

POWER DISTRIBUTION FEASIBILITY STUDIES, GHANA RESETTLEMENT POLICY FRAMEWORK

FINAL

OCTOBER 2014



PREPARED FOR

U.S. ARMY CORPS OF ENGINEERS, EUROPE DISTRICT

U.S. ARMY CORPS OF ENGINEERS, EUROPE CONTRACT NUMBER: W912GB-12-D-0020, ORDER 0004



IN ASSOCIATION WITH

THE MILLENNIUM CHALLENGE CORPORATION



CH2MHILL

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Acronyms and Abbreviations

BSP	bulk supply point
EA	Environmental Assessment
ECG	Electricity Company of Ghana
EI	Executive Instrument
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
GHC	Ghanaian Cedi
GoG	Government of Ghana
GRC	Grievance Redress Committee
GRIDCo	Grid Company of Ghana
GRM	grievance redress mechanism
IDRS	internal dispute resolution system
ha	hectare(s)
IFC	International Finance Corporation
km	kilometer(s)
kV	kilovolt(s)
LV	low voltage
LVD	Land Valuation Division (of the Lands Commission)
m	meter(s)
m ²	square meter(s)
mm	millimeter(s)
MCA	Millennium Challenge Account
MCC	Millennium Challenge Corporation
MiDA	Millennium Development Authority
MV	medium voltage
NEAP	National Environmental Action Plan
NDMW	national daily minimum wage
NEDCo	Northern Electric Distribution Company
NGO	non-governmental organization
OH	Overhead (distribution network)
OP	Operational Policy
PAP	Project- affected person
PS	Performance Standard
RAP	Resettlement Action Plan
RCC	Resettlement Coordination Committee
RMT	Resettlement Management Team
ROW	right-of-way
RPF	Resettlement Policy Framework
SAC	Site Advisory Committee
SAD	Sub Activity Description
ST	Sub Transmission (33 or 34.5 kV)
TCPD	Town and Country Planning Department

UG	Underground (distribution network)
V	volt(s)
WB	World Bank

Project Description

1.1 Background

The Millennium Challenge Corporation (MCC) is working with the Government of Ghana (GoG) to define potential projects for the second MCC Ghana Compact II,¹ which seeks to address Ghana's inadequate and unreliable power supply. The overall objective of Compact II is to strengthen the Ghana distribution system by helping to the Electric Company of Ghana (ECG) and Northern Electric Distribution Company (NEDCo) reduce their technical and commercial losses through a private sector-led approach. Compact II will provide technical assistance in the areas of corporate governance, technical capacity of the regulators, and gender integration. A prime focus of Compact II is on strengthening the institutional, technical, and operational capacity of power distribution in the ECG regions of Accra East and Accra West and any other mutually agreed areas between Ghana and MCC and in the NEDCo service territory in the Tamale and Sunyani areas of the Northern and Brong Ahafo regions of Ghana, as well as any mutually agreed areas between Ghana and MCC.

This Resettlement Policy Framework (RPF) addresses resettlement issues and procedures for all ECG and NEDCo distribution Sub-Activities identified through the Ghana Compact II Phases I and II Sub-Activity screening, prioritization, and feasibility studies. A prioritized list of 20 ECG Sub-Activities was identified, 7 of which have the potential to require resettlement; a prioritized list of 21 Sub-Activities was identified for NEDCo, 6 of which have the potential to require resettlement.

This RPF presents the guiding resettlement policies and procedures that must be adopted under the applicable requirements of the GoG and the MCC's Policy on Involuntary Resettlement, including the requirements and guidance provided in the International Finance Corporation's (IFC's) Performance Standard 5 (PS 5) on land acquisition and involuntary resettlement. 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 physical or economic displacement. For the purposes of this document, the term "involuntary resettlement" refers both to physical displacement (relocation of shelter or business) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood as a result of Sub-Activity-related land acquisition and/or restrictions on land use).

Most involuntary resettlement associated with the distribution Sub-Activities will be focused on the construction and/or modification of distribution lines. These lines are frequently located within the existing 6-meter (m) -wide utility corridors located on both sides of most public roads in Ghana. The utility corridors provide opportunities to maintain multiple linear utility facilities within a single right-of-way (ROW).

It is common along many of Ghana's busy streets for vendors and shops to be located in structures that are frequently made out of steel shipping containers and other materials. Some of these businesses, but by no means all, are legal in that they have received licenses from the local municipality, on condition that they relocate if the corridors are needed for the placement of utilities such as distribution lines. It is not legal for people to live within the utility corridors. Although some illegal residences are likely in the more-congested urban areas, involuntary resettlement requirements associated with the distribution Sub-Activities will primarily involve economic displacement—that is, loss of the place of work.

This RPF takes advantage of the lessons learned during the extensive resettlement effort undertaken for the MCC Ghana Compact I, which involved upgrading the N1 highway in Accra as well as trunk and feeder roads in other parts of Ghana. Although the level of resettlement required under Compact I far exceeded what is likely for Compact II, some of the procedures used and lessons learned during Compact I are directly applicable to Compact II and have been incorporated into this RPF.

¹ Compact I consisted of a number of sub-projects related to Ghana's agriculture sector but also included the upgrading of National Highway 1.

1.2 The Need for a Resettlement Policy Framework

Sub-Activity proposals will only be finalized after Compact II has been signed and is in force. MCC has identified the Sub-Activities likely to be included in Compact II through discussions with the ECG and NEDCo staffs and performing the initial feasibility studies. Although representative locations of these Sub-Activities are known, design studies have yet to be completed; therefore, specific locations have yet to be identified, along with any ensuing involuntary resettlement impacts.

For these reasons, Sub-Activity-specific Resettlement Action Plans (RAPs) for physical displacement and procedures to compensate for economic displacement cannot be prepared at this stage. This RPF has been prepared to specify how resettlement and compensation planning and implementation would proceed where avoidance of displacement is impossible, once individual Sub-Activities are selected and designed.

Just as importantly, this RPF is intended to encourage designing specific Sub-Activities to minimize the loss of land and other immovable assets, to avoid physical displacement of residential and other structures as much as possible, and to minimize economic displacement given other technical, economic, financial, and environmental considerations.

A further objective of the RPF is to reduce the workload required to prepare the RAPs that will be needed for each Sub-Activity involving resettlement. By including in the RPF many of the policies, technical requirements, institutional arrangements and procedures needed to implement involuntary resettlement compliant with PS 5, RAP preparation can concentrate on assessing the specific impacts of each Sub-Activity, obtaining the information needed to assess requirements for compensation payments and other assistance, and developing appropriate time frames and budgets.

This RPF has been prepared based on information obtained during field visits to Ghana, discussions with MCC and other stakeholders, and reviews of other recently prepared RPFs and RAPs, in addition to the IFC PSs.²

1.3 Scope of the RPF

This document provides a framework for involuntary resettlement of people or assets. Involuntary resettlement occurs when Projected-Affected Persons (PAPs); (i) lack the right to refuse land acquisition and (ii) new land restrictions result in physical and/or economic displacement. In other words, involuntary resettlement occurs when people lose assets or means of livelihood, regardless of whether they are physically displaced. An individual can experience one or both types of displacement. To manage these impacts consistent with international industry practice, MCC-supported projects will meet the requirements of IFC PS 5 – Land Acquisition and Involuntary Resettlement.

This RPF addresses all of the involuntary resettlement activities including those which result from damage to property resulting from construction activities integral to project implementation.³ These types of damage will lead to a temporary disruption of business operations but will be capable of reinstatement and will not require relocation.

Compact activities may give rise to other social and environmental risks, including those related to health and safety during construction. For example, a mitigation measure such as temporary health and safety buffers around some construction activities, will itself affect businesses, households, and others (such as roaming vendors). Overall impacts associated with these restrictions are expected to be minor, short-lived (e.g., on the order of a few minutes to a couple of hours), and in some cases may be avoided (e.g., with advance notice to those affected, adjusting the timing of work where possible). These risks will be identified and managed through PS 1 and the Environmental and Social Management Plan developed for the project and PS 4 –

² MCC, 2009, *Resettlement Action Plan for Upgrading of the N1 Highway between Tetteh Quarshie Interchange and Mallam Road Junction (Compact 1)*; Jacobs for MCC, 2012, *Independent Engineering Services for Second Compact Development and Implementation Oversight for Cape Verde Water Supply, Sanitation, and Hygiene Project - Resettlement Policy Framework*; GoG/ Ministry of Food and Agriculture, 2011, *Ghana Commercial Agriculture Project - Resettlement Policy Framework*; Halcrow for EIB, 2013, *Resettlement Policy Framework for the Lake Victoria Water and Sanitation Project*; Halcrow for Private Client, 2011, *Draft Resettlement Framework for First Dhaka Elevated Expressway*,

³ Accidental damage resulting from construction activities will be dealt with in negotiation with contractors according to normal procedures.

Community Health, Safety, and Security. Managing these risks is described more fully in Appendix F of the feasibility study: Framework Environmental and Social Impact Assessment.

Should these health and safety-related impacts prove to be more significant than currently anticipated (e.g., they require a business to be closed for a period of days or longer) compensation for losses may be required, consistent with PS 5. Resettlement Action Plans (RAPs) will anticipate this possibility, describing methods to avoid impacts, manage them where needed, and monitor performance. Should unforeseen impacts occur, they will be addressed during RAP implementation and managed through established grievance mechanisms.

1.4 Sub-Activities Descriptions

Compact II will consist of a mix of capacity-building, organizational, technical, and operational improvements, as well as construction activities, with the overall objectives of substantially enhancing the capacity of the electricity networks in and around Accra and in the Northern and Brong Ahafo regions of Ghana as well as the institutional capacities of ECG and NEDCo. Tables 1-1 and 1-2 list all prioritized ECG and NEDCo Sub-Activities, respectively, and indicate the potential for each to require resettlement.

TABLE 1-1
Identified ECG Sub-Activities

Activity	Sub-Activities	Potential for Resettlement
Commercial Losses Reduction and Collection Efficiency Improvement	ECG-COMM-01: Normalization of existing services to comply with improved service connection standard	No
	ECG-COMM-04: Replacement of legacy meters with prepayment meters	No
	ECG-COMM-07: Metering at critical nodes of the distribution system	No
	ECG-COMM-10: Strengthening loss control program	No
Institutional Support	ECG-ENGR-01: Distribution system survey, geographic information system development, and customer census	No
	ECG-ICT-01: Data center and communication network	No
	ECG-SERVICE-01: Installation of enterprise resources planning system and integration with existing enterprise applications	No
	ECG-SERVICE-03: Technical Assistance Program	No
	ECG-SERVICE-04: Distribution System Master Plan	No
	ECG-SERVICE-05-Assistance to ECG Training Centers in Tema	No
Technical Losses Reduction	ECG-ENGR-07: Reactive power compensation for primary substations	No
	ECG-ENGR-10: Install bulk supply point (BSP) substation with feeders to existing primary substations in Accra	Yes
	ECG-ENGR-11: Install Kotobabi/Nima primary substation with interconnecting sub-transmission links and medium voltage (MV) offloading circuits	Yes
	ECG-ENGR-12: Install Ogbodzo/Madina primary substation with interconnecting sub-transmission links and MV offloading circuits	Yes
	ECG-ENGR-13: Install Mataheko primary substation with interconnecting sub-transmission links and MV offloading circuits	Yes
	ECG-ENGR-14: Install Teshie primary substation with interconnecting sub-transmission links and MV offloading circuits	Yes
	ECG-ENGR-15: Install Airport Residential Area primary substation with interconnecting sub-transmission links and MV offloading circuits	Yes
	ECG-ENGR-36: Low voltage (LV) feeder bifurcation with MV upgrade	Yes
	ECG-ENGR-42: Update distribution construction standards based on current low loss practices	No
Outages Reduction	ECG-ENGR-39: Sectionalizing study of Accra region, automation of MV networks within ECG's network and supervisory control and data acquisition system expansion	No
	ECG-OPS-01: Outage management system	No

TABLE 1-2
Identified NEDCo Sub-Activities

Activity	Sub-Activities	Potential for Resettlement
Commercial Losses Reduction and Collection Efficiency Improvement	NEDCo-COMM-01: SERVICE connection materials	No
	NEDCo-COMM-03: Customer census and normalization of existing service connections	No
	NEDCo-ENGR-24: Metering at critical nodes of the distribution system	No
	NEDCo-SERVICE 02A: Procurement of vehicles, tools and equipment	No
Institutional Support	NEDCo-ICT-01: Communication Network	No
	NEDCo-ICT-04: Data center at Volta River Authority or Sunyani	No
	NEDCo-COMM-04: Enterprise customer information system and integration with existing enterprise applications	
	NEDCo-SERVICE-01A: Construction of customer service centers	
	NEDCo-SERVICE-05: Technical Assistance Program	
	NEDCo-SERVICE-06: Technical Assistance Master Plan Development	
Technical Losses Reduction	NEDCo-ENGR-07: Shield wire conversion to 34.5 kilovolt (kV) system Techniman-Abofour	Yes
	NEDCo-ENGR-08: Install Banvim primary substation with interconnecting sub-T lines, MV offloading circuits, and LV network	Yes
	NEDCo-ENGR-09: Install Islamic primary substation with interconnecting sub-T lines, MV offloading circuits, and LV network	Yes
	NEDCo-ENGR-11: Install Fiapre primary substation with interconnecting sub-T lines, MV offloading circuits, and LV network	Yes
	NEDCo-ENGR-18: Reactive power compensation for primary substations and MV lines	No
	NEDCo-ENGR-19A: LV feeder bifurcation with MV upgrade	Yes
	NEDCo-ENGR-22: Update distribution construction standards	No
Outages Reduction	NEDCo-ENGR-03A: Replace faulty and aging underground conductors	Yes
	NEDCo-ENGR-29: Sectionalizing study of MV networks within NEDCo's territory	No
	NEDCo-OPS-02: Procure operations and maintenance materials	No
	NEDCo-OPS-03: Installation of outage reporting and call center system	No

Sub-Activities likely to Result in Involuntary Resettlement

All Compact II Sub-Activities were screened for their potential involuntary resettlement impacts. Once the institutional and capacity-building Sub-Activities had been screened out, 13 Sub-Activities were identified as potentially requiring involuntary resettlement – 7 are ECG Sub-Activities and 6 are NEDCo sub-activities. Section 2.1 presents a more-detailed description of these Sub-Activities while Section 2.2 describes the types of impact that could result from these activities.

2.1 Description of Sub-Activity Components Potentially Requiring Resettlement

2.1.1 Sub-Activity – Summary Descriptions

Table 2-1 presents summary descriptions of the identified ECG and NEDCo Sub-Activities with the potential to require resettlement of affected populations. Figures 2-1 and 2-2 show the representative locations of these Sub-Activities. Individual maps of the Sub-Activities potentially requiring resettlement are presented in Appendix A to this RPF.

The total length of the proposed distribution lines is around 7,000 kilometers (km). The majority of this distance is related to the ECG bifurcation projects, which will involve the addition of MV to more than 400 km of existing LV lines and the replacement of around 6,000 km of existing LV lines with aerial bundled cables (ABC) throughout Accra. The total length of the other components is around 700 km, of which half relates to the shield wire conversion project (NEDCo-07) which includes new and upgraded MV and LV lines.

The following paragraphs provide short descriptions of the technical components of these Sub-Activities and an overview of the site/route selection practices.

TABLE 2-1
Sub-Activity Technical Components

SAD ID	Name	Location	Type of Area	Sub-station	Distribution Components (km)						SAD TOTALS (km)
					Sub-transmission (33/ 34.5 kV) ^a		MV (11 kV)		LV		
					UG	OH	UG	OH	UG	OH	
ECG Sub-Activities											
ECG-10	Bulk Supply Point	Pokuase	Peri-urban	1	3	15	0	0	0	0	18
EC-11	Nima Substation	Kotobabi/ Nima	Inner/ Dense/ part slum	1	10	0	12	12	0	0	34
ECG-12	Madina Substation	Ogbozoo/ Madina	Outer/ medium low density	1	0	15	12	12	0	0	39
ECG-13	Mataheko Substation	Mataheko	Low medium	1	10	0	12	12	0	0	34
ECG -14	Teshie Substation	Teshie	Peri-urban/ low density/ slum	1	10	0	12	12	0	0	34
ECG -15	Airport Residential Substation	Airport Residential Area	Low density/ high income/ commercial	1	10	0	12	12	0	0	34
ECG-36	Line Bifurcation	Throughout Accra						436		5,967	6,403
			Sub-total - ECG	6	43	30	60	496		5,967	6,596
NEDCo Sub-Activities											
NEDCo-03A	Replace Underground Cables		Urban	0	0	0	33	0	0	0	33
NEDCo-07	Shield Wire Conversion (Techiman to Abofour)		Rural/ small town	0	0	0	0	170 ^b		200 ^c	370
NEDCo-08	Barvim Substation	Tamale	Peri-urban	1	0	10	0	6		10	26
NEDCo-09	Islamic Substation	Tamale	Peri-urban	1	0	6	0	8		10	24
NEDCo-11	Fiapre Residential Substation	Sunyani	Urban	1	0	8	0	3		5	16
NEDCo-19	Line Bifurcation	NEDCo service area		0	0	0	0	55		0	55
			Sub-total - NEDCo	3	0	24	33	242		225	524
			ALL Sub-Activities	9	43	54	93	738		6,192	7,120

^a Sub-transmission is 34.5 kV in NEDCo area^b NEW – 50 km; Upgrade – 120 km^c 50 km –new (replacement of 34.5 kV shield wire); 150 km – upgrade

SAD – Sub-Activity Description; OH – overhead; UG – underground

FIGURE 2-1
ECG Sub-Activities with the Potential for Resettlement
ECG-ENGR-36 LV Bifurcation would be implemented throughout the Accra area; therefore, no specific site location is provided on this figure.

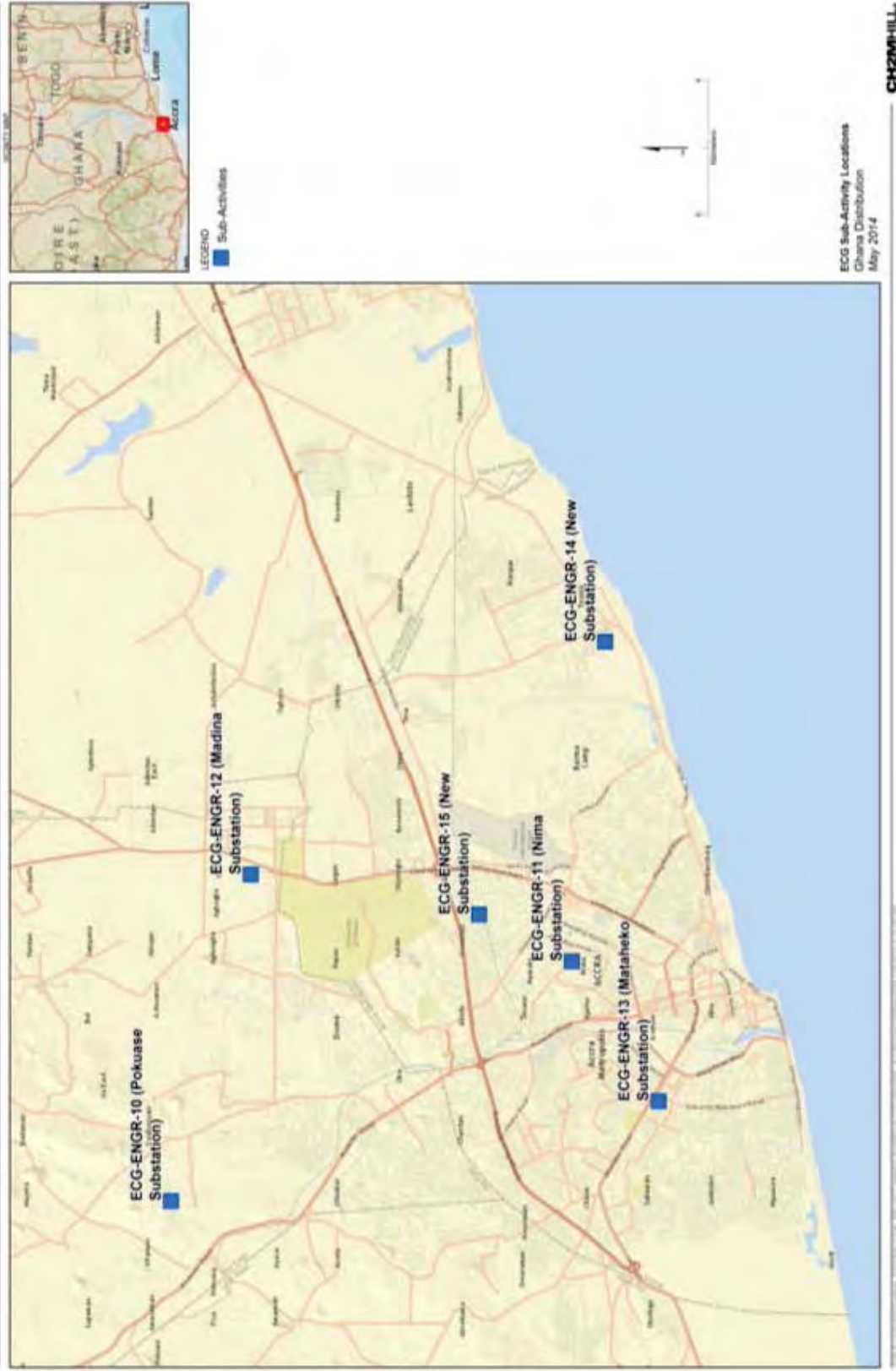
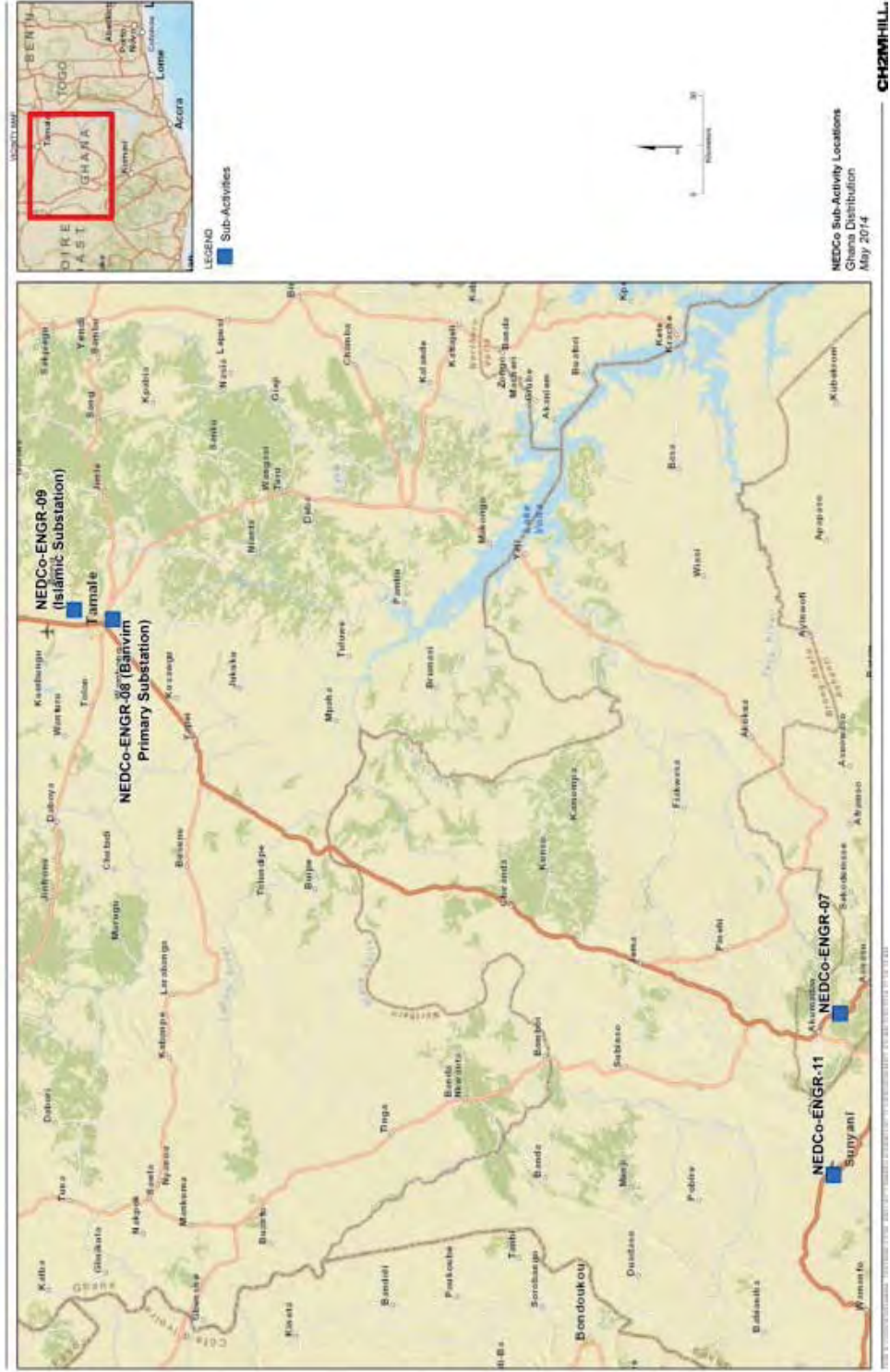


FIGURE 2-2
NEDCo Sub-Activities with the Potential for Resettlement



NEDCo-ENGR-03A, Replacement of Existing Underground Cable, will take place in NEDCo operating territory, including the towns of Sunyani, Techiman, Bolgatanga, and Tamale; therefore, no specific site location is provided on this figure.

2.1.2 Technical Components

These Sub-Activities will have one or more of the following components:

- BSP substations
- Primary substations
- Underground cables
- Sub-transmission lines
- MV distribution lines
- LV distribution lines
- LV feeder bifurcation
- Shield wire conversion

A brief technical description of each of the above components is provided below.

2.1.2.1 BSP Substations

A BSP substation is proposed for ECG-10; no BSP substations are proposed for NEDCo. BSP substations are locations where electric power is transformed from the high voltage (161 kV) transmission system operated by Grid Company of Ghana (GRIDCo) to the MV (33 kV and 11 kV) and LV [440-volt (V)] distribution system operated by ECG. The three ECG BSP substations currently serving the greater Accra area will become overloaded based on current demand forecasts. To avoid rolling blackouts, a new BSP substation will be required.

BSP substations are made up of two sections: (1) the GRIDCo section, which includes transformers and the incoming high voltage transmission lines and (2) the ECG section, which includes the 33/11 kV switching equipment and 33 kV sub-transmission and 33 kV and 11 kV MV outgoing distribution lines. Meters are installed between the GRIDCo and ECG sections to account for ECG power purchase from GRIDCo.

A contractor will be hired to build a BSP substation that conforms to ECG's standard substation design. This will include the construction of the ECG section of the BSP that will serve the north-central portion of Accra's sub-transmission and distribution network. The BSP substation will have a footprint up to 100 m by 100 m, or 10,000 square meters (m²) and will include a control house and switching yard that are within the fenced perimeter of the BSP substation. In addition, sub-transmission and MV distribution lines will be constructed from the BSP substation to other substations within the ECG service territory to offload the existing BSP substations currently feeding existing and future electrical loads. This Sub-Activity does not include the construction of the GRIDCo side of the BSP substation.

2.1.2.2 Primary Substations

The primary substations currently serving the ECG and NEDCo service territories will become overloaded based on current demand forecasts. To avoid rolling blackouts, and to be able to use the power from the BSP substations, primary substations will be installed at key points in the ECG and NEDCo distribution system. As part of the functioning of the ECG and NEDCo distribution system, the electricity injected at the BSP substations will be transformed at the primary substations from (33 kV to 11 kV for ECG) (34.5 kV to 11 kV for NEDCo) for distribution to customer areas. A final step down to 440 V will be accomplished by transformers located on the distribution poles placed at or near individual customer connection points.

A contractor will be hired to build the primary substations that conform to NEDCo's and standard substation design. The primary substations will have a footprint of up to 100 m by 100 m and will include matched transformers, a switch yard, capacitor banks, and a control house within the fenced perimeter of the substation. The primary substations will also include the incoming sub-transmission lines and outgoing MV distribution lines that extend for distances ranging from 500 m to multiple kms to a point where they will interconnect either with existing ECG or NEDCo substitutions or lines.

