donation, in order to minimize the risks of women users of the land to be donated being passed over in decision-making on land donation and the risks of cross-generational conflicts being avoided. Individuals using or occupying community or collective lands must also be aware of the donation to minimize risks of settlers or migrants being passed over in decision-making on land donation;
- The PCU-PIU establishes that the land to be donated is free of encumbrances and encroachment and registers the donated land in an official land registry;
- Any donated land that is not used for its agreed purpose is returned to the donor by the PCU-PIU in collaboration with the Lands Commission. The PCU-PIU will make a determination that the land donated is no longer needed for the intended purpose of the project.
- A transparent record of all consultations and agreements reached is kept by the PCU-PIU; and
- There is documentation of the land indicating clearly, the size, the location/situated, and signatories of the parties (consent).

## 3.2 Objectives of the Resettlement/ Compensation Program

The main objectives of the resettlement related/ compensation program are to:

- ensure that PAPs are consulted and their concerns included in the resettlement/ relocation program for implementation;
- ensure that PAPs are adequately compensated for loss of property or restrictions on the property use, e.g. land, crops and structure, or communal property;
- compensate the affected units and enterprises for their loss at full replacement cost;
- ensure that physically displaced persons are properly relocated or resettled;
- identify vulnerable groups including the elderly, physically challenged, women, children, poor people/ farmers, etc. among the PAPs and prescribe any special assistance they may require in terms of extra attention during the implementation of the program;
- ensure that gender considerations are factored in the whole program and a significant proportion of individual beneficiaries are women; and
- comply with both country and World Bank requirements on land acquisition, restrictions on land use and involuntary resettlement.

## 4.0 SOCIOECONOMIC CHARACTERISTICS AND LAND TENURE IN GHANA

### 4.1 Location and Size

The subproject component activities will be implemented in 11 districts of 5 regions of the country (see Table 1-1 and Figure 1-1).

### 4.2 Socio-Economic Characteristics of the Intervention Districts/ Municipalities

Ghana's population as at 2021 according to the 2021 Population and Housing Census is 30.8 million. The total population of the intervention regions and the districts corresponds to 6.8 million and 1.3 million respectively. Table 4-1 provides the details and further illustrated in Figure 4-1.



Figure 4-1: Map of Ghana Showing Project Districts and Population Dynamics

Table 4-1: Socio-Economic Profile of the Project Regions and Districts

Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
Savannah	<b>653,266</b> M = 327,687 F = 325,579	Bole	<b>115,800</b> M = 59,903 F = 55,897	The district has an agrarian economy which is indicative of the large number of agricultural products produced every year. With a favorable environment, suitable intervention measures can result in the area being a food basket of the region. A wide variety of crops are cultivated such as maize, yam, cassava, guinea corn, and groundnuts	According to the 2010 population census, Islam is the dominant religion in the district followed by Christianity.	The geographic conditions (drought-prone plains) of Savannah put them at a disadvantage. This contributes to the high rate of poverty in the district. According to the Ghana Growth and Poverty Reduction Strategy (GPRS) 2006-2009 report, low productivity and poorly functioning markets for agricultural outputs are among the main causes of rural poverty, particularly in the district.	There is Gender Inequalities in Rural Employment. Despite Ghana's great progress in poverty reduction, an important share of rural men and women in the country still lack decent work opportunities. The Northern part of the country and rural areas, in general, are of major concern. Rural women in particular face greater difficulties in transforming their labor into more productive employment activities and their paid work into higher and more secure incomes. According to the Gender Inequalities in Rural Employment Report, the agricultural sector is the main employer for both rural women and men; nevertheless, rural women also have high employment participation in wholesale retail,

Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
							marketing, and tourism, as well as in the manufacturing sector. The majority of rural Ghanaians are self-employed, either in agriculture or not, and 56% of the rural working population has a second job or more. Overall, very few of them engage in paid labor and when opportunities exist, women are at disadvantage: in rural areas, men take part five times more in wage employment than women. On the contrary, rural women are more likely to be engaged in unpaid family work and in non-agricultural self-employment activities than rural men.
		Sawla-Tuna Kalba	<b>112,664</b> M = 53,004 F = 59,660	The predominant economic activity in the district is agriculture. As high as 80.1% of households in the district are engaged in agriculture. Whiles 31.6% of urban households are engaged in agriculture, 91.6% of	From the 2010 population census, a higher proportion (42.4%) of the population is Christian (catholic, protestant Pentecostals, and other Christians), 31.0%	The poverty rate in the district is high due to low productivity and poorly functioning markets for agricultural outputs are among the main causes of	The inequalities that exist between men and women in the district can be partly attributed to cultural practices and norms that continue to limit the role of women in the workplace and



Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
				households in rural localities are engaged in agriculture. Most households in the district (97.1%) are engaged in crop farming and 64.4% engaged in livestock rearing. Poultry (chicken) is the dominant animal reared in the district. The major food crops grown in the district are maize, yam, sorghum (Guinea Corn, cowpea, rice, groundnut, and Bambara beans. Cashews and mangoes are also grown as economic trees contributing significantly to household income.	traditionalist and 20.2% Islam religion.	rural poverty, particularly in the district.	relegate women to specific jobs. The trend is gradually shifting and more women are performing tasks that were only previously thought to be only for men.
Bono	<b>1,208,649</b> M = 596,676 F = 611,973	Wenchi	<b>124,758</b> M = 60,960 F = 63,798	The Local economy is dominated by the Agricultural sector. It employs about 57.8% of the Labor force in the municipality. Farmers in the municipality are predominantly peasant farmers cultivating food crops and few cash crops. The food crops include yam, cassava, plantain, cocoyam, maize, and rice. The cash crops are cocoa, cashew, mango, and citrus.	The main religions practiced in the Municipality are Christianity, Islam, and the Traditional worship of idols. Data extracted from the 2010 PHC reveals that nearly two out of three 65.5% of the populace within the Municipality practice Christianity whereas slightly higher than one-fifth (21.7%)	The poverty rate in the municipality is high due to inadequate industrial establishment in the municipality. About 57.6% of the people in the municipality are farmers. Out of this, about one-third of the farmers produce perishable produce and	A study by the Gender and Human Rights Documentation Centers (GHRDC) reveals that early marriages and the relegation of women to the background due to the patriarchal system where men are seen as superior or as the head of the family still exist in the Municipality. Females are denied equal access to all key

Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
					are Muslims. African tradition religion only forms 3.7%.	due lack of storage facilities during bumper harvest there is a low price for farm produce. This makes their life miserable and unable to care for their dependents.	segments of life. Women are least educated, poorer economically, and weaker health-wise.
		Tain	<b>115,568</b> M = 58,382 F = 57,186	According to the 2010 PHC report (GSS, 2014), the Majority of the people in the district are engaged in farming. Thus about 98.8% are engaged in crop farming. Most people cultivate 0.49 hectares of land on a subsistence basis with regard to agro-industries, and much attention is given to cassava processing and cashew nut production.	From the 2010 PHC majority (71.9%) are Christians, 15.5% belongs to the Islamic religion while traditionalists constitute 2.9%.	The poverty rate in the district is high due to inadequate industrial establishment in the district and the lack of a ready market for their produce.	Females are denied equal access to all key segments of life. Women are least educated, poorer economically, and weaker health-wise.
Bono East	<b>1,203,400</b> M = 603,136 F = 600,264	Techiman Municipal	<b>243,335</b> M = 118,699 F = 124, 636	Agriculture and its related trade is the main economic activity in the Municipality. The major crops grown are food crops such as yams, potatoes, maize, cassava, cocoyam, and plantain. Vegetables like	According to the 2010 PHC, about 69.5% are Christians. 27.4% of the population belongs to the Islamic religion. Also, 5.3% have no religion,	Techiman is noted as the largest market in the sub-region. It hosts traders from Togo, Benin, Cote D'Ivoire, Burkina Fasso, and Mal, therefore is an	Rural women in particular face greater difficulties in transforming their labor into more productive employment activities and their paid work into higher and more secure

Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
				tomatoes, garden eggs, onions, and okra are also grown. The Municipality also grows cash crops like cocoa, cashew, mango, oranges, cowpea, and groundnut.	and traditionalists and other religions constitute 1.3%	International Market. The poverty rates increased among households whose heads are self-employed in agriculture, employees in the private sector, and unemployed or inactive persons. However, even though households whose heads are engaged as employees in the private sector experienced higher poverty rates, it is far lower than those who are engaged in the agriculture sector and unemployed	incomes. Equal access to all significant facets of life is denied to women. Women have lower levels of education, lower incomes, and lesser physical health.
		Techiman North	<b>102,529;</b> (M = 50,248; F=52,281)	Over half of the economically active population is engaged in Agriculture and related trade. Major crops grown in the district are yam, maize, cassava, cocoyam, and plantain. Vegetables like tomatoes, garden eggs, onions, and okra, as well as cash crops like cocoa, cashew, and	Sixty percent of the District are Christians while about 19 percent belongs to the Islamic religion, followed by traditionalist (1.3%)	The poverty rates increased among households whose heads are self-employed in agriculture, employees in the private sector, and unemployed or inactive persons. However, even	Rural women in the particular struggle more to convert their labor into more lucrative employment opportunities and their paid work into stable, higher-paying jobs. Women are denied equal access to all significant aspects of life.

Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
				mango, are also grown. It is worth noting that the District is one of the largest producers of tomatoes and cassava in the country with many gari processing factories dotted all over the district.		though households whose heads are engaged as employees in the private sector experienced higher poverty rates, it is far lower than those who are engaged in the agriculture sector and unemployed	Women earn less money, have less participation in politics, and have lower educational levels.
Eastern	<b>2,925,653</b> M = 1,436,951 F = 1,488,702	Upper West Akim	<b>93,391</b> M = 45,548 F = 47,843	Agriculture is the major economic activity in the Upper West Akim District employing about 62% of the labor force. The major food crops cultivated are cassava, plantain, maize, oil palm. The cash crops include cocoa, oil palm, and citrus. Livestock The main livestock are sheep, goats, poultry, and pigs.	The district is predominantly Christian constituting about 90.1% of the population, Moslems are 7.8%, and traditional religions 2.1%.	Eastern Region, had poverty incidences lower than the national average of 23.4% (GLSS7) and their poverty rates had declined, both the growth and redistribution effects contributed to the decline in poverty.	A significant portion of Ghana's rural men and women still lack access to quality employment prospects, despite the country's significant success in reducing poverty. However, this disparity in the district is being bridged by the provision of free senior high school to everyone, male or female thereby offering them equal opportunities, and the opportunity to own property is wide, unlike other places.
		Suhum	<b>126,403</b> M = 61,226 F = 65,177	Agriculture is the main economic activity of the municipality employing about 50% of the population either	The dominant religion in the municipality is Christianity (86.5%). The proportion of	Both growth and redistribution impacts contributed to the fall in	Suhum Municipal has a market for farmer's produce and does not need women to carry it over

Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
				full-time or part-time. Yields for staple crops are not high given the following figures Maize: 2.6mt – 4.0mt per hectare, Cassava: 28.0mt – 40.00mt per hectare, Plantains: 8.0mt – 9.5mt per hectare and Cocoyam: 5.0mt – 12mt. per hectare. The major cash and non-traditional crops produced in the municipality are cocoa, citrus oil palm, pineapples, pawpaw & vegetables.	the population that adheres to the Islamic religious belief is 6.9% while 5.0% believe in no religion. Adherents to traditional religious beliefs also form 0.6%.	poverty in the Eastern Area, where poverty incidences were lower than the national average of 23.4% (GLSS7).	long distances, in contrast to other districts that are more involved in agriculture activities and require women or children to carry the produce to the closest market for sale. As a result, gender bias in the municipality is minimal.
		Asamankese	<b>120,145</b> M = 58,268 F = 61,877	Agriculture is the major economic activity in the district and it employs 52.1% of the labor force. Crops like Maize, cassava, yam, cocoyam, and plantain are produced in the Municipality. The major cash and non-traditional crops produced in the Municipality are cocoa, citrus, and oil palm.	The population of Christians grouped together is 76.2% of the District's population. 5.6% have no religion	Eastern Region, had poverty incidences lower than the national average of 23.4% (GLSS7) and their poverty rates had declined, both the growth and redistribution effects contributed to the decline in poverty.	Although Ghana has made great strides in eradicating poverty, a sizeable portion of its rural men and women still lack access to decent employment opportunities. All kids, male or female, are now able to attend senior high school for free, eliminating this disparity and giving them an equal chance.
Western North	<b>880,921</b> M= 451,948	Bia East (Sefwi Adabokrom)	<b>53,073</b> M = 28,154	Agriculture is a major economic activity in the Bia East District.	-	Agriculture activity, crop farming	Women face greater difficulties in transforming their labor into

Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
	F= 428,973		F = 24,919	According to the 2010 population and housing census, 79.7%. With regard to the type of agriculture activity, crop farming represents the main type of agriculture activity practiced in the district (95.7%), followed by livestock rearing at 46.6%.		represents the main type of agricultural activity practiced in the district. However, the unfair distribution of value and power in the cocoa value chain has contributed to the root causes of the extreme poverty of farmers.	more productive employment activities and their paid work into higher and more secure incomes.
		Bia West (Sefwi Essam)	<b>115,881</b> M = 59,955 F = 55,926)	Agriculture is the major economic activity in the district. It is rainfed and characterized by traditional methods of farming. Even though a number of the working population in the agricultural sector are involved in producing cocoa, the district also has a comparative advantage in cultivating food crops. Rice cultivation in low-lying areas of the district has gained prominence due to the implementation of the Inland Valley Rice Development Project (IVRDP) in the district.	According to the 2010 Population Census, the population of Christians is 76.2%. 5.6% profess to no religion	The most common sort of agricultural activity carried out in the district is crop cultivation. But, the terrible poverty of farmers is a result of an uneven distribution of power and value along the value chain.	When it comes to converting their labor into more lucrative employment opportunities and their paid work into better and more stable incomes, women confront significant challenges. They have to travel long distances in order to sell their produce.

Region	Total Regional Population (2021)	District	Total District Population (2021)	Major Economic Activities	Religion	Poverty Issues	Gender Issues
<b>Grand Totals of Population</b>	<b>6,871,889</b> <b>M</b> <b>=3,416,398</b> <b>F =3,455,491</b>		<b>1,323,547</b> <b>M = 654,347</b> <b>F = 669,200</b>				

Child labor Risk in TCDP: Child Labor in general is highly prevalent<sup>[1]</sup>. In Ghana the overall child labor prevalence is 27.9%<sup>[2]</sup> but it varies significantly between the regions where the TCDP-implementing districts are located. The highest prevalence is in the regions and districts where the cashew component will be implemented. Here the prevalence of child labor is higher than the national average. In some of the cashew-focus districts (Bole and Sawala-Tuna-Kalba in Savannah Region) general child labor prevalence is as high as 49.4 percent. In the Bono and Bono East Region (implementation districts: Wenchi, Tain, Teciman Municipal, Tenciman North), general child labor prevalence is 32.5 percent. In cocoa, rubber and coconut implementation districts, child labor prevalence is about the same as the national average. In Assamankese, Upper West Akim and Suhum child labor prevalence is 27,7 percent and in Essam and Adabokrom 27,4 percent.

<sup>[1]</sup> Agriculture, mining, transport, commerce and domestic work.

<sup>[2]</sup> Ghana Statistical Service. 2020. [MICS 2017/2018](#)

### 4.3 Property and Land Rights in Ghana

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

- Customary ownership;
- State ownership; and
- Split Ownership.

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

#### 4.3.1 Customary Ownership

##### 4.3.1.1 Allodial Title

This is the highest interest recognized by customary law. It is normally communally owned and is generally held or vested in stools or skins. In other traditional areas, this interest is held by subgroups like sub-stools, clans, families, or individuals. The owner of the allodial land holds this land under no restrictions or obligations other than those imposed by the law of Ghana.

##### 4.3.1.2 Freehold Title

This is divided into customary law freehold and common law freehold.

##### i) Customary Law Freehold (Usufruct Title).

Refers to an interest held by subgroups or individuals in land that is known to be owned allodially by a larger community. It can be acquired by cultivation or succession. It is perpetual, inheritable, and the holder has the right to sell, lease, or grant agricultural tenancies on the land. The land holder can occupy the land and derive economic benefit from it. The government and/or the allodial landowner may terminate holding rights if the land holder fails to produce successors, through compulsory acquisition, if the holder abandons the land, or in rare circumstance where the holder denies the absolute title of the allodial owner.

##### ii) Common Law Freehold.

Refers to an interest in land that stems from the sale or gift to a person outside the community, by the community that holds the allodial title to the land. The land holder's rights, and any dispute settlement mechanism, are defined by common law. This type of freehold is created by express grant. The grantor may impose terms on the grant, provided those terms are reasonable and not contrary to public policy.

Only Ghanaian citizens may acquire freehold title to land.

##### 4.3.1.3 Leaseholds

This is the right to occupy and develop the land granted for a certain period of time. Ghanaian law specifies 99 years for Ghanaian citizens, and 50 years for non-Ghanaians. A lease may be granted



either by the holder of the allodial title or a customary freeholder. It is a creation of the common law. The grantor may impose various terms on the lease, including the payment of rent.

#### **4.3.1.4 Customary Tenancy**

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

#### **4.3.2 State Ownership**

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

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

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

### **4.4 Critical Emerging Land Tenure Issues**

Some emerging land tenure issues, which will be critical in understanding land tenure issues for the success of the Project have been outlined hereunder.

#### General Indiscipline in the Land Market

This is characterized by a high spate of land encroachments, multiple sales of residential parcels, unapproved development schemes, haphazard development, leading to environmental problems, disputes, conflicts and endless litigation.

#### Absence of a National Database on Land Ownership

There is no national database on land ownership. This coupled with undetermined boundaries of customary lands and a lack of reliable maps and plans, result in the use of unapproved, old or inaccurate maps, leading to land conflicts and litigation among stools, skins and other land owning groups. There is no doubt at all that the custodians of customary lands know in general where their boundaries lie but since these boundaries have not been demarcated on the ground so much confusion arise when demand for land increases near the boundaries. There are so many land disputes in the country but when each is studied critically it will be realized that it eventually goes down to the boundaries between the major land owning groups – between Dagbon and Gonja, between Akyem and Ashanti, between Asokore and Effiduase, etc. The absence of national database is also reflected in a lack of documentation on various rights and interests in land - a basic shortcoming of customary tenure.

### Chieftaincy Disputes

Chieftaincy disputes affect customary ownership and disposition of stool and skin lands. A registrar at one of the Traditional Councils once indicated that about 70 percent of chieftaincy disputes have land issues – disposition of the land and accountability for the proceeds from the land – as one of the core reasons for preferring destoolment charges. This creates uncertainty regarding the right person to deal with for land. Sometimes some of the decisions on chieftaincy disputes also create problems for land administration. Where for example, after a chief has reigned for some time, his nomination, election and enstoolment is declared null and void without any consequential provisions on the acts the chief might have performed, including land dispositions whilst he was a chief. This leaves grantees of the de-stooled chief without any security of tenure and usually they have to re-negotiate for the land afresh. Sometimes where the land is not developed, it is re-granted to another person without taking into cognizance the acts of the de-stooled chief.

### Distribution of Stool/ Skin Land Revenue

There is inequitable distribution of stool/ skin land revenue in favor of the state rather than the landowners as provided in Article 267(6) of the 1992 Constitution, creating a lot of poverty among the landowners. Under this provision the stool/skin landowners are entitled to only 22.5% of the total revenue. The state takes 59.5% and the traditional council 18%. This remark is particularly important at reaching terms of the benefit sharing arrangements under the Project if Voluntary Land Donations (VLD) are to be encountered.

### Weak Land Administration System

A weak land administration system characterized by lack of comprehensive land policy framework, fragmented institutions for land administration, reliance on numerous (quantitatively) but inadequate (qualitatively) and outdated legislation, lack of adequate functional and coordinated geographic information systems and networks, as well as of transparent guidelines, slow disposal of land cases by the courts, poor capacity and capability to initiate and coordinate policy actions, let alone resolve contradictory policies and policy actions among various land delivery agencies. There is lack of consultation, coordination and cooperation among land development agencies, resulting sometimes in overlapping and duplication of functions and efforts.

### Lack of Consultation with Customary Landowners

There is lack of consultation with customary landowners in decision-making for land allocation, acquisition, management, utilization and development, which has generated disputes between the state and the private landowning groups and within communities. The experience in the past has been the use of state structures to dominate the administration of land ownership, land rights, tenures and land development to the detriment of customary owners and adequate support and protection of customary practices.

## 5.0 POTENTIAL PROJECT IMPACTS ON ASSETS AND LIVELIHOOD AND MITIGATION

### 5.1 Assessment of Social Impacts

#### 5.1.1 Screening

The project is expected to have both positive and negative social impacts on assets and livelihoods. Provisions are made under this RFP to minimize all the negative impacts including those of socio-economic significance. All subprojects will be screened.

The purpose of the screening is to:

- identify the type of potential environmental and social impacts;
- determine appropriate instrument for mitigation measures for activities with adverse impacts;
- incorporate mitigation measures into the sub-projects design;
- review and approve sub-projects proposals and to monitor environmental and social parameters during implementation.

The extent of environmental and social issues that may be required for the sub-projects prior to implementation will depend on the outcome of the screening process. The screening process will involve consultation with the local community members, to choose a site with the least environmental and social impacts, and the lowest chance of resettlement issues. The process will also ensure that sub-projects comply with the Country's Environmental Assessment Regulation (LI 1652).

#### 5.1.2 Potential Social Impacts

Provision have also been made in this RFP to accommodate all potential situations, including cases that entail actual displacement and livelihood restoration assistance in accordance with the Ghana Legal Framework and World Bank ESS5.

The project activities will not require acquisition of new lands but will involve the use of existing lands for the rehabilitation and maintenance of existing farms, nurseries, other infrastructure (laboratories/ research centers) for Climate Smart Agriculture (CSA). Thus, the project will finance the following activities under component 2, i.e., improving tree crops productivity and climate resilience will support the socially and environmentally sustainable productivity, profitability, and climate resilience of tree crop farms addressing a lack of availability and access to technologies. Investments under this component for cocoa will focus on rehabilitation of farms with one-time financial support for participating farmers and alternative livelihood package to be agreed with beneficiaries. These are envisaged to be farm based, small scale, community focused and will take place largely in existing footprints using local labor. There is however the potential temporary loss of income and livelihood from the rehabilitation, maintenance and CSA interventions.

No communal and/ or public lands will be utilized for the project, but existing institutional lands including that of research institutions under COCOBOD and the Council for Scientific and Industrial Research (CSIR). However, restrictions to land use may occur in some instances where biodiversity reserves may be created in the farms for conservation purposes.

There is no sufficient information to estimate the number of PAPs at this stage. However, based

on an understanding of the social structure of rural, peri-urban and urban communities and the nature of the project activities, the categories of population most likely to be adversely impacted include but not limited to individuals, farmers, hunters, herbalist, landowners, traditional authorities, children in the form of child labour and communities as a whole. The potential social benefits and negative impacts associated with the project are described in **Tables 5-1 and 5-2** respectively.

**Table 5-1: Potential Social Benefits**

No.	Impact	Description of Potential Impact/Issue	Social Significance
1	Mass Employment	A number of people and households would be gainfully employed under component two of the project, e.g., through tree crop multiplication, nurseries and farm rehabilitation as well as spraying	Major
2	Skills Development	Through the Institutional Strengthening and Value Chain Governance component of the Project (Component One), varied training to build institutional capacity of TCDA and COCOBOD, as well as the capacity to improve the business enabling environment for farmers and agribusinesses in the selected value chains. It will also build capacity of the institutions to institutions TCDA and COCOBOD to monitor child labor	Major
3	Improvement of farms through CSA	The rehabilitation and maintenance of farms through private delivery of climate-smart extension and other relevant services to be channeled through FBOs and collaboration with research centers to learn from demand driven research, training of extension agents of COCBOD and MOFA, including the delivery of e-extension services, which is to train farmers in the use of CSA practices	Major
4	Female Empowerment	The Project has as one of its aims to support and empower at least 60% of female owned Small Medium Scale Enterprises (SMEs). This would eventually lead to the economic empowerment of women, especially those that are SME heads in the cocoa, cashew and coconut value additions, which will cover circa 212 SMEs.	Major
5	Private Sector Investments	Investments in the private sector through component three are expected to leverage significant additional private sector resources and provide jobs for circa 21,000 beneficiaries.	Major
5	Financial Inclusion	The Project would use electronic means in the payment to beneficiaries e.g., livelihood support payments, which would allow them to possess transaction accounts. Access to a transaction account is a first step toward broader financial inclusion since it allows people to save money and send and receive payments. A transaction account can also serve as a gateway to other financial services.	Moderate
6	Enhanced Institutional Capacity to improve the business enabling	The support to TCDA and COCOBOD will enhance their capacity for improved service delivery in the selected commodity value chains as well as support organizational capacity development, invest in digitizing the value chains for traceability including environmental and social sustainability, and build the national capacity to monitor and prevent	Moderate

No.	Impact	Description of Potential Impact/Issue	Social Significance
	environment for farmers and agribusinesses	child labor.	
7.	Enhanced institutional capacity to reduce child labor prevalence in project areas	The project will address the root causes of child labor and support the relevant District Assemblies (DAs) to implement an integrated, area-based child labor prevention and response system in the 11 project districts.  The project will also support TCDA and COCOBOD to establish systems and structures for child labor management.	Major

Table 5-2: Potential Adverse Social Impacts

No.	Impact	Description of Potential Impact/Issue	Social Significance
1	Involuntary Resettlement	Possible cases of involuntary resettlement through restrictions to land use may occur. This will mostly involve loss of existing agricultural land for Climate Change Mitigation Intervention (CCMI) or CSA, for siting of biodiversity reserves in farms, etc.	Major
2	Decline in local economy and livelihoods of PAPs/ farmers	With farm rehabilitation, farmers/ PAPs would lose the little proceeds the farms provide currently to support their livelihoods until such a time that the farms become productive again	Major
3	Restriction to use or benefits from ecosystem services	The rehabilitation of farmlands may restrict access to acquisition of particular medicinal plants, mushroom, snails and other ecosystem services etc.	Moderate
4	Social conflict	The possible misdistribution of benefit among key stakeholders may result in conflicts.	Moderate
5	Cultural heritage	Culturally sensitive areas will be avoided. Less sensitive areas may be affected by rehabilitation of farms	Low
6	Child labour and child trafficking	Involvement of children in hazardous work and long hours of work or on work that undermines their rights and development. The (trafficking) transport of children from one location to the other for work	Major
7	GBV/SEA/SH	Improved incomes may lead to gender based violence, sexual exploitation and abuse as well as sexual harassment at work place and communities	Moderate

## 5.2 Mitigation Measures

The mitigation measures will consider issues such as (1) income levels of PAPs (2) other non-monetary sources of livelihood (3) constraints and opportunities for income generation (4) number of persons not able to revert to previous occupation and (5) existing skills of affected persons.