2.1.2.3 Underground Cable

For economic reasons, overhead lines are used extensively for the transmission and distribution of electricity in rural areas where environmental or practical considerations do not dictate otherwise. However, in urban areas, it

is common to install insulated cables, which primarily are buried underground. Underground cables can be used for both MV and LV lines in locations where overhead distribution lines are not feasible or would result in unacceptable impacts to existing land uses. Underground lines have the advantages of presenting no visual impacts once installation is complete, increasing flexibility in routing in densely populated area, and requiring a narrower surrounding ROW than overhead lines. Underground cables do, however, have a higher cost than overhead lines.

Underground cables typically have a plastic insulation layer and can be installed as a direct-buried line or one that is installed in a buried conduit. With the direct-bury method, the insulated cable is placed directly in a trench and then covered with soil. When using a conduit, first a conduit, typically made of polyvinyl chloride measuring 100 millimeters (mm) or 125 mm in diameter, is laid in the trench and then the insulated conductor is pulled through the conduit and connected to surface structures. Both methods are used by NEDCo. The total length of proposed underground cables is around 136 km. Typical standard and minimum installation depths used for underground cable are presented in Table 2-2.

TABLE 2-2
Design Standards for Sub-Activities involving Underground Cables

Voltage	Relevant SADs	Installation Depth Standard	Installation Depth Minimum
33 kV	ECG 10,11,13-15	1,100 mm	900 mm
11 kV	ECG 11-15; NEDCo 3A	900 mm	800 mm

Note: No undergrounding of LV cables is currently envisaged for any of the Compact II SADs.

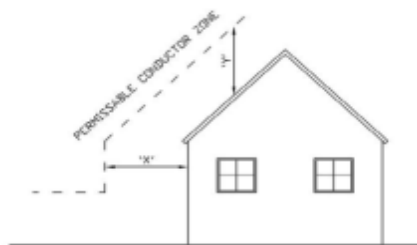
Source: *Ghana Energy Development Access Project Distribution Design Manual*, ECG, 2013

2.1.2.4 Sub-Transmission (ST) Lines

Sub-transmission lines are used to move power between two substations at a voltage of 33 kV for ECG and 34.5 kV for NEDCo. Sub-transmission lines consist of steel lattice towers, cross bars, insulators, and conductors. The standard ROW width for sub-transmission lines is 15 m, 7.5 m on each side of the centerline; the required setback from nearest structures is 2 m horizontal. There is no approved vertical setback; therefore these lines cannot be constructed over existing structures (see Figure 2-3).

The standard and maximum span distances between sub-transmission structures are 170 m and 200 m, respectively. The height of sub-transmission structures will be a minimum of 14 m, and the maximum height will depend on site-specific conditions and topography. Sub-transmission structures will be erected on concrete foundations approximately 1 to 2 m in diameter. Most of the foundation will be buried, with areas for bolting on the tower exposed above grade (see Figure 2-4). Following erection of the tower, the cross bar and insulators will be installed and the conductors pulled from one structure to the next.

FIGURE 2-3
Horizontal Vertical Setback Standards



Source: *Ghana Energy Development Access Project Distribution Design Manual*, ECG, 2013

FIGURE 2-4
Foundation Construction and Base of Steel Lattice Tower



2.1.2.5 MV Distribution

MV distribution lines are used to move power at 33/11 kV for ECG and 34.5/11 kV for NEDCo from one area of the distribution system to another. MV lines consist of wood poles, cross bar, insulators, and conductor. A representative wood pole MV line is presented in Figure 2-5. The standard ROW width for MV lines is 10 m, 5 m on each side of the centerline; the required setback from nearest structures is 2 m horizontal. There is no approved vertical setback; therefore, these lines should not be constructed over existing structures.

The standard and maximum span distances between structures are 100 and 120 m, respectively. The height of MV structures range from 11 to 14 m above ground, but actual heights will depend on site-specific conditions and topography. MV poles typically are buried directly in the ground without a concrete foundation. An excavation of appropriate depth is either dug by auger or by hand; then the pole is placed in the excavation and the native soil is backfilled and packed. Following erection of the pole, the cross bar and insulators are installed and the conductors pulled from one structure to the next.

2.1.2.6 LV Distribution

LV distribution lines are used to move power at 440 V to provide service to customers. LV lines consist of wood poles, cross bar, insulators, and conductors (see Figure 2-6). The standard ROW width for LV lines is 5 m, 2.5 m on each side of the centerline; the required setback from nearest structures is 2 m horizontal. There is no approved vertical setback for LV lines.

The standard and maximum span distances between LV structures are 46 and 50 m, respectively. The height of LV structures is from 8 to 10 m above ground, but actual heights will depend on site-specific conditions and topography. LV poles typically are buried directly in the ground without a concrete foundation. An excavation of appropriate depth would be dug either by auger or by hand; then the pole is placed in the excavation and the native soil is backfilled and packed. Following erection of the pole, the insulators are installed and the conductors pulled from one structure to the next.

FIGURE 2-5
Typical Wood Pole MV
Distribution Line

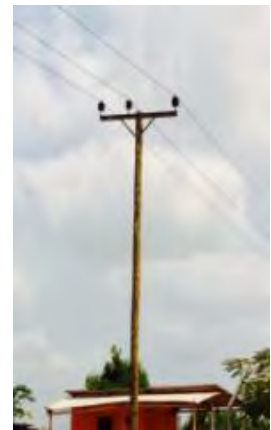
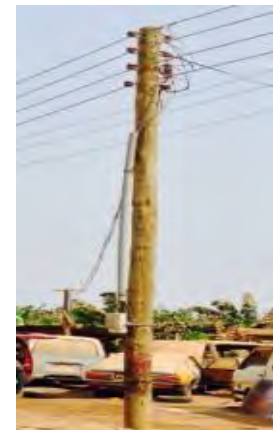


FIGURE 2-6
Typical LV Distribution Line

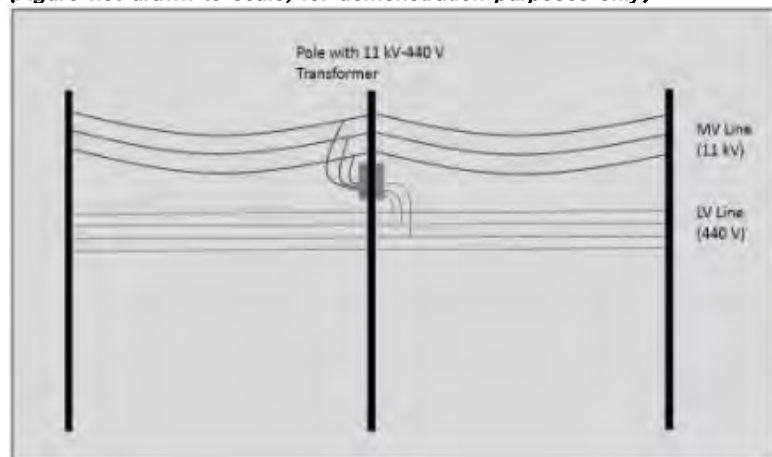


2.1.2.7 LV Feeder Bifurcation

When LV lines are long and heavily loaded, their losses can result in drops in voltage and other service problems. The objective of this Sub-Activity is to reduce the length of the LV circuits (segmenting a large circuit into multiple smaller ones) so that the LV trunk lines do not exceed a length that affects the quality of service to the customer and a technical loss threshold on the distribution system. To accomplish this objective, segments of 11 kV line will be constructed on the same poles as the existing LV lines (see Figure 2-7). Because both circuits will be located on the same wood pole, the existing poles may need to be replaced with taller poles, generally in the same location. Step-down transformers will be located on the same poles as the MV and LV lines and will serve to lower the 11 kV MV to 440 V LV for service to customers. At the same time, the system of LV lines (totaling about 6,000 km), which are currently of the open wire construction type, will be replaced with multiplex (also called aerial bundled cable). This activity does not require new poles to be installed.

FIGURE 2-7
LV Bifurcation

(Figure not drawn to scale, for demonstration purposes only)



2.1.2.8 Shield Wire Conversion

Shield wire conversion Sub-Activities only apply to NEDCo. A shield wire is typically a coaxial wire connected directly from the top of one transmission structure to another to protect conductors from a direct lightning strike, thereby minimizing the possibility of power outages. In the past, NEDCo has served some rural villages with single-phase power supplied via the shield wire on a GRIDCo transmission line to communities adjacent to transmission corridors. The existing transmission line shield wire has exceeded its designed capacity, which has been causing outages at peak hours due to the protection relay on the line tripping the breaker.

This Sub-Activity will discontinue the use of the transmission line shield wire for distributing power and will involve the construction of a new MV distribution line built using three-phase distribution on wooden poles. The new MV line will be located along the main Kumasi-Techiman road and not, as previously envisaged, along the existing GRIDCo corridor.

2.1.3 Siting and Routing of Sub-Activity Components

An overview of the approach used by NEDCo to site substation locations and distribution line routes is presented below.

2.1.3.1 Substations

The locations of BSP and primary substations are based on the needs of the electrical transmission and distribution systems and specific land uses within the general area within which a substation is required. Once the need for a new substation within a general area has been established based on system planning, a screening process will be conducted to identify a parcel of land of suitable size (up to approximately 100 m by 100 m for BSP substations and primary substations) to support the new substation.⁴ ECG and NEDCo's practice is to identify a suitable parcel of land and then negotiate with a willing seller based on fair market value. If negotiations break down, normal practice is to search for an alternative site. In ECG's case, most sites are obtained from institutional land owners, such as churches, schools, or government departments (see following Box 2-1).

It is apparent that the negotiations often involve some barter arrangements whereby, as a condition for obtaining the land, ECG upgrades the supply to the owner's facility. Although both ECG and NEDCo obtain land through

⁴ In practice most are much smaller than this, typically 0.2 to 0.5 ha.

negotiations, they have the option of obtaining it through expropriation – but this appears to be the exception, and only one example was given of this occurring in the last 8 years.⁵

Box 2-1. Sub-Stations: How ECG obtains land

Most land comes from institutions (public or private) but it appears that this does not usually require payment at market value. In some instances, it involved some type of barter arrangements with any such arrangements being included in the costing. Some examples:

1. Use of school land in Kasoa: In exchange for review of the school's power needs and provision of a new transformer. ECG also provided street lighting.
2. Police College land: Land would be provided for free but ECG will provide a transformer and probably some public lighting because the police had concerns about security in the environs.
3. ECG land: After failing to secure three sites (one from church, one from school, and an attempt to use public space (football field), ECG decided to use its own land. This involved demolition of one ECG bungalow, and the staff was then relocated to another ECG bungalow in another part of the city.
4. Site purchased in 2006 near State House, cost approximately Ghanaian Cedi (GHC) 34,000 (current equivalent, around GHC 100,000).
5. In one case, the Accra Municipal Authority was asked to move 50 to 60 illegal occupiers, most of whom were mechanics, who were relocated nearby.

Source: Consultant Discussions with ECG.

Both ECG and NEDCo have started identifying sites for the Compact II SADs; the current status of this process is summarized in Box 2-2.

Box 2-2. Status of Proposed ECG and NEDCo Sub-stations

ECG Sub-Activities

Although no sites have been finally selected, it seems likely that:

- Teshie will be located on ECG/ GRIDCo land along the current 33 KV alignment that runs between the old and new parts of this area. There is adequate on this largely clear corridor.
- Pokuase (BSP, up to 1 hectare (ha): land is being acquired by GRIDCo for joint use with ECG. It is understood that the site will be on or close to the existing GRIDCo 161 high voltage Line ROW.
- Airport residential area: Not yet identified, could be difficult to identify.
- Nima: Site identified near the Kotobabi Police Station. Police authorities have been notified and acquisition is in progress.
- Mataheko: ECG owns a plot in the area. Application to authorities to rezone for use as a substation is in progress
- Madina: Site has been identified and acquisition is in progress.

NEDCo Sub-Activities

Banvim: Vacant peri-urban site already obtained (about 4,000 m²).

Islamic Vacant peri-urban site already obtained (about 1,100 m²).

Fiapre: To be decided

Source: Based on information from ECG and discussions.

2.1.3.2 Distribution Networks

The routing of distribution lines is based on the need to interconnect various distribution system facilities, such as BSP and primary substations and other MV and LV lines, with customers. Most public roads in Ghana have a 6-m utility corridor designated on each side of the road for electric, phone, and water utilities. ECG's and NEDCo's general practice is to locate distribution lines within the designated utility corridors to the extent possible. This practice minimizes adverse impacts to most permanent structures. However, it is common in Ghana for permitted and non-permitted small businesses to locate within these utility corridors, especially along busy streets, in various types of structures and kiosks.

Sub-transmission, MV, and LV lines typically have a level of flexibility that allows ECG and NEDCo to select routes that minimize impacts to existing structures and infrastructure. In areas of dense development, underground cables are used to minimize overall impacts. It is the policy of ECG and NEDCo to minimize resettlement as a result

⁵ Even if land is obtained through negotiation, the negotiation will have to be consistent with the policies set out in this RPF (sections 3 and 4) and how this issue will be addressed (section 12.2.2).

of new distribution line construction and to also consider various design options that minimize the need to relocate structures and local businesses (including those on existing ROWs).

The routing of LV lines is directly related to customer locations and as such has less flexibility in overall route selection; however, flexibility is available in the location of poles, many of which will already exist. Furthermore, many of these lines will be located in residential areas where the likelihood of temporary structures within ROWs will be much reduced.

2.2 Potential Resettlement Impacts

2.2.1 ROWs – Design Standards and Current Practice

ECG design standards for ROWs and horizontal setbacks for different types of distribution networks are summarized in Table 2-3.

TABLE 2-3
ECG Design Standards

Type of Line	ROW Requirement	Horizontal Setback	Vertical setback
Sub-Transmission: 33/34.5 kV	15 m		
MV 11 kV	10 m	2 m from edge of outermost conductor	None, which means that lines should not pass over buildings
LV 440 V	5 m		

Source: ECG.

Based on field observations and discussions with ECG and project engineers, it is apparent that these standards are frequently not followed when lines are constructed or upgraded. In particular, it is evident that:

- Apart from GRIDCo corridors, which are largely clear, many ROWs have already been encroached upon by commercial establishments operating from temporary premises. However, few permanent structures or residential premises are located within ROWs.
- Where ROWs have been encroached, there are numerous instances of these temporary structures being located under MV and LV lines, implying that neither the prescribed ROW (15 m, 10 m or 5 m) nor the 2-m horizontal set-back are enforced with any degree of rigor.
- Conversely, except in slum/ low income areas, permanent structures are rarely crossed by overhead lines because these structures are not situated in ROWs, where most distribution lines are located.
- ECG engineers stated that they rarely removed temporary structures when either underground or overhead distribution networks were being constructed or upgraded. Evidence from the survey of trenches currently under-construction bears this out, with the trenches being routed flexibly to minimize the need for relocation.
- During the field inspection of ECG distribution line upgrades, no evidence of temporary structures having been removed for ongoing overhead distribution projects was seen.
- In most of Accra, sub-transmission lines and many 11 kV lines (especially in central commercial areas) are underground, further reducing potential disruption.
- A number of encroachers will have electricity connections and therefore will be project beneficiaries. Others who do not have connections at present may obtain them in the future and would then become beneficiaries.

When asked about the reason for why design standards are not adhered to, ECG engineers stated that to enforce ECG design standards would: (i) add to delays in, if not actually prevent, project implementation; (ii) be costly⁶; (iii) be socially disruptive; and (iv) removed establishments would quickly re-establish themselves in the ROWs.

⁶ On most urban roads, a 10-m ROW would require the acquisition of privately owned land and buildings of many frontage properties, which would be far more costly than the removal of temporary structures.

These findings have important implications for identifying and assessing potential resettlement impacts. Current practice relating to ROWs and setbacks limits the potential for relocation resulting from the construction of distribution networks. Furthermore, with respect to the 2-m horizontal setback, discussions with project engineers confirmed that this is not a safety requirement. Instead the setback is desirable as a means of facilitating the work of utility engineers by restricting the presence of nearby structures that could hamper the replacement and maintenance of distribution lines. Much more important from the safety angle is the adoption and maintenance of a vertical setback. The adoption of such a setback, similar to that required by current U.S. regulations, should be considered by ECG and NEDCO in order to improve safety standards issues and reduce the potential resettlement impacts arising from the enforcement of the 2-m setback.⁷

Accordingly, the RPF is based on the assumptions that:

- Clearance of ROWs will not be required except in rural areas or on existing GRIDCo corridors.
- The 2-m horizontal setback will not be required in urban areas where temporary structures are located under or adjacent to existing or new overhead distribution lines.

2.2.2 Impacts Related to the Distribution Networks

2.2.2.1 General

Involuntary resettlement impacts arising from Compact II will primarily be associated with the construction and/or the modification of distribution lines in urban areas. The great majority of these lines will be located within existing 6-m-wide utility corridors located along most public roads, which provides opportunities to maintain multiple linear utility facilities within a single ROW. Figures 2-8/11 contain photographs which provide illustrations of the relationship between distribution networks, road layouts and adjacent structures in Accra.

Instances of where lines could be located outside existing ROWs are dense, low-income areas and some NEDCo areas where distribution networks are likely to be extended into currently under-served peri-urban areas. In both cases, ROWs may be non-existent or ill-defined. In both cases, lines will be mostly be located along existing access roads.

Although ROWs theoretically should be free from encumbrance, investigations revealed that this is far from the case for many of the urban ROWs. It is common along many busier streets for vendors and shops to be located in the ROWs, operating from temporary structures adapted from steel shipping containers, or from moveable tables. Others, such as car washing bays, operate from little more than a hard surface. These types of structures are also found, but at a much lower frequencies on: (i) residential roads, especially in lower density and peri-urban areas where there is less demand; (ii) primary roads, where it is harder for passing traffic to stop; and (iii) roads where the carriageway occupies the entire ROW. The number of temporary establishments per km varies widely from 0 to around 100 (if the entire length is occupied by encroachers).

Some operations have received licenses from the local municipality. One of the conditions of the licenses for operating within the utility corridors is that the license owner acknowledges that the license is temporary and the businesses may need to relocate if the corridors are required for distribution lines or other utility networks; 6 months' notice is normally provided. However, many of the roadside businesses do not have such licenses. Although it is illegal for people to live within the utility corridors, some illegal residences are likely to be found, as will some permanent structures.

There are also many instances of partial encroachment—for example, when a frontage property opens a shop or business from a structure located outside the ROW but constructs hard standings (i.e. concrete slabs floors), awnings, and/or fences into the ROW.

2.2.3 Permanent Relocation and Temporary Disturbance

Given that the bulk of the distribution lines will use existing ROWs, the most important involuntary resettlement impacts associated with the distribution Sub-Activities will result from disruption to current ROW occupants.

⁷ See Table 234-1 of the U.S. National Electric Safety Code, available at <http://standards.ieee.org/about/nesc/>.

These impacts will include both permanent and temporary impacts, both of which have the potential to result in loss of income for business owners, tenants, and employees alike.

Permanent Relocation

Permanent relocation will occur when ROW occupiers have to move from their current location on a permanent basis due to the need to route a new trench through their property or make way for a new electricity poles. These PAPs will be affected through some or all of the following:

- Loss of immovable assets
- The need to remove their moveable assets (including temporary structures) to a new location
- The costs of rebuilding/ reinstallation at a new location
- Renting new premises
- Loss of income during the period of relocation and business re-establishment

The extent to which these impacts will be felt will depend on whether the PAPs own or rent their structures, or are employees. There will also be some instances where the need is to remove residential or permanent structures, but as mentioned, these are likely to be limited.

Temporary Disturbance

For a temporary disturbance, ROW occupiers will have to relocate or cease operations for a limited period but can return to their original location/ resume operations once construction has been completed. This type of impact can take various forms and can have different durations, but all those affected may experience a short-term loss of income.

All the above impacts may occur with either underground or overhead construction of distribution lines. Their incidence and severity will vary, however, as described in the following paragraphs.

2.2.3.1 Types of Impact

Impacts Arising from the Construction of Underground Lines

Some permanent relocation is probable, but frequency will be low. No examples of establishments having to move permanently were observed during the field visits, an observation repeatedly confirmed by ECG personnel, who stressed that design teams did their utmost to avoid ROW occupants by employing different strategies, including:

- Running cables under structures
- Zigzagging between the front and rear of the establishment
- Using less-occupied roads

Temporary and intermittent disturbance of up to 3 months (based on current construction periods) is possible for occupants affected by trench digging but will vary considerably depending upon individual circumstances. Disturbance is likely to be greatest for those having to cease operations, although only one example (a block-maker⁸) was observed during the field visit. In most cases, however, disturbance will be much less and will result from reduced or inconvenient access to their establishment. Nevertheless, most will continue operations throughout most of the construction period, using a temporary 'bridge' across the trench where necessary. In some cases, trenches had been properly reinstated.⁹ It is evident that this type of disturbance could be reduced through a tighter phasing of trench digging, cable laying, and backfilling activities.

Impacts Arising from the Construction of Overhead Lines

These impacts will essentially be the same as those arising from underground construction but less intrusive. Impacts include the following:

⁸ When interviewed, the owner was happy because the contractor had given him some cement with which he had properly reinstated the trench and had reopened his business.

⁹ Access to affected frontage properties had been temporarily backfilled to avoid disturbance and reinstatement appeared to be of higher quality.

- Relocation of a structure to make way for a new pole: will occur only rarely as pole locations have a high degree of flexibility and poles already exist on most roads and therefore can be replaced (if they are not simply re-strung).
- Construction periods will be considerably shorter than an underground installation: pole operations consist of digging the hole, erecting a new pole, or replacing and removing an existing pole, and installing the conductors. If a hole is dug by hand, it can take the best part of a day but disturbance will be minimal as activities are confined to a small area. Holes dug by machines take as little as 30 minutes; mechanical digging is preferable in urban areas to reduce disturbance and reduce construction times. The other operations (i.e., removal of an existing pole, erection of a new one and fixing the conductors) will take between 30 minutes and 1 hour. The period of maximum disturbance will be when a new pole is erected and for safety reasons, the immediate area around the pole (~12m) should be kept clear for the duration of this operation.
- The pole operations will not necessarily take place at the same time, so the disturbance to adjacent establishments will be intermittent rather than continuous. Pole operations will affect one establishment on either side of the pole if they are situated within 2 to 3 meters.
- Line stringing (or re-stringing) would cause disturbance to any business located directly underneath the lines for up to an hour as the wires are strung into place and secured and the old wires removed (if applicable). The disturbance is strictly for safety reasons to prevent any object accidentally falling on people under the lines. Line stringing operations will briefly affect all establishments located under the lines. In rare cases where poles are being replaced, a structure may need to be removed or damaged if it is located around, or in such close proximity to, an existing pole that replacement cannot be achieved without removing or damaging the structure. In these cases, the first option will be to seek another suitable location.

In Accra, virtually all Sub-Activity-related overhead lines will be on roads already served by existing lines. For some NEDCo projects (NEDCo 8, 9 and 11), new MV and LV lines are proposed that may use roads and lanes in peri-urban areas that do not have existing poles. These areas are low-density, implying that, even if roads are narrow, erection of poles is unlikely to require any relocation. In some cases, where roads are narrow, ROWs may be ill-defined or non-existent. In these cases, land for the erection of poles (about 2 m²) may need to be acquired from frontage properties. Flexibility in pole location would mean that this land will be either under cultivation, vacant, or hard standing; few structures will be affected.

If existing lines are not present, relocation of a structure will only occur if:

- Structures are so closely packed together that there are no gaps large enough to accommodate a new pole.
- Such densely-packed clusters of establishments exceed the maximum pole-spacing requirements for MV (about 100 m) and LV (about 50 m).
- Poles to be replaced are inaccessible to contractors because an establishment is located in front or around them.
- The 2-m horizontal setback is enforced.
- An alternative route (for example, on the other side of the road) is not feasible.

The combination of these four factors is expected to occur only rarely.

Impact on Petty Traders

Petty traders are common and often work from a portable small table or bench. The locational flexibility of this group means that its members can easily shift their tables to another location within the same plot or another location on the same road before returning to their previous location, resulting in a minor disturbance only with negligible loss of income. Itinerant sellers will not be affected. Based on Compact I information, about 16 percent of those affected are likely to be petty traders.

Impact on Agricultural Land

Two SADs are likely to have an impact on agricultural land—ECG-10 - overhead sub-transmission from the Pokuase BSP, and NEDCo-7 - shield wire conversion. In these cases the principal impacts may be:

- Permanent loss of small plots of land for new pole construction (4 to 10 m² per pole depending on the design)
- Loss of one season's harvest during construction for a small portion of the land¹⁰
- In some locations, removal and relocation of generally unoccupied structures

These impacts will not be materially different if the land in question is privately owned or is located on an existing corridor.

2.2.3.2 Potential Resettlement Impact - Summary

In summary:

- Sub-stations will almost always be located on vacant/ underutilized sites obtained from institutions and therefore will not involve significant resettlement because the number of PAPs will be low.
- Permanent acquisition of land is not expected to be significant for distribution networks because existing ROWs will be used for new distribution networks and design flexibility will be applied in routing trenches, overhead lines, and erecting poles.
- In consequence, few persons are expected to be affected by permanent relocation.
- The presence of existing overhead lines along many roads will reduce the need for lines on new alignments outside existing ROWs, further reducing potential acquisition, relocation, and disturbance.
- The most widespread impact will be temporary disturbance to encroachers as a result of trench digging and replacement of existing wires and poles. Most establishments will, however, be able to carry on their operations throughout much of the construction period, thereby limiting potential loss of income.
- Petty traders will be largely unaffected because they can easily relocate within the plot or to another location on the road.
- The likelihood of relocation and periods of disturbance will be longer where underground rather than overhead construction is carried out. Based on field observations, the length of the disturbance will be in the range of 2 to 3 months. However, most establishments will be able to continue in operation for most of his time, so income loss will be minimal if at all.
- For overhead lines, the period of disturbance is unlikely to be more than 1 to 2 hours for line work and up to 1 day for pole operations. The latter disturbance will not be continuous, thereby reducing potential income loss.
- There will be few requirements to acquire permanent structures or residential premises because these are rarely located within ROWs.
- For schemes in rural and peri-urban areas, some acquisition of small parcels of land (up to 10 m² (which includes the space required for construction) will be required for the erection of poles, and the loss of one season's harvest will occur on a portion of the parcel.

Overall, the severity of the resettlement impact that could potentially arise from the Compact II Sub-Activities will almost certainly be low. This is a different situation from resettlement on Compact I, where most PAPs had to be relocated. Furthermore, the most prevalent impact will be temporary disturbance to establishments located within ROWs who will be affected by the construction of the trenches for the underground schemes, and to a considerably lesser extent from the overhead schemes. PAPs will however be able to maintain their operations throughout much of the construction period and will not need to relocate.

¹⁰ Dependent on time and length of construction in relation to cultivation cycle.

Notwithstanding the above assessment, it is important that the RPF is comprehensive in its inclusion of measures to reduce and mitigate the full range of potential resettlement impacts arising from this project.

This assessment assumes, based on field visits and discussions with engineers, that current ECG practice will be followed and that clearance of ROWs will not be enforced. If full ROW clearance was enforced, a large number of PAPs would need to be relocated. In many cases, achieving full 10- to 15-m ROWs (wider than many roads) would necessitate acquiring parcels from frontage properties on private land, thereby further increasing the number of PAPs and overall resettlement costs. Similarly, strict application of the 2-m horizontal setback could result in the relocation of almost every temporary structure located under an overhead distribution line or within 2.5 m of the nearest conductor.

FIGURE 2-8
Potential High Involuntary Resettlement Impacts

A. High Impact – Concentrated establishments with little space for new trench or overhead line



B. BUT largely clear corridor already exists at rear of ROW



C. Busy road with existing poles; undergrounding could lead to substantial relocation



D. Area similar to C but narrower access road typical of low income/ slum areas



E. Busy central commercial road: Underground cable would likely be installed alongside the roadway



F. Similar to E. Underground cable would likely be installed alongside the roadway.



FIGURE 2-9
Low Potential Involuntary Resettlement Impacts

- A. Inner urban, road with vacant ROW on one side; more establishments on other side of road. Note temporary backfill of trench at frontage accesses.



- B. 'Mature' middle income area with wide roads and scattered encroachment



- C. Low-density, low/middle income area with wide road



- D. Low density, new peri-urban upper income residential area



- E. Largely clear GRIDCo Corridor



- F. Wide, vacant ROW on major road in Accra



FIGURE 2-10
 Limited Potential Disturbance (overhead lines except F)

A. Pole located within hard standing; replacement would cause damage to hard standing and fence but actual structures are outside ROW.



B. Note dent in roof so pole probably erected after roof of encroacher, but no removal or blatant disregard for ROW/ setback by owner.



C. Pole located between and behind establishments – replacement could lead to permanent or temporary relocation



D. 2-m setback not maintained by builder who may be encroaching. Note petty trader in roadway while road is partially blocked by sand.



E. Little space between establishments for new poles, but gap with double pole is present immediately to right of picture.



F. Mobile vendors behind recently filled trench. During construction, mobiles just shifted to gap between houses; shop did not close.



FIGURE 2-11

Land Use and Impacts along Ongoing Trench Excavation and Cable Laying in Accra

Photos are in sequence along the trench.

A. Trench Routed UNDER existing structure



B. Trench routed under structure? OR structure rebuilt after temporary relocation? OR new structure built over trench



C. Trench routed between structures



D. Little disturbance as ROW clear (trench on left)



E. Little disturbance as ROW clear (trench on left) but different urban form from photo D



F. Temporary closure followed by reinstatement and resumption of business



FIGURE 2-11 (CONTINUED)

Land Use and Impacts along Ongoing Trench Excavation and Cable Laying in Accra

G. Trench routed in front of structures; damage to hard standings, poorly reinstated.



H. Open trench routed in front of structures, with some closed and some open.



I. Little impact because of few structures



J. Establishments mostly open, with improvised access; note open drain in front.



K. Establishments mostly open with improvised access; note open drain in front.



L. Trench has skirted establishment; few other structures on this stretch.



FIGURE 2-11 (CONTINUED)

Land Use and Impacts along Ongoing Trench Excavation and Cable Laying in Accra

M. Little disturbance because of few frontage properties



N. Note damage to hard standings and temporary access;; structures are outside_ROW.



O. Trench runs between drain and properties; note pallet use as access; destruction of hard standings but little else.



P. Destruction of hard standings; some reinstatement by owners who are operating.



Q. Trench traverses hard standing with some temporary backfill but hole (not visible in photo) has standing water that affects salon/ manicurist business.



R. Wide ROW so little disturbance, trench not yet excavated.



Resettlement Objectives and Guiding Principles

3.1 Objectives and Guiding Principles

In 2012, MCC amended its guidelines to formally adopt the IFC PSs on Environmental and Social Sustainability as part of continuing efforts to enhance the sustainability and effectiveness of MCC compacts and improve standards for managing environmental and social risks. The resettlement principles and objectives contained in this RPF are thus governed by the requirements of IFC PS 5. The overarching objectives of PS 5 are summarized as follows:¹¹

- Minimize and mitigate impacts of involuntary resettlement on affected persons resulting from the implementation of the MCC Ghana Compact II.
- Ensure that people who are adversely affected are fully compensated and successfully resettled; the livelihoods of displaced people are re-established; and that their standard of living is, wherever possible, improved.
- Prevent the impoverishment of affected persons as a consequence of compulsory land acquisition or loss of livelihood for purposes of implementing these Sub-Activities.
- Make certain that all affected persons are informed of the process and aware of processes in which to express grievances that are accessible and responsive.
- Provide needed additional assistance for vulnerable groups, such as women-headed households.
- Provide full and accurate information about the project, and afford PAPs meaningful opportunities for participation in design, implementation and monitoring.

These objectives will be achieved in this RPF through the application of the following guiding principles:

- Minimize involuntary resettlement through a combination of: (i) ensuring that design engineers incorporate the need to minimize involuntary resettlement into the design process; (ii) introducing flexibility into design standards for ROWs and the land required for sub-stations; placement of new distribution lines within existing utility corridors to the extent practicable; and (iv) holding frequent meetings between the design and resettlement teams, and discussions with affected persons.
- Implement an inclusive approach to entitlements that includes compensation and other assistance for those with no legal land occupancy right as well as those with legal or recognized customary title to their land and those with land use rights.
- Compensation for land that will be lost will be at full market value, and assets at full replacement value.
- Provide cash compensation and/ or in-kind assistance, including relocation sites where economically feasible, that best suits the needs of affected persons commensurate with the extent of the impacts that they will experience.
- Provide disturbance payments to mitigate the impact on the livelihoods of affected persons having to relocate their residence and/or business.
- Implement measures to restore the livelihoods of affected persons who will be unable to maintain their current standard of living immediately following relocation.
- Implement additional measures to address the relocation needs of vulnerable groups.

¹¹ More detail is provided in the next section.

- Maintain a continual process of consultations, disclosure, and negotiations with affected persons throughout the entire resettlement process, including establishing an accessible and transparent grievance redress procedure.
- Have a clear and transparent process for the disbursement of any monetary compensation and ensure that all persons having to relocate receive their compensation before they have to vacate their land or property.

These principles, along with other policies contained in this RPF, will be adopted during the preparation and implementation of the RAPs that will be required for each Compact Sub-Activity involving involuntary resettlement (see Section 10). This is not to say that those preparing RAPs will not have the flexibility to make amendments to RPF policies and guidelines (e.g., institutional arrangements and implementation processes and monitoring requirements) in the light of each Sub-Activity's resettlement characteristics.

3.2 Minimizing the Need for Resettlement

Of the objectives discussed in the previous subsection, the most important is to minimize involuntary resettlement. Based on the initial assessment undertaken for this RPF, the principal resettlement impacts will arise from:

- The removal of structures, residential and business, from existing ROWs in urban areas for new distribution lines.
- The relocation of non-owners, such as residential and business tenants and employees, from urban ROWs.
- The creation of new wayleaves over agricultural land for new transmission lines and land for the siting of poles.
- Permanent acquisition of land parcels for new sub-stations – typically up to 0.5 but range from 0.2 has to 1 ha.
- Temporary disturbance during construction which will entail some damage to property and restrictions on business operations in the ROW: apart from the rare cases when relocation is necessary, any such damage will be capable of reinstatement. The periods of disturbance will vary widely depending on the nature of the operations – from under an hour for line-stringing to a few hours for pole operations, and up to 2 to 3 months for underground cables. During most of the periods of disturbance, establishments will be able to remain in operation. These impacts will be the most widespread in that they will affect the greatest number of people.

These potential impacts can be minimized in a number of ways, including:

- Selecting routes that minimize the impact on structures within the utility ROW along public roads.
- Adopting flexible design standards: current practice in Ghana is that formal requirements for fully clearing the ROWs for 11 kV and 440 V transmission lines are waived where these would give rise to involuntary resettlement. Likewise not imposing the 2-m setback for conductors where these pass over temporary structures.
- The flexible routing of trenches: (i) using less encumbered roads; (ii) using the less encumbered side of a road; (iii) switching the trench alignment between the front and rear of roadside structures; (iv) putting the trench in a conduit that runs under structures; and (v) shifting existing structures within the existing land parcel, thereby enabling current occupants to remain in their current location and avoiding their permanent relocation.
- Replacing existing lines and poles, which exist on most roads, instead of creating new alignments.
- Varying pole spacing to avoid concentrations of establishments and switching the alignment from one side of the road to the other.
- Designing the distribution structures, cross arms, and conductors to minimize the area needed to increase clearance from existing structures.

- In cases where distribution lines must cross a congested area, installing the line underground, thereby minimizing impacts to existing structures.
- Selecting sites for sub-stations that are vacant or under-used and reducing the area required as much as possible.
- With respect to easements over agricultural land, the same general principles apply, such as siting transmission lines along existing ROWs and avoiding more productive land areas. Construction can also, on occasion, be timed to coincide with the cultivation cycle so that land is taken after the harvest season. These impacts are, in any case, transitory because once the transmission lines have been erected and the land reinstated, cultivation can resume.

Adopting the above practices, when taken together, can substantially reduce the need for involuntary resettlement associated with the construction or modification of distribution lines. However, with the possible exception of the design of distribution structures, all the above are already current practice for ECG and NEDCo engineers because they are well aware of the potential difficulties and costs that would result from removing existing structures from utility corridors.

These standard practices, which all serve to reduce involuntary resettlement, will be further strengthened by ensuring that project resettlement experts work with the design teams during the preparation of the final designs for each Sub-Activity.

With respect to temporary disturbance, the following specific measures shall be adopted:

- Phasing trench-digging and cable-laying in such a way that the period of disturbance is decreased, e.g. minimizing the period when there will be an open trench and providing temporary access across trench for this period (or temporary backfilling); reducing, as far as practical, the time gap between trench digging and cable-laying; and ensuring a high level of reinstatement where trenches have damaged hard standings and other ancillary structures.
- Whenever feasible, employing mechanical methods to dig holes and erect poles for overhead lines.
- Providing timely information to ROW occupants on: (i) the day on which construction activities will take place; (ii) the time of day when these operations will occur; (iii) the type of activities that will take place; and (iv) any precautionary measures that ROW occupants will need to take.
- When appropriate, providing assistance to vendors to identify and occupy temporary selling locales during periods of disturbance.
- Adopting appropriate measures to reduce the spread of dust.
- Ensuring that a safety officer is on hand to warn occupants when their movements need to be restricted.

The implementation of these measures will be managed under the requirements of the Environmental and Social Management Plan (ESMP) which is described fully in Appendix F of the feasibility study.

Collectively these measures have the potential to substantially reduce the need for involuntary resettlement from Compact II Sub-Activities. This is a different situation from many projects where design constraints limit the potential for reducing resettlement in this way.

Legal and Institutional Framework

This section presents an overview of the constitution of Ghana and national laws relating to land and property acquisition and compensation arrangements. These legal requirements are compared with those required under IFC PS 5 that will be triggered by this Compact. Where there are gaps between national legislation and procedures on the one hand and PS 5 policy and practice on the other, the more stringent of the standards will prevail.

4.1 Government of Ghana

It is the policy of the GoG to pay fair compensation or offer resettlement assistance to persons whose properties or lands are affected by projects being undertaken by any state agency. Where appropriate under the governing laws of Ghana, land will be provided to the affected populations.

The 1992 Constitution of Ghana and the State Lands Act of 1962 (Act 125), as amended, are the two key pieces of legislation used in land acquisition and its related involuntary resettlement. In addition, the Lands (Statutory Wayleaves¹²) Act of 1963 (Act 186) provides for entry on any land for the purpose of the construction, installation, and maintenance of the works of a public utility, and for the creation of ROWs for such works. The use of Act 186 has given way to use of Act 125 since the World Bank (WB) instituted the preparation of RAPs as part of large public projects. Act 125 as amended gives affected persons a fairer opportunity to receive “adequate and prompt compensation,” as stipulated in the 1992 Constitution of Ghana. More detail is provided in the following subsections.

4.1.1 1992 Constitution of Ghana

The 1992 Constitution of Ghana provides for the protection of property ownership and guarantees private property rights. Interference with ownership and enjoyments of such rights is discouraged by the Constitution. The country’s sovereign and inherent powers of eminent domain over private property is equally controlled and can be exercised only when it is in the public interest or for a public purpose to do so. 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 defense, 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:

- i. The prompt payment of fair and adequate compensation; and
- ii. 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.

The various claims for which an expropriated owner may be compensated are:

- i. Market value of the land taken; or
- ii. Replacement value of the land taken; and
- iii. Cost of disturbance; and
- iv. Other damage (severance and injurious affection); or
- v. Grant land of equivalent value.

¹² For the purpose of this report, the term “wayleave” is synonymous with “easement” and “ROW.”

Article 20(3) of the Constitution stipulates that where compulsory acquisition of land involves the displacement of any inhabitants, the State shall resettle them on suitable alternative lands with due regard to their socio-cultural values. Another key provision worthy of note is that, where any property compulsorily acquired is not used for the stated purpose or in a public interest, the owners are to be given the first option of taking back their lands subject to the refund of compensation received or payment of commensurate amounts for the property.

4.1.2 State Lands Act of 1962 (Act 125)

The State Lands Act (Act 125, as amended), is the principal law under which lands can be acquired compulsorily, and establishes the mechanisms for acquisition. Act 125 provides that the president may by Executive Instrument (EI) acquire any land for the public interest. The mechanisms for the acquisition are established in the Act and its Regulation – State Lands Regulation (1962) LI 230. Once the EI is published, the lands specified are deemed to be acquired and vested in the president. Consequently, all previous interests are removed. However, failure to comply with the necessary processes and procedures established under Act 125 will render the acquisition null and void.

Act 125 provides for compensation payment to eligible people affected by projects. The procedures for making claims are presented in Section 4 of the Act. Section 11 of the Act provides for the settlement of disputes by the High Court relating to amounts of compensation to be paid.

The Act establishes that the value of the land to be acquired shall be based on market value or replacement value. The cost of disturbance and other incidental expenses or damages are also considered in the award of compensation. Market value, replacement value, cost of disturbance, and other incidental expenses or damages are defined in Act 125 as follows:

- **Market Value** – The sum of money which the land might have been expected to realize if sold in the open market by a willing seller at the time of the declaration made under Section 1 of the Act.
- **Replacement Value**– The value of the land where there is no demand or market for the land by reason of the situation or of the purpose for which the land was devoted at the time of the declaration of intention to acquire a specific parcel of land made under Section 1 of the Act. This value shall be the amount required for reasonable reinstatement equivalent to the condition of the land at the date of the said declaration.
- **Cost of Disturbance** – 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.
- **Other Damages** – Any damage sustained by any person having a right or interest in the land or in adjoining land at the date of the declaration so made under the Act, by reason of severance from or injurious affection to any adjoining land.

A major limitation of Act 125 is that no provision is made for public consultation and involvement in the acquisition process. There is, however, provision for recourse to the High Court and then the Appeal Court. There is also some provision for consultation under the Ghanaian Land Policy and, more importantly, under the environmental legislation discussed below.

The State Lands Regulation of 1962 (LI 230) was enacted pursuant to Act 125 and provides general guidelines and directions for implementing the provisions of Act 125 regarding compulsory acquisition of land and consequential compensation. Regulation LI 230 calls for the establishment of Site Advisory Committees (SACs), which are technical bodies whose task it is to consider all requests for compulsory acquisition of lands and advise on the suitability of the lands for the intended projects. The SACs are composed of professionals from state land agencies, public work departments, and utilities. The recommendations of the SACs are forwarded to the Regional Minister for approval.

4.1.3 Lands (Statutory Wayleaves) Act of 1963 (Act 186)

Act 186 provides for entry on land for the purpose of the construction, installation, and maintenance of the works of a public utility, and for the creation of ROWs 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. Compensation is then calculated and paid, with the right of appeal to a tribunal established by the president, in parallel with the Act 125.¹³

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 entry. An authorized person may enter at any time for the purpose of inspecting, maintaining, replacing, or removing any specified works. Any damage due to entry must be compensated in accordance with the established procedure, unless the land is restored or replaced. The only exception is owners of large tracts (such as farmlands) for which operations are not substantially affected by the implementation of the project. The Act provides avenues for people who are dissatisfied with amounts offered as compensation to seek redress.

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.

4.1.4 Ghana Land Policy of 1999

The Ghana Land Policy of 1999 provides guidelines and policy actions for land use (agriculture, forestry, extractive industry, settlement, and infrastructure). These guidelines are aimed 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 Sub-Activities identified in this RPF, 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.

4.1.5 Valuation and Payment of Compensation

The laws on expropriation recognize the importance of compensation payments to make up for losses suffered. The 1992 Constitution, for instance, requires that prompt payment of adequate compensation be provided before the exercise of eminent domain.

The basic government policy behind compensation awards is that no one should be made worse off as a result of the implementation of any project. Accordingly, any person who establishes identifiable and legally recognized interest/rights in land being acquired is entitled to compensation. The laws provide that the compensation claims are to be lodged by the affected people within 6 months of acquisition. In most cases, the claims are submitted by private professional valuers on behalf of claimants.

The Land Valuation Division (LVD)¹⁴ of the GoG Lands Commission, is the governmental agency tasked with valuing lands and properties acquired by the GoG and advising on the compensations to be paid. The LVD carries out field inspections, catalogues the losses suffered by those losing land or property, and prepares valuations of these assets for each PAP. In carrying out the assessment of compensation, the LVD follows these broad principles:

- Market replacement prices are considered.
- Value of property to the existing owner—not the acquiring agency—is considered.
- Values incorporate all losses and benefits flowing from the assets affected.

¹³ Appeal to the tribunal has, under the 1992 Constitution, been replaced by appeal to the High Court.

¹⁴ Previously known as the Land Valuation Board.

- No account is taken of any improvement made within 2 years before the publication of the EI unless the improvement was done in good faith and not in contemplation of the acquisition.
- If the acquisition involves displacing inhabitants for a major project, such as a dam or mining operation, the LVD is required to relocate the displaced inhabitants on suitable alternative land with due regard for the economic well-being and social and cultural values of the inhabitants concerned. On linear projects (such as this one), compensation is generally cash only.

Application of these principles ensures that the compensation offered is fair and adequate.

Upon the completion of the assessment and when there are no conflicts to the claims submitted or disagreements in the amounts offered, payment is immediately effected. Where compensation is assessed but cannot be paid owing to a dispute or conflicts, the GoG is required to deposit the amount in an interest-yielding escrow account.

4.1.6 Gender

The Constitution of 1992 acknowledges the human rights of women by stating

Every person in Ghana, whatever his race, place of origin, political opinion, color, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest” and prohibits discrimination on the basis of gender (among other characteristics) “A person shall not be discriminated against on grounds of gender, race, color, ethnic origin, religion, creed or social or economic status.

The Ghana Ministry of Gender, Children and Social Protection, formerly known as the Ministry of Women and Children’s Affairs, was established in 2001. The Ministry exists to ensure the equal status for women and promote rights of children promote the welfare of women and children in Ghana. It is the lead GoG entity charged with initiating, coordinating, and monitoring gender-responsive issues.

Ghana is improving its legal frameworks for the protection of women’s and children’s rights through legislation relating to domestic violence, human trafficking, harmful traditional practices (ritual servitude and female genital mutilation, and underage and forced marriage). Despite these achievements, the effectiveness of these and other gender-based initiatives is adversely affected by weak institutional capacity and budgetary constraints.

4.1.7 Environmental and Social Laws and Regulations

In addition to the laws and regulations discussed above, the individual Sub-Activities under the MCC Ghana Compact II will also be subject to the following environmental laws and their implementing regulations. These legal requirements address both environmental and social aspects of proposed actions, including the need for public consultation. The level of environmental and social review required for the various proposed Sub-Activities will depend upon their potential for environmental and social risks and impacts.

Ghana’s Environmental Policy: The environmental policy of Ghana established in the National Environmental Action Plan (NEAP) of 1993 relies heavily on prevention as the most effective tool for environmental protection. The NEAP is directed at the sound management of resources and environment, and the mediation between economic planning and environmental resources utilization for sustainable national development. It also seeks to institute environmental quality control and sustainable development programs by requiring prior environmental assessments (EAs) for all proposed developments, and to provide appropriate measures to protect critical ecosystems, including flora and fauna, against harmful impacts, nuisances, and other destructive practices. The adoption of the NEAP led to the enactment of the Environmental Protection Agency (EPA) Act 1994 (Act 490), and subsequently the passing of the Ghana Environmental Impact Assessment (EIA) procedures into the EA Regulations of 1999 (LI 1652).

The EPA Act: The EPA Act of 1994 (Act 490) grants the agency enforcement and standards-setting powers, and the power to enforce compliance with the Ghana EA requirements/procedures, including the requirement for public consultation. Additionally, the agency is required to create environmental awareness and build environmental capacity as it relates to all sectors. The EPA (including its regional and district offices) is also vested with the power

to define what constitutes an adverse effect on the environment or an activity posing a serious threat to the environment or public health. The agency also has the authority to require the preparation of EAs, environmental management plans, and other documentation for an undertaking, and to regulate and serve enforcement notice for any offending or non-complying undertaking. The agency is required to conduct monitoring to verify compliance with approval/permit conditions, required environmental standard compliance, and mitigation commitments.

EA Regulations and Procedures: The EA regulations address both EA procedures and environmental management systems. The regulations prohibit beginning an undertaking/activity without prior registration and an environmental permit. Undertakings are grouped into schedules for ease of screening, registration, and permitting. The schedules include undertakings requiring registration and environmental permits (Schedule 1), EIA mandatory undertakings (Schedule 2), as well as Schedule 5 relevant undertakings (in environmentally sensitive areas). Public consultation is an integral part of the EA process and also under the IFC PSs, which require free and open consultation with affected persons.

The EA regulations also define the relevant stages and actions, including registration, screening, preliminary EA, scoping and terms of reference, EIA, review of EA reports, public notices and hearings, environmental permitting and certification, fee payments, environmental management plans, suspension/ revocation of permit, complaints/appeals, and so forth.

4.2 IFC PS 5 and MCC Guidance on Resettlement¹⁵

The key provisions of PS 5 are the following:

...recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood¹⁶) as a result of project-related land acquisition¹⁷ and/or restrictions on land use. 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 physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Unless properly managed, involuntary resettlement may result in long-term hardship and impoverishment for the Affected Communities and persons, as well as environmental damage and adverse socio-economic impacts in areas to which they have been displaced. For these reasons, involuntary resettlement should be avoided. However, where involuntary resettlement is unavoidable, it should be minimized and appropriate measures to mitigate adverse impacts on displaced persons and host communities should be carefully planned and implemented.

The government often plays a central role in the land acquisition and resettlement process, including the determination of compensation, and is therefore an important third party in many situations. Experience demonstrates that the direct involvement of the client in resettlement activities can result in more cost-effective, efficient, and timely implementation of those activities, as well as in the introduction of innovative approaches to improving the livelihoods of those affected by resettlement.

¹⁵ This overview of PS 5 is taken directly from the standard and the associated Guidance Notes, available at http://www.ifc.org/wps/wcm/connect/115482804a0255db96fbffd1a5d13d27/PS_English_2012_Full-Document.pdf?MOD=AJPERES.

¹⁶ "The term "livelihood" 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."

¹⁷ "Land acquisition includes both outright purchases of property and acquisition of access rights, such as easements or rights of way."

4.2.1 Objectives

The objectives of PS 5 are:

- *To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs.*
- *To avoid forced eviction.*
- *To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.*
- *To improve, or restore, the livelihoods and standards of living of displaced persons.*
- *To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.*

4.2.2 Major Requirements of PS 5

The major requirements of the IFC PS 5 are presented below.

Scope of Application

PS 5...*applies to physical and/or economic displacement resulting from the following types of land-related transactions:*

- *Land rights or land use rights acquired through expropriation or other compulsory procedures in accordance with the legal system of the host country;*
- *Land rights or land use rights acquired 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;*
- *Project situations where involuntary restrictions on land use and access to natural resources cause a community or groups within a community to lose access to resource usage where they have traditional or recognizable usage rights;*
- *Certain project situations requiring evictions of people occupying land without formal, traditional, or recognizable usage rights; or*
- *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, freshwater, medicinal plants, hunting and gathering grounds and grazing and cropping areas.*

Compensation and Benefits for Displaced Persons

When displacement cannot be avoided, the client will offer displaced communities and persons compensation for loss of assets at full replacement cost and other assistance to help them improve or restore their standards of living or livelihoods, as provided in this Performance Standard. Compensation standards will be transparent and applied.

Community Engagement

[Projects] requiring resettlement will engage with Affected Communities, including host communities, through the process of stakeholder engagement described in Performance Standard 1. Decision-making processes related to resettlement and livelihood restoration should include options and alternatives, where applicable. Disclosure of relevant information and participation of Affected Communities and persons will continue during the planning, implementation, monitoring, and evaluation of compensation payments, livelihood restoration

activities, and resettlement to achieve outcomes that are consistent with the objectives of this Performance Standard.

Grievance Mechanism

[A grievance mechanism will be established] consistent with Performance Standard 1 as early as possible in the project development phase. This will allow the client to receive and address specific concerns about compensation and relocation raised by displaced persons or members of host communities in a timely fashion, including a recourse mechanism designed to resolve disputes in an impartial manner.

Resettlement and Livelihood Restoration Planning and Implementation

Where the exact nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown due to the stage of project development, the client will develop a Resettlement and/or Livelihood Restoration Framework outlining general principles compatible with this Performance Standard. Once the individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific Resettlement Action Plan or Livelihood Restoration Plan and procedures.

Displacement

Displaced persons may be classified as persons (i) who have formal legal rights to the land or assets they occupy or use; (ii) who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or (iii) who have no recognizable legal right or claim to the land or assets they occupy or use. The census will establish the status of the displaced persons.

Physical Displacement

In the case of physical displacement, a Resettlement Action Plan will be developed that covers, at a minimum, the applicable requirements of this PS 5 regardless of the number of people affected. This will include compensation at full replacement cost for land and other assets lost. The Plan will be designed to mitigate the negative impacts of displacement; identify development opportunities; develop a resettlement budget and schedule; and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to the needs of the poor and the vulnerable. All transactions to acquire land rights will be documented, as well as compensation measures and relocation activities.

Economic Displacement

In the case of projects involving economic displacement only, a Livelihood Restoration Plan will be developed to compensate affected persons and/or communities and offer other assistance that meet the objectives of this Performance Standard. The Livelihood Restoration Plan will establish the entitlements of affected persons and/or communities and will ensure that these are provided in a transparent, consistent, and equitable manner. The mitigation of economic displacement will be considered complete when affected persons or communities have received compensation and other assistance according to the requirements of the Livelihood Restoration Plan and this Performance Standard, and are deemed to have been provided with adequate opportunity to reestablish their livelihoods.

In addition to compensation for lost assets, if any, economically displaced persons whose livelihoods or income levels are adversely affected will also be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.

Transitional support should be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

Private Sector Responsibilities under Government-Managed Resettlement

Where land acquisition and resettlement are the responsibility of the government, [MCC/Millennium Development Authority (MiDA)] will collaborate with the responsible government agency, to the extent

permitted by the agency, to achieve outcomes that are consistent with this Performance Standard. In addition, where government capacity is limited, the client will play an active role during resettlement planning, implementation, and monitoring...

4.2.3 MCC Guidelines for Application of PS 5

The MCC resettlement guidelines provide specific guidance on how the MCC will oversee and support the Millennium Challenge Account (MCA) entity in each country (in this case MiDA) and its partners in the implementation of resettlement activities under MCC Ghana Compact II. The guidelines are as follows ¹⁸:

- *MCC requires the use of best international practice in resettlement and thus typically requires that the MCA entity apply IFC Performance Standard 5 (PS 5) on land acquisition and involuntary resettlement to all activities under a Compact. That is, unless otherwise agreed with MCC, the MCA entity must comply with all of the requirements of PS 5. To the extent that there are any inconsistencies between the MCC Guidance and PS 5, the provisions MCC shall govern.*
- *All PAPs, including those who have no recognizable legal right or claim to the land they are occupying, are eligible for compensation or other assistance commensurate with the nature and extent of the impact involved. A fundamental requirement of resettlement activities based on PS 5 is to restore, at least, standards of living and preferably improve the livelihoods of those households, families, extended families and individuals who are losing land, assets or access to resources due to the implementation of a project. Compensation for lost assets can be monetary, in-kind (e.g., new land, housing and social infrastructure, work places or other replacement for lost assets) or a combination of both.*
- *MCC must approve each RAP before the MCA entity can precede with implementation of compensation and resettlement assistance effort. Given the complexities of carrying out resettlement activities, MCC will encourage the MCA entity to contract with resettlement consultants, NGOs or other partners to assist in implementing the RAPs.*
- *When resettlement requires moving residents of a village or neighborhood or a group of related workers, and especially in the absence of a housing market or when the PAPs are a cohesive social or economic unit, the MCA entity and its partners may need to provide new resettlement areas, villages or work places, serviced with sources of water, sanitation, access to fuel, heat and/or electricity, schools, health clinics and the like prior to displacement. In this situation, MCC will likely require an environmental assessment of the new site prior to its establishment.*

4.3 Gap Analysis

The requirements of IFC PS 5 summarized in the previous subsection are compared below to the current provisions for land acquisition and compensation provided under the Ghanaian law summarized in earlier subsections. This gap analysis is presented in Table 4-1.