Baseline and follow-up surveys would be conducted to ensure that livelihood restoration for

PAPs is met. The proposed mitigation measures are captured in **Table 5-3**.

**Table 5-3: Proposed Mitigation Measures for Potential Impacts**

No.	Impact	Impact Description	Mitigation Measures and Monitoring
1	Involuntary Resettlement	Possible cases of involuntary resettlement through restrictions to land use may occur. This will mostly involve loss of existing agricultural land for Climate Change Mitigation Intervention (CCMI) or CSA, for siting of biodiversity reserves in farms etc.	<ol style="list-style-type: none"> <li>1. Proper E&amp;S screening undertaken to ensure sub-projects do not result in displacement or loss of assets or access</li> <li>2. Consultations with all relevant farmers/ PAPs</li> </ol>
2	Decline in local economy and livelihoods of PAPs/ farmers	With farm rehabilitation, farmers/ PAPs would lose the little proceeds the farms provide currently to support their livelihoods until such a time that the farms become productive again	<ol style="list-style-type: none"> <li>1. Allocation of alternative farmland to maintain some level of access to farm produce, which may have been obtained from a farm to be rehabilitated.</li> <li>2. There is urgent need to ensure an uninterrupted flow of income and livelihood to the farmers pending the land preparation and maturation of food and cash crops on the allocated lands</li> </ol>
3	Restriction to use or benefits from ecosystem services	The rehabilitation of farmlands may restrict access to acquisition of particular medicinal plants, mushroom, snails and other ecosystem services provided by an affected farm etc.	<ol style="list-style-type: none"> <li>1. Avoid the removal of medicinal trees, mushroom mounds etc. especially in the cases of tree planting.</li> <li>2. Translocation or replacement planting to compensate for the loss of any tree.</li> </ol>
4	Social conflict	The possible misdistribution of benefit among key stakeholders may result in conflicts.	Consultation with stakeholders to reach an agreement.
5	Cultural heritage	Culturally sensitive areas will be avoided. Less sensitive areas may be affected by rehabilitation of farms	Avoid culturally sensitive areas
6	Child labor and child trafficking	Awareness creation on the negative effect of child labor and child trafficking, sensitization on child rights and child development; child labor risk mitigation assessment, child labor monitoring and reporting	<ol style="list-style-type: none"> <li>1. Child labor risk screening</li> <li>2. Strick implementation of the Labor Management Plan and the child labor mitigation action plan.</li> <li>3. Child labor and trafficking monitoring and reporting</li> <li>4. Establish internal structures and systems at COCOBOD and TCDA for child labor management</li> </ol>
7	GBV/SEA/SH	Awareness creation and workers/community sensitization Use of the grievance mechanism	GBV/SEA/SH risk screening GBV/SEA/SH monitoring and reporting

No.	Impact	Impact Description	Mitigation Measures and Monitoring
		Improved reporting Developed steps for increasing women participation and empowerment	Increasing women participation and empowerment. Enforcement of non-discrimination policy/practices

### 5.3 Impacts on Vulnerable Groups

Vulnerable groups in this context are those at risk of becoming more vulnerable due to the displacement, compensation, and resettlement process. Vulnerable persons include but not limited to:

- the elderly, usually above 60 years;
- widows;
- children;
- disabled persons (mentally or physically)
- women (especially landless women);
- female heads of households; and
- migrant farmers (without land title).

#### 5.3.1 Assistance to Vulnerable People

The project will identify vulnerable persons during census for the Resettlement Action Plan (RAP) preparation when project scope and activities are properly identified and confirmed. This step is critical because often vulnerable people do not participate in community meetings (because most often they are shielded by the society and fronted by other individuals), and their disability/vulnerability may remain unknown.

Assistance to vulnerable persons will be outlined in the RAP following the census and may take various forms depending on the circumstance of their vulnerability and needs. Assistance to vulnerable persons may include but not limited to the following:

- Similar to all PAPs, the project will ensure they participate in financial literacy training especially for women and assistance in compensation payment procedures (e.g., going to the bank with PAP to confirm compensation payment to bank account);
- Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery;
- Assistance in moving: providing vehicle, driver and assistance at the moving stage;
- Ensuring migrant and settler farmers are included in the consultations regarding the RPF/RAP and compensation and have their share of the compensation and assist in finding alternative sites for farming and also set as an option to incorporate them into activities of the Project;
- Assistance in building: providing materials, workforce, or building houses/ hamlets;
- Health care if required at critical periods: moving and transition period;
- Provisions to be made in RAPs. Each RAP developed under the Project would make precise provisions with respect to assistance to vulnerable groups, for example amongst assistance possibilities listed above; and
- Monitoring and continuation of assistance after resettlement and/or compensation, if required.

### 5.3.2 Assessment of Climate Change Impacts on Women

Climate change has a greater impact on those sections of the population in the intervention districts that are most reliant on natural resources for their livelihoods and/ or who have the least capacity to respond to natural hazards, such as droughts and floods. Women commonly face higher risks and greater burdens from the impacts of climate change in situations of poverty. Women's unequal participation in decision-making processes and labour markets compound inequalities and often prevent women from fully contributing to climate-related planning, policy-making and implementation.

Yet, women can (and do) play a critical role in response to climate change due to their local knowledge of and leadership in e.g., sustainable resource management and/ or leading sustainable practices at the household and community level. Women's participation at the political level has resulted in greater responsiveness to citizen's needs, often increasing cooperation across party and ethnic lines and delivering more sustainable peace. At the local level, women's inclusion at the leadership level has led to improved outcomes of climate related projects and policies. On the contrary, if policies or projects are implemented without women's meaningful participation it can increase existing inequalities and decrease effectiveness.

### 5.4 Gender Assessment of Project Impact on Women

The project recognizes that women's rights to own and use land is an issue with lots of implications on their welfare. In some parts of Ghana, especially in the south, women are allowed to own land and cultivate crops. The key challenge in accessing land is however lack of capital. In northern Ghana however, women do not mostly own land but are actively involved in small holder farming. These make it intricate for gender issues to be mainstreamed in different aspects of the project. Otherwise, the target groups, especially women would most likely face the following adverse effects:

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

The Project will be guided by a Gender and Poverty Assessment (GPA) will be developed as part of this project, which will include gender-specific actions considered for resettlement planning and participation in project benefits.



## 6.0 VALUATION, ELIGIBILITY AND ENTITLEMENTS

In line with the objectives of the GTCDP, efforts will be made to minimize impact on land, people and property, loss of livelihood, and access to resources due to the restrictions to access to land use.

### 6.1 Valuation of Assets

#### 6.1.1 Basis of Valuation

The basis of the valuation of any affected property under the GTCDP will be in accordance with the requirements of the World Bank's ESS 5; the Lands Act 2020; and the Constitution of Ghana.

#### 6.1.2 Valuation Methods

**Table 6-1** provides the general guideline for cost preparation and method for valuing affected assets/ properties under the GTCDP. Valuation of affected properties will be at replacement cost which is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement.

#### Land

With regard to land, "replacement cost" is defined in terms of agricultural land is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

The Market Comparison Approach (MCA) will be adopted for the valuation of land if there is a vibrant and free land market. It involves the direct comparison of the property's value determining features with those of the immediate and surrounding vicinity that sold recently. In applying this method, values of plots of land from the neighborhood of the sites will be collected, compared, adjusted to take account of minor differences, and applied to arrive at the reported values. This is to ensure that the values obtained would be adequate to secure in-kind alternative land or cash compensation for the affected owners. Alternatively, the negotiation approach could be adopted if there is no availability of vibrant and free land market, in which case the interested individual will negotiate with the landowner and agree upon an amicable price for the leasing of the land.

#### Structures

With regard to structures, "replacement cost" is defined as follows:

- For houses and other structures, it is:
  - the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure,
  - plus, the cost of transporting building materials to the construction site,
  - plus, the cost of any labour and contractors' fees, and
  - plus, the cost of any registration and transfer taxes.

The Replacement Cost Approach (RCA) will be adopted for the valuation of the structures. The RCA is based on the assumption that cost and value are related. It involves finding the estimate of the

gross replacement cost of a structure which is the estimated cost of constructing a substitute structure, having the same gross area as that existing, at prices current at the relevant date, plus any other transaction cost.

For the purpose of this valuation, the affected assets/structures and development will not be depreciated and the value of salvage materials are not taken into account nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

#### Crops/ Economic Plants

The Enumeration Approach will be adopted for the crops affected by the project. The Enumeration Approach involves taking census of the affected crops (either by counting or area) and applying updated Land Valuation Division crop rates.

Methods used by the Land Valuation Division to calculate rates are not disclosed and are kept confidential. However, realistic valuation rates will be applied under the GTCDP to meet the “full replacement cost” requirements under the World Bank standards. Realistic valuation rates for the crops will be derived by applying appropriate depreciation, inflationary, labor and production cost factors to the prevailing LVD rates to ensure that the rates are in harmony with the full replacement cost/ value requirements.

Alternatively, realistic rates could also be derived through new calculations based on sound valuation principles and methods. Crops to be valued will generally be categorized into annual and perennial crops. The value of annual crops will be based on the cost of production method while valuation of perennial crops will be based on the investment method of valuation.

#### Livelihood/ Supplementary Assistance and Disturbance Cost

Loss of income for farmers/ businesses will be estimated from net monthly/ annual profit of the farm/ business verified by an assessment of visible stocks and activities. In addition to the grant paid to participating farmers, a disturbance cost will be determined and paid as allowances or factored into the valuation rate as appropriate in line with the Lands Act.

**Table 6-1: General Guidelines and Methods for Costs Preparation**

Item	Types	Method
Land	Communal and public lands	1. No compensation required. No valuation expected.
	Private lands	2. Prevailing market value of the land to be acquired if there is a vibrant and free land market. Otherwise, a negotiated price will be agreed. 3. Disturbance to the landowner as determined by the valuer 4. Supplementary assistance representing loss of income where applicable
Building, structures	Any type of structure, e.g., mud houses with thatch roofing/ sandcrete block houses, etc.	Full Replacement Cost method. No depreciation to be applied.
Farm crops	Economic plants/ food crops	Enumeration approach and applying updated LVD rates.

Item	Types	Method
Cultural resources	Sacred groves, cemeteries, shrines	1. First option is avoidance. 2. Relocation method would be used and should be done in consultation with and acceptable to the traditional authorities or community leaders.
Losses of income and livelihood	Farming, etc.	Estimation of net monthly/ annual profit for farm/ business based on records; application of net monthly/ annual profit to the period when farm/ business is not operating.
Disturbance allowance	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	To be determined by the professional valuer during the valuation exercise as appropriate

COCOBOD has in place a program for rehabilitation of farms applied on voluntary basis. The process in the rehabilitation program is for both diseased and moribund farms. Diseased farms when identified and in agreement with farmers, are marked and the trees are cut using service providers. Aboricides are used on the tree stumps to kill the virus. The farms go through the re-establishment stage where lining and pegging are done. Farmers are provided with disease tolerant high yielding hybrid seedlings, economic tree seedlings to provide permanent shade as well as plantain suckers to provide temporal shade. COCOBOD also provides compost to improve soil structure and enhance growth of the seedlings. Farmers then receive an initial treatment grant for livelihood disturbance, which is paid directly to the farmer. Landowners also receive a disturbance allowance to enable them to allow the farmers to retain the land on which the cocoa is cultivated. The current amount paid to both (farmer and landowner) is GHS1,000.00 per hectare i.e., cocoa farmer gets GHS1,000.00 and landowners also receive GHS1,000.00. However, this amount is currently under review, and the reviewed amount must take into consideration requirements of National Laws and international best practices under the GTCDP and be acceptable to the World Bank. The full procedural arrangements, and a draft contract between COCOBOD and participating farmers will be described in the PIM.

#### 6.1.3 Valuation Responsibility

This will be executed by LVD, which is the government's statutorily accredited valuation body. The Regional Valuation officers from LVD will be engaged to value affected assets/ properties based on the replacement cost principle.

Certified private valuers may also be engaged where necessary or if required to assist the process and for validation by LVD. Such assistance from private valuers is necessary to ensure that RAPs preparation are not delayed unduly.

## 6.2 Eligibility

Displaced or affected persons in the Project would be classified as persons or groups:

- Who have formal legal rights to land or assets (including customary and traditional rights recognized under the law;
- Who do not have formal legal rights to land or assets at the time the census begins, but have

- a claim to land or assets that is recognized or recognizable under national law; or
- Who have no recognizable legal right or claim to the land or assets they occupy or use.

The project activities will not require compulsory acquisition of new lands but will involve the use of existing lands for the rehabilitation and maintenance of farms and CSA activities. However, this RPF has made provision for any new land take that may arise under the project if necessary. The three different land asset types identified for use under the project are:

- State-owned or public land;
- Communal land; and
- Privately-owned land.

Based on an understanding of the social structure of the rural communities and the nature of sub-components, it is possible to suggest that the most likely PAPs will comprise both individuals, farmers, landowners, traditional authorities and communities as a whole. The eligibility criteria are provided in **Table 6-2**.