The principal findings from this analysis are as follows:

- Ghanaian legislation covers several of the requirements of IFC PS 5: an acceptance that those losing land or property should be properly compensated; compensation is valued at replacement value; additional allowances for ‘disturbance’ and other impacts resulting from involuntary resettlement may be provided; notification of compulsory purchase is required; redress is provided through the legal system; and limited consultation procedures are required. There is no explicit requirement to minimize involuntary resettlement, although there is little incentive for design teams not to do so given that unresolved resettlement issues can seriously delay projects and add to their cost.
- There are significant gaps between the law and the requirements of IFC PS 5. The most important of these is that under current GoG legislation, those who do not have a legal (or customary) right to land are not entitled to any compensation for lost property or assets. These groups, who would therefore not qualify for

18 Cited in MCC, 2009, Resettlement Action Plan for Upgrading of the N1 Highway between Tetteh-Quarshie Interchange and Mallam Road Junction.

compensation, include squatters (including occupiers of ROWs) whether residential or business, renters, and employees of affected enterprises.

- There are no provisions for additional measures to aid livelihood recovery or for increased assistance to vulnerable groups.
- Requirements for consultations with affected persons and other stakeholders, disclosure of relevant documents, and grievance redress procedures fall well short of IFC PS 5 requirements. Act 125 has no provision for public consultation and involvement in the acquisition process, although some provision does exist within the environmental legislation, and there is no provision for grievance redress outside recourse to the legal system.
- There is no legal requirement to prepare RAPs or to undertake monitoring of the resettlement process.

Given that adherence to IFC PS 5 is a requirement of the MCC, this RPF therefore requires that the executing authorities (ECG and NEDCo) do not rely solely on current legislation but must satisfy the requirements of PS 5, especially in relation to the provision of compensation to those without a legal entitlement to the land they are occupying and in the preparation and implementation of RAPs. In this context, it should be noted that recent projects financed by the WB and the MCC have incorporated provisions related to these legislative gaps to ensure compliance with WB Operational Policy (OP) 4.12 or IFC PS 5. These include additional assistance to squatters, enhanced consultation, disclosure and grievance procedures: *“as a result of the compliance with WB OP 4.12, PAPs are involved in resettlement through public hearings and forums; they are given compensation at open market value and those previously considered as squatters receive supplementary assistance to help them relocate”*.¹⁹ There are therefore precedents for the full adoption of IFC PS 5.

In consequence, the gaps identified above and in Table 4-1 are, to all intents and purposes, part of current GoG practice even if they are not enshrined in current legislation. This is all to the good because it means that compliance with PS 5 is unlikely to be a controversial issue when addressing resettlement impacts arising from MCC Compact II Sub-Activities.

It should also be noted that adherence to IFC PS 5 does not preclude compliance with statutory legislative requirements relating to the compulsory purchase of land by GoG.

¹⁹ MCC, 2009, Resettlement Action Plan for Upgrading of the N1 Highway, op. cit. Other examples are the application of World Bank OP4.12 are: Volta River Authority, 2007, Land Acquisition & Resettlement Policy Framework - Ghana Energy Development and Access Project; and Republic of Ghana/ Ghana Secondary Education Improvement Project (GSEIP), 2014, Draft Resettlement Policy Framework.

TABLE 4-1
Comparison of Ghanaian Legislation, IFC PS 5 Requirements, Identified Gaps and Required Harmonization

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
Avoid and minimize involuntary resettlement	<i>To avoid or at least minimize involuntary resettlement wherever feasible by exploring alternative project designs. The client will consider feasible alternative project designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social, and financial costs and benefits.</i>	Ghanaian legislation sees compulsory acquisition and hence involuntary resettlement as something to be avoided.	Although not as clearly specified in the legislation as in PS 5, the intent is clear that involuntary resettlement should be avoided if possible.	Design teams shall work with resettlement specialists to avoid and minimize involuntary resettlement while balancing environmental social and financial costs and benefits. Measures that need to be considered are: (i) exploring alternative project designs (ii) employing flexible design standards (iii) Conduct facility siting and routing to minimize the need for resettlement Measures to eliminate or reduce involuntary resettlement, including physical or economic displacement shall be documented.
Mitigate impacts of involuntary resettlement	<i>To mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of land by: (i) providing compensation for loss of land and assets at replacement cost or comparable replacement land; (ii) disturbance payments; (iii) other measures to re-establish pre-project livelihoods; and (iv) Pay particular attention to vulnerable groups affected by involuntary resettlement. These impacts include both permanent and temporary losses. Compensation payments need to be made prior to relocation or loss of land.</i>	Measures for compensation at full market/replacement value are included in Ghanaian legislation. These include compensation for disturbance payments as well other potential impacts (e.g., non-viability of residual land parcels. There is also provision for temporary losses such as the loss of assets includes standing crops. Ghanaian legislation, however, only covers those with a demonstrable legal or customary right to the land. Compensation payments are made 'promptly' (not defined more precisely).	There is no legal provision for: (i) Compensation for those with no legal right to the land that they occupy (e.g., squatters (whether residential or business), tenants, or employees. (ii) Additional livelihood restoration measures over and above the compensation for loss of land and assets and the resulting disturbance. (iii) Special measures for vulnerable groups. Current GoG practice for WB- and MCC-funded projects is. However, to provide compensation for these categories of PAPs.	Compensation shall be based on replacement values for land and assets. Compensation will be paid prior to any displacement. Compensation for involuntary resettlement will cover those without a legal right to the land. Livelihood restoration measures must be implemented for those losing affected by loss of income resulting from involuntary resettlement. Additional measures shall be applied to reduce impacts on vulnerable groups.
Identify, assess and address the potential social and economic impacts	<i>Where involuntary resettlement is unavoidable, the client will carry out a census with appropriate socioeconomic baseline data to identify the persons who will be displaced by the project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.</i>	There is no provision for carrying out this type of assessment under current Ghanaian legislation.	Current legislation is insufficient to accommodate the requirements of current PS 5 - although current practice is to address these issues much more thoroughly than is required by the legislation. .	Once project designs are near finalization, a census and socioeconomic survey shall be carried out. This shall include, inter alia, an inventory of land assets that will be lost and information on the socioeconomic characteristics of affected persons.

TABLE 4-1
Comparison of Ghanaian Legislation, IFC PS 5 Requirements, Identified Gaps and Required Harmonization

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
Vulnerable Groups	<p><i>The plan or framework will be designed to mitigate the negative impacts of displacement, identify development opportunities, and establish the entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable (PS 1 cited in PS 5)</i></p>	<p>Constitution of Ghana: <i>“Every person in Ghana, whatever [their]gender shall be entitled to the fundamental human rights and freedoms of the individual contained...”</i></p>	<p>No requirement to consider economic situation of PAPs in land acquisition and resettlement.</p>	<p>RPF and RAPs will include special provisions for vulnerable groups</p>
Women	<p>MCC Gender Policy: <i>“the country is ultimately and primarily responsible for implementing the Compact, including any components designed to address gender inequalities that limit women’s or men’s opportunities to participate in or benefit from projects.”</i> Not specifically referred to in either PS 1 or PS 5; however, women are included as potential vulnerable group in PS 1 footnote.</p>	<p><i>“A person shall not be discriminated against on grounds of gender.... or social or economic status”</i></p>	<p>No requirement to consider gender of PAPs in land acquisition and resettlement.</p>	<p>RPF and RAPs will include special provision for assistance to women in relation to land and property rights.</p>
Consultations with affected persons and disclosure	<p><i>The client will consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to resettlement. Consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to achieve outcomes that are consistent with the objectives of this Performance Standard.</i></p> <p><i>The client will disclose the Action Plan to the affected communities and will provide periodic reports that describe progress with implementation of the Action Plan on issues that involve ongoing risk to or impacts on affected communities, and on issues that the consultation process.....has identified as of concern to those communities.</i></p>	<p>There is limited provision for consultation relating to involuntary resettlement in Ghanaian legislation. Disclosure is essentially limited to the statutory notices related to compulsory acquisition or requirements for wayleaves.</p>	<p>Ghanaian legislation does not provide for the consultation procedures required by IFC PS 5. Consultation processes are included in environmental legislation and have also been implemented for resettlement activities for other recent projects. There are no provisions for the disclosure of documents related to land acquisition and resettlement apart from statutory notices. However, current GOG practice is to comply with WB and MCC requirements for projects that these agencies are funding.</p>	<p>Consultation procedures throughout the project cycle shall be implemented in accordance with IFC PS 5. These shall cover affected persons host communities (if applicable). Non-governmental organizations (NGOs) and community leaders will be involved as appropriate. Opportunities will be provided to participate in the planning, implementation, and monitoring of the resettlement program, and in particular in respect of compensation measures, additional livelihood restoration proposals and the timing of activities.</p> <p>All relevant documents shall be disclosed in a format and at locations accessible to affected persons and for a reasonable minimum period. These include project designs, mitigation and compensation measures, progress on implementation, and changes in designs.</p>

TABLE 4-1
Comparison of Ghanaian Legislation, IFC PS 5 Requirements, Identified Gaps and Required Harmonization

Key Issue	IFC Performance Standards (PS 1 and PS 5) ^a	Current Government of Ghana Legal Provisions	Identified Gaps	Harmonized Policy
Grievance Redress Mechanism (GRM)	<i>The client will establish a GRM consistent with PS 1 to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.</i>	The only grievance redress system required is through formal legal redress.	There is no provision for grievance redress other than through the formal legal system. However, it is understood that grievance committees have been established for some WB projects in accordance with OP 4.12.	Grievance procedures need to be established to avoid claimants having to go to law.
Preparation of RAPs	<i>The client will develop a RAP based on this RPF. The plan or framework will be designed to mitigate the negative impacts of displacement, identify development opportunities, and establish the entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable. The full costs of resettlement, compensation, and rehabilitation will be included in the overall financial and economic analyses of the costs and benefits of the proposed project/ sub-activity.</i>	There is no requirement under current legislation to prepare RAPs.	The preparation of RAPs is not required under Ghanaian law. RAPs have, however, been prepared for several recent internationally funded projects.	For all Sub-Activities that involve resettlement including physical or economic displacement, a RAP will be prepared that will establish the entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable. The RAP will lay down appropriate time-bound actions and budgets. The level of detail of the RAP will reflect the number of persons affected
Monitoring and Evaluation	<i>The client will establish procedures to monitor and evaluate the implementation of RAPs and take corrective action as necessary. The extent of monitoring should be commensurate with the project's risks and impacts and with the project's compliance requirements. The client will document monitoring results, and identify necessary corrective and preventive actions in the amended management program. The client will implement these corrective and preventive actions, and follow up on these actions to ensure their effectiveness.</i>	No requirement under Ghanaian law although due legal processes have to be observed.	A monitoring system to evaluate the implementation of the RAP and the impact of involuntary resettlement on affected persons is not required under Ghanaian law. Monitoring systems are included in recent project RAPs and RPFs.	An appropriate monitoring & evaluation system to cover the resettlement activities related to the Compact will be implemented. This system will include both an internal system to monitor the progress and implementation of the RAP and, if deemed necessary, an external independent process to monitor the short and medium term impacts of involuntary resettlement on affected persons.

^a Available at: http://www.ifc.org/wps/wcm/connect/115482804a02554b96fbfd1a5d13d27/PS_English_2012_Full-Documents.pdf?MOD=AJPERES

Eligibility and Entitlements of Affected Persons

5.1 Cut-off Date

The cut-off date is the date after which no new occupiers of the Sub-Activity sites will be eligible for compensation. To comply with IFC procedures, the cut-off date will be the date of the completion of the census of affected persons required under IFC PS 5 for the preparation of the RAP (see section 10.3).

5.2 Eligibility Criteria

Three broad groups of affected persons will be eligible for compensation and other assistance, provided that they were resident in the project area prior to the cut-off date:

1. Those who have formal legal rights to land, including customary and traditional rights recognized under the laws of Ghana.
2. Those who have demonstrable occupancy rights such as tenancy agreements, rent receipts, business operating licenses, or utility bills, even though they have no formal rights to the land.
3. Those who have no recognizable legal right or claim to the land they are occupying but can demonstrate that they have been living or working in the affected area prior to the cut-off date.

Groups 2 and 3 include residential and business tenants, tenant farmers, squatters, petty traders, and businesses operated out of shipping containers and other informal structures (which are particularly prevalent along some roads).

The primary requirement for eligibility is that PAPs are enumerated at their place of work or residence during the RAP census.

Where PAPs were not enumerated during the census and in other cases of disputed eligibility, PAPs will be expected to provide proof of their presence in the project area during the census period in order to be eligible for compensation. Proof can include registered land titles, proof of customary ownership, tenancy agreements, rent receipts, building and planning permits, business operating licenses, or utility bills. Where PAPs have none of the above, testimony from neighbors or employers will be allowed.

5.3 Entitlements

Tables 5-1 and 5-2 present the entitlement matrix that captures all affected impacts, eligible PAPs, and the types of compensation/other assistance to which they will be entitled. Note that some PAPs will qualify for more than one set of entitlements—for example, where the land owner also owns the structure on the plot and runs a business from it, where a business operator also owns the structure, or where a PAP owns both temporary and permanent structures.

Table 5-1 refers to permanent losses that will always entail relocation and Table 5-2 refers to temporary losses incurred during construction activities.

Based on the assessment of likely impacts presented in Section 2, the most common types of PAPs affected by permanent losses will be:

1. Current occupants (structure owners, business owners, business tenants and employees), licensed and unlicensed, within existing designated utility corridors (ROWS) along public roads, who will need to be permanently located and will thus experience loss of structures and / or loss of income.
2. Owners and occupiers of land required for sub-stations who will need to be relocated. Land for the new substations will be obtained through negotiations with willing sellers (generally public and private institutions) or other government agencies or through statutory acquisition procedures; in both cases,

transactions must follow the established requirements of PS 5 for free and open transactions based on fair market value.

3. Owners and occupiers of agricultural land who will experience some permanent land loss due to the erection of new poles for overhead lines.
4. Permanent loss of residential and commercial land due to the need for new wayleaves across private property in urban areas: loss of land, structures and source of income. This category of PAP is expected to be rare because new ROWs in urban areas are not currently anticipated.

In addition to the entitlements shown in Table 5-1, PAPs experiencing permanent losses categorized as members of vulnerable groups will be eligible for additional assistance; details are provided in Section 6.3.

The most common types of PAPs affected by temporary losses will be:

1. Current ROW occupants who will experience temporary disruption to their operations but will not require permanent relocation. Some of these occupants may temporarily have to relocate or cease operations, but most will only experience some disruption of access to their premises. In both cases, there will be a reduction in incomes, dependent on the degree of disturbance.
2. Owners and occupiers of agricultural land who will experience temporary loss of agricultural land due to the need to establish new wayleave ROWs.

Of the above, the most prevalent category of PAPs will be those experiencing temporary disturbance to their operations that entails some loss of income but will not require permanent relocation.

TABLE 5-1
Entitlement Matrix – Permanent Losses

Impact		Eligibility	Entitlement
LAND	Loss of Land	Legal or customary owner	<ul style="list-style-type: none"> – Compensation for permanently lost land at prevailing market price. – Right to require purchase of remaining parcel if it is not viable. – Full replacement value if land required temporarily cannot be returned to previous use. – Transaction costs involved in obtaining new land. – Active assistance in identifying relocation sites, especially for institutional owners.
	TREES AND CROPS	Loss of crops	Crop owner
Tenant farmer			<ul style="list-style-type: none"> – Value of standing crops at current market value LESS amount due to land owner. – Assistance in finding new cultivable land if applicable.
Loss of fruit trees		Tree owner	Economic value of felled trees.
Loss of timber trees		Tree owner	Value of felled trees at current market value.
STRUCTURES	Total loss of permanent or temporary structure(s) except containers	Structure owner <i>[Nb. Irrespective of legal right of occupation, i.e. including those with no legal right such as ROW occupiers with or without license]</i>	<ul style="list-style-type: none"> – Replacement cost of immovable structures including ancillaries (e.g. fences, walls, hard standings, wells, etc.). – Cost of rebuilding in new location. – Full cost of transportation for the removal of chattels and reusable construction materials to new location. – Transaction costs (e.g., utility reconnections) – Assistance with finding alternative location (if feasible).
	Partial loss of structure	Structure owners	As above plus right to require purchase of complete structure if remaining portion is no longer viable or can be used safely in which case also entitled to assistance with finding new location and transaction costs.
	Converted shipping containers	Owner of container	– Full cost of transportation for the removal of chattels and reusable construction materials (e.g. from ancillary structures) to new location.

TABLE 5-1
Entitlement Matrix – Permanent Losses

Impact		Eligibility	Entitlement
			<ul style="list-style-type: none"> – Transaction costs (e.g., utility reconnections) – Assistance with finding alternative location (if feasible).
	All structures, permanent or temporary	Tenants (residential or business)	<ul style="list-style-type: none"> – Replacement value of any immovable structures and improvements made by tenant. – Full cost of transportation for the removal of chattels and reusable construction materials owned by tenant to new location. – Rental allowance to cover period of relocation. – Assistance with finding alternative location (if feasible).
BUSINESS LOCATION	Loss of income resulting from permanent loss of current business location	Business operators whether: (i) owners or tenants; (ii) operating from fixed or, temporary structures, or hard standings.	Compensation for loss of profit/ income during period of relocation.
		Petty traders operating from tables/ stalls.	<ul style="list-style-type: none"> – As above plus assistance, where appropriate, in finding new location plus assistance with moving. – If feasible, establishment of temporary locations near construction activities for food vendors. Only likely to be applicable for sub-stations.
		Employees	Compensation for loss of profit income during period of employer's relocation.
		Apprentices	Disruption allowance related to employer's period of relocation.

TABLE 5-2
Entitlement Matrix – Temporary Losses

Impact		Eligibility	Entitlement
LAND	Temporary loss of land due to creation of new wayleaves/ ROWs	Legal or customary owner	None as covered under items below. If previous use cannot be re-established, loss will be considered permanent and entitlements of Table 5-1 will apply.
TREES/ CROPS	Loss of crops due to establishment of wayleaves/ ROWs	Crop owner	Same entitlements as for permanent acquisition as listed in Table 5-1. Plus reinstatement of agricultural land to enable resumption of cultivation.
		Tenant farmer	
	Loss of fruit trees	Tree owner	
	Loss of timber trees	Tree owner	
STRUCTURES	Damage to structures due to construction activity but which is capable of reinstatement.**	Owner of damaged facilities whether structure owner or tenant and irrespective of legal right of occupation	<ul style="list-style-type: none"> – Value of damaged structures OR – Full reinstatement OR – A combination of the two.
BUSINESS LOCATION	Temporary loss of business location or cessation of operations during construction period.	<u>Business operators (including petty traders); employees and apprentices</u>	<p>Compensation for loss of profit/ income/ occupation during period of cessation of operations and/ or due to reduced access by clientele.</p> <p>If appropriate, assistance in finding temporary work locations during period of disturbance (petty traders only).</p> <p><i>Note. Entitlements only applicable if loss is deemed to represent a significantly adverse impact (see next section).</i></p>

* Entitlements apply to situations where damage occurs due to construction activities that are part of project design and not to accidental (unplanned) damage caused during these activities.

** Will primarily apply to ancillary structures (especially hard standings and fences). If damage relates to main structure, unless partial structure remains viable, relocation will be necessary which case, entitlements under Table 5-1 will apply.

Compensation Standards and Valuation of Affected Assets

This section describes the compensation standards that will be applied to the entitlements described in Table 5-1 and the valuation methods that will be used to arrive at the compensation that will be payable. The procedures to be adopted for the valuation of assets are also described. Procedures for agreeing upon valuations and compensation payments with PAPs are described in Section 13.

6.1 Compensation Standards and Valuation Methods—Land, Property, Crops, and Trees

Table 6-1 summarizes the compensation standards and methods by which these will be derived. More detail is provided in subsequent paragraphs.

6.1.1 Land Acquisition

Compensation for permanently lost parcels of land will be compensated at open market value based on the Wayleaves Act of 1963 or the State Lands Act as appropriate. Compensation will be based on LVD valuations unless there are grounds to believe that these will undervalue the land. In which case, additional information will be sought from land brokers and/or field surveys involving the collection of the values of plots of land from the vicinity of the affected sites and comparing them against the LVD valuations to arrive at the final compensation value.

Compensation for establishing new wayleaves will be based on an estimate of loss of productive value, assuming a 6-month period of loss if land can be reinstated to previous use. If land cannot be reinstated to previous use, compensation will be based on the replacement value of the land. Any trees or structures lost as a result of new wayleaves will also be compensated.

TABLE 6-1
Compensation Standards and their Valuation – Land, Structures, Crops, Trees and Other Assets

Compensation Category	Types	Method
Land acquisition (permanent acquisition). <i>Note: If remaining parcel is not viable, owner has right to require purchase of entire parcel.</i>	Customary lands, private lands	Prevailing market value of the land to be acquired if open market; otherwise, replacement value. Owner has the opportunity of being allocated a new plot if one is available and it is suitable to owner's needs.
Buildings and structures (residential, non-residential and institutional) irrespective of legality of occupation rights of structure. <i>Notes: ROW occupiers and squatters are included under this entitlement. As above if remaining part of structure is not viable or safe.</i>	All immovable structures and physical assets including buildings, concrete floors, perimeter walls, wells, outbuildings, barns, etc.	Replacement value equivalent to the cost of constructing a new structure of similar construction standard and size at prevailing prices. PAPs will be allowed to remove salvageable construction materials and this will not affect compensation. Transportation costs will be based on truck hire costs commensurate with volume of salvageable materials and possessions.
	Temporary structures including kiosks, shacks, converted shipping containers	Full costs of removal to a location of selected by the owner.
	For tenants only: compensation for cost of any improvements made.	Replacement value
Temporary losses during construction	Hard standings, fences, walls, awnings, etc.	Full reinstatement or replacement value or a combination of the two.
Farm crops	Standing crops	Market value at time of removal.

TABLE 6-1

Compensation Standards and their Valuation – Land, Structures, Crops, Trees and Other Assets

Compensation Category	Types	Method
		If land loss is temporary, additional payment for loss of next year's harvest if applicable.
Trees	Cash value of trees, which will vary by type of tree (e.g., coconut, fruit trees, timber trees, shade trees, etc.)	Follow EPA requirement: market value at time of felling and planting two new ones elsewhere on owner's property or adjacent similar location felled.
Other assets	Chattels, equipment, etc.	Full costs of removal to a location of selected by the owner.
Transaction costs	-	Lump sum to land and property owners for legal costs for acquiring new land / property

6.1.2 Buildings and Structures

The replacement cost for buildings and structures will be calculated by reference to current unit construction costs for similar types of structure. Costs for replacement of walls and fences will be calculated by unit length, Costs for wells will take account their depth and lining. Costs will include those related to reinstating utility connections. Unless there are exceptional circumstances, information on the costs of building materials will not be required. The LVD will be responsible for providing these costs in the first instance. If deemed necessary, these costs will be cross-checked against a survey of the costs of newly constructed or under- construction buildings.

For temporary structures (such as shipping containers, kiosks, sheds used as shops, and residences), compensation does not include replacement cost because it is assumed that the structure will be dismantled and/or relocated to another site. Assistance is provided to cover the full cost of removal and relocation to another site.

6.1.3 Crops and Trees

Compensation for crops and trees will be made to the principal cultivator—the land owner or the tenant farmer. To reduce losses to the farmer (and compensation costs), where feasible, land should be cleared following a harvest and before the next growing season.

Valuation of annual crops shall be based on the market value of income from one season's production, using prices and information about potential yields from the local representative of the Directorate of Agriculture applied according to local market values and quality of crops. Similar rates shall be applied to the next season's harvest, which will be compensated for if land loss affects this, rather than the current year's harvest.

If the LVD or Ministry of Agriculture does not have up-to-date compensation values for crops and trees, the following valuation methods will be used as appropriate:

- **Crops and timber trees:** either obtaining current market prices from local markets or using recent market prices for crops and compensation values for trees using the consumer price index to allow for inflation.²⁰
- **Fruit trees:** either using comparable data from other recent RAPS or obtain by multiplying the average annual value of yield by number of remaining productive years at time of felling using data obtained from the local representative of the Ministry of Agriculture.

6.2 Compensation Standards – Livelihood Restoration

This category of entitlements cover PAPs who, whether or not they have ownership rights to affected land or structures, are current residential or commercial occupants of these lands or structures, and will experience

²⁰ If the consumer price index has separate components for food or selected crops, these should be used rather than the general index.

disruption to their living arrangements or livelihoods. The principal groups falling into this general category are residential tenants, business operators (whether owners or renters of their premises), and their employees.

These impacts will generally be transitory because: (i) urban centers provide much greater potential for finding new accommodation, business premises, and employment than do rural economies; (ii) design solutions can be used to substantially reduce the need for permanent relocation. Nevertheless, adverse short-term impacts will occur—hence the need for assistance to facilitate the livelihood recovery of those so affected. These entitlements will be additional to those relating to land or structures contained in Table 6-1.

Table 6-2 sets out the compensation basis for these entitlements and the basis for their calculation.

TABLE 6-2
Summary of Compensation Standards: Livelihood Restoration – Loss of Income

Category of PAPs	Sub-Activity Impact	Basis for Compensation	Period for Assessing Compensation
Business and residential Tenants	Loss of business/ living quarters requiring finding new accommodation	Current rent	3 months
Business Operators (owners and tenants)	Permanent loss of business premises	Current income	3 months
	Temporary loss of business location with temporary relocation or cessation of operations due to installation of underground cables.	Current income	Actual period of disturbance up to a maximum of 3 months. Compensation will be based on 50% of assessed monthly income as enterprises will be able to operate for most of the period.
	As above but due to erection/ replacement of poles for overhead lines and the stringing/ re-stringing of these	No entitlement to compensation because disturbance is not considered to represent a ' <i>significantly adverse impact</i> '. **.	
Employees (permanent or casual)	Loss of employment whether due to permanent relocation or temporary closure of employer's business.	Current income	Same period and basis for entitlement as for employer.
Apprentices	Temporary loss of occupation during period of employer's relocation	Half national daily minimum wage (NDMW)*	Same period of disturbance of employer.

* Apprentices will experience temporary disruption to their apprenticeship. Although they may not receive an income, they should receive some compensation for this disturbance loss. This is assessed at half current NDMW (currently 6 cedis per day).

** Citation is from PS 5. There will, however, be a right of appeal. These types of disturbance, which mainly result from safety concerns, will be short-lived (from minutes to a few hours) and will be identified and managed through the Environmental and Social Management Plan contained in Appendix F- Framework Environmental and Social Impact Assessment

6.3 Supplemental Assistance

Additional assistance for vulnerable groups is a key provision of PS 5. In the context of this RPF, the following categories of household may be considered as being vulnerable.²¹

- Households that have a high dependence on income from activities that will be disrupted by the Sub-Activity
- Large households (more than 5 persons) that traditionally have a greater likelihood of being poor
- Female-headed households that often have to bear the triple burden of income generation, child care, and running the house
- Households with disabled or chronically sick persons
- Petty traders operating from tables who could benefit from training assistance to develop already manifested entrepreneurial skills

²¹ Several of these categories will require collection of information on the households of PAPs living but not working in the project area.

PAPs will only be eligible for supplemental assistance if they have to be permanently relocated. Types of supplemental assistance that should be considered are the following:

- Identification of selling locations for petty traders who have to permanently relocate.
- Establishment of temporary locations near construction activities for food vendors.
- Training in financial literacy, business management, and entrepreneurship
- Assistance with negotiations over compensation payments and accessing the grievance redress process
- Assistance during the payment period to secure the compensation money and reduce risks of misuse/robbery and guidance on its use
- Additional assistance on relocation and/or reconstruction of affected residential or business premises
- Supplementary one-time payments for the most vulnerable households
- Prioritization for employment during the construction period
- Advice on obtaining assistance on non-project related activities
- Provision of agricultural extension services to rural PAPs losing more than 20% of their land

It is not possible at this stage to specify details of this range of potential supplemental assistance or to categorize potential vulnerable PAPs by what types of assistance they should receive. Resettlement planners shall be responsible for addressing the needs of vulnerable individuals and groups identified in the census and socioeconomic survey (see Section 10) that will constitute a major element of the RAP preparation process. Based on these findings, planners shall develop compensation packages tailored to the needs of identified vulnerable groups. In formulating these packages, resettlement planners should pay particular attention to:

- The dependence of PAPs' income to the income generated from Sub-Activity area activities
- The overall level of household income and vulnerability
- The ability of PAPs to be able to handle the relocation process and to achieve income recovery
- In identifying vulnerable PAPs, special attention should be paid to female PAPs; however, proposals for supplemental assistance should be made on a gender-neutral basis. There is no case for providing additional assistance, whether in cash or in kind, to a female PAP and denying it to a male PAP if their circumstances and needs are similar.

6.4 Effectiveness of Livelihood Restoration Measures

PS 5 requires that PAPs are able to at least restore their livelihoods following project-related loss of income. The effectiveness of the livelihood restoration measures will thus be closely monitored (see Section 11). The proposed monitoring system provides for corrective action to be taken should it be found that PAPs, despite the implementation of the measures described above, have been unable to recover their pre-project incomes and standards of living.

6.5 Owners of Institutions

Institutions will eligible to receive the entitlements relating to land and property described above. Special attention will be given, however, to identifying relocation sites.

Stakeholder Consultation, Participation, and Disclosure

The ongoing exchange of information during resettlement is critical to timely completion and satisfactory compliance with best practices and IFC PS requirements. Therefore, two-way communication will occur throughout the preparation and implementation of the resettlement process.

Extensive, effective, and meaningful consultation and participation procedures are a cornerstone of IFC PS 5. They have the following overall objectives: (i) improving the design of the Sub-Activities through local inputs to the design process that reduce involuntary resettlement; (ii) ensuring that PAPs are kept fully informed in, and involved with the involuntary resettlement process, including entitlements and compensation standards; (iii) reducing delays in Sub-Activity implementation, which can arise if resettlement issues are not dealt with beforehand.

These activities will involve a combination of stakeholder consultations (including local leaders, municipal agencies and authorities, NGOs and community-based organizations, public meetings,²² and face-to-face discussions and negotiations with PAPs. Consultations and discussions will be supplemented by the disclosure of key documents (for example, this RPF and the RAPs) and the distribution of summary leaflets setting out key aspects of the Sub-Activity design, resettlement policies, eligibility criteria, entitlements, compensation standards, the grievance redress process, and the Sub-Activity timeframe.

Logs of all consultations (including dates, persons attending, main purpose of consultation, and a summary of the proceedings) will be maintained by the resettlement team.

These activities will take place through the Sub-Activity cycle, including post-construction monitoring. The most important of these consultations and participatory discussions will occur as outlined below.

7.1 Consultation Activities during the Design Phase

ECG and NEDCo representatives and consultants as necessary will hold formal consultations with stakeholders during the preparation of initial and final Sub-Activity designs. They will seek suggestions and modifications to reduce involuntary resettlement without adding disproportionately to the cost of construction. They will also seek to identify potential sites where Sub-Activity components (for example, sub-stations) can be located outside existing ROWs and potential relocation areas for current residential and business occupants of the area.

At the same time, the utility representatives will hold informal discussions on the same issues with PAPs during their field visits to prepare and finalize the routing of the transmission lines.

7.2 Consultations Activities before RAP Preparation

An announcement will be made just before the issuance of the statutory land acquisition notices. As soon as practicable after this announcement, an initial public meeting will be held in the Sub-Activity area, at which Sub-Activity designs and RPF policies will be presented; summary information leaflets will be distributed (including the location where the RPF can be viewed); and the date and importance of the census and asset inventory will be announced.

Publicity for this meeting will be achieved through information flyers, press, radio, and word of mouth. Local officials and leaders will be informed directly.

²² Where the Sub-Activity area is extensive and the number of PAPs large, multiple public meetings will need to be held. In these cases too, the desirability of holding meetings with different categories of PAPs should be considered.

7.3 Consultation Activities during RAP Preparation

During the census and asset inventory, field personnel will be expected to provide details as requested of all aspects of the resettlement process set out in the RAP. They will also work with PAPs to ensure that the required information, especially relating to the identity of PAPs and fixed assets, is accurately recorded.

Further public meetings will be held with PAPs depending on the size and characteristics of PAP groups. At these meetings, the processes for the valuation of assets and compensation entitlements of PAPs, and the procedure for disbursing compensation payments will be outlined. Where viable alternative methods of compensation and assistance are available, these will also be presented at these meetings. These meetings will be used to provide PAPs with the opportunity to voice their concerns and make suggestions as to how the process can be improved.

Consultations will be held with stakeholders on the critical issues that will be involved with RAP implementation regarding valuation, compensation standards, relocation, and timing.

7.4 Consultation Activities during RAP Implementation

Once finalized, the RAP will be disclosed in the Sub-Activity area, with summaries distributed in leaflets to all PAPs outlining the key stages in RAP implementation.

A public meeting will be held to announce the processes for agreeing the valuations of PAPs and their compensation entitlements, the timing of these negotiations, and the procedure for disbursing compensation payments.

Opportunities will be provided for every PAP to discuss individual valuations, compensation assessments, and relocation options (such as relocation to an identified site) because this process will involve the specialist assessment teams proceeding from PAP to PAP across the project area. These teams will be instructed to clarify these assessments with PAPs and make any agreed adjustments.

Later in the process, a similar procedure will be instituted to agree on arrangements and timing for PAPs to vacate the Sub-Activity area or relocate within it.

Throughout RAP implementation, the PAPs will:

- Have access to the team implementing the resettlement process; contact phone numbers and times will be widely publicized to PAPs.
- Have recourse to the grievance redress process (see next section).

7.5 Consultation Activities during Post-construction Monitoring

Consultation will constitute a major part of the post-construction monitoring and evaluation system, which is described in Section 11. These activities will include follow-up surveys (quantitative and qualitative) to monitor livelihood recovery as well as a final workshop to discuss the resettlement process as a whole to which PAPs' representatives will be invited.

Grievance Redress Mechanism

8.1 General

The establishment of a GRM is a fundamental requirement of PS 5. The overall objective of the GRM is to provide an effective and transparent mechanism to allay PAP concerns and settle disputes that could not be resolved through the consultation and participation procedures described in the previous section, particularly the face-to-face meetings with PAPs. It is anticipated that these discussions will allay most PAP concerns²³ and that the need to invoke the GRM will thus be substantially reduced.

The GRM will allow PAPs to voice concerns about the resettlement and compensation process as they arise and, if corrective action is needed, for it to be taken in a timely fashion. In so doing, the GRM will increase the transparency of the resettlement process, reduce potential delays to project implementation arising from unresolved disputes, and avoid the involvement of the legal system except in a small minority of intractable cases.

The GRM will be established and publicized to PAPs through the consultation procedures set out in the preceding section before the resettlement implementation process begins. The GRM will come into play whenever a PAP is dissatisfied with any aspect of the resettlement process and wishes to make a formal complaint.

The principal issues to be covered by the GRM are those related to: (i) requests for information; (ii) the inventory and measurement of assets, (iii) the valuation of these assets, (iv) compensation awards and their disbursement, (v) matters related to physical relocation; and (vi) site vacation.²⁴ Note that issues related to ownership and inheritance, which can be quite common, will be resolved through local and municipal authorities according to normal practice and will not fall within the remit of the GRM.

8.2 The Compact II Grievance Redress Mechanism

The GRM shall consist of a four-tier system: (i) local (Sub-Activity) level, (ii) internal dispute resolution system (IDRS); (iii) project level grievance resolution; and (iv) national legal level.

The general process is that a PAP should first raise a grievance at the local level. If it cannot be resolved at local level, it is referred to the IDRS. If it is not resolved at this level, it is referred to the Grievance Redress Committee (GRC). If this proves unsuccessful in resolving the grievance, the complainant needs to invoke the legal system.

8.2.1 Local Level Grievance Redress

The local level grievance redress process will be managed by the Resettlement Management Team (RMT) responsible for the implementation of the resettlement process in the area where the PAP is located (see next section). Grievances should normally be lodged with the RMT by the PAP or their appointed representative, such as a local leader or member of the municipal assembly, If this is impractical, grievances can be lodged with another unit of the project implementation team or any member of the GRC (see below). Where the grievance is lodged with a third party, they shall acknowledge receipt and be responsible for transferring the grievance form to the RMT if it concerns a resettlement-related issue.

Wherever possible, grievances should be directly resolved by the responsible RMT. In many cases, this will be possible because grievances will often relate to issues of inventories, requests for information, or to activities that have yet to take place, such as disbursement of compensation.

Where these grievances are resolved directly, a simple grievance redress form will be signed by both the complainant and a member of the RMT (see Appendix B). Where the responsible RMT considers that the grievance can be resolved but may require additional site visits and face-to-face discussions with the PAP, a mutually acceptable time for such a

²³ Negotiating teams have the authority to amend asset inventory schedules and eligibility issues.

²⁴ 'Site vacation' means the act of PAPs leaving the site along with their moveable assets and chattels.

visit will be agreed. If this visit results in a successful resolution, the PAP and the RMT will sign the grievance redress form. If the RMT cannot resolve the matter, the RMT will take one of the actions shown in Table 8-1. The PAP will be notified in writing of the action to be taken.

TABLE 8-1
Courses of Action for Grievances not Resolved by the RMT

Category of Grievance	Type of Grievance	Action
Resettlement-related	Valuation and compensation issues	Forward to LVD* and/or the IDRS (see below)
	Other unresolved resettlement issue	Forward to the GRC (see below)
	Ownership issue	Forward to local authority
Not related to resettlement	Environmental	Forward to environmental team
	Construction damage	Forward to Supervising Engineer, who will raise the matter with the contractor.

* LVD will be involved if the grievance relates to private land or permanent structures. If it relates to temporary structures, it will be dealt with directly by the IDRS.

For grievances received by the RMT via a third party, the same procedure will be adopted, except that the RMT will initially make contact with the PAP to discuss, and hopefully, directly resolve the grievance.

8.2.2 Internal Dispute Resolution System

The IDRS is modeled on the system adopted during Compact I. Its objective is threefold: (i) to reduce dependence on the LVD, whose statutory procedures for dealing with appeals against valuations can be time-consuming; (ii) to provide a system for resolving non-valuation compensation issues; and hence (iii) reduce the grievances related to valuations and compensation that have to be considered by the GRC.

The IDRS panel will consist of the MiDA senior resettlement officer, the responsible resettlement officer, and a valuer assigned to MiDA. For larger claims (see below), the panel will be chaired by a senior member of the MiDA project management team. PAPs will have the right to be accompanied by their own valuer or representative who will be able to make representations on their behalf. The IDRS will deal with the following types of grievances:

1. Valuations of fixed assets, especially those that are of temporary construction. LVD will continue to deal with appeals related to valuations of land and permanent structures according to its statutory procedures.
2. Compensation for improvements made by tenants that cannot be moved, such as windows, doors, internal modifications, utility connections.
3. Compensation for loss of income.
4. Disturbance/ moving allowances.
5. Landlord/tenant compensation related to advance payments and rent arrears.
6. Supplemental assistance

Adjudication of claims forwarded to the IDRS will be dealt with as follows:

- Claims representing under 5,000 GHC and those representing under 10 percent of the original compensation up to a value of 25,000GHC.
- Claims representing up to 20 percent of the original claim up to a value of 50,000 GHC – these claims will require the involvement of a senior member of the MiDA project management team.
- Claims exceeding these thresholds will be forwarded to the GRC.

If resolution is achieved, the PAP and the MiDA senior resettlement expert will sign to this effect. If resolution is not achieved, the grievance will be forwarded to the GRC.

8.2.3 Project-level Grievance Redress

The GRC will deal with all resettlement-related grievances that have not been resolved at either local level or through the IDRS. Two GRCs will be established, one to cover ECG sub-activities and one to cover NEDCo sub-activities. In order to simplify the institutional arrangements, the GRCs will be established as sub-committees of the Resettlement Coordinating Committee (see next section).

The GRCs will normally include a representative from each of: (i) the local or municipal government; (ii) the RMT resettlement team; (iii) an NGO working in the area; (iv) a trade association; and/or (v) the Ministry of Agriculture. The GRC should be chaired by a senior member of the committee overseeing the overall resettlement process (see next section) and will be responsible to this committee. The final membership of each GRC will be determined during RAP preparation in order to reflect these local specifics. Membership of the GRC will be publicized throughout the Sub-Activity areas along with other details of the GRM.

GRCs will be mandated to provide a response within 21 days of receiving the formal notification of a grievance. Wherever possible, this response should include a decision on whether the claim is accepted in full, partially accepted, or rejected. Where the claim is not accepted in full, the PAP will be provided with written reasons for the non- or partial acceptance of his or her grievance / claim.

In cases, where further site visits, investigations, or discussions with the PAP are deemed necessary in order to arrive at an amicable resolution, the complainant should be informed that an additional 21 days will be required to come to a decision on the grievance.

To facilitate the work of the GRC, the RMT will supplement the grievance redress form with additional information relevant to the complaint and include an assessment for consideration by the GRC of whether the grievance should be accepted, rejected, or partially accepted with or without additional enquiries/ investigations being undertaken.

If the GRC does not provide a satisfactory resolution for the PAP, he or she will be advised that they can seek redress through the legal system.

8.3 Monitoring of the GRM

8.3.1 Resettlement Related Grievances

The RMT sub-teams (see next section) will keep a register of all grievances received that pertain to the Sub-Activity(ies) for which they are responsible, and how these have been resolved. They will provide this information to the RMT on a regular basis so that it can be summarized and include in the required monitoring reports (see Section 11). These reports will also include the status of grievances referred to the GRC.

If the grievance resolution requires follow-up action, the RMT will, as applicable, undertake this action themselves or in conjunction with the responsible agency/ organization. This follow up action will cover grievances referred to the GRC, valuation grievances and legal / inheritance problems.

Although responsibility for the resolution of non-resettlement grievances is not the responsibility of the RMT, it will, on a monthly basis, check that grievances referred to other project teams, such as the environment and construction management teams, are being/ have been deal with.

Where any of the above threaten to delay the overall implementation program, the RMT shall bring these to the attention of senior management to discuss how they can be resolved.

Implementation Arrangements

This section sets out the implementation arrangements for Compact II Sub-Activities involving involuntary resettlement. These arrangements will depend on the overall management structure for Compact II. As these have yet to be finalized, the following has been assumed:

- Overall responsibility will reside with MiDA.
- An overall steering group will oversee the implementation of the Compact that will include representatives from MiDA, ECG, NEDCo, and other agencies to be decided.
- Separate oversight committees will be established for ECG and NEDCo sub-activities.
- Separate project implementation units will be organized for ECG and NEDCo sub-activities.
- The Resettlement team will be established within the project Environmental and Social team, which in turn will be established within the main Compact Implementation Unit (see section 9.2.2).

9.1 Resettlement Implementation – Organizations

9.1.1 Millennium Development Association (MiDA)

This sub-section provides summary descriptions of the principal organizations that will be involved in implementing resettlement.

- MiDA will be the primary organization responsible for implementing resettlement activities for Compact II. It will have overall responsibility for all aspects of the process, for three reasons:
- MiDA has substantial experience of undertaking resettlement according to WB/ IFC requirements derived from Compact I, including RAP preparation, negotiating with PAPs, resolving compensation issues, and disbursing payments.
- In contrast, ECG/ NEDCo have little to no experience of implementing resettlement according to IFC/ WB standards (see below). Neither do they have personnel dedicated to this activity.
- The majority of the resettlement impacts will affect ROW encroachers, many of whom will be affected by temporary disturbance rather than permanent relocation – compensation for neither of these categories is currently recognized under current GoG legislation. Many GoG entities thus therefore little familiarity with the PS 5 requirements related to those with no legal right to the land or structure that they are occupying. MiDA has this experience.

MiDA's key responsibilities will be:

- Commissioning and supervising the RAP consultants.
- Liaising with ECG/ NEDCo design staff during the preparation of the final design studies.
- Recruiting and training additional personnel, both permanent and temporary.
- Establishing the institutional arrangements for resettlement planning, implementation, and monitoring.
- Implementing the RAPs through negotiating and agreeing compensation packages with PAPs, resolving grievances, arranging the disbursement of compensation, liaising with other agencies, facilitating site vacation, and conducting monitoring and evaluation.

9.1.2 ECG and NEDCo

Because all of the proposed Sub-Activities fall under the jurisdiction of either ECG or NEDCo, they will be intimately involved with the planning, routing, design, construction, and operation of all Sub-Activities that have

the potential to require resettlement under Compact II. Their experience of undertaking resettlement planning and implementation using PS 5 (or WB OP 4.12) is, however, limited.

Several ECG departments (Premises, Survey and Legal) are involved in land acquisition but they have no trained valuers. If private land is required, e.g. for substations or new ROWs, current practice is to negotiate with land owners to arrange acquisition by private treaty. For sub-stations, land is usually obtained from institutional owners and often involves some barter arrangements, such as the provision of an enhanced electricity supply. They also pay compensation for crops affected by permanent or temporary acquisition for new ROWs. Where encroachers onto existing ROWs have to be moved, they call upon the Municipal Assembly or local government to arrange their removal. However in the great majority of cases, relocation of encroachers is minimized through flexible design.

ECG has some familiarity with WB resettlement policy through its involvement in preparing and implementing resettlement for a previous project that complied with the requirements of OP 4.12. However it is understood that much of this work was undertaken by GRIDCo rather than ECG directly. Overall ECG has some, but limited, experience in resettlement work, and none in providing compensation for encroachers.

Over the past decade, NEDCo has benefited from several line extensions funded by donors and with government funds. It is not clear what NEDCo's involvement was in the implementation/construction of these projects because it appears that the Ministry of Energy and Petroleum were responsible for most of tasks. There is also no evidence that the required resettlement/ relocation, which is unlikely to have been significant, was undertaken in compliance with OP 4.12. As a result, NEDCo has even less experience than ECG in applying OP 4.12 or IFC PS 5.

Giving either ECG or NEDCo a primary role in the resettlement component of Compact II would entail a considerable capacity-building effort. Accordingly, the primary role of ECG and NEDCo in the resettlement process will consist of liaising closely and constantly with the MiDA resettlement team on:

- The design of schemes so as to minimize involuntary resettlement
- The potential resettlement impacts of the sub-station sites
- The programming of construction activities to be consistent with the resettlement process

9.1.3 Land Valuation Division

The LVD was formally set up in 1986 to perform functions related to valuation of various properties for specified purposes. The LVD is accordingly the statutory agency responsible for undertaking compulsory acquisitions of land and structures and assessing the compensation to be paid for such acquisition. The LVD has a number of trained valuers on its staff. LVD has district and regional offices, with the latter having responsibility for undertaking valuations. LVD also maintains a database of crop values that are applicable nation-wide.

MiDA will sign an Implementing Entity Agreement with LVD that provides for LVD to:

- Provide valuations for all land, permanent structures, crops, and trees that will be permanently affected by the project.
- Undertake reviews of any such valuations requested by PAPs in accordance with LVD's statutory procedures.
- In conjunction with MiDA, do likewise for temporary structures located along existing ROWs.

9.1.4 Metropolitan, Municipal and District Assemblies

These assemblies constitute the local level tier of Ghana's administrative system. They have "deliberative, legislative as well as executive functions" and are "the pivot of administrative and developmental decision-making in the district".²⁵ Coordination is achieved through the higher-level Regional Coordinating Committee.

Some of the administrative structures of the assemblies—that is, offices of the assemblymen and the unit committees—are normally used to help inform and educate PAPs about the intended Sub-Activities in the area,

²⁵ http://www.ghanaweb.com/GhanaHomePage/republic/district_assemblies.php

their impact, and proposed mitigation measures. They can also help arrange, and participate in, community consultations. Assembly members may also act as witnesses during payment of supplemental assistance to PAPs.

The assemblies are also responsible for the granting of temporary licenses to ROW occupants that are conditional on their departure from the ROW subject to a 6-month notice period.

9.1.5 Other Agencies

Utility companies other than ECG and NEDCo that are likely to play a role in the resettlement schemes are Ghana Telecom and Ghana Water Company Limited. At the appropriate times, these agencies will disconnect and reconnect PAPs to their services before and after relocation as the case may be. Special consideration has to be given to PAPs so that they are treated as priority applicants for services in their new locations.

The Ghana Highway Authority and the Department of Urban Roads are the owners of the ROWs along which most of the new or upgraded distribution lines will run. They are also responsible for the final reinstatement of Compact II projects will be involved. Liaison with these agencies will be required at this stage. ECG/ NEDCo as the Executing Agency will be responsible for this liaison. MiDA, through the Project Implementation Unit, will be involved where grievances have been brought by PAPs dissatisfied with the quality of reinstatement.

The Town and Country Planning Departments (TCPDs) are responsible for the preparation of layouts for towns and cities. They also vet and approve layouts from prospective developers (especially private estate developers) and specify all reservations based on projected land use plans. The TCPDs ensures that any such schemes incorporate existing ROWs or establish new ROWs in accordance with current regulations. TCPD involvement in the resettlement process will occur if Sub-Activities entail any change of use in approved plans consequent upon sub-station construction or new ROWs for distribution lines.

9.2 Resettlement Implementation – Institutional Arrangements

The planning and implementation of the Compact II resettlement activities will require the establishment of two new institutional entities:

- A Resettlement Coordination Committee (RCC)
- An RMT

The institutional arrangements described below are likely to require some refinement to take account of the specific characteristics of each Sub-Activity involving resettlement, such as the number of PAPs, whether the area is primarily urban or rural, types and severity of impacts, and the phasing of design studies and construction activities. This fine-tuning will be undertaken during RAP preparation.

9.2.1 Resettlement Coordination Committee

Separate RCCs for the ECG and NEDCo Sub-Activities will be needed, with each having the same mandate and terms of reference. The RCCs should be established as sub-committees of the overall project steering group (see above) to which they shall report. The RCCs will be established once the Compact has been signed and the project management team is in place.

Membership of the RCCs should be drawn as far as possible from the membership of the project steering group. Core membership of the RCCs will be finalized once the overall project management structure has been established but will include a representative from each of MiDA senior management, a senior ECG/ NEDCo manager (who can discuss and act upon design issues), the senior MiDA resettlement expert, LVD, and an NGO familiar with resettlement issues. The ECG RCC will also include a representative from the Metropolitan Assembly, and the NEDCo RCC will include a member from the Regional Council.²⁶ At least one member of each RCC should be a woman.

Additional (up to 3) members with local knowledge should be invited for meetings dealing with specific resettlement issues or Sub-Activity areas. These additional members could include a local leader, a local

²⁶ NEDCo Sub-Activities will cover several districts; permanent representation of each district affected would create an over-large RCC.

government representative, the RAP team leader, the Ministry of Agriculture, or representatives from relevant trade or farmers' associations.

Membership of the RCCs may be adjusted as the focus shifts from Sub-Activity to Sub-Activity. It is anticipated that there will be more such adjustments in the NEDCo area given its much greater geographic coverage.

Requirements for additional co-opted members will be evaluated during RAP preparation, taking into account the advice of the core RCC and the MiDA resettlement team.

The primary responsibilities of the RCC will be the following:

- Ensuring that the principles and specific requirements of the RAP are adhered to and implemented.
- Acting on institutional bottlenecks that might arise, such as obtaining inputs/ information from outside stakeholders.
- Acting as the GRC described in the previous section through the establishment of a sub-committee.
- Reviewing monitoring reports and acting on any issues raised.

9.2.2 Resettlement Management Team

9.2.2.1 RMT Membership

There will be a single RMT, established within MiDA, which covers all Compact II resettlement activities. The RMT will be responsible to the MiDA project manager and will also report to the RCC.

The RMT will be headed by a staff member with proven experience in resettlement. He or she will be assisted by an engineer with extensive experience with ECG/ NEDCo operations. The engineer will provide ongoing liaison between the RMT and the design teams. The RMT will also include a resettlement officer, a research assistant, a data processing and analysis specialist who would manage and manipulate the PAP database, and an administrator. A financial officer will be needed during the period when disbursements are being made. This RMT will be responsible for the ECG SADs.

The scale of the resettlement impacts arising from the Compact II SADs will also require the establishment of a sub-team responsible for resettlement related to NEDCo Sub-Activities with a similar composition to the RMT - resettlement officer, research assistant, data processing and analysis specialist and administrator.

At particular junctures of the project, the RMTs will need to be supplemented by additional staff. The requirement for additional staff will depend on: (i) the actual scope of resettlement associated with each Sub-Activity (number of PAPs and intensity of impacts); and (ii) the extent to which resettlement activities will be phased, i.e., consecutively or concurrently. These additional requirements will likely involve one each of the following: resettlement officer, research assistant, IT specialist expert (junior) and an administrator.

These personnel should be recruited directly by MiDA. If this proves difficult, especially in respect of the resettlement officers, consideration will be given to arranging secondments from a local consultancy. This option would have the added advantage of more easily enabling the intermittent inputs that will be required.

Temporary personnel may also be trained to negotiate with the PAPs on the compensation packages and to assist in the disbursement of compensation; training will depend on the phasing of RAP preparation and construction activities and the extent to which these are concurrent rather than consecutive as well as the number of PAPs involved. Ideally, these personnel should be the same enumerators who undertook the surveys (census, inventory, socioeconomic) during RAP preparation.

These additional personnel will be primarily required during RAP implementation to handle negotiations with PAPs, the disbursement of compensation and relocation arrangements, as the workload will be heaviest during this period. The other most resource-hungry task of the resettlement process, the PAP Census and Asset Inventory, will be undertaken during RAP preparation - which will be the responsibility of consultants.

The finalization of the staffing requirements for the sub-teams RMTs will be undertaken during RAP preparation when the extent of involuntary resettlement becomes clear and the phasing of design and construction activities for the Compact SADs will have been decided.

Training requirements to ensure that RMT personnel have the required expertise to undertake Compact II resettlement activities are set out in Section 9.3.2.

9.2.2.2 RMT Responsibilities

The principal responsibilities of the RMT and the NEDCo sub-team will consist of:

- Coordinating all resettlement-related activities.
- Maintaining a close liaison with design engineers prior to the hiring of the RAP consultants to ensure that all feasible design solutions are adopted which can reduce involuntary resettlement.²⁷
- Liaising with the local media and local assemblies to ensure that information on the resettlement process is widely publicized.
- Overseeing and assisting the work of the consultants responsible for RAP preparation.
- Liaising with outside stakeholders to ensure that information, actions, inputs are provided in a timely fashion, particularly to the LVD, who will be responsible for land and structure valuations.
- Preparing the formal compensation/ assistance packages for all PAPs, including those losing land or property, tenants (residential and business), employees, and vulnerable PAPs.
- Acting as key members of the teams who will negotiate with PAPs on inventory, valuation, and compensation issues.
- Discussing on a case-by-case basis supplemental assistance requirements and arrangements for vulnerable PAPs.
- Acting as the primary stakeholder point of contact for PAPs, with defined and publicized visiting hours.
- Managing the GRM (see previous section).
- Preparing the required internal progress and monitoring reports.
- Overseeing and contributing to the activities of consultants appointed to carry out RAP implementation.

9.3 Capacity-building and Training

9.3.1 Stakeholder Training

Two training workshops will be delivered to stakeholders in each of the ECG and NEDCo project areas:

The first training workshop will be held following approval of the RPF and immediately prior to the commencement of RAP preparation. The primary objective of these workshops is to familiarize key stakeholders in the resettlement process and their roles within it. The workshops should cover the following topics: (i) an introduction to resettlement planning and implementation, with special emphasis of the PS 5 requirements; (ii) resettlement procedures and techniques, with particular emphasis on surveys, valuation, preparing compensation packages, consulting/ negotiating with PAPs and the GRM; (iii) responsibilities of the RMT, with particular emphasis on the necessary coordination with other stakeholders; and (iv) undertaking consultations with PAPs and holding public meetings.

These workshops will be delivered either by the senior MiDA resettlement expert or the RAP consultants.

²⁷ Design activities need to start prior to RAP preparation to avoid RAP consultants having to wait for these to be completed. RAP consultants will also maintain a close liaison with design engineers to further reduce involuntary resettlement.