**Table 6-2: Eligibility Criteria**

Category of PAPs	Assets	Type of Compensation
Persons with formal legal rights to land, who forfeit land for subproject/ subcomponent activity.	Lands/ farmlands	To be provided compensation for land lost. However, if owner is benefiting from project by using his/her land already cultivated, no compensation for land is expected.
Customary leaders who hold land in trust for community members		No compensation expected. Communal lands to be used as part of project.
Persons with customary claims of ownership or use of land recognized by community leaders (including the landless and migrants)		To be provided compensation for land lost. Owner to be provided with alternative lands to use. However, if owner is benefiting from project by using his/her land already cultivated, no compensation for land is expected.
Persons with no recognizable legal right or claim to land they are occupying, e.g., squatters, illegal farmers/illegal settlers.		To be provided resettlement or livelihood assistance in lieu of compensation for land occupied or loss of farming activities.
Farmers/persons or communities or DAs using public lands		No compensation for use of public lands. Public lands to be used for the project
Persons encroaching on land after the notification of cut-off date.		Not eligible for compensation or any form of resettlement assistance.
Communities or individuals likely to be restricted in access and use of farmland, ecosystem services and cultural heritage sites	Access and Use Restrictions	To be provided access to alternative farmlands and cultural heritage sites or resources based upon a consultative agreement or arrangement between the communities, the project and the DAs/ TAs
Farmers/persons whose properties other than land to be affected	Crops/ structures such as residential structures, economic trees, food crops	To be provided compensation for loss of asset/ property other than land and other assistance where appropriate.

### 6.3 Cut-off Date

In accordance with World Bank ESS 5 and for each sub-project activities under GTCDP, a cut-off date will be established, when the enumeration of persons and the inventory of their property and income sources in the identified project areas are carried out for specific resettlement instrument preparation. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) unwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal. Compensation would not be made after the cut-off date in compliance with this policy. In practice, persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

A cut-off date taking into account the likely implementation schedule of the sub-project will be determined by PCU/ PIU. Preferably the cut-off-date will be based upon the date of inventory of assets/ properties.

The cut-off date and its significance would be widely disseminated to PAPs and publicly disclosed. Because there is a time lapse between the cut-off date and the time actual productive interventions would start, the project will pay special attention to secure the sites from speculative and opportunistic invasion.

#### 6.4 Entitlement

**Table 6-3** hereunder presents the matrix of entitlements for the different categories of impacts, likely to be encountered. The entitlement could be in the form of replacement of assets, if possible, cash compensation, livelihood assistance, relocation assistance or as agreed between the parties involved. The principle of the valuation for such entitlements is the full replacement cost approach.

State-owned land and communal land would be allocated freely; however, the project would be expected to pay for any affected property or structure or crop belonging to an individual or group on these lands.

Table 6-3: Entitlement Matrix

Asset	Type of Impact	Entitlement Units	Eligibility criteria	Entitlements
Land Use and Restrictions on Access to Land	Permanent acquisition of land	Landowner (individual, household, stool/skin)	Person with formal legal right to land/without formal legal right to land but have claims to property (including customary and traditional rights [recognize ownership and use systems inherent in customary land tenure systems] recognized under the laws of the country).	<p>Replacement with an equivalent piece of land located in the vicinity of the affected area. If land is not available, then cash compensation at full replacement value as well as disturbance allowance as determined by the valuer.</p> <ul style="list-style-type: none"> <li>Community land – compensation to be granted to communities unless project is not for community.</li> <li>Community land (where project is for the community, no compensation to be granted to community for use of communal land).</li> </ul>
	Temporary acquisition of land	Landowner (individual, household, stool/skin)	Person with formal legal right to land/without formal legal right to land but have claims to property (including customary and traditional rights [recognize ownership and use systems inherent in customary land tenure systems] recognized under the laws of the country).	<ul style="list-style-type: none"> <li>Full reinstatement to pre-project conditions;</li> <li>Rent to be agreed upon for the period during which land is occupied.</li> <li>Community land (where project is for the community, no compensation to be granted to community for use of communal land).</li> </ul>
	Acquisition of land	Squatter	Person with no formal legal right to land have no claims to property	<ul style="list-style-type: none"> <li>No compensation for land.</li> <li>Undepreciated value of structure (if any) in cash + right to salvage materials + costs of shifting + resettlement assistance as agreed by the project and document, e.g., in the RAP.</li> </ul>

Asset	Type of Impact	Entitlement Units	Eligibility criteria	Entitlements
	Loss of access to resources (wood, herbs, etc.) due to restrictions on access to land	Tenant or farmer	Have legal right or recognizable claim to the use of the resources	<ul style="list-style-type: none"> <li>○ Compensation shall be provided in the form of access to other equivalent resource, e.g., alternative farms, whenever possible plus cost of moving to the new site.</li> <li>○ Alternative sources of livelihood may also be offered, as agreed between the project and the PAP. Livelihood opportunities will be offered in a timely fashion before displacement.</li> </ul>
Crops	Destruction/ damage of crops	Landowner/ tenant/ or farmer	Have grown the affected crop irrespective of land ownership.	<ul style="list-style-type: none"> <li>○ Cash compensation for crops not ready for harvesting at time of entry, and negotiated with LVD;</li> <li>○ Disturbance allowance 10% or as determined by the valuer</li> </ul>
Structures	Destruction of permanent immovable structures	Owner	Confirmed owner (with evidence) of affected structure irrespective of land ownership	Resettlement to a similar dwelling in a similar location + resettlement assistance, or <ul style="list-style-type: none"> <li>○ Cash compensation at full replacement value of structure, plus</li> <li>○ Cost of moving, plus</li> <li>○ Disturbance allowance (10%) or as determined by the valuer</li> </ul>
		Occupant	Tenant	<ul style="list-style-type: none"> <li>○ Cost of moving</li> <li>○ Disturbance allowance (3 months rent)</li> </ul>
	Temporary displacement of moveable structure	Owner/ Tenant	Confirmed owner (with evidence) of affected structure irrespective of land ownership or tenant	<ul style="list-style-type: none"> <li>○ Cost of displacing the affected structure</li> <li>○ Cost of moving the affected structure back to project affected land</li> <li>○ Disturbance allowance of 10%</li> </ul>



Asset	Type of Impact	Entitlement Units	Eligibility criteria	Entitlements
Livelihoods	Agriculture	Farmer(s) as distinct from affected plot owner(s)	PAPs have been using affected land for agriculture irrespective of ownership situation	<ul style="list-style-type: none"> <li>○ Cash compensation of any loss of income</li> <li>○ Assistance to livelihood restoration</li> </ul>
	Businesses	Businessperson as distinct from owner of structure	PAP has been operating business on project affected land irrespective of ownership (includes squatters)	<ul style="list-style-type: none"> <li>○ Cash compensation for temporary loss of income</li> <li>○ Assistance to livelihood restoration</li> </ul>
	Use of communal resources	User of such resources (individuals /communities)	Use of communal resources for livelihood (e.g., community individuals or groups e.g., hunters, and other vulnerable groups)	<ul style="list-style-type: none"> <li>○ Assistance to identify and access similar resource elsewhere</li> <li>○ Cash compensation of temporary loss of income</li> </ul>

## 7.0 ORGANIZATIONAL ARRANGEMENTS, IMPLEMENTATION AND PROCEDURE FOR DELIVERY OF ENTITLEMENTS

### 7.1 Institutional Arrangements and Responsibilities

The institutional arrangements would be built on existing structures pertaining to TCDA and COCOBOD under the auspices of MoFA and the statutory government agencies responsible for the implementation of resettlement activities in Ghana as follows:

- MoFA;
- PCU, TCDA;
- PIU, COCOBOD;
- EPA (Regional Offices);
- Regional Lands Commission- Land Valuation Division (LVD)/ Survey and Mapping Division;
- Regional Coordinating Councils (RCCs);
- District Assemblies (Physical Planning Department and Department of Agriculture);
- External Consultants;
- Communities;
- Traditional Authority;
- PAPs;
- The private sector;
- Non-Governmental Organization/Civil Society Organization/Community Based Organizations (NG)/CSO/CBO)/Voluntary Associations especially of Farmers and Women

The roles and responsibilities of these actors in the resettlement program implementation are provided in Table 7-1 and institutions to be involved with sub-project activities provided in Table 7-2.

**Table 7-1: Institutional Arrangements and Responsibilities**

Institution	Role in RPF/RAP Implementation
MoFA	<ul style="list-style-type: none"> <li>○ Oversight responsibility in the implementation of GTCDP</li> </ul>
TCDA PCU and COCOBOD PIU	<ul style="list-style-type: none"> <li>○ Monitor Project to ensure land acquisition and resettlement activities are adhered to as stipulated in the RPF</li> <li>○ Procurement of consultant for RAP preparation</li> <li>○ Preparation of ToR for RAP</li> <li>○ Seek clearance from the World Bank on ToRs and instruments prepared</li> <li>○ review RAP prior to submission to the Bank for review and clearance</li> <li>○ RAP disclosure</li> <li>○ Implement and Monitor RAP implementation</li> <li>○ RAP completion audit</li> <li>○ Build capacity of implementing agencies on the RPF/RAP preparation and implementation process</li> <li>○ Liaise with the World Bank to build capacity of implementing agencies on the ESF and ESS 5</li> <li>○ Report on progress of implementation of RPF and RAPs</li> <li>○ Establish and operationalize a Grievance Mechanism</li> <li>○ Make budgetary provision for compensation and resettlement assistance</li> </ul>

Institution	Role in RPF/RAP Implementation
MoF	<ul style="list-style-type: none"> <li>○ Provide finance for compensation payments to PAPs</li> </ul>
Ministry of Gender, Children and Social Protection; Ministry of Employment and Labor Relations; and Ministry of Local Government and Decentralization	<ul style="list-style-type: none"> <li>○ Provide technical guidance to TCDA and COCOBOD on Child Labor Prevention</li> <li>○ Implementation of the various activities of the Child Labor sub-component</li> </ul>
EPA Regional Offices	<ul style="list-style-type: none"> <li>○ Responsible for ensuring compliance with ESIA procedures in Ghana in accordance with the EPA Act 1994 (Act 490)</li> <li>○ In-country approval of RAPs for implementation</li> </ul>
LVD of Regional Lands Commission	<ul style="list-style-type: none"> <li>○ Responsible for effective and efficient land administration.</li> <li>○ Valuation of land and properties and compensation assessment.</li> <li>○ Establishment of minimum rates for compensation</li> <li>○ Certification of Professional Valuers</li> </ul>
RCCs	<ul style="list-style-type: none"> <li>○ Provide support for PIU and PCU on land matters</li> <li>○ Monitor land acquisition process and resettlement activities</li> <li>○ Disclosing RPF/ RAP Instruments</li> <li>○ Providing technical support for MMDAs</li> <li>○ Coordination of child labor prevention and mitigation efforts at the district and regional levels.</li> <li>○ Coordinate activities of MMDAs</li> </ul>
District Assemblies (Physical Planning Departments - PPD)	<ul style="list-style-type: none"> <li>○ Support PIU and PCU on project implementation</li> <li>○ Support in land acquisition for sub-project implementation of resettlement measures, including payment of compensation and other resettlement assistance</li> <li>○ Approval for land use zoning</li> <li>○ Approves development undertakings</li> </ul>
Department of Agriculture at the Districts	<ul style="list-style-type: none"> <li>○ Support PIU and PCU on project implementation</li> <li>○ Support in approval of development undertakings</li> <li>○ Support in the delivery of entitlements to PAPs</li> </ul>
Traditional Authority	<ul style="list-style-type: none"> <li>○ Provision of land for sub-project implementation</li> <li>○ Assist in the preparation of RAPs</li> <li>○ Social mobilization</li> </ul>
Communities	<ul style="list-style-type: none"> <li>○ Provision of land for sub-project implementation</li> <li>○ Assist in the preparation of RAPs</li> <li>○ Mobilization of community members to support project activities</li> </ul>
PAPs	<ul style="list-style-type: none"> <li>○ Receipt of compensation and resettlement assistance</li> <li>○ Opportunity to participate in the RAP Implementation Committee (RIC) and in the Grievance Redress Committee (GRC)</li> </ul>
Consultants	<ul style="list-style-type: none"> <li>○ Support in the identification of PAPs</li> <li>○ Participate in monitoring compensation payments and resettlement assistance</li> </ul>
Community Based Organizations	<ul style="list-style-type: none"> <li>○ Support in the identification of PAPs</li> <li>○ Participate in monitoring compensation payments and resettlement assistance</li> </ul>

Institution	Role in RPF/RAP Implementation
(NG)/CSO/CBO)/ Voluntary Associations especially of Farmers and Women	<ul style="list-style-type: none"> <li>○ Social mobilization</li> </ul>

Table 7-2: Sub-project Implementation Process and Institutions Involved

Task	Institution(s) Responsible
<b>A. Involuntary Resettlement</b>	
Sub-project screening	PIU/ PCU, DAs and Communities
Preliminary assessment of resettlement issues	PIU/ PCU, DAs and Communities
Assessment of the need for locating certain sub-project components in case they affect inhabited dwellings, landed assets or other critical sites	PIU/ PCU, DAs and Communities
Confirm need for resettlement/ compensation actions	PIU/ PCU, DAs and Communities
Prepare RAP for TCDA/ COCOBOD and World Bank approval	PIU/ PCU in consultation with LVD/ External Consultants and Communities/ PAPs
Review Resettlement Plans	PIU/ PCU
World Bank reviews and clearing of RAPs	World Bank E&S Team
Public Consultations and disclosure of RAPs (in-country and World Bank external website)	PIU/ PCU, EPA, World Bank
Use Resettlement Plans to comply with the process required to undertake land acquisition and compensation payment	PIU/ PCU, Regional Land Valuation Division, DAs, Communities
Budgeting of costs	PIU/ PCU
Payment of compensation	PIU/ PCU
Grievance Redress	PIU/ PCU, Regional Land Valuation Division, DAs, Communities.
Incorporate social risk and impacts identified during subproject appraisal and their mitigation measures as clauses in contract	PIU/ PCU

## 7.2 Resources, Technical Support and Capacity Enhancement

The PIU and PCU will make use of Environmental and Social Safeguard Specialists (ESSSs) available in their respective institutions to deal with resettlement/ compensation related issues. Compliance with World Bank ESF requirements, needs and some capacity building shall be carried out for relevant staff of TCDA and COCOBOD at the PIU, PCU and the district/ community levels. A training workshop is proposed as part of this RPF and/or during RAP implementation.