The second training workshop will be held following RAP approval and prior to the start of its implementation. This workshop will focus on the stages of RAP implementation, the tasks that will be involved, their timing and the roles and responsibilities of the stakeholders. These workshops will be delivered by the senior MiDA resettlement expert or the contractors commissioned to undertake the implementation of the RAP. Participants at both these workshops should include representatives from all organizations likely to be involved, to some degree or other, in the resettlement activities for Compact II, including: ECG and NEDCo personnel, municipal/ local officials and local leaders in project areas, relevant NGOs and trade associations, women's associations, Ministry of Agriculture, and LVD.

In addition to these workshops, the knowledge of ECG and NEDCo personnel with the resettlement process and its implementation will be strengthened through constant interaction with the MiDA resettlement team throughout the duration of the project, and particularly during the preparation of final designs. Further interaction will also be needed during the period when PAPs are vacating the site and when construction is taking place.

Further knowledge transfer will occur through: (i) discussion of resettlement issues during the regular of the project management committee; and (ii) in ad hoc meetings to address grievances related to design or construction issues.

9.3.2 Enhancing MiDA's Resettlement Capability

Two training courses will be provided to all RMT personnel:

The first course will be given as soon as possible after the establishment of the RMT and will cover the same topics as those described above, but in greater detail and with greater emphasis on the tasks that will need to be undertaken by the RMT up to the completion of the RAPs. This course should be given by MCC's resettlement consultant and should follow on from the stakeholder orientation workshop/ training. The curriculum will be prepared consistent with the experience of the RMT.

The second course will be given before RAP implementation activities begin and will cover the RMT's activities during RAP implementation. This course will be given by either MCC's resettlement consultant or the RAP consultants. The curriculum for this training will depend on the experience of the RMT personnel.

Additional training will be provided to temporary personnel hired to assist in the negotiations with PAPs. Ideally, these will be the same people who undertook the RAP census data collection.

RAP consultants will identify any additional requirements for training and capacity-building during the resettlement implementation phase. These will likely include the recruitment of additional temporary workers to act as negotiators with PAPs (who ideally should have been involved in the RAP surveys). They may also include additional strengthening of the RMTs resulting from RAP estimates of the number of PAPs, the severity of impacts and, not least, the extent to which Sub-Activity resettlement will be carried out concurrently. Costs of the proposed training will be included in the RAP budget.

9.4 Funding Arrangements

MCC will be responsible for the funding of all compensation costs and the institutional/ capacity-building requirements to plan and implement resettlement activities for Compact II.

Preparing the Resettlement Action Plans

10.1 General

RAPs will be prepared for each Compact II Sub-Activity where involuntary resettlement is unavoidable. RAPs will be prepared within the context of the policies and procedures set out in this RPF.

The RAP is a crucial document in the overall involuntary resettlement process and therefore in the construction program, which cannot begin until resettlement has been completed successfully to the fullest extent possible. The RAP provides the link between the RPF policies and procedures and the implementation of resettlement activities such that: (i) PAPs can recover pre-project livelihoods and living standards within the shortest possible time, and (ii) the Sub-Activity area can be vacated so that construction can begin. In order to achieve these objectives, RAPs will:

- Provide guidelines for all aspects of the required resettlement operation in sufficient detail so that Sub-Activity officers can implement the program successfully.
- Identify design changes that could further reduce the need for involuntary resettlement.²⁸
- Assess the number and characteristics of PAPs, the losses that they will experience, and the impact of these losses on their livelihoods and living standards.
- Formulate, in consultation with PAPs, the mitigation measures (for example, compensation for assets, livelihood restoration measures, supplementary assistance, assisted relocation to new sites) needed to meet the overall objectives of PS 5 and to prevent PAPs from suffering an enduring reduction in their living standards as a result of involuntary resettlement.
- Based on the results of the inventory of assets and the census, prepare a database showing compensation and assistance packages for each PAP.
- Pay special attention to the needs of PAPs classified as vulnerable.
- Review proposed capacity-building/ training measures contained in RPF (Section 9.4) and make proposals for any consequent amendments or additional measures. These should include any training for other agencies, not previously identified, that will be involved in RAP implementation.
- Adapt the implementation arrangements set out in this RPF to take account of: (i) the specific characteristics of the Sub-Activity area and its occupants, and (ii) the institutional capacity of the agencies responsible for implementing the resettlement program. Similarly, adapt the generic GRM set out in Section 8 to local conditions.
- Identify avenues for dissemination of information to the public and for consultation with and participation of the PAPs, which is essential to the success of the resettlement process and implementation.
- Adapt, if necessary, the proposed resettlement monitoring system²⁹ to reflect the resettlement impacts of the Sub-Activity.
- Establish a detailed schedule for implementing resettlement activities in relation to planned construction activities.

²⁸ Final designs that clearly define the Sub-Activity footprint will have been completed before the RAP is prepared. These will already have taken into account the need to minimize involuntary resettlement. There may, however, be some room to effect changes that further reduce involuntary resettlement or necessary technical design changes.

²⁹ See Section 11.

- Prepare a resettlement budget that includes not only compensation and assistance costs but also costs related to the implementation of the resettlement.

10.2 RAP Preparation Activities and RAP Content

10.2.1 RAP Preparation Activities

Table 10-1 sets out a generic sequencing process for the primary activities involved in RAP preparation. It is assumed that the RAPs will be prepared by consultants contracted through MiDA, who will report to the dedicated RAP team (RMT) within ECG/ NEDCo.

An indicative timeframe for RAP preparation, approval, and disclosure is 6-7 months. This will vary with the scope of each Sub-Activity, the numbers of PAPs involved, and the nature and severity of their impacts. It is also expected that the RAPs for the first Sub-Activities will take longer because there will be a greater learning curve to deal with difficulties, relating to, for instance, surveys and processing, accessing local stakeholders, and getting decisions on valuations and unit costs.

TABLE 10-1
Generic Sequencing of RAP Preparation Activities and Responsible Agencies

Main Activity/ Indicative Timeframe	Description
Preparations (1 month)	Presentation and discussion of RPF with ECG/ NEDCo Compilation and review of project documents Compilation of project area maps/ imagery/ design drawings Discussions with design team on measures to reduce involuntary resettlement Census/ survey preparations (interviewer recruitment and training, questionnaires and maps), identity cards for PAPs Initial consultations with local leaders and outside stakeholders Initial public meeting in Sub-Activity area (with presentation of RPF policies and project designs) Establish and publicize cut-off date
Data Collection and analysis (2 months)	Field work and data processing for census/socioeconomic survey and asset inventory Analysis of survey results Additional data collection, including local land values, construction costs, rent levels, market prices for crops, and values of trees
Stakeholder Consultations (1 month, concurrent with data collection)	Institutional arrangements Resettlement options, such as cash versus in-kind assistance Potential relocation sites Compensation standards and valuation methods
PAP Consultations (following completion of data analysis) (1 week)	Presentation and discussion of requirements for relocation, entitlements, and compensation standards
Preparation of RAP report (1 month)	Numbers and characteristics of PAPs, level and severity of impacts Relocation and compensation strategies Compensation standards Grievance redress process Implementation arrangements (with associated capacity-building and training) Land acquisition, compensation disbursement and relocation arrangements Monitoring and evaluation scheme Time frame and budget for RAP implementation
Approval of RAP with amendments as required (1 month)	
Disclosure of RAP, including preparation and dissemination of summary information leaflet (1 month)	

10.2.2 RAP Content

It will not be necessary for Compact II RAPs to reproduce the policies and procedures contained in this RPF. In particular there will be no need to repeat the information on the reviews of legislation, comparison between national legislation and PS 5 requirements, the detailed specifications of entitlements, and implementation procedures. The information contained in the RPF will also obviate the need for the RAPs to formulate valuation methodologies, institutional arrangements, grievance procedures, and the monitoring methodology from first principles.

Compact II RAPs will therefore be shorter documents than those prepared without the benefit of an existing RPF. They will instead concentrate on the scheme-specific information needed to describe and assess resettlement impacts, prepare PAP compensation and assistance packages, formulate an implementation program, and provide an estimate of the resettlement budget.

Table 10-2 provides a generic table of contents for a RAP prepared for Compact II Sub-Activities.

TABLE 10-2
Generic RAP Content

Chapter	Heading	Summary Contents
1	Introduction	Description of the Sub-Activity and summary of potential resettlement impacts Summary of PS 5 requirements, resettlement objectives and guiding principles.*
2	Minimizing Involuntary Resettlement	Specific measures taken to minimize resettlement and loss of livelihoods
3	Numbers and Characteristics of PAPs	Results of census and socioeconomic survey Magnitude of losses - land, structures, crops, trees Vulnerable groups Other impacts, such as on public institutions, cultural/ heritage sites, social organizations
5	Valuation and compensation	Compensation standards (summarized from RPF with specifics added where needed, e.g., for loss of income)* Unit costs and their derivation*
6	Resettlement Proposals	Assisted relocation (to identified sites) if applicable Other in-kind assistance (e.g., damage re-instatement) Special measures for vulnerable groups
7	Consultations and Participation	Schedule of consultations and participation/ interaction with PAPs during RAP preparation. RAP disclosure arrangements.
8	Implementation Schedule	Tasks, responsibilities, and target dates
9	Costs and budget	Including costs for training (capacity-building), resettlement personnel/ consultants, monitoring, contingency
Annex A	Consultations	Minutes of meetings of stakeholder consultations.
Annex B	PAP Compensation packages	Itemised compensation packages for individual PAPs. This Annex can be in spreadsheet format.

* Sections that can be omitted when preparing supplementary RAPs provided that from the initial RAP, e.g., in the unit costs.

The following should be noted:

- Where RAPs cover several schemes, the information shall be disaggregated for individual schemes; e.g., if a RAP covers several sub-stations, the data for each sub-station will be presented separately.
- If RAP consultants consider, based on the characteristics of the schemes being investigated, that modifications need to be made to the arrangements relating to implementation arrangements and procedures, grievance redress, and monitoring surveys and timing, these shall be included in the RAP.

10.3 Estimating the Number of PAPs, Asset Losses, and Types of Impact

10.3.1 Survey Requirements and Preparatory Activities

Previous sections have set out the policies for dealing with involuntary resettlement arising from Compact II. This section describes the primary field research necessary to estimate the number of PAPs, the impacts that they will be subject to (physical and economic), and the extent of their losses. This information is crucial to assessing the compensation, in cash and/or kind, to which that each PAP will be entitled in order to mitigate the impacts of involuntary resettlement and loss of livelihood resulting from each Sub-Activity.

This field research will require three main types of information: (i) an inventory of assets that will be affected by the Sub-Activity; (ii) characteristics of all PAPs affected by loss of land, and/or fixed assets, and/or loss of an income source/ place of work; and (iii) information on the PAPs' household. The latter data are needed, above all, to identify vulnerable group PAPs. The survey needs to include petty traders operating from temporary structures within affected ROWs.

This survey will combine the inventory of assets, census of PAPs, and socioeconomic survey specified in PS 5. It will cover every land plot, structure, fixed asset, and person that will be affected by physical or economic loss as a result of the Sub-Activity. This survey is a required component of every Compact II RAP. Guidelines for its content are set out below and an illustrative questionnaire is contained in Appendix E.

Unless circumstances dictate otherwise, these data should be collected at the same time, using a survey form that combines the physical survey of assets with the required socioeconomic information. Care must be taken, however, not to overload the questionnaire so that it becomes overly burdensome to either interviewers or respondents.

It may be sometimes desirable to undertake a preliminary listing survey of PAPs and structures. Circumstances under which a listing survey should be considered are: (i) the mapping/ imaging information is insufficient to clearly identify structures and land parcels; and (ii) there is a high degree of multiple occupation of plots and buildings.

The socioeconomic data are crucial for assessing the impact of involuntary resettlement on the PAPs' livelihood, and the identification of vulnerable groups. It will also provide the baseline for subsequent monitoring surveys. The socioeconomic survey will collect information on both households that are resident in the Sub-Activity area and those with PAPs working in the project area. By and large, the same information needs to be collected for both categories.

In some circumstances, asset inventories will not be required and the socio-economic data collected will be considerably reduced. Situations where this will occur are identified in the following sub-sections.

10.3.2 Preparatory Activities

Preparations for the survey will include the following:

- Compilation of available maps and imagery.
- Preparation of the questionnaire and its printing.

- Recruitment and training of enumerators; because of the complexity of the survey, enumerators should be trained to work in pairs.
- Co-ordination with LVD to secure its required inputs.
- Publicizing the survey to the PAPs.

10.3.3 Referencing System

At the outset, the RMT will establish, in discussion with the RAP consultants, a clear numbering system that provides unique identifiers for every land plot and structure within each parcel and the referencing of PAP data to the appropriate parcel or structure.³⁰ All land plots and structures need to be geo-referenced to the survey maps. This numbering system will be common to the census, asset inventory, and socioeconomic data. This is crucial because it is vital to match PAPs to the physical assets that will be lost. There will also be a unique code for each RAP. This system will be adopted for all RAPs produced for ECG/ NEDCo Sub-Activities.

10.3.4 Inventory of Assets

The asset inventory is crucial to the resettlement process because it provides the information needed to assess compensation for land and structures. Separate schedules will be required for land, house structures, and other fixed assets. For land, separate schedules will be needed for urban and rural land. The required information for is described below. Much of this data collection will be observational.

- Land (urban): size, type of ownership (legal title, customary, other, none),³¹ evidence of ownership, current use(s) (residence, business [type], cultivated, unused) with approximate areas, number of trees.
- Land (rural): size, type of ownership/ tenure (legal title, customary, other, none), evidence of ownership, current cropping pattern with approximate areas, list of trees by type, presence of tenant farmers.
- Occupied structures (residential or commercial): type of construction, number of floors, use(s) and dimensions.³²
- Other fixed (immovable) assets: perimeter walls (with dimensions), external hard standings (for example, for car washes/mechanics, filling stations), unoccupied sheds/ barns/ storage buildings/ annexes (with dimensions), and other fixed assets (such as wells).³³

Assets will be inventoried only if they will be affected wholly or partly by land acquisition or demolition:

- If land is within an existing ROW, it does not need to be inventoried.
- The asset inventory is not required if the PAP does not own any affected land or structures, unless the PAP has made improvements to the structure or has utility connections in his/her own name.
- If no land or structures are being acquired, relocated or damaged,³⁴ there is no need for an asset inventory.

10.3.5 Census/ Socioeconomic Survey

The census/socioeconomic survey will obtain the following information. It should be undertaken for all PAPs:

- Identity document data and number of PAPs.
- Telephone or other means of contact for the PAP.³⁵

³⁰ There will be instances of multiple structures on single land plots, some of which will be occupied and some not. There will also be instances of structures with multiple occupancies.

³¹ Where private land is to be acquired, cadastral surveys are likely to be required.

³² For complex plot situations, sketch drawings need to be made.

³³ Enumeration must also include enterprises operating from vacant or largely vacant plots, such as timber salesmen or car washes/ mechanics.

³⁴ This refers to temporary disturbance situations where the construction of trenches or the erection of poles for overhead lines affects ancillary structures (hard standings, walls, fences or parts thereof) but which can then be reinstated and returned to their previous use.

³⁵ As much contact information as possible needs to be collected to facilitate subsequent post-resettlement monitoring.

- Photographs of PAPs to be affixed to special identity cards that will be distributed to certify their eligibility for compensation – crucial if an identity document is not available. The unique identification numbers provided on these cards will be used for all future identification of PAPs during and at the time of negotiation and compensation.
- Characteristics of the PAP: Age, sex, whether or not the head of household, residence/ employment in the Sub-Activity area, employment status, income, tenure of land/ property, monthly rent. Location of residence/ employment if outside Sub-Activity area.
- Household-level information for the PAP: household size, tenure, provision of utilities, numbers of employed persons, receipt of any social welfare or means-tested related benefits, food and non-food expenditures, knowledge of the Sub-Activity, and preferences for involuntary resettlement and compensation.
- A schedule of all persons constituting the PAP's household (irrespective of location): Age, sex, relationship to head of household, educational attainment, economic activity status, employment, whether they are disabled or chronically sick.

The level of detail for the socioeconomic data will be modified for Sub-Activities according to their locations. In rural areas, where the levels of impact are likely to be slight (for example, minor acquisition for poles and temporary loss of crops for narrow wayleaves), the census and socioeconomic data can be substantially reduced in scope (see 10.7 below).

10.3.6 Other Data Collection

Depending on the type of PAPs encountered, the impacts identified, and the comprehensiveness of the information held by the LVD, some or all of the following information will need to be obtained:

- Details (e.g., function, construction, land area) of any institution/ public or community building that will lose part of all of its land to the Sub-Activity
- Land values for comparable plots in adjacent areas (from field survey and/or land brokers/dealers)
- Construction costs for different types of house construction and sizes
- Rental levels in areas adjacent to the Sub-Activity area
- Data on incomes and earnings by type of job
- Data on poverty levels (and definitions)
- Data on any social protection programs targeted at the poor and the vulnerable

Data should be disaggregated to the level closest to the Sub-Activity area, although it is recognized that in many cases disaggregation may only be possible to urban and rural areas.

These data will be an important component of establishing compensation standards and identifying vulnerable PAPs.

The decision as to which of the above data sources need to be researched will be decided by the RAP consultants once an indication of the main categories of PAPs becomes clear from the early results of the census and asset inventory.

10.3.7 Data Processing and Resettlement Database

All survey data need to be processed electronically as soon as possible after the questionnaires are returned from the field. The data need to be organized in such a way that they can be used for three purposes:

- To prepare the analytical tables needed for input to the RAP report.

- To create a database that will be used during RAP implementation to estimate compensation payments for individual PAPs. An accompanying data dictionary/manual must also be prepared to facilitate this task when the database is handed over to those responsible for calculating compensation payments and arranging their disbursement.
- To provide standardized information on involuntary resettlement that covers, and can be aggregated for: (i) all ECG Sub-Activities; (ii) all NEDCo Sub-Activities; and (iii) all Compact II Activities. This requires the adoption of a unique and hierarchical numbering system (see paragraph at beginning of this section).

The RAP team will be responsible for this task.

10.4 Alternative Relocation Options and Compensation Packages

Most mitigation measures are expected to be based on cash compensation for loss of land, structures, or livelihoods. PAPs will receive cash and then use their own means to relocate. It is further anticipated that permanent land acquisition outside the utility corridors will be limited and that where it occurs, the parcels required will be small and located on vacant or under-used land.

It is, however, desirable that PAPs are presented with alternative compensation packages, principally in terms of the balance between cash compensation and in-kind assistance. These options will vary closely with the impacts arising from each Sub-Activity, their location, and the number of PAPs affected. Because this information will not be known until the RAP is prepared, the RPF cannot make definitive statements as to which options will be available.

The most important of these is a 'land for land' option as an alternative to cash compensation for PAPs who have to relocate from the existing ROW. This option will need to be explored by the RAP consultants working with community leaders, local government officials, and PAPs – although finding new relocation sites for these PAPs will generally be problematic, particularly given their need to be close to passing traffic and the difficulty of finding vacant land in these areas.³⁶ Similarly, the option of relocating the structures back from the ROW so that they can remain in the same location also needs to be examined during RAP preparation. The RAPs will include the identification of new sites for any institutions that need to be relocated. The RAPs will also include firm proposals for their acquisition (if necessary), with costs included in the RAP budget. Few if any instances of such relocation are anticipated.

PAPs will be offered the choice between accepting lump sum payments for transportation of their goods and chattels and removal services being provided by the project. Likewise where ancillary structures will be damaged during construction, PAPs will be offered the option of cash compensation or full reinstatement or a combination of the two.

Overall, RAP consultants may find that there are few viable alternatives to cash compensation for relocation and other types of assistance.

10.5 Supplemental Assistance

Supplemental assistance will be directed to vulnerable groups either resident in, or dependent on, employment within the ROW. Such assistance will be additional to any disturbance, transportation, or other allowances payable to all eligible PAPs.

This assistance may consist of the following: (i) additional advice on relocation; (ii) assistance with completing the requisite application and compensation request forms and opening and accessing bank accounts; (iii) advice on where to obtain counseling, support from existing government departments or NGOs who assist the poor and the vulnerable; (iv) one-time supplementary cash payments to minimize the short-term impact of relocation; (v)

³⁶ Based on Compact 1 experience, finding alternative sites will be more feasible in peri-urban areas and this is where efforts should be concentrated in this regard.

enrollment in appropriate skills and business development training programs; and (vi) provision of agricultural extension services to PAPs permanently losing at least 20 percent of their cultivated area.

Identifying these types of assistance and those eligible for them will be a component of RAP preparation.

10.6 Preparation of Compensation Packages

Based on the PAP database and decisions on the need for supplemental assistance and viable relocation options, the RAP consultants will prepare a spreadsheet showing every PAP's entitlements, cash compensation (itemized by type), supplementary assistance, and available options.

This spreadsheet will be included as an appendix to the RAP and will provide the basis for preparing formal offer letters and individual negotiations that will be undertaken during the implementation phase (see Section 12).

10.7 A Flexible Approach to RAP Preparation

10.7.1 Simplifying RAPs

RAPs will need to cover every Sub-Activity component involving involuntary resettlement, and their content should cover all the topics listed in Table 10-2. Additionally, a census of PAPs will be required for every RAP. Nevertheless, the number of PAPs, the types of impacts they may experience, and their severity will vary considerably from Sub-Activity to Sub-Activity; this will have implications for both RAP content and the bundling of components into a single RAP. In consequence, the content of the RAPs can be modified in the following ways:

- The entitlement matrix and compensation standards can be simplified to only show the entitlements relevant to the impacts resulting from each Sub-Activity; for example, there is no need to report or discuss entitlements to land owners if all land is located in existing ROWs.
- If no land or structures are acquired or damaged (i.e., there is only temporary loss of income) the only information needed will be the locational reference, PAP name, contact details, establishment type (fixed/mobile), PAP type (structure owner/tenant, business owner, employee, apprentice).
- The socioeconomic data collected as part of the census can be reduced if PAPs are only affected by temporary loss of land and permanent loss of small parcels for the erection of poles carrying the distribution lines resulting from the establishment of new ROWs in rural areas.
- Other data collection can also be simplified – if no renters are affected, for example, there is no need to investigate rental levels; similarly, there is no need to research land values if no land is being acquired.
- The implementation arrangements, including the membership of the RCCs, RMTs, and GRCs, need to be commensurate with the number of PAPs and the severity of the impacts that they will experience.
- The same goes for the resettlement monitoring system, which can be also be simplified if circumstances so dictate.
- Livelihood restoration measures need only cover those relevant to that particular Sub-Activity.
- Relocation options need not be considered in any detail if these are either not required (as may be the case in rural areas) or if no such feasible options are available.

In summary, notwithstanding the paramount need to adhere to RPF policies and PS 5 requirements, RAP consultants should be flexible in the data that they collect, the compensation packages that they propose, and the institutional and implementation arrangements they develop. Where they consider that there are grounds for producing much simpler and shorter RAPs, they should seek the guidance of the senior resettlement expert.

10.7.2 RAP Bundling and Coverage

Separate RAPs will not be required for every SAD component. Instead RAPs will be 'bundled' or combined in one of two different ways:

- by SAD in which case they will cover every component in that particular SAD and there will be 13 RAPs in all – seven for ECG covering the ECG SADs and six covering the NEDCo SADs.
- by type of SAD component, i.e. sub-stations, underground schemes and overhead lines: with this option, there will be six RAPs, three for ECG and three for NEDCO.

The latter option is considered preferable as it will reduce the number of RAPs and enable the consultants preparing them to concentrate on collecting information, devising resettlement options and fine-tuning monitoring schemes for specific to each type of scheme. It is also likely that design teams will be organized in this way rather than by SAD.

It is unlikely that the designs for each type of scheme will be prepared simultaneously; there will almost certainly be a degree of consecutive preparation. This affects RAP coverage as it is highly undesirable that RAPs are either prepared before designs are finalized or are delayed until all designs are finalized. Each RAPs will therefore be prepared for all schemes for which final designs are available or are nearing completion when the RAP consultants start work. Supplementary RAPs (scheme specifics only³⁷) will be prepared for the other schemes as and when their designs are finished. This approach will avoid increasing the number of separate RAPs and will overcome the issue of designs being prepared at different times.

10.7.3 RAPs for Overhead Schemes

The above procedure with the preparation of supplementary RAPs will apply to the RAPs for sub-stations, underground schemes and main overhead sub-transmission and MV lines, i.e. SADs ECG10-15 and NEDCo 7 (shield wire conversion component), 8,9,11).

In order to reduce the number of supplementary RAPs, these will not be undertaken for the two bifurcation projects (ECG36 and NEDCO 19A), and the new/ upgraded MV/LV line components of NEDCo 7. The design and construction of these extensive schemes, particularly ECG36, will proceed in stages throughout the duration of the Compact. For these schemes, none of which will lead to significant involuntary resettlement, the preparation of supplementary RAPs would be time-consuming to prepare and approve, and could delay the start of construction. In these cases, the relevant provisions of the RAP will be applied to each tranche of these schemes as and when they are being designed and built. PAPs will be enumerated, compensation packages negotiated and disbursements made in accordance with the RAP.

MIDA will certify that this has been done and will ensure that the relevant information is properly documented, included in the main database and available for inspection by MCC. Given that the detailed phasing of design activities has yet to be finalized, the coverage of each RAP in terms of the schemes covered in the initial RAP and those covered in supplementary RAPs cannot be specified in this RPF. Instead, it will become a priority task once Compact II preparatory activities commence.

10.8 Approval and Disclosure of the RAP

Draft RAPs will be reviewed by the project sponsor (ECG/NEDCo). Following amendments based on comments received, the Draft Final version will be prepared and submitted to MiDA/MCC for final approval.

Once approved, the RAP will be disclosed in the Sub-Activity area at selected, accessible locations (e.g. at the local representative's office). Copies will also be held at the headquarters of the Municipal Assembly and placed on the MiDA website.

The resettlement process cannot start until approval of the RAP by the MCC and its disclosure within the Sub-Activity area.

³⁷ The numbers and characteristics of PAPs, entitlements, compensation packages, any scheme specific measures, budget and implementation program.

Monitoring and Evaluation

Regular monitoring and reporting are central to, and required for, effective management and implementation of the resettlement process. Resettlement monitoring and evaluation has two principal components— monitoring the implementation of resettlement (sometimes known as progress monitoring), and monitoring the short- and medium-term impacts of resettlement on the living standards of the PAPs (sometimes known as socioeconomic monitoring). Monitoring of the resettlement process is normally the responsibility of the resettlement unit, whereas socioeconomic monitoring is normally undertaken by an external agency.

Particularly in the case of implementation monitoring, it is crucial that feedback be provided to the various agencies involved in the process so that identified problems can be resolved and avoided for the remainder of the resettlement process.

11.1 Monitoring and Reporting the Implementation of the Resettlement Process

This activity starts with the dissemination of the statutory acquisition notices and wayleave clearance notices and is completed when the construction of the Sub-Activity has been completed and all grievances resolved. This activity consists of producing and collating biweekly reports that contain the following information:

- Number of statutory acquisition and wayleave notices delivered and number outstanding
- Number of PAPs who have left the area by type—that is, distinguishing between owners who have lost land or structures and tenants and employees who have lost their place of work, and the number remaining
- Number, type, and value of cash and in-kind compensation payments made
- Number and type of grievances redress applications, type of grievance made, and manner of resolution
- Issues brought to the notice of the RMT by PAPs and how they have been resolved

Responsibility for the above tasks will lie with the RMTs, which will pass the reports to the MiDA resettlement office. It is also vital that these reports are disseminated throughout the Sub-Activity team so that appropriate actions can be taken to resolve outstanding problems and avoid the same issues arising during the remainder of the implementation process.

Monitoring of any resettlement-related issues that arise during the construction phase and how they have been resolved will be the responsibility of the MiDA resettlement office.

11.2 Socioeconomic Monitoring

The socioeconomic monitoring will require a different procedure from progress monitoring. Its primary instrument will be follow-up surveys of PAPs. These surveys will include PAPs who do not relocate as well as petty traders operating from tables as well as those who have relocated.

11.2.1 Monitoring of Relocated PAPs

For relocated PAPs, these follow-up surveys will cover the following topics: type of relocation, place of relocation, current type of tenure, changes in employment and incomes, perceived changes in living standards, whether there were problems accessing funds from bank accounts, how compensation payments were spent, perceived effectiveness of compensation disbursement and relocation processes, and suggestions as to how the process could have been improved.³⁸

³⁸ The design principle associated with this monitoring is to obtain both objective information and PAP perception.

These surveys will not be easy to implement because relocated PAPs may not be clustered in one or two locations, underscoring the importance of obtaining phone and other contact information during the census. If PAPs are clustered, the survey and sampling will be more straightforward.

These follow-up surveys need to be undertaken periodically to monitor the progress of restoring the PAPs' livelihoods. Three cycles are recommended: (i) 6 months following relocation; (ii) 12 months following relocation; and (iii) 2 years following relocation. The second cycle report will include additional remedial measures for PAPs who have not yet restored their incomes. The third cycle report cover PAPs identified as not having restored their incomes in the second cycle report. For each round of surveys, the sample size should be as close to 100% as possible.

If relocated PAPs are clustered, a meeting should be arranged. The priority topics of discussion would be their experiences of the resettlement process, the changes in their livelihoods, and how the process could have been more closely aligned to their needs.

The detailed specification of the monitoring surveys for each Sub-Activity will included in the RAP taking into account the specifics of the number of relocated PAPs.

11.2.2 Monitoring of PAPs subject to Temporary Disturbance only

Monitoring surveys for this group of PAPs will consist of a short questionnaire covering the following topics: (i) foreknowledge of construction activities; (ii) satisfaction with the information provided; (iii) whether the compensation payment has been received; (iv) whether the compensation was considered to have adequately covered the losses incurred; (v) comments on the disbursement process; and (vi) views on how procedures could be improved in the future.

Sample size: for smaller schemes (affecting up to 100 PAPs), the sample should be as near to 100 percent as possible; for schemes affecting between 100 and 200 PAPs, the sample size should be 100; for schemes affecting more than 200 PAPs, the sample should be 50% up to a maximum of 200 PAPs.

Monitoring surveys will take place within one month of the disbursement of compensation. Only one round of monitoring will be undertaken.

11.3 Evaluation and Reporting at Project Completion

11.3.1 At Sub-Activity Completion

At Sub-Activity completion, the independent monitoring organization will conduct a completion audit of the involuntary resettlement process and the ensuing changes in the standards of living of PAPs. This audit shall be based on the monitoring reports described previously.

This audit needs to cover: (i) the numbers of PAPs relocated compared with the initial estimates; (ii) the compensation disbursed by type/ category of PAP, including the ability to comply with the terms of compensation contained in the RAP; (iii) the nature and extent of stakeholder engagement; (iv) an assessment of the effectiveness of the grievance process, including grievance resolution, corrective actions taken, and the monitoring thereof; (v) the extent to which PAPs have recovered their pre-Sub-Activity incomes and living standards; and (vi) any outstanding adverse impacts identified that need to be resolved before closing out the involuntary resettlement component of the Sub-Activity.

The Sub-Activity audits should be reviewed and discussed at Sub-Activity completion workshops attended by representatives of the PAPs, who would be asked to give: (i) their assessment of the resettlement process; (ii) the effects that this has had on their livelihoods; and (iii) suggestions as to first, what residual impacts they are still having to contend with, and second, what changes should be made for future projects.

11.3.2 At Compact Completion

On completion of all Compact involuntary resettlement activities, a final monitoring and evaluation report should be prepared encompassing a review of all Sub-Activity resettlement audits. In preparing this report, results for PAPs who have been relocated and PAPs who were subject to temporary disturbance will be analyzed separately.

This report should be discussed at a workshop attended by all agencies involved in the implementation of the Compact as well as local stakeholders from the Sub-Activity areas.

This report should contain firm conclusions as to the extent to which PAPs have recovered their pre-project livelihoods and standards of living. As stated in the requirements of PS 5 (paragraph 15, footnote 18), if this report concludes that a significant number of PAPs have not been able to restore their livelihoods, it will include recommendations for additional supplementary measures to remedy this situation.

This report shall also include a thorough 'lessons learned' section that covers all aspects of the involuntary resettlement process, including the relevant RPF and RAP policies, compensation standards, disbursement procedures, and level of stakeholder consultation to improve the execution of this difficult yet crucial component of infrastructure projects in the future.

Implementation of the Resettlement Action Plan

As noted at the end of the previous section, implementation of the resettlement activities can begin once the final RAP has been approved and disclosed in the Sub-Activity area. This section provides an overview of the resettlement implementation process and goes into detail about three key processes:

- Land acquisition
- Agreeing on compensation packages with PAPs
- Disbursement of payments and site vacation

12.1 Overview of Resettlement Implementation

Table 12-1 summarizes the resettlement implementation process that will be adopted for the Compact II distribution Sub-Activities that involve involuntary resettlement.

TABLE 12-1
Generic Resettlement Implementation Process following RAP Approval
[Unless stated, all activities are the responsibility of the RMT or their appointed subcontractor]

Summary Description	Comments
Preparatory Activities	
Prepare statutory land acquisition and wayleave notices. Based on the PAP database prepared by the RAP consultants, prepare for every PAP, formal offers of compensation and supplementary assistance, with options where feasible.	LVD task applying statutory GoG procedures. To be prepared by the LVD and RMT or appointed subcontractor.
Hold public meeting to explain resettlement process.	RMT responsibility.
Undertake required capacity-building training for RMTs including recruiting and training additional valuation and negotiating team members as required.	Based on RPF guidelines amended as required in the RAP. To be undertaken by MCC consultant or RAP contractor. Need will depend on number of PAPs (RMT responsibility)
Issuing Statutory Notices and Compensation Packages	
Issue the statutory notices (acquisition and wayleaves).	Will follow GoG procedure.
Issuing compensation offers to all PAPs, including those with no legal right of occupation.	Will include required notices to terminate ROW occupation licenses (municipal/ district assembly responsibility). Will include: (i) provisions for PAPs to discuss/ appeal against offers, (ii) notification of dates for face-to-face meetings, and (iii) payment and site vacation conditions.
Agreeing Compensation and Assistance Offers with PAPs	
Hold public meeting to publicize discussions with PAPs	Should include distribution of brief information sheets.
Conduct face-to-face negotiations with PAPs to agree on compensation packages	Will often require two or even three visits. Once packages are agreed to they should be signed by the PAP and a member of the negotiating team.
Conduct discussions with PAPs who can be provided with relocation sites. <i>[Not expected to be feasible in most cases.]</i>	To be undertaken face-to-face with PAPs by negotiating teams. Advice will be provided to assist PAPs who will relocate themselves.
Grievance Redress	
Establish GRM (including IDRS and GRC) to handle rejected offers and other resettlement-related matters unresolved through face to face discussions.	Process intended to facilitate compliance with PS 5 and resolve grievances.
Publicize grievance redress procedure to PAPs.	
Expropriation Procedures	
Initiate and complete statutory expropriation procedures where land cannot be obtained through private treaty	LVD responsibility; RMT to monitor progress.

TABLE 12-1

Generic Resettlement Implementation Process following RAP Approval
[Unless stated, all activities are the responsibility of the RMT or their appointed subcontractor]

Summary Description	Comments
Disbursement of Compensation and Relocation	
<p>Make any necessary banking arrangements for disbursement of compensation including assisting in opening of new bank accounts.</p> <p>Make compensation payments to PAPs, finalize the terms to vacate/ remove property.</p> <p>Make necessary logistic arrangements for assisting PAPs in removing structures and assets and relocating.</p> <p>Supervise and monitor site vacation process.</p>	<p>Prepare and distribute accompanying explanatory leaflets to PAPs; also publicize through public meetings, local officials and media (with assistance from Assemblies and local leaders).</p> <p>Prepare and distribute leaflets/ documentation relating to ongoing assistance for vulnerable PAPs. (as above)</p> <p>Ensure that all payments are 'signed off'.</p> <p>Provide transportation arrangements if not being arranged by the PAPs themselves.</p>
Monitoring and Evaluation	
<p>Monitoring of resettlement progress and grievance procedure</p> <p>Mid-term socioeconomic monitoring survey</p> <p>Post-construction socioeconomic survey(s)</p> <p>Hold workshop with PAPs to discuss views on resettlement process and current living/ employment situation.</p> <p>Final Sub-Activity monitoring report</p>	<p>In accordance with Section 11 as modified by the RAP to account for local circumstances.</p>

12.2 Land Acquisition

This subsection describes the statutory procedures that will apply where either permanent acquisition results in involuntary resettlement or new wayleaves need to be established (especially in rural areas). By definition, these procedures will not apply to occupants of existing ROWs.

At this stage, it is not anticipated that there will be a requirement for the temporary acquisition of land because land will be obtained on a permanent basis or through the wayleave process. Furthermore, arrangements for temporary site access during construction that affect private land will be agreed through direct negotiations between land owners and contractors; this is normal practice.

12.2.1 Compulsory Acquisition

Compulsory acquisition means the taking of land or an interest in land by the GoG for public use under the laws of eminent domain (expropriation). It is carried out by systematically following the procedures and provisions in the enabling legislations (see Section 4). The main steps in this process are:

- The agency acquiring the land (in this case ECG or NEDCo) applies to the Regional Minister of the region where the land is situated.
- The Regional Minister calls for a meeting of the SAC, which sits to consider two issues: (i) are there sufficient funds available to execute the project for which land is being acquired?, and (ii) is there any alternative plot of land that can serve the same purpose?
- The SAC then conducts a site inspection and advises the Regional Minister accordingly.
- The Regional Minister then approves or rejects the application.
- If the decision is affirmative, the Lands Commission proceeds with acquisition.
- An EI is drafted with assistance from the Attorney General's Office and submitted to the Minister of Lands and Natural Resources for signature. Once the EI is signed, it is publicized in newspapers for 21 days. The acquisition process is coordinated by the Lands Commission, which serves as the Secretary to the SAC.

- Copies of the EI are required by law to be served personally on any person having an interest in the land or left with any person in occupation of the land and also served on the traditional authority of the area of acquisition, which shall request the chief to notify the people of the area concerned and affixed at a convenient place on the affected land.
- The LVD of the Lands Commission takes over and handles the operational aspects of the process once the EI is publicized. There is a statutory 6-month period after issuance of the EI for people to make claims.

12.2.2 Acquisition by Private Treaty

Private treaty is acquisition by negotiation and is normally employed in Ghana where the site required is small (as would be the case for a substation), where ownership conflicts are absent, and where there would be little impact on people or property. This approach is driven by the “willing buyer and willing seller” principle. Direct negotiations are held with the affected owners and an agreement is reached for the transfer of ownership of the property.

This method of acquisition is supported by PS 5 in order “to help avoid expropriation and eliminate the need to use governmental authority to enforce relocation” (paragraph 3). Acquisition by private treaty (or a negotiated settlement) also substantially reduces the time needed to formalize land acquisition, thus reducing transaction costs.

If land is to be acquired through private treaty, it still has to satisfy the requirements of PS 5, namely that there is no degree of coercion and the price paid reflects current market value conditions under which GoG obtains land by private treaty. Accordingly, if land is to be acquired by private treaty for Compact II Sub-Activities, the following safeguards are necessary to ensure compliance with PS 5: (i) the owner must sign a statement that he has agreed to the sale in full knowledge that he could have refused and gone through formal expropriation process; (ii) that he is satisfied with the price received which he considers to be a fair price; (iii) the RMT, based on RAP data on land values, should provide evidence that the price granted reflects prevailing local market values. If these conditions are found not to have been met, the owner shall be paid the difference between the market value and the actual price.

12.2.3 Establishment of Wayleaves

The legal procedure for establishing wayleaves has been described in Section 4.1.3. Essentially, there is a 1-week notice period, and compensation is paid if the land is not restored to its original condition and if more than a fifth of the land holding is required for the wayleave. The wayleave is established following the notification, although there is a right of appeal.

In order to be compliant with PS 5, compensation is payable for any standing crops and trees destroyed or felled due, for instance, to the erection of overhead lines. The period of notice should be longer than a week and disputes should be resolved through face-to-face negotiations (see below) or through the GRM before appealing to the legal recourse.

In practice, the period of notice is likely to be longer than a week because PAPs become aware of the Sub-Activity during RAP preparation, and construction activities cannot start until the RAP is approved.

12.2.4 Method of Land Acquisition - Options

There is no clear procedure for deciding whether acquisition should be made using the State Land Act or the Wayleave Act. Most acquisition for Compact I was made using the State Land Act because it facilitated the payment of compensation,³⁹ despite it involving a lengthier procedure – which is why the Wayleave Act has often been used (and was proposed in the Compact I RAP).

For Compact II land acquisition, both methods will be used, with the determining factor being whether or not the land can be returned to the owner for his/her continued beneficial use. In rural areas, this will generally be the case because distribution lines will only require the permanent acquisition of minimal plots for the poles, with the

³⁹ It also has stronger provisions to purchase residual land parcels that became unusable.

intervening area under the distribution line only being required during the construction period. Once this is finished, cultivation can be re-established. In these situations, acquisition using the Wayleaves Act will be used, with compensation paid according to its stipulations. There is little sense in permanently acquiring land that could be returned to its owner for his/her continued use.

In urban areas, similar conditions may also apply; for example, if a line and some poles have to be erected across or along the edge of the property but the land can be returned to the owner for continued use. However, there will be situations where these conditions will not apply and the land cannot be returned to its previous, or other beneficial use. In these cases, acquisition using the State Land Act or private treaty shall be employed.

The decision on which legal acquisition method to use will be contained in the RAP. In this context, it is noted that the upgrading of N1 highway in Accra under Compact I required a much greater swath of land,⁴⁰ which could not be returned to owners, than will be the case for Compact II. There may be less need to use the State Land Act for Compact II than was the case for Compact I.

12.2.5 Legally Difficult Cases

Legally difficult cases are those that involve ownership and inheritance issues and are not therefore part of remit of the GRM. They can however be quite common and can be complicated to resolve. If such cases are identified, they will be referred, by the GRC or RMT, to the local and municipal authorities for resolution in the normal way.

The RMT will monitor the resolution of these cases and their potential impact on site vacation. If they are proving hard to resolve and threaten to delay the designated date for final site vacation, MiDA will involve legal experts.

If such cases remain unresolved at the end of the Compact, they become the GoG's responsibility and will be identified in the Compact Closure Plan.

12.2.6 Licensed Occupants of Existing Utility Corridors

Based on initial research, it is understood that some occupants of existing utility corridors, especially in urban areas, have obtained licenses from the municipal authorities to that enable them to occupy the utility corridor for business purposes until such time as the land is required by the relevant authority. These licenses are likely to include terms for the vacation of the ROW, such as issuance of a notice requiring vacation, and a time period within which this has to happen.

The municipal authorities/ municipal assemblies will need to prepare and issue the relevant notices to licensed ROW occupiers. As with wayleave occupiers, the period of notice will not be an issue given that RAP preparation activities will have alerted this category of PAP to the need to vacate well before the vacation notices will need to be issued.

These licensees will have no provisions for compensation for site vacation. The RPF provides for such compensation arrangements to ensure compliance with PS 5.

12.2.7 Unlicensed Occupants of Existing Utility Corridors

Persons in this category of the PAP have no legal right to be on the utility corridor, so they are not subject to any statutory processes for removal or notification thereof. These processes are, however, required under PS 5.

These PAPs will become aware of the Sub-Activity during RAP preparation, which also includes provision for compensation for fixed assets, assistance with relocation, and potential loss of income and will be included into the procedures for negotiating and receiving compensation common to all PAPs.

⁴⁰ Required ROWs were about 80 m.

12.3 Procedures for Agreeing on Valuations, Compensation, and Other Assistance

This section describes the procedure for agreeing on asset valuations, compensation payments, and other assistance with PAPs. These procedures will begin once the census, inventory of assets, and other data collection has been completed.

12.3.1 Preparation of Compensation Offers

- Based on the information obtained from the PAP database established by the RAP consultants from the census and asset inventory (see Section 10.3), written offers of compensation will be prepared for each PAP.
- LVD will be responsible for preparing the offers for all land, structures, other fixed assets, crops, and trees⁴¹ located outside existing ROWs. According to statutory GoG procedures, these offers will require approval by the LVD's governing board. To avoid potential disputes, the RMT will work closely with the LVD valuer assigned to the project when preparing these valuations to ensure that they reflect current market / replacement value.
- LVD, working with the RMT, will also provide valuations for structures, other fixed assets, crops, and trees located within existing ROWs. Valuations of these assets are not, however, subject to GoG statutory procedures. The final division of responsibilities for structures lying within the ROW will be agreed and formalized in a Memorandum of Understanding agreed between MiDA and LVD.
- The RMT will likewise compile offers of compensation and other assistance that cover allowances for payments for transportation and other relocation costs, loss of income, and supplemental assistance to vulnerable PAPs.
- The different types of compensation and other assistance offered to PAPs will be combined into a single formal letter to be delivered to the PAP named in the census. The letters will include the date of a public meeting at which details of the negotiation process and its timing will be presented to PAPs.

12.3.2 Negotiating and Agreeing on Compensation Offers for Permanently Relocated PAPs

This task will include the following steps:

- Holding the public meeting to publicize the negotiation process.
- Informing PAPs more precisely of the date and time when they will be visited through leaflets, media and local leaders. Negotiations will normally be held at the PAP's place of work/ residence within the Sub-Activity area. However, they have the right to request an alternative location; approval of such requests should not unreasonably be withheld.
- PAPs will be given at least 1 week to consider the offer before negotiations take place.
- Negotiating teams will discuss each offer in face-to-face meetings with each PAP. The negotiation team will include a trained negotiator and an administrative assistant to look after the paperwork. The negotiating teams will be overseen by a member of the RMT who will be in the field at all times.
- Negotiators will start by explaining the purpose of the discussion, the categories of entitlements and the basis for the valuations, and the anticipation that agreement can be reached. PAPs will be informed of their right to engage their own independent advisor/valuer who may attend the negotiations in person and /or can submit a separate valuation report that will be considered by the negotiators.
- The negotiating teams will be empowered to make adjustments to the inventory part of the offer and the PAP's entitlements with a view to securing agreement in an amicable and expeditious manner.

⁴¹ Ministry of Agriculture will contribute to this task if crops and trees are involved.

- Loss of income compensation will be based on the results the PAP census, taking into account other information collected by the RAP consultants (see section 10.3.6).⁴²
- If agreement is reached, the senior member of the negotiating team and the PAP will both countersign the offer document.
- If agreement is not reached, PAPs have the right to request a second visit, which will be attended by a member of the RMT, an LVD representative (if issue relates to valuation), a local leader, and a municipal representative. This team will have the power to make more substantive adjustments to the initial assessments. If agreement is reached, the assessment is signed by both the PAP and the senior member of the negotiating team. Any change in valuation will need to be approved by LVD in accordance with current procedures.
- If agreement cannot be reached, the PAP will be advised to have recourse to the grievance redress procedure (see Section 8).
- Copies of signed offers will be provided to the PAPs, along with conditions of the offer, principally vacation of the land and/or structure within a reasonable time from receipt of compensation. PAPs should also state their preference for the payment method: cash, open check, electronic transfer into bank account, or, as is currently being tried in Ghana, payment through an electronic card that can be redeemed at any commercial bank. Except for small amounts, payment by cash or open checks should be discouraged because it presents an increased risk for both recipient and deliverer.
- Arrangements for the delivery of the various types of supplemental assistance⁴³ shall be discussed with recipient PAPs on an individual basis by a separate negotiating team. Where training is involved, the RMT will work with MiDA to make the necessary arrangements.

12.3.3 Disbursement of Compensation - Relocation

The procedure for disbursing compensation payments to PAPs requiring relocation can begin once the funds for compensation payments and other assistance have been transferred from MCC to MiDA, who will disburse them directly.

PAPs can be paid as soon as they have formally agreed to the compensation offers. Payments will be made to the named PAP. If there is a legal dispute over ownership, the monies will be deposited into an escrow account pending the final determination of the matter. The amount deposited is payable to the person(s) so entitled upon the final determination of the matter.

- Making arrangements with a local bank to open accounts for PAPs receiving more than GHC 10,000 who do not already have bank accounts.
- Notifying PAPs of the date and location where disbursement will take place. This could be in the PAPs' locations in the Sub-Activity area, at their homes (if they are non-resident) or at a central location (such as a local bank) within the Sub-Activity area. This notification will include details of what documentary evidence the PAPs need to bring in order to obtain payment.
- If a central location is used, PAPs should be assigned appointment times that do not result in overwhelming the disbursement staff by an excess of claimants. Irrespective of the location, adequate security needs to be provided to the team making the disbursements.
- PAPs will have expressed their preferred method of payment when accepting the compensation offer. Those receiving substantial payments should be made aware of the security advantages of electronic transfers,

⁴² To allow for potential over-estimation of reported incomes and reflecting approach adopted during Compact I.

⁴³ For example, transporting construction materials and chattels to a site of the PAP's choice; relocation to a site identified by the RMT; attending training courses (mostly vulnerable PAPs), provision of advice/ counseling to vulnerable PAPs.

especially the redeemable electronic bank cards or electronic bank cards. This system worked well in Accra, but cash and check disbursements were the only option elsewhere.

12.3.4 Procedures for Agreeing and Disbursing Compensation due to Temporary Disturbance

This section refers to PAPs who will experience temporary disturbance due to construction activities but who will not have to relocate; this group will include the great majority of all PAPs, most of whom will be affected by the underground schemes and many of whom will experience some damage to ancillary structures (hard standings, fences, etc.). Procedures for agreeing and disbursing compensation to this group will differ from PAPs who require relocation in several respects:

- **Timing:** Agreement and disbursement processes will occur immediately following completion of construction activities⁴⁴ in order that an accurate assessment can be made of the damage caused and the actual duration of temporary disturbance to PAP businesses.
- **Initial assessment of compensation:** The Census will have identified eligible PAPS along with details of likely damage. This information will be used to estimate potential compensation for damages. Compensation for loss of income due to temporary disturbance will be assessed based on the estimated period of disruption⁴⁵ times a multiple of the NDMW.⁴⁶ Given that most of these compensation payments will be low, using flat rate payments will enable transaction costs to be considerably reduced than if compensation was based on the incomes of individual PAPs.
- **Agreeing compensation:** These initial assessments of damage and loss of income payments will be negotiated with PAPs as soon as possible following completion of construction. The damage component may need to be modified during the negotiations to take account of the extent of reinstatement works. The loss of income component would only be modified if, based on PAP representations, there are compelling reasons to do so—for example, if the period of disturbance is found to be significantly greater than included in the initial assessment. If agreement is reached, the senior member of the negotiating team and the PAP will both countersign the offer document.
- **Disbursing compensation:** Disbursement will take place as soon as possible following agreement of the offers. PAPs will be given the option of PAPs of cash payments or pre-payment cards (if these are considered viable for the small sums likely to be involved). For underground schemes, payments will be made ‘in situ’ if suitable central locations cannot be found. For overhead schemes, payment in situ will be the only viable option due to the wide dispersal of PAPs. PAPs accepting the proposed compensation will sign a receipt confirming that they have received payment.

Other features of the disturbance procedure – notification of when disbursement will occur and the right to invoke the grievance redress mechanism - will be the same as for PAPs having to relocate.

12.3.5 Delivering the In-kind Compensation/Assistance

Packages of in-kind compensation and assistance to PAPs will have been agreed at the same time as the cash compensation packages. Their delivery to PAPs can start at the same time as the disbursement of cash compensation.

⁴⁴ Up to 3 months for underground schemes but could be much less if these are phased more tightly than is current practice (see section 3.2). For pole operations, construction activities will extend over a few days.

⁴⁵ Initially from discussions with design engineers and contractors and subsequently based on completed projects.

⁴⁶ The NDMW is currently 6 cedis per day. Evidence on informal sector incomes is contradictory. Two sources (Clara Osei-Boateng and Edward Ampratwum, 2011, *The Informal Sector in Ghana*; Friedrich Ebert Stiftung Ghana Office and Budlender D., 2011, *Statistics on Informal Employment in Ghana*, Wiego Statistical Brief No 6. [using 2006 GLSS data] conclude that informal sector wages average below the NDMW. However a more recent survey indicates that "technicians, crafts and trades workers and those in elementary occupations are paid according to the minimum wage in 96 to 97 per cent of the cases" (Besamusca, J., Tijdens, K.G. (2012) *Wages in Ghana. Wage Indicator survey 2012*. Amsterdam, Wage Indicator Foundation, Wage Indicator Data Report September 2012). Hence using a low multiple of the NDMW appears realistic.

The in-kind assistance will take a number of forms and will require different modes of delivery—for example, provision of counseling/ advice, transportation of goods and chattels, relocation to a defined relocation site, provision of training. These are likely to vary for each PAP, and arrangements for their delivery will thus be worked out on an individual (and face-to-face) basis. Except for arrangements relating to transportation, which will be the RMT’s responsibility, MiDA will be responsible for this activity.

12.3.6 Site Vacation

Once compensation has been received, PAPs will be expected to vacate the site within the agreed time, for example, within 30 days.⁴⁷ PAPs should be encouraged to inform the RMT when they are planning to leave the area. Once the disbursement process is under way, the RMT will survey the Sub-Activity area on a weekly basis to record and monitor the departure of PAPs.

One of the IFC PS 5 principles is that PAPs have no obligation to vacate the site until they have been paid in full. Where compensation payments have been agreed, this principle will be upheld under all circumstances.

The gray areas arise when compensation payments have not been agreed with the PAPs due to: (i) unresolved compensation issues that have yet to be decided by the GRC; (ii) have been referred to the legal system; (iii) involve land disputes; and (iv) involve landlord/ tenant disputes. To delay the start of construction until all these cases have been resolved risks may risk seriously compromising the construction schedule. Accordingly, the following shall provisions apply:

- With respect to (i) and (ii) , PAPs should be encouraged to accept interim payments based on the officially assessed compensation value, with any additional monies that may result from the grievance process being paid at a later date. A binding commitment will be provided to the PAPs that this will be the case.
- In the case of land disputes, an *ex gratia* payment can be offered to the current occupant to vacate the site by the final date for total site vacation, with the assessed compensation payments being held in an escrow account until the ownership issue is resolved. These occupants will also receive any compensation due to them that is not related to the ownership dispute.
- Landlord / tenant disputes can arise if either the tenant claims that he is due a rent rebate or the landlord claims that there is rent owing. Every attempt should be made to resolve these disputes through face-to-face meetings with both parties present. Until resolution is achieved, no payments in respect of this type of assistance will be made to either party.
- PAPs affected by these types of disputes will be eligible to receive any compensation due for transportation, disturbance, loss of income, and supplementary assistance that are not related to the matter under dispute.
- The principle that PAPs should not be compelled to move until full payment of compensation due to them has been received will be maintained.

Once the site has been cleared to the fullest extent possible, the Supervising Engineer will issue a certification that resettlement has been completed and will issue a notice to proceed to the construction contractor. A provision to this effect needs to be included in the Supervising Engineer’s contract.

12.4 Timeframe

It is not possible to specify a timeframe for completing the compensation disbursement and site vacation owing to the multiplicity of factors involved: site-specific circumstances, number of PAPs, type and severity of impacts, the time needed to prepare compensation packages, obtain LVD board approval, agree compensation offers with PAPs, and extent of appeals made.