## 7.3 Priority Tasks and Preparation and Review of RAPs

As soon as GTCDP sub-projects are determined in sufficient detail, preliminary screening or assessment of resettlement/ compensation related issues should be carried out to confirm: (i) if land

acquisition is involved; (ii) if implementation of subproject activities will impact on livelihoods and assets of people; and (iii) if implementation will interrupt incomes or sources of income; (iv) if implementation of subprojects will affect cultural and historical sites such as graves, thumbs, community heritage, etc.; and (v) if implementation of subproject activities will also cause physical or economic displacement of people.

If any of these is triggered, then the number of affected people should be estimated to confirm which category of resettlement instrument to be prepared for implementation, i.e., RAP. Accordingly, the required RAP would be prepared by External Consultants and approved by the PIU/ PCU and World Bank (no objection) for implementation by the ESSs of PIU and/ or PCU. Sample outline for the preparation of RAP is captured in Annex 2.

The Terms of Reference for the needed RAP (See Annex 1) to be prepared by the PCU/ PIU in consultation with the World Bank or by a Consultant to be engaged for that purpose.

## **7.4 Resettlement Planning Process**

The resettlement planning and compensation process shall involve several steps to be carried out in accordance with the measures set out in the RPF and the RAP ToR. The key ones include:

### **7.4.1 Land Access/ Acquisition Procedure and Compensation**

The project activities will not require compulsory acquisition of new lands but will involve the use of existing lands for the rehabilitation and maintenance of existing farms and CSA/ climate change activities.

As a result, the problems of both private treaty and compulsory acquisition, as well as the volatile nature of issues regarding land acquisition may not arise under GTCDP. However, access to individual farms may be hindered in some instances. Thus, prior to the use or restriction to any land, due diligence approach will be followed by carrying out private consultations with the aim of achieving the following:

- Identifying the rightful owners;
- Identification of the boundaries;
- Current occupants including tenants, renters etc;
- Nature of property to be affected due to the project activities; and
- Negotiation of compensation and resettlement.

This procedure will reduce antagonism to the project and elicit the required co-operation from the project-affected persons, as well as to demonstrate to the World Bank that the required steps have been taken to reduce the negative effects of the project.

### **7.4.2 Community and Public Participation**

Public participation of local communities shall be an on-going process throughout resettlement planning. PAPs shall be notified by PIU/ PCU in consultation with the DAs during the identification of sub-projects and consulted with as part of the screening process. The subsequent socio-economic survey would record all relevant information about PAPs and ensure that this is accurately reflected in the RAPs in order to allocate the appropriate compensation. Periodic monitoring will ensure that

PAPs have been consulted and that compensation and relocation have been carried out satisfactorily.

#### 7.4.3 Notifications

Notification will occur at various stages of the resettlement planning. Notification includes discussing the desire to acquire land for sub-projects, discussing alternatives and options, discussing compensation arrangements, and discussing grievance mechanisms, together with landowners, farmers and Traditional Authorities. The cut-off date for affected property enumeration and valuation for compensation payment shall be disclosed to affected parties and stakeholders as part of the notification process. The types of compensation will be clearly explained to PAPs.

### 7.5 Procedure for Delivery of Entitlements

Entitlements for PAPs would range from cash payments and/or building materials, provision of new structures, to non-cash compensation for other lost properties in accordance with the identification of the impact on their property.

The Regional Land Valuation Officers with support from PIU/ PCU would review the compensation determination to ensure transparency and adherence to the policy, subject to World Bank's approval. Subject to the final decision on location of subprojects, the approved entitlements or amounts would be communicated to the implementing agency TCDA and COCOBOD) for delivery or payment to the beneficiaries. Compensation would be paid before the owners/occupiers are made to vacate their properties/ assets for commencement of subproject activities.

The PCU/ PIU would ensure that no construction begins until PAPs, if any, have been resettled if physical relocation is needed and/or have received their compensations (according to World Bank ESS 5). All compensation, whether cash payments and/or non-cash or structure provisions, would be given to project-affected persons prior to any request for vacation of land/property and before commencement of any related subproject activities.

Compensation and resettlement would be funded by MoFA-TCDA and COCOBOD like any other activity eligible under the project's administrative and financial management rules and manuals. The compensation process which would involve several steps would be in accordance with the individual project site resettlement plans. The compensation process would incorporate the following:

#### 7.5.1 Involvement of Public Sector Agencies

Institutions such as the EPA, Regional LVD and the Physical Planning Department of the Assembly will be involved in the process of resettlement and their roles clearly spelled out.

#### 7.5.2 Notification of Land Resource Holders

The PAPs or their representatives will be informed through both a formal notification in writing and by verbal notification delivered in the presence of all stakeholders or their representative and in the language they understand.

### 7.5.3 Documentation of Holdings and Assets

PIU/ PCU and LVD Officers would arrange meetings with affected individuals, or households or community to discuss the compensation process. For each PAP or household or community affected, officers of the implementing agency and LVD will compile a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information will be confirmed and witnessed by District/ Municipal Assemblies. Dossiers will be kept current and will include documentation of community lands used. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.

### 7.5.4 Agreement on Compensation and Preparation of Contracts

All types of compensation will be clearly explained to the PAP/ individual or household or community or group. A property evaluation team comprising the Landowner(s)/ asset owners, the Local Community, District Assembly with the support of the Regional Lands Commission and Land Valuation offices will draw up a contract listing all properties to be affected and land to be used, and the types of compensation (cash and/ or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract will be read aloud in the presence of the affected party and other stakeholders such as the Assemblyman/ woman or representatives of traditional authorities prior to signing. Effort will be made to ensure non-discrimination especially against women in the assessment and payment of compensation. All recipients of compensation must be made aware of their right to sign or not to sign the agreement if they have grievances.

### 7.5.5 Compensation Payments and Related Considerations

Compensation payments will be made for affected properties in the presence of the affected party and officials of the District/ Municipal Assemblies and a representative of the Traditional authority or EPA. The TCDA and COCOBOD with support from MoFA would be responsible for compensations payment for affected assets and investments, including land, buildings, economic trees, crops, etc. according to the provisions of the resettlement plan.

Individual and household compensation will be made in cash, in kind and/or through assistance. Every effort will be made to instill the importance of accepting in-kind compensation if feasible. Making compensation payments raises some issues regarding inflation, security, and timing. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur thus, market prices shall be monitored within the period that compensation is being paid to allow for adjustments in compensation values.

The question of security, especially for people who will be receiving cash compensation payment, needs to be addressed by beneficiary community or the compensation payment team. Local banks and micro-finance institutions should work closely with the government at this level to encourage the use of their facilities, which will positively impact the growth of the local economies. The time and place for in-kind compensation payments shall be decided upon by each recipient in consultation with the TCDA/ COCOBOD and beneficiaries with support from their DAs and communities.

#### 7.5.6 Time Frame

Taking cognizance of the potentially low scale and scope of resettlement issues that would arise, the processing of compensation application for payment by the COCOBOD/ TCDA (government) would be expedited over an average maximum period of one month. An additional two weeks will be allowed for exceptional circumstances where there could be some complexities or challenges.

No project activity will begin until PAPs have been resettled if physical relocation is necessary and/ or received their full compensation (according to World Bank ESS 5). Additionally, the property owners must be given adequate notice of not less than one month after payment of compensation to vacate affected assets and relocate depending on the nature of relocation or resettlement.



## 8.0 PUBLIC CONSULTATION, DISCLOSURE AND GRIEVANCE MANAGEMENT

### 8.1 Public Consultation

Public consultations have been carried out during the preparation of the RPF as part of the implementation of the project. Taking into cognizance the consultations that were carried out during the preparation of the project Environmental and Social Management Framework (ESMF) and the Stakeholder Engagement Plan (SEP), this RPF sought to review and deepen consultations to share the project information, identify project resettlement risk and receive feedback to improve the design of the project and the RPF for subsequent RAP preparation and implementation. The consultations held with key representative stakeholders has been presented in the SEP (standalone report).

The engagements were in the form of one-on-one interviews and through telephone conversations.

The national, regional and district level institutions consulted for GTCDP include, among others, the Ministry of Finance (MoF)- World Bank Unit, MoFA, TCDA, COCOBOD, Commodities Value Chain Specialists, Environmental Protection Agency (EPA), Food and Drugs Authority (FDA), Ghana Standards Authority (GSA) and Research Institutions of the Council for Scientific and Industrial Research (CSIR).

The District Assemblies (DAs) consulted included the Directors of Agriculture in all the project districts/ municipalities.

Others included international nonprofit institutions involved in research and development of tropical agriculture, e.g., International Institute of Tropical Agriculture (IITA).

Some highlights of the consultations with all these stakeholders include the following:

- Land acquisition may not be required under the project but access to project lands may be hindered in some cases, hence the need for proper arrangements to compensate such persons;
- Proper documentation of lands earmarked for the project is necessary, both institutional and individuals (farmers);
- Individuals losing livelihood or to encounter hindrance to land usage to be employed as part of the beneficiaries undertaking the project works in the various sectors/ commodity value chains.
- Avoid force evictions to prevent social conflicts.
- Engage all the necessary stakeholders and ensure proper documentation of assets to be used for project activities.
- Internal screening of developmental projects to identify the environmental and social risks.
- Information sharing and Disclosure measures available at the District
- Monitoring and Evaluation of projects
- Identified vulnerable groups in the society.
- Safeguards management capacity of implementing agencies.
- Grievance redress mechanisms available at the districts

Consultations during resettlement planning and implementation: Consultations with stakeholders including PAPs will be an integral part in the RAP preparation, implementation and monitoring processes. Consultations will happen in local language where possible; gender specific consultations will be held as appropriate. The consultation process will ensure the participation and engagement of I&APs- the youth and other groups (PwDs) at risk of exclusion.

## 8.2 RPF Disclosure

The RPF would be disclosed in compliance with relevant Ghanaian regulations and World Bank ESS5 and ESS10. It would be disclosed at the offices of the Chief Director of MoFA, PCU of TCDA, PIU of COCOBOD, Regional and Zonal Offices of EPA, Participating DAs (municipalities and districts) and in English with Executive Summary possibly translated in the respective local languages. Finally, it will be disclosed on the websites of MoFA, TCDA, COCOBOD, and the World Bank's external website.

RAPs would also be disclosed similarly and at the various participating district/ municipal assembly offices, RCCs and in a form that is understood and accessible by all PAPs.

## 8.3 Grievance Redress Mechanism

The overall objective of the Grievance Redress Mechanism (GRM) is to provide an effective, transparent, and timely system that would give aggrieved persons redress and avoid litigation, minimize bad publicity, avoid/minimizes delays in project implementation, ensure public health and safety, and sustainability of the GTCDP interventions. Specifically, the GRM:

- Provides affected people with avenues for making a complaint or resolving any dispute that may arise during the implementation of projects;
- Ensures that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants through Alternative Dispute Resolution (ADR) strategies; and
- Avoids the need to resort to the Court of Law.

### 8.3.1 Grievance Process

The grievance management guide to be followed by TCDA/COCOBOD is provided in **Table 8-1**.

**Table 8-1: Grievance Management Guide**

Step	Process	Description	Time Frame	Other Information
1	Identification of grievance	Face to face; phone; letter, e-mail; recorded during public/community interaction; others	1 Day	Email address; hotline number
2	Grievance assessed and logged	Significance assessed and grievance recorded or logged (i.e., in a logbook)	4-7 Days	Significance criteria Level 1: one off event; Level 2: complaint is widespread or repeated; Level 3: any complaint (one off or repeated) that indicates breach of

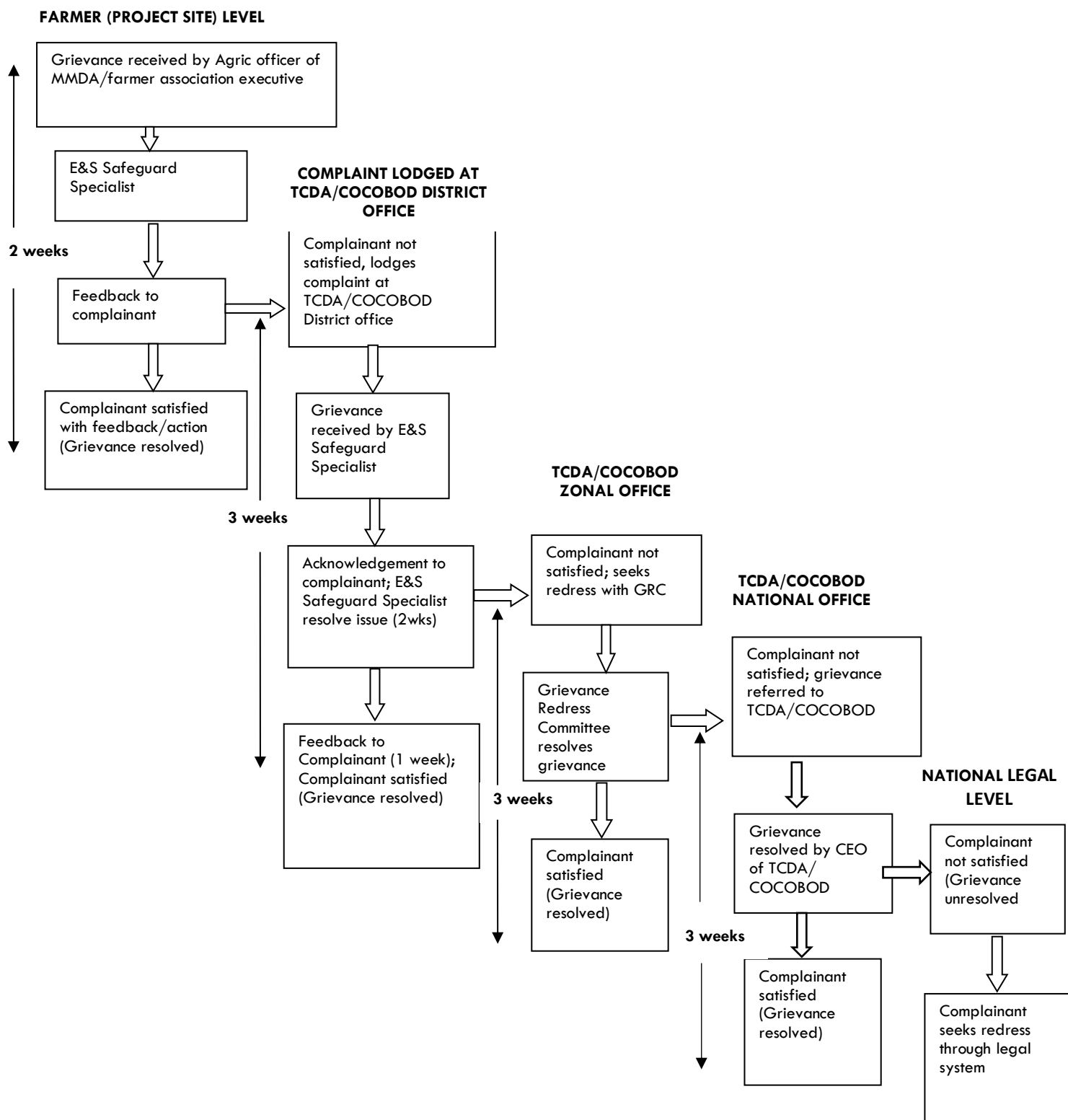
Step	Process	Description	Time Frame	Other Information
				law or policy or this SEP/ESMF/RPF provisions.
3	Grievance is acknowledged	Acknowledgement of grievance through appropriate medium	7-14 Days	
4	Development of response	<ul style="list-style-type: none"> <li>Grievance assigned to appropriate party for resolution;</li> <li>Response development with input from management/ relevant stakeholders</li> </ul>	4-7 Days 10-14 Days	
5	Response signed off	<ul style="list-style-type: none"> <li>Redress action approved at appropriate levels</li> </ul>	4-7 Days	TCDA/COCOBOD should sign off
6	Implementation and communication of response	<ul style="list-style-type: none"> <li>Redress action implemented and update of progress on resolution communicated to complainant</li> </ul>	10-14 Days	
7	Complainant's (s) Response	<ul style="list-style-type: none"> <li>Redress action recorded in grievance log book</li> <li>Confirm with complainant that grievance can be closed or determine what follow up is necessary</li> </ul>	4-7 Days	
8	Close grievance	<ul style="list-style-type: none"> <li>Record final sign off of grievance</li> <li>If grievance cannot be closed, return to step 2 or refer to sector minister or recommend third-party arbitration or resort to court of law</li> </ul>	4-7 Days	Chief Executive Officer, TCDA Chief Executive Officer, COCOBOD

Any grievance received from the public shall be treated confidentially and resolved in a transparent and fair manner. The process of resolving grievances shall comprise the following tiers:

- Farmer (Project Site) level;
- Complaint lodged at TCDA/COCOBOD District Office;
- Project-level (Zonal Office) grievance resolution;
- TCDA/COCOBOD National Office; and
- National legal level.

The general process is that a project affected person and/or other stakeholders should first raise a grievance at the project location/office and the farmer level. If unresolved, it is referred to the

TCDA/COCOBOD District Office. Beyond this level, the issue will be referred to the Grievance Redress Committee (GRC) at the TCDA/COCOBOD Zonal Office, and subsequently to the TCDA national level if still unresolved. If the TCDA/COCOBOD level proves unsuccessful in resolving the grievance, the complainant may seek legal redress at the law court to resolve the issue. The process of resolving grievances is summarized in **Figure 8-1**.



**Figure 8-1: Grievance Mechanism for the GTCDP**

### 8.3.2 Settlement of Disputes

A number of methods are available to the GRC and PAPs for use in resolving disputes and complaints. These include the following:

- Settlement by negotiation;

- Settlement by mediation;
- Settlement by arbitration;
- Court of Law; and
- International experts.

#### 8.3.3 Sexual Exploitation and Abuse and Sexual Harassment

If the GRM receives a case on sexual exploitation and abuse related to the project, complaint will only be recorded after securing full consent of the complainant in line with survival centered approach. The GRM administrator will then refer the complainant to the appropriate SEA/SH service provider or relevant government authorities in line with the SEA/SH Risk Mitigation and Response Action Plan. The PIU will report activities and outcomes of SEA surveillance and management to the World Bank on a regular basis. The procedure for SEA/SH mechanism will include:

- Reporting of SEA/SH;
- Investigation and referral of complaint to national authority; and
- Disciplinary measures.

#### 8.3.4 Potential Grievances

Grievance processes are essential to ensure that PAPs can raise complaints or concerns without charge and with the assurance that the matter will be resolved quickly and satisfactorily. Grievances will be actively addressed and tracked to ensure that they are resolved, and appropriate actions are taken. A clear timetable for resolving grievances will be established, ensuring that they are addressed in a timely and appropriate manner, with corrective steps taken, and the complainant notified of the outcome.

Grievances and disputes that may arise during the implementation of the Project will relate to the following:

- Labor employment;
- Valuation of assets and compensation;
- Land boundary disagreement;
- Community health and safety;
- Disputed ownership of a given asset (two or more affected people or communities claim that the affected asset is theirs);
- Successions, divorces, and other family issues resulting in disputed ownership or disputed shares between inheritors or family members;
- Disagreement on the resettlement package;
- Issues related to voluntary land donation;
- Gender related issues including Gender Based Violence (GBV), SEA/SH at construction sites; and
- Wages for labour employment of contractors' workers.

#### 8.3.5 Child Labor

When a child labor case is reported, there will be a preliminary assessment to determine if a referral is needed. If the case is found to be at high risk (e.g. a child who is severely socioeconomically vulnerable, experience multiple deprivations, is under 15 years of age is out-of-school, suspected victim of forced labor or child trafficking), the case must be referred to the formal

child protection system: Social Welfare Officers, the Domestic Violence and Victim Support Unit (DOVVSU) and the Anti-Trafficking Unit of the Ghana Police Service.

The procedure for Child Labor Redress Mechanism must follow the child labor action plan laid out in the Labor Management Procedure (LMP) developed for the project which includes:

- Receive and acknowledge grievance claim;
- Investigation (and if high risk, referral of case to formal child protection system);
- Develop timebound action plan;
- Implementation and communication of plan; and
- Monitor and report progress.

## 9.0 MONITORING & EVALUATION AND REPORTING

Supervision and monitoring of resettlement issues would be carried out systematically with the supervision and monitoring of the social issues as identified in this RPF. The monitoring of these issues will be incorporated into the performance evaluation of the overall project.

### 9.1 General Objectives of Monitoring and Evaluation

Monitoring and Evaluation are key components of this RPF. The general objectives are:

- Monitoring of specific situations or difficulties arising from the implementation, and of the compliance of the implementation with objectives and methods as set out in this RPF; and
- Evaluation of the impacts of the Resettlement/Compensation Actions on PAPs' livelihood, environment, local capacities, on economic development and settlement.

Monitoring aims to correct implementation methods during the course of the project, as required, while evaluation is intended at checking whether ESS 5 requirements have been complied with and providing lessons learnt for amending strategies and implementation in a longer-term perspective. Monitoring will be internal and evaluation will both be internal and external.

### 9.2 Arrangements for Monitoring and Evaluation

Arrangements for monitoring would fit with the overall monitoring plan of the GTCDP, which includes national level and decentralized monitoring through the TCDA PCU and COCOBOD PIU, RCCs and DAs.

In terms of frequency, the TCDA PCU and COCOBOD PIU would conduct quarterly monitoring to ensure compliance with the RPF and report to the MoFA and the World Bank as part of the Project's Quarterly Progress Reporting, whilst the districts/ municipalities would embark on monthly monitoring schedules and feed the TCDA PCU and COCOBOD PIU. The MoFA would embark on bi-annual monitoring regimes and suggest mitigation measures on the implementation of the resettlement policy.

The monitoring would focus on the following:

- Whether affected individuals, households, and communities were able to maintain their pre-project standard of living, and even improve on it; and
- Whether local communities remain supportive of the project.

The primary aim of the M&E process is that the TCDA PCU and COCOBOD PIU would carry out continuous process monitoring of the RPF in order to detect and rectify inconsistencies that might emerge in the implementation of the resettlement action plan. The monitoring of the RPF would provide the managers and other stakeholders with continuous feedback on implementation. Lessons learnt would be critical to informing the TCDA PCU and COCOBOD PIU and other key stakeholders on the direction of the resettlement and a redesign of elements of the RPF if necessary.

The RPF's relevance, performance, efficiency, and impact (both expected and unexpected) in



relation to the objectives shall be periodically monitored and evaluated. The evaluation would assess whether resettlement objectives were appropriate and whether they were met, specifically, whether livelihoods and living standards have been restored or enhanced. The evaluation strategy is to pay attention to timing, tasks and achievement of RPF objectives. It is imperative to closely monitor asset loss, the income, and livelihood situations of affected persons throughout the resettlement process. Specific responsibilities would be assigned to independent consultants or NGOs/ CSOs/ FBOs.

As part of the evaluation process, there is the need to make provision to ensure the participation of the affected community in the monitoring and to use the response as a constructive resource for improvement. Feedback from the affected community is the best yardstick to assess the general satisfaction with the project. Participatory monitoring can be achieved for instance, by including community representative(s) in the monitoring team, regularly consulting key persons in the community or regular surveys among PAPs. The resettlement evaluation shall take place during and after implementation.

To ensure an effective evaluation, particularly with reference to benefits to affected persons and communities, it is imperative that during socio-economic surveys, baselines for monitoring are established. The baseline benefits indicators would include the following: patterns of occupation, production and resource use, income and expenditure patterns, cultural parameters, cost of living and vulnerable groups.

The PCU and PIU will be responsible for the monitoring and evaluation of the activities stipulated in the resettlement framework. The MoFA, LVD, MoF and EPA shall act as independent monitors. Upon completion of the program, the PCU and PIU shall undertake impact and beneficiary assessment to determine whether the objectives of the resettlement policy have been achieved.

Further, the PCU and PIU Quarterly Review and Annual Performance Review Sessions would include a special session on the implementation of the resettlement policy. The special report on the RPF during annual performance reviews would cover progress and impacts in implementing activities such as the following:

- Consultation with stakeholders;
- Socio-economic survey and identification of PAPs;
- Land acquisition or land access;
- Compensation payment;
- Site selection and action planning;
- Relocation of displaced persons of those whose access to assets have been hindered;
- Income restoration programs; and
- Inputs, outputs, and outcomes for resettlement activities, involvement of the displaced persons/ hindered access, and evaluation of the impact of resettlement especially on the beneficiaries.

As an additional measure but not to substitute responsibility of the PCU and PIU, the World Bank would regularly, during each implementation supervision mission evaluate progress and impacts of RPF, identify constraints and suggest mitigation measures on the implementation of the resettlement policy.

### 9.3 Monitoring Indicators

The indicators to be monitored by the respective institutions under M&E need to be selected to address the contents of the activities and entitlements matrix. Some relevant indicators proposed for the subproject activities according to the circumstances prevailing at the localities shall be identified and included by the PCU and/ or PIU.

The roles and responsibilities of institutions for monitoring and evaluation include independent or external monitors. For these categories of monitors such as EPA and the District/Municipal Assemblies, the relevant monitoring indicators should cover the following:

- Basic information on PAPs or households;
- Restoration of livelihoods and living standards of PAPs;
- Effectiveness of resettlement planning;
- Other impacts (including unintended ones);
- Amount of compensation or resettlement assistance paid and the Level of PAPs satisfaction;
- Number of PAPs available and received or signed for the compensation amount;
- Number of Representatives of PAPs who received compensation on behalf of PAPs;
- Date of payment, payee of the compensations and date of resumption of construction activities;
- Construction timelines/duration and any extensions;
- Type of affected property and whether it was fully or partially impacted during the construction period;
- Number of reinstatement works executed;
- Number of grievances registered and number of grievances resolved by the grievance redress team;
- Number of unresolved complaints;
- Frequency of meetings of the grievance redress team; and
- Adherence to procedures by the compensation disbursement and grievance redress teams.

To facilitate the monitoring procedure, the following indicators in the **Table 9-1** will be used to evaluate the implementation of the RAPs.

### 9.4 Annual Performance Audit

An annual performance audit would be carried out once a year, preferably by independent consultants to be hired by the PCU and PIU, in order to ensure that RAPs are being implemented in compliance with this RPF, and that compensation payments have been carried out satisfactorily. The audit report would be submitted to the PCU and PIU and to the World Bank for clearance.

**Table 9-1: Indicators for Monitoring and Evaluating RPF/RAPs**

Type of Monitoring	Basis of Indicators	Responsible Agency
Sub-project identification and screening	<ul style="list-style-type: none"> <li>○ Have all sub-projects been screened for E&amp;S risk?</li> <li>○ How many sub-projects require the preparation of follow up RAPs after E&amp;S screening?</li> <li>○ How many sub-project RAPs have been prepared and disclosed?</li> </ul>	PCU, PIU & DAs
Budget and Time Frame	<ul style="list-style-type: none"> <li>○ Have all land acquisition and resettlement team been appointed and mobilized for work on schedule?</li> <li>○ Are resettlement implementation activities being achieved against implementation plan?</li> <li>○ Are funds for resettlement being allocated to resettlement agencies on timely and adequate manner?</li> <li>○ Have funds been disbursed according to RAP?</li> <li>○ Has all land/ assets been acquired and occupied in time for project implementation?</li> </ul>	PCU, PIU, MoFA & DAs
Delivery Entitlements	<ul style="list-style-type: none"> <li>○ Have all PAPs received entitlements according to numbers and categories?</li> <li>○ Have the affected persons received payments on time?</li> <li>○ Have all farms been demarcated and contracts provided?</li> <li>○ Are income and livelihood restoration activities being implemented as set out in the income restoration plan?</li> <li>○ Are the affected persons able to access cultural sites and activities?</li> <li>○ Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production?</li> </ul>	CU, PIU & DAs
Consultation, Grievance and Special issues	<ul style="list-style-type: none"> <li>○ Have consultations taken place as scheduled including meetings of I&amp;APs and communities?</li> <li>○ How many affected persons know their entitlements?</li> <li>○ Have any affected persons used the grievance redress procedures?</li> <li>○ How many complaints have been received?</li> <li>○ Have grievances/ conflicts been resolved within a stipulated time?</li> <li>○ What were the outcomes?</li> </ul>	CU, PIU & DAs
Benefit monitoring	<ul style="list-style-type: none"> <li>○ What changes have occurred in patterns of occupation, production and resource use compared to the pre-project situation?</li> <li>○ What changes have occurred in income and expenditure pattern compared to pre-project situation?</li> <li>○ What changes have taken place in key social and cultural parameters relating to living standards?</li> <li>○ What have been the changes in cost of living compared to pre-project situation?</li> <li>○ What changes have occurred for vulnerable groups?</li> </ul>	PCU, PIU & DAs

## 9.5 Completion Audit

As part of the World Bank requirements, upon completion of a project, the project proponent oversees an assessment to determine whether the objectives of the resettlement instrument have been achieved. The completion audit will allow the PCU and PIU, the World Bank, and other relevant stakeholders to verify that all resettlement measures identified in the RAPs were implemented or otherwise, and that compensation programs have been completed in compliance with ESS 5. The audit will also evaluate that the actions prescribed in the RAP and implemented have had the desired effect.

The PCU and PIU in consultation with the World Bank will engage a consultant or auditor to carry out the completion audit. The completion audit is to be undertaken after implementation of the RAPs (i.e., compensation programs).

## 9.6 RAP Implementation Reporting and Documentation

What to document:

- All disclosed Instruments;
- Minutes of all consultation and disclosure meetings and workshops (including pictures where feasible);
- Sub-project Environmental and Social screening reports/forms;
- EPA permits;
- RAP/ Compensation Reports;
- New resettlement issues not anticipated during project preparation;
- Site meetings, any meeting that discusses key project issues;
- Changes in decisions regarding resettlement related matters;
- Land lease agreement or MoUs for Voluntary Land Donations (VLDs)
- Grievance logs/ records; and
- E&S field visit reports etc.

RAP implementation updates will be part of the overall project reports. Separate RAP implementation reports will be provided on request by the World Bank and for other relevant discussions.

## 10.0 IMPLEMENTATION SCHEDULE, BUDGET AND FUNDING

### 10.1 Implementation Schedule

Upon completion of screening of selected sub-projects within the beneficiary regions/ districts of potential involuntary resettlement, for each sub-project/ commodity value chains that triggers the ESS 5, a detailed implementation schedule of the various activities to be undertaken will be included in each sub-project's RAP. Likewise, each sub-project resettlement schedule will be coordinated with the sup-project activity schedules. Payment of compensation and provision for other rehabilitation entitlements (in-cash or in-kind), and/ or relocation, whichever is the case, will be completed at least one month prior to the scheduled start-up date of project/ subproject activities at the respective commodity locations.

The implementation schedule will be determined by the following major activities:

- Preparation, approval and disclosure of RPF;
- Implementation of RPF – Training and Workshops;
- Confirmation of subproject activities;
- Screening of subproject activities for resettlement related issues;
- Preparation, approval and disclosure of RAPs;
- Implementation of RAPs; and
- Implementation of project/ subproject activities.

### 10.2 Estimated Budget for RPF Implementation

The estimated budget for implementing the RPF is presented in **Table 10-1**.

**Table 10-1: Estimated Budget for RPF Implementation**

Activity	Description	Item	Unit cost (US\$)	Quantity	Total Cost (US\$)
Consultations and Disclosure	Community, District, Regional and National Consultations	Workshops	Lump sum	5	20,000.00
Training and sensitization on RPF and WB ESS5	National Stakeholders	Workshop	10,000.00	1	10,000.00
	Districts/ Regional Stakeholders	Workshop	10,000.00	5	50,000.00
	Traditional Authorities, Communities	Community Sensitizations	Lump Sum	-	50,000.00
Awareness Creation	Radio Discussions	Local FM Stations	Lump Sum	-	10,000.00
	Advertisements	National Dailies	Lump Sum	-	5,000.00
Grievance Redress Mechanism	Formation and training of	-	Lump sum	-	20,000.00

Activity	Description	Item	Unit cost (US\$)	Quantity	Total Cost (US\$)
	Community Grievance Committees and GRM Awareness				
Monitoring and Evaluation	RAP implementation monitoring and evaluation	Fieldwork	Lump sum	-	75,000.00
Sub-Total					240,000.00
Contingency (approximately 5%)					12,000.00
<b>TOTAL</b>					<b>252,000.00</b>

### 10.3 Budget for Preparation and Implementation of RAPs

The budget would be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to:

1. the preparation of the resettlement/compensation action plan;
2. relocation and transfer;
3. income and means of livelihood restoration plan;
4. administrative costs;
5. M&E costs;
6. GRM cost;
7. Consultations and disclosure; and
8. Contingency.

A template for the preparation of budgets to prepare and implement RAPs is provided as **Annex 3**. This cost of preparing the instruments and implementing the RAPs would be borne by the Project.

According to ESS 5, the Bank does not disburse against cash compensation and other resettlement assistance paid in cash, or against the cost of land (including compensation for land acquisition). However, it may finance the cost of land improvement associated with resettlement activities.

Compensation and land access or acquisition (if necessary) will be funded by the Government of Ghana. Fund channeling arrangements are to be determined by the PCU and PIU.

### 10.4 Sources of Funding

The Constitution of Ghana indicates that people affected by compulsory acquisition of land have to be provided fair and adequately compensation. This forms the basis for the commitment of the Government towards compensation of PAPs for projects/sub-projects under the GTCDP. The

cost for the compensation and resettlement of the PAPs will be paid by GoG. The TCDA and COCOBOD through MoFA being the parent Ministry will request for the release of the compensation funds from Ministry of Finance for payment.

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- Lands (Statutory Wayleaves) Act 1963, Act 186,
- Lands (Statutory Wayleaves) Regulation of 1964, LI 334,
- Lands Commission Act 2008, Act 767,
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## 12.0 ANNEXES

### List of Annexes

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| <b>Annex 1:</b> | <b>Terms of Reference (ToR) for RAP Preparation</b>                          |
| <b>Annex 2:</b> | <b>Sample Outline of Resettlement Action Plan (RAP)</b>                      |
| <b>Annex 3:</b> | <b>Template for the Preparation of Budgets to Prepare and Implement RAPs</b> |
| <b>Annex 4:</b> | <b>Voluntary Land Donation Protocol</b>                                      |



## **Annex 1: Terms of Reference (ToR) for RAP Preparation**

### **1.0 Introduction**

The Government of Ghana (GoG) through the Cocoa Board (COCOBOD) and Tree Crops Development Authority (TCDA) is implementing the Ghana Tree Crops Diversification Project (GTCDP) from September 2023 to September 2029 with funding from the World Bank (WB).

The project has four main components namely:

5. institutional strengthening and value chain governance;
6. improving productivity and climate resilience;
7. support for post-harvest management, processing, value addition, and market access; and
8. project coordination, management, monitoring, and evaluation. It will focus on the cocoa, cashew, rubber and coconut sectors, hereafter referred to as the selected or project value chains or sectors.

### **2.0 Background to the Project**

GTCDP has been prepared under the World Bank Environmental and Social Framework (ESF). The Environment and Social risks of the project is Moderate. Eight out of the ten Environmental and Social Standards (ESSs) have been triggered by the project and they include:

- ESS 1: Assessment and Management of Environmental and Impacts;
- ESS 2: Labour & Working Conditions;
- ESS 3: Resource Efficiency and Pollution Prevention and Management;
- ESS 4: Community Health and Safety;
- ESS 5: Land Acquisition, Restrictions on Land use and Involuntary Resettlement;
- ESS 6: 'Biodiversity Conservation and Sustainable Management of Living Natural Resources;
- ESS 8: Cultural Heritage
- ESS10: Stakeholder Engagement and Information Disclosure

The triggered ESS 5 (Land Acquisition and Restrictions on Land Access and Involuntary Resettlement) require resettlement instruments to be prepared when specific subproject sites are identified during project implementation mainly due to activities under component two of GTCDP, which involves support the socially and environmentally sustainable productivity, profitability, and climate resilience of tree crop farms addressing a lack of availability and access to technologies. Investments under this component for cocoa will focus on rehabilitation of farms with a compensation mechanism. New research practices on cutting, spraying, and other techniques will be mainstreamed in the financing. For cashew and coconut, first, investments will support the multiplication of plant varieties suitable for the geographic conditions through a financing mechanism for nurseries. Second, the project will finance fertilizer and other input delivery centers. Lastly, the project will link the nurseries and other input suppliers to farmers through their associations and FBOs. For all tree crops the project financing will support a private delivery model that leverages on FBOs for sustainability and work with the public entities for delivery of specific services like extension. The investments will be tied to traceable digital registries and measurement of carbon on farm. Under this component the project will aim to measure child labor prevalence and remediation through the creation of interface(s) with Ghana child labor monitoring system and the Social Welfare Information System (SWIMS) and the digitally traceable farm household mapping.

At the time of project preparation, the exact locations for the subproject activities were unknown. Consequently, a number of instruments including an Environmental and Social Management Framework (ESMF) and a Resettlement Policy Framework (RPF) were prepared to guide the project in mitigating environment and social risks. These two frameworks have been disclosed. Once the exact location of subprojects are known the frameworks require the implementing agency to screen the sub-project prior to implementation of the subproject. The purpose of the screening is to enable an identification of potential social concerns likely to arise as a result of implementation of the sub-project. Action Plans are required where potential adverse social and environmental risks are identified from the screening report to prevent, avoid, mitigate or effectively manage site-specific impacts.

In seeking to implement the sub-projects in the commodity specific area to ensure compliance with these frameworks and all relevant national environmental laws, this ToR has been developed for the purpose of selecting a consultant to prepare a **Resettlement Action Plan (RAP)** for the subproject (*Insert name of sub-project*).

*(Insert detailed description of sub-project location and results of screening.)*

### 3.0 Objectives of the Assignment

The specific objective of the RAP preparation exercise is to assess the potential land requirements of this subproject including obstruction to land access/ displacement and its associated social risks and impacts. The exercise will

a) assess the potential social risks and impacts and b) prepare site specific RAP for the subproject activities under the GTCDP. The RAP shall be prepared and implemented in fulfilment of the objective and requirements stated in ESS 5 and compulsory land acquisition procedures of the Government of Ghana.

The RAP will provide the procedures that the project will follow and measures to be taken to mitigate social risks and impacts associated with permanent and/or temporary land acquisition, compensate for losses, and provide development benefits to persons and communities affected by the particular subproject activities.

### 4.0 Scope of Work

The assignment will take place in (insert sub-project location). The scope of work for the assignment for the RAP includes but not limited to the following:

The project social risk is moderate using the World Bank E&S risk classification tool. The preparation of the RAP will be guided by ESS-5 and Government of Ghana laws on land. The scope and level of work involved in the preparation of the RAP shall be proportionate to the project's potential environmental and social risks and impacts.

The RAP Consultant working closely with the Project will deliver quality RAP report that provides:

- *Description of the project:* General description of the affected areas.
- *Potential Impacts:* Identification of the: (i) components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to

avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

- *Objectives:* The main objectives of the RAP should be described in relation to the particular component and the subproject interventions.
- *Census and Baseline Socio-economic studies:* The findings of socio-economic studies to be conducted with the involvement of potentially affected people will be needed. These generally include the results of a census of the PAPs covering:
  - Current occupants of the affected area as a basis for design of the RAP and cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
  - Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population (information should be disaggregated by gender);
  - Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
  - Information on groups or persons in a situation of vulnerability, for whom special provisions may have to be made; and
  - Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement (disaggregated by gender), and to measure impacts (or changes) in their livelihood and living conditions.
  - Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area (disaggregated by gender);
  - Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
  - Public infrastructure and social services that will be affected; and
  - Social and cultural characteristics of affected communities in the project area, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
- *Legal Framework:* The analysis of the legal and institutional framework in Ghana. This should cover the following:
  - Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc.;
  - Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the interventions;

- Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc. related to displacement and resettlement, and environmental laws and social welfare legislation;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- Gaps, if any, between local laws covering resettlement and the ESS-5, and the mechanisms for addressing such gaps; and
- Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.
- Analysis on the impact of the legal framework on women's land ownership.
- **Institutional Framework:** The institutional framework governing RAP implementation generally covers:
  - Agencies and offices responsible for resettlement activities and civil society groups/NGOs that may have a role in RAP implementation;
  - Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
  - Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.
- **Eligibility criteria and compensation:** The consultant will undertake the following:
  - **Establish criteria for determining the resettlement eligibility of affected households:** Eligibility criteria must be advantageous to women and other vulnerable groups, including those without legal title to assets. The eligibility criteria will be disclosed to affected communities and other project stakeholders. Feedback from the disclosure process will be used in the delivery of compensation and or livelihood restoration.
- **Prepare an entitlements matrix listing all likely impacts.** It will identify:
  - all categories of affected persons,
  - all types of loss associated with each category, and
  - all types of compensation and assistance to which each category is entitled.
- **Prepare standards for compensation and livelihood restoration:** Prepare a formula for setting full replacement costs for assets lost, including land. Establish options for culturally acceptable replacements for lost services, cultural sites, common property, or access to resources for subsistence, income, or cultural activities.
- **Prepare options for relocation and income restoration:** These will build on the existing social, economic, and cultural parameters both of displaced persons and of host communities. Provide for relocation costs, lost income, and income support during transition. Where appropriate, prepare relocation plans including selection and preparation of relocation sites. Make provisions for landownership, tenure and transfer, and access to resources.
- **Where incomes must be restored, provide for needs assessment, employment generation, and credit disbursement:** Where affected persons are to change their occupation, provide for training and vocational support mechanisms. Review the likely environmental impact of the resettlement process and build in plans to mitigate any adverse environmental effects.
- **Make special provision for vulnerable groups.**
  - **Valuation of and compensation for losses:** The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description



of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g., market rates).

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

*Site selection, site preparation, and relocation:* If a resettlement site is an option, describe the alternative relocation sites as follows:

- Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- Legal arrangements for recognizing (or regularizing) tenure and transferring titles to re-settlers.
- Environmental protection and management. A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
- Community Participation: Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of PAPs and host communities, should include:
  - Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
  - Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
  - Review of resettlement alternatives presented, and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g., places of worship, pilgrimage centers, cemeteries); and
  - Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including, ethnic minorities, landless, children and youth, and women) are adequately represented.
- Consultations should cover measures to mitigate the impact of resettlement on any host communities, including:
  - Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
  - Conflict resolution involving PAPs and other stakeholders; and
  - Livelihood restoration and any additional services.

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

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

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

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

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

## **5.0 Method of Assignment**

The method to be adopted for carrying out the assignment must be participatory and include:

- Development of tools for consultation and data gathering including guided questions, focused group discussion and stakeholder map showing the different stakeholders interested and affected by the project; and
- Consultation of various interested individuals and groups especially project affected persons (PAPs).
  - *Use of technology in asset surveys:* Technology can play a key role in carrying out a sound asset survey as part of the preparation of a resettlement plan. The consultant is advised to make use of GPS and satellite imagery during the RAP preparation.

## 6.0 Outputs

The outputs of the assignment are:

- A stakeholder map
- Tools for consultation with project affected persons and other stakeholders
- A final RAP including items i & ii above and annexes.

## 7.0 Timeframe

The assignment will commence immediately on signing of the contract and will be carried-out within 2-month duration. The consultant will report to TCDA (PCU) or COCOBOD (PIU). The consultant will be expected to work in close collaboration with PCU and PIU officers.

### DELIVERABLES AND TIMING

Inception Report: Inception report shall be delivered within 2 weeks after signing of contract providing detailed work plan and indicators of performance. This will be discussed by consultant, client and other experts to ensure quality of final outcome. Five copies and MS Word and PDF version of the report shall be submitted to the client.

Draft Report: This will be submitted to the client for review and comments. Responses to the comments shall be incorporated into the revised version. Five copies shall be submitted to the client. Five copies and MS Word and PDF version of the report shall be submitted to the client and shall be delivered 5 weeks s after submission of the inception report.

Final Report: The final report should include a concise Executive Summary and should have all annexes and bibliography and the dissemination/disclosure plan. This will be delivered 1 week after submission of draft report.

### REPORTING

The Consultant will report directly to the Coordinators of the Project at the TCDA (PCU) and COCOBOD (PIU).

## 8.0 Qualifications

The consultant shall possess a minimum of a Masters' degree in environmental science or social sciences with at least 5 years post-qualification experience in environmental and social risk management s or environmental and social assessment. The consultant must have a good knowledge of the World Bank Safeguards policies/ESF, social protection and procedures as well as national environmental policies, legislation and procedures. Knowledge of the local language would be an advantage.

The Consultant must have experience in preparation of RAPs for similar projects. The consultants must have competency and documented experience in environmental and social analyses and development of operational action plans.

## 9.0 Clients Inputs

The client will provide all relevant information and documents that will enable the consultants to carry out their duties. The client will also facilitate the organization of consultation meetings with PAPs and stakeholders as part of the disclosure activities and will be responsible for the disclosure of the RAP.

### Indicative RAP Outline

The followings are the indicative 'Table Of Contents' that the consultant should follow while preparing and finalizing the RAP:

Table of Contents

List of Figures

List of Tables

Definitions

Abbreviations

Executive Summary

#### CHAPTER ONE: INTRODUCTION

- Background Understanding
- Aim and Objectives of the RAP
- Justification for the preparation of a RAP
- RAP Methodology

#### CHAPTER TWO: DESCRIPTION OF THE PROJECT ENVIRONMENT AND BASELINE STUDIES

- Description of the project State
- Description of the project location
- Socio-Economic Baseline Conditions of Project Affected Persons (PAPs)

#### CHAPTER THREE: POLICY LEGAL AND REGULATORY FRAMEWORK

#### CHAPTER FOUR: IDENTIFICATION OF PROJECT IMPACTS AND PROJECT AFFECTED PERSONS

- Introduction
- Impact Reduction Measures Undertaken
- Positive Impacts of the project
- Negative Impact of the Project
- Entitlement and Eligibility
  - Entitlement Matrix for the PAPs
  - Description of Eligibility Criteria for Defining Various Categories of PAPs
- The Valuation methodology
- Inventory of affected assets/structures in the project area
- Census of Project Affected Persons (PAPs)
- Compensation and Resettlement Assistance
- Analysis of Impacts and Income Restoration Measures for Vulnerable Group/PAPs
- Performance Indicator for Assessing Income Restoration
- Proof of Eligibility
- Duration for subproject activities
- Cut-Off Date

## CHAPTER FIVE: GRIEVANCE REDRESS MECHANISMS

A GRM adopted by the project shall be explored

## CHAPTER SIX: BUDGET AND FINANCING PLAN

- Introduction
- Financing plan
- Procedure for Delivering of Entitlements
- RAP Compensation Process
- Compensation Payment Administration
- Resettlement Implementation Linkage to subproject activities

## CHAPTER SEVEN: INSTITUTIONAL ARRANGEMENTS- ROLES AND RESPONSIBILITIES

## CHAPTER SEVEN: ASSETS VALUATION METHODS

## CHAPTER NINE: TIMETABLE OF EVENTS

- Timetable for the Resettlement Action Plan
- Training and Capacity Needs

## CHAPTER TEN: MONITORING AND EVALUATION

- Overview
- Internal Monitoring
- Independent Monitoring
- Monitoring Indicators
- Implementation Schedule

## CHAPTER ELEVEN: STAKEHOLDERS CONSULTATION

- Method and participation
- Choice and Right
- Concerns and resolutions

## REFERENCES

ANNEX A: LIST OF PROJECT AFFECTED PERSONS (PAPs) AND THEIR COMPENSATION

ANNEX B: COST DERIVATION TABLE FOR AFFECTED STRUCTURES AND LANDED PROPERTY

ANNEX C: COST DERIVATION TABLE FOR [AFFECTED] CASH CROPS/ECONOMIC TREES

ANNEX D: TERMS OF REFERENCE

ANNEX E: CONSULTATION ATTENDANCE LIST/PHOTOS etc.

ANNEX F: MONITORING INDICATOR FOR THE PERFORMANCE OF RAP

**Annex 2: Sample Outline of Resettlement Action Plan (RAP)**

(Reference: World Bank ESS 5).

1. Description of the sub-project and of its potential land impacts
  - 1.1 General description of the project and identification of the project area
  - 1.2 Potential impacts. Identification of
    - 1.2.1 Project component or activities that give rise to resettlement;
    - 1.2.2 Zone of impact of such component or activities;
    - 1.2.3 Alternatives considered to avoid or minimize resettlement; and
    - 1.2.4 Mechanisms established to minimize resettlement, to the extent possible, during project implementation.
2. Objectives. The main objectives of the resettlement program
3. Socio-economic studies and census of affected assets and affected livelihoods. The findings of socio-economic studies and census to be conducted with the involvement of potentially displaced people include:
  - 3.1 Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
  - 3.2 The magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic.
  - 3.3 Information on vulnerable groups for whom special provisions may have to be made;
  - 3.4 Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
  - 3.5 Other studies describing the following
    - 3.5.1 Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
    - 3.5.2 The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
    - 3.5.3 Public infrastructure and social services that will be affected; and
    - 3.5.4 Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
4. Legal and Institutional Framework.
  - 4.1 Summary of the information included in this RPF
  - 4.2 Local legal specificities if any
  - 4.3 Local institutional specificities
    - 4.3.1 Identification of agencies locally responsible for resettlement activities and NGOs that may have a role in project implementation;
    - 4.3.2 Assessment of the institutional capacity of such agencies and NGOs; and
5. Eligibility and entitlements. Based on the definitions and categorization in this RPF (see entitlement matrix), definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

6. Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.
7. Resettlement measures:
  - 7.1 Description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy.
  - 7.2 Site selection, site preparation, and relocation. Alternative relocation sites considered and explanation of those selected.
  - 7.3 Legal arrangements for regularizing tenure and transferring titles to PAPs.
  - 7.4 Housing, infrastructure, and social services.
  - 7.5 Environmental protection and management.
  - 7.6 Community participation. Involvement of PAPs and host communities
  - 7.7 Integration with host populations. Measures to mitigate the impact of resettlement on any host communities
  - 7.8 Specific assistance measures intended for vulnerable people, to be identified for instance amongst those listed in the RPF
8. Grievance procedures. Based on the principle mechanisms described in this RPF, description of affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
9. Organizational responsibilities. The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.
10. Implementation schedule. Based on the template presented in the RPF, present an implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
11. Costs and budget. Tables showing itemized cost estimates for all resettlement activities (see Section 13 of this RPF), including special assistance to vulnerable persons and other contingencies.
12. Monitoring and evaluation. Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

**Annex 3: Template for the Preparation of Budgets to Prepare and Implement RAPs**

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

**Annex 4: Voluntary Land Donation Protocol**

In cases where there is voluntary land donation, defined as when people or communities agree to voluntarily provide land in exchange for benefits or services related to the project, the below requirements must be met:

1. The infrastructure must not be site specific. For example, a school or clinic can have one or more locations if the landowner objects. However, voluntary land donation would not be allowed in the case of a location specific infrastructure such as a dam or reservoir since objectors can be forced or coerced into agreement.



2. The impacts must be minor, involving no more than 10% of the area of any holding and require no physical location.
3. The land required to meet technical project criteria must be identified by the affected community, not by line agencies or project authorities (nonetheless, technical authorities can help ensure that the land is appropriate for project purposes and the project will produce no health or environmental hazards).
4. The land in question must be free of squatters, encroachers or other claims or encumbrances.
5. Written verification is necessary (for example, a notarized letter or witnessed statements) of the voluntary nature of land donations must be obtained from *each* person donating land.
6. If any loss of income or physical displacement is envisaged, verification of voluntary acceptance of community devised migratory measures must be obtained from those expected to be adversely affected.
7. If community services are to be provided under the project, land title must be vested in the community or appropriate guarantees of public access to services must be given by the private title holder.
8. Grievance Redressal or a complaints' mechanism must be available.