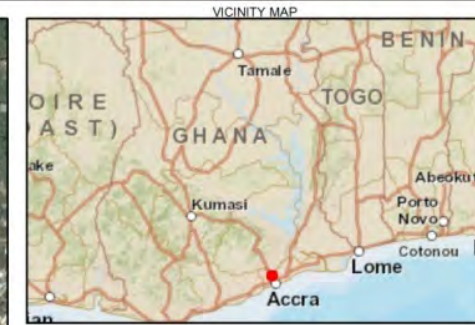
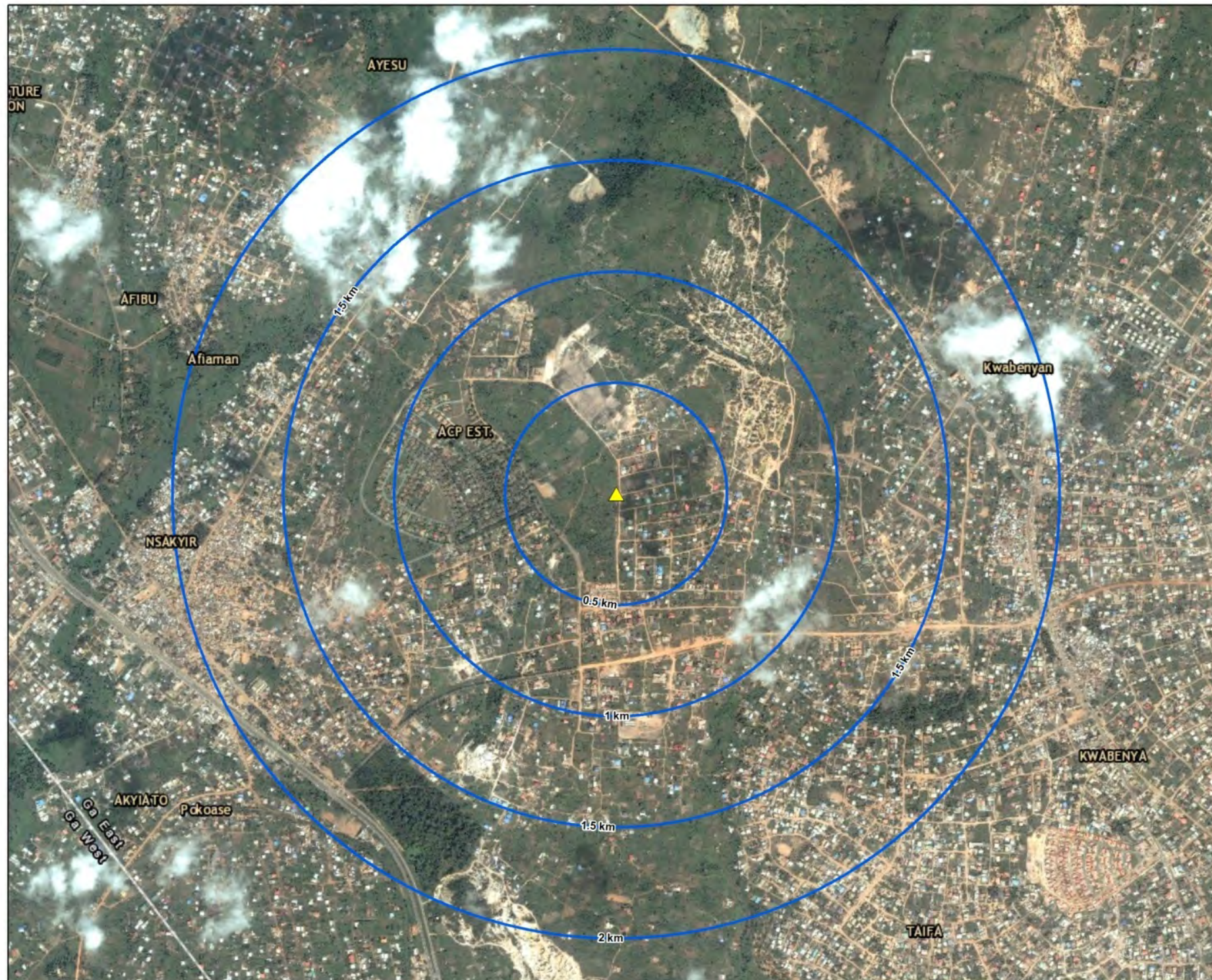
⁴⁷ PAPs will have been made aware of the eventual need to relocate at least since the RAP census, a period of several months. During this time, many will have begun making preparations for relocation, so a longer time scale for site vacation is not considered desirable. However, based on Compact I experience, it may prove necessary to provide a longer time scale for PAPs with larger, permanent structures and, due to statutory requirements, those whose land is being acquired.

Timeframes for implementing the resettlement process are a mandatory requirement of RAP preparation and will provide the reference points for the activities listed above.

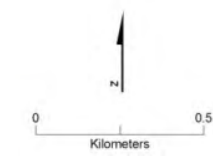
Appendix A Locations of Sub-Activities Potentially Requiring Resettlement

Nb. No location maps are shown for ECG-ENGR-36 (bifurcation), NEDCo 3A (replacement of underground cables) and NEDCo-ENGR-19A (bifurcation) as these schemes will be spread across a number of urban areas.

ECG-ENGR-10 Pokuase BSP Substation



LEGEND
 ▲ Substation
 ○ Substation Half Kilometer Rings

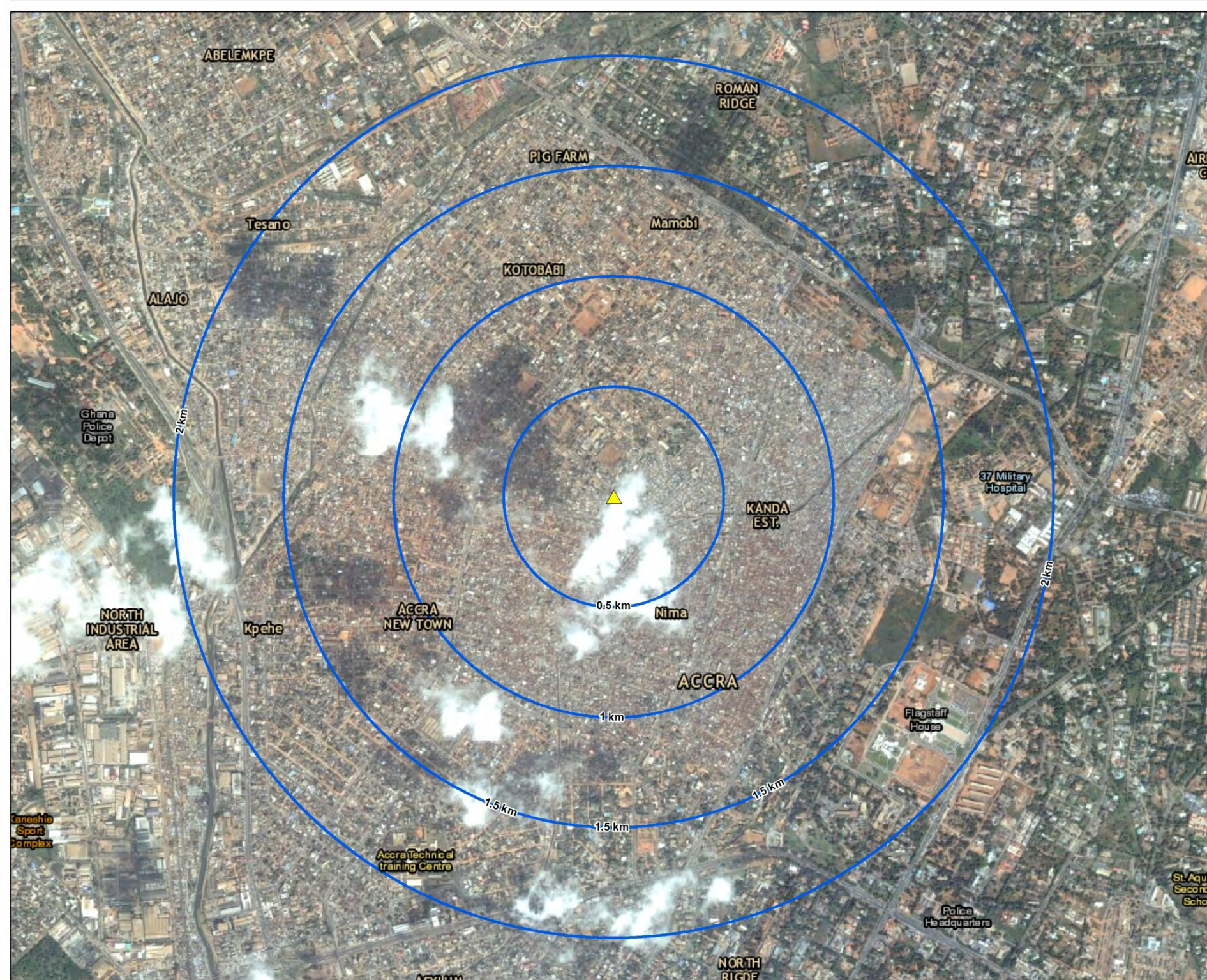


ECG-ENGR-10 Pokuase Bulk Supply Point Substation
 Ghana Distribution
 May 2014

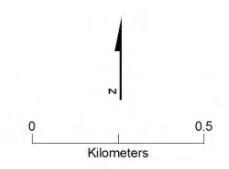
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ECG-ENGR-11 Kotobabi/Nima Primary Substation



LEGEND
 ▲ Substation
 ○ Substation Half Kilometer Rings

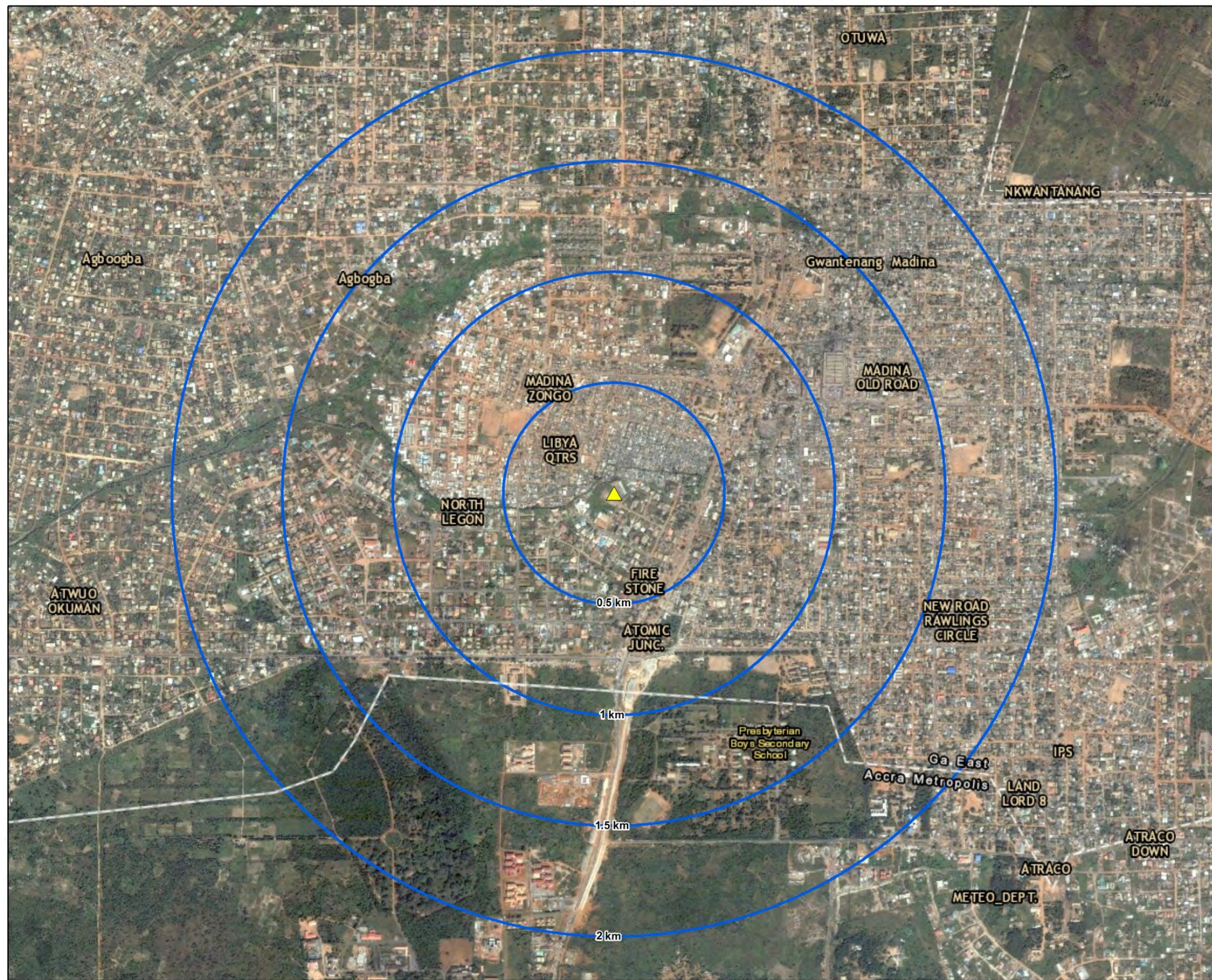


ECG-ENGR-11 Kotobabi/Nima Primary Substation
 Ghana Distribution
 May 2014

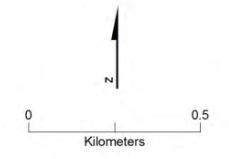
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ECG-ENGR-12 Ogbodzo/Madina Primary Substation



LEGEND
 ▲ Substation
 ○ Substation Half Kilometer Rings

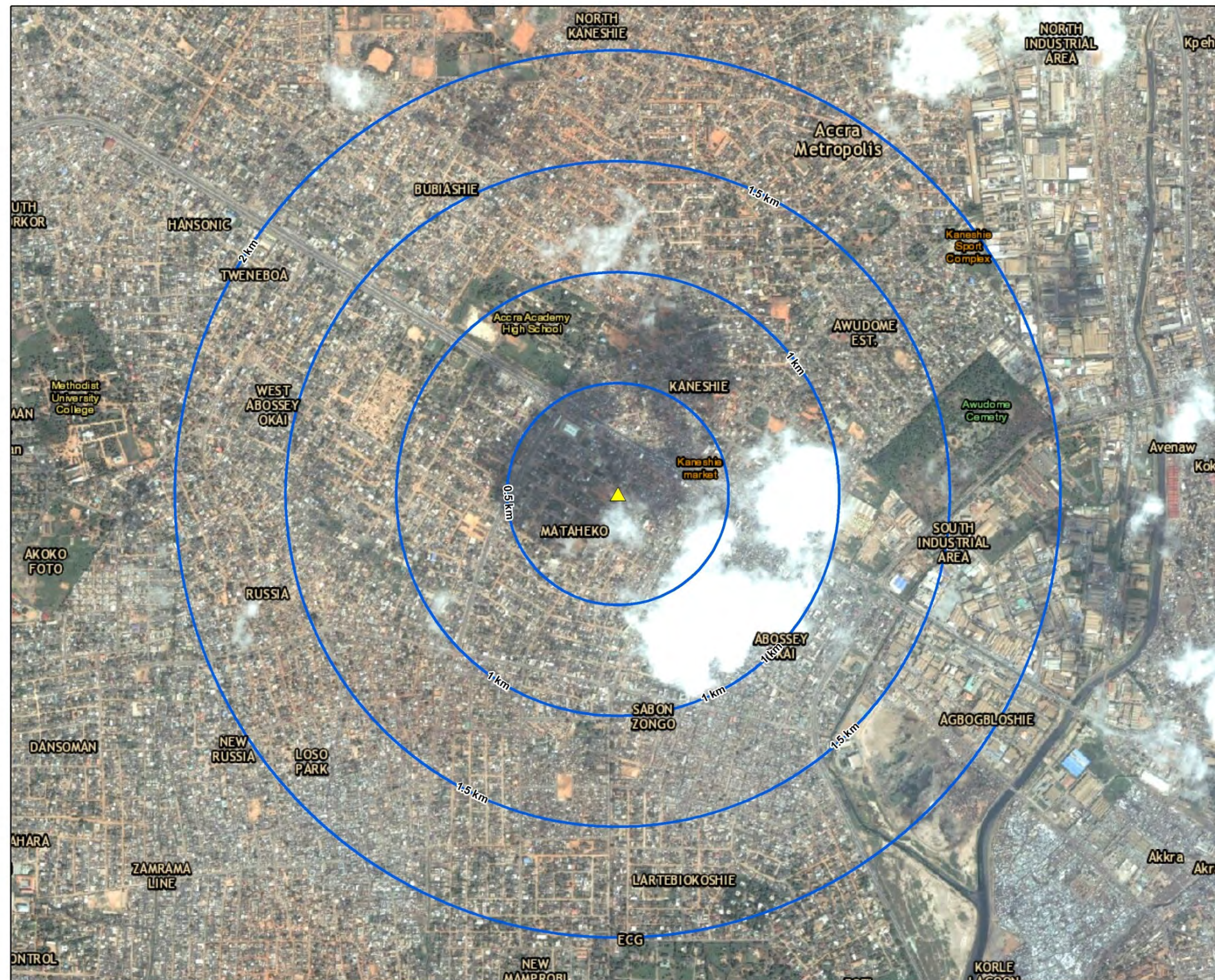


ECG-ENGR-12 Madina Primary Substation
 Ghana Distribution
 May 2014

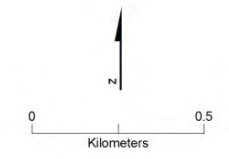
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ECG-ENGR-13 Mataheko Primary Substation



LEGEND
 ▲ Substation
 ○ Substation Half Kilometer Rings



ECG-ENGR-13 Mataheko Primary Substation
 Ghana Distribution
 May 2014

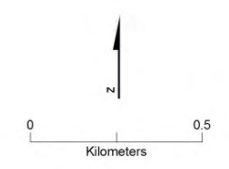
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ECG-ENGR-14 Teshie Primary Substation



LEGEND
 ▲ Substation
 ○ Substation Half Kilometer Rings

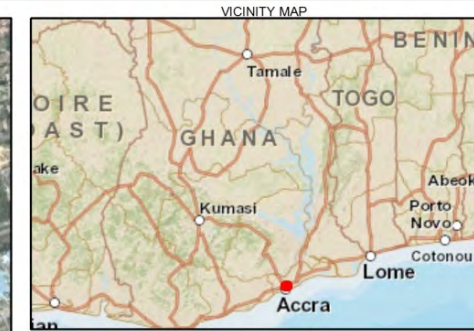
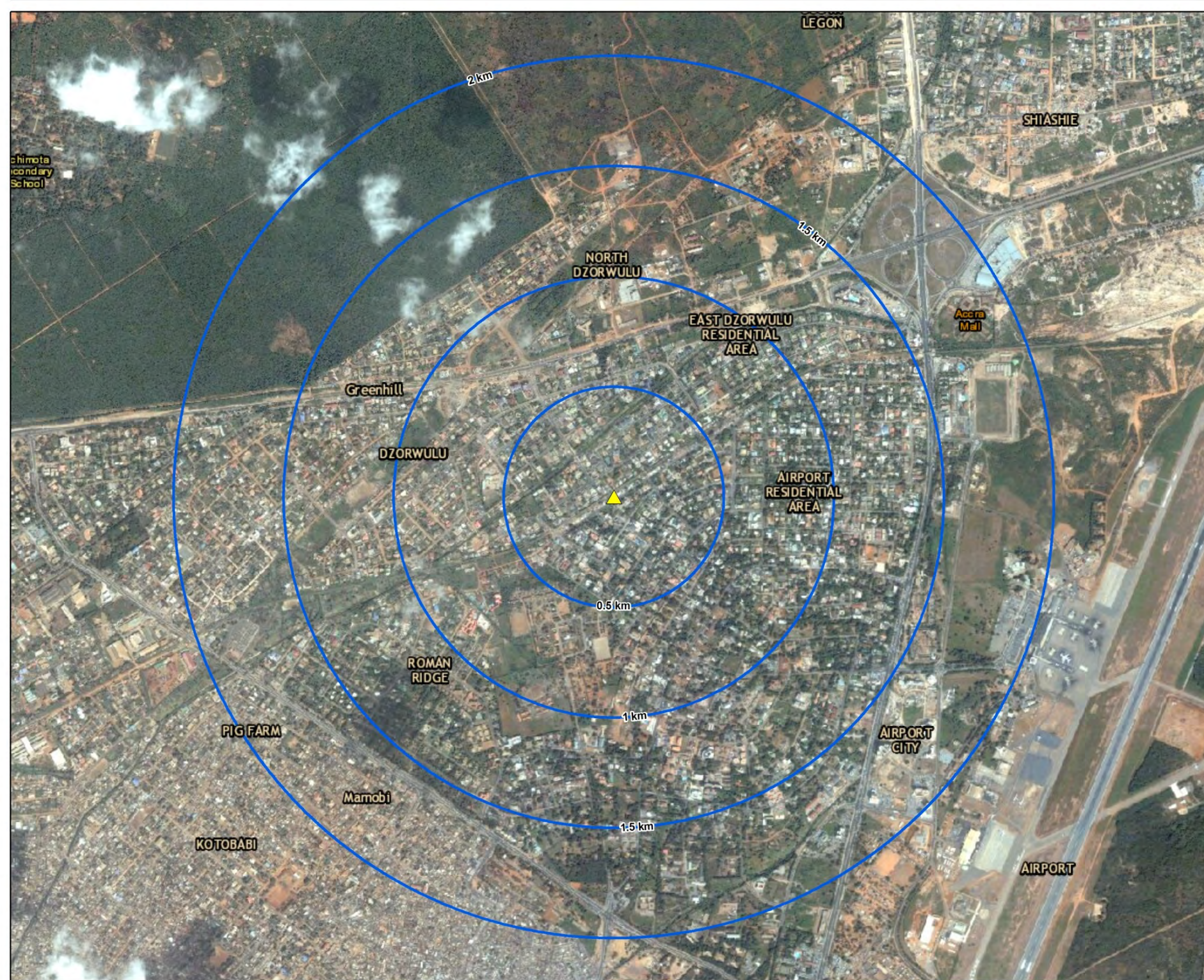


ECG-ENGR-14 Teshie Primary Substation
 Ghana Distribution
 May 2014

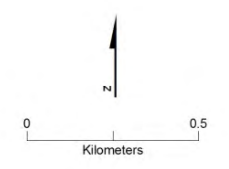
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ECG-ENGR-15 Airport Residential Area Primary Substation



LEGEND
▲ Substation
○ Substation Half Kilometer Rings



ECG-ENGR-15 - Airport Residential Area
Primary Substation
Ghana Distribution
May 2014

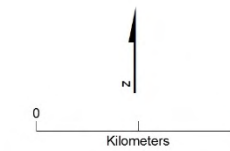
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NEDCo-ENGR-07 Shield Wire Conversion



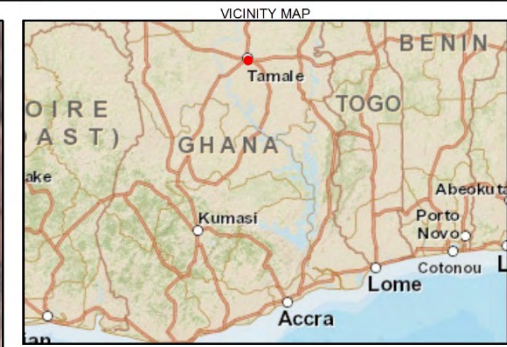
LEGEND
NEDCo-ENGR-07 Techiman-Abrafo
Shield Wire



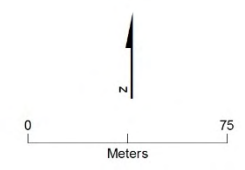
NEDCo-ENGR-07 Techiman-Abrafo
Shield Wire Conversion
Ghana Distribution
May 2014

CH2MHILL.

NEDCo-ENGR-08 Banvim Primary Substation



LEGEND
[Blue Polygon] NEDCo-ENGR-08 Banvim Primary Substation



NEDCo-ENGR-08 Banvim Primary Substation
Ghana Distribution
May 2014

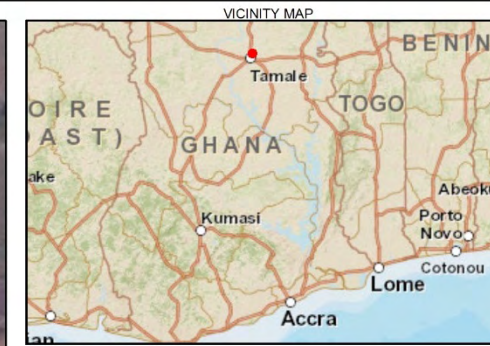


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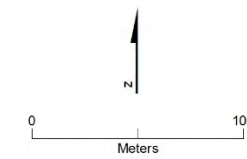
NEDCo-ENGR-09 Islamic Primary Substation



Islamic Substation



LEGEND
[Blue square] NEDCo-ENGR-09 Islamic Substation



NEDCo-ENGR-09 Islamic Substation
Ghana Distribution
May 2014

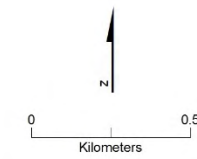
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NEDCo-ENGR-11 Fiapre Primary Substation



LEGEND
[Blue box] NEDCo-ENGR-11



NEDCo-ENGR-11 Fiapre Primary Substation
Ghana Distribution
May 2014

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Appendix B
Sample Grievance Redress and Resolution Form

COMPACT II. GRIEVANCE REDRESS AND RESOLUTION FORM

PART 1. LOCAL LEVEL GRIEVANCE REDRESS

Sub-activity Code	ECG/ NEDCo	Title/ description
--------------------------	---------------------	--------------------

Date of Grievance Receipt

PAP Information

Name:	Age:	Gender:
Contact Details:	Phone:	Structure Ref.

Type of PAP	Business Owner	Business tenant	Employee	Land owner	Resident owner	Residential tenant	Other:

Nature of Grievance: (details)

Immediate Resolution: Yes/No

Details:

Second visit Necessary/ not necessary

Resolution on 2nd Visit Yes/No Date

Details:

IF RESOLVED Date

PAP
Signature
Name

RMT representative
Signature
Name

FURTHER ACTION NEEDED (I.E IF GRIEVANCE REMAINS UNRESOLVED)

Referred to GRC	Yes/No
-----------------	--------

Valuation issue (referred to LVD/ IDRS)	Yes/No
--	--------

Referred to other agency	Yes/No
Specify:	

Date of referral:

***NB. Attach any supporting material/
evidence***

Contact of Person to whom grievance is referred

Name:

Contact:

PAP confirmation of knowledge of referral

Signature

PART 2. REFERRALS

Receiving Body:	GRC	IDRS	ENVIRONMENT TEAM	OTHER

Name of receiving officer

Position

Date Received

Outcome of Review	Accepted in full	Partially accepted	Rejected
--------------------------	------------------	--------------------	----------

IF NOT Accepted in full

Reasons for decision

PAPs Decision	Accepted	Not accepted
----------------------	----------	--------------

Date:

Signature (if accepted)

Name of PAP

PART 3. FURTHER REFERRAL (if first referral was to IDRS)

GRC Receiving officer

Date:

Outcome of 2nd (GRC) Review	Accepted in full	Partially accepted	Rejected
------------------------------------	------------------	--------------------	----------

IF NOT Accepted in full

Reasons for decision

PAPs Decision	Accepted	Not accepted
----------------------	----------	--------------

Date:

Signature (if accepted)

Name of PAP

Appendix C
Stakeholder Consultation Summary Form

COMPACT II. Stakeholder Consultation Summary Form

Note: Minutes should be appended.

Sub-activity Code	ECG/ NEDCo	Title/ description:
--------------------------	-------------------	----------------------------

Date		Location		Host organization	
-------------	--	-----------------	--	--------------------------	--

Organizations Represented:	Total Attendance:
-----------------------------------	--------------------------

Purpose of Meeting:

Key Issues discussed:

Key decisions taken:

Key follow up actions:	By whom:
1.	
2.	
3.	
4.	

Name/ Position of Note Taker	Signature:
-------------------------------------	-------------------

Appendix D
Generic Census and Asset Inventory Form

GHANA – MCC COMPACT II
GHANA DISTRIBUTION PROJECT
Inventory of Affected Assets / Socioeconomic Census

PART 1. General Information

The purpose of this section is to obtain a summary ‘picture’ of the plot in order to facilitate subsequent inventory and census.

Executing Agency	ECG/ NEDCo
Sub-Activity Name and Code:	
Sub-Activity Component (e.g., new/ upgraded MV/LV distribution, new sub-station)	
Project Location: District/ Municipality Village/ Sub-Municipality	
Land Plot no.	No. of Occupied Structures*: No. of Unoccupied structures**:

* Includes. hard standings or open-air establishments used independently of structures.

** Sheds, wells, outbuildings, etc.

Summary description of plot:*						Project Impact on Structure
Structure no.	Type of Construction		Main uses	Land Use 2	No. of PAPs*	
		1 – Permanent	5 – Mixed: Temp/ Container	1 – Residential	5 – Car repair	Including owners, tenants, employees, other but not household members if residence**
	2 – Temporary	6 – Table/ stall	2 – Commercial (shop)	6 – Agricultural		
	3 – Container	7 - Open air	3 – Commercial (business)	7 – Other		
	4 – Mixed: Perm/Temp	8 – Other	4 - Manufacturing			
1						
2						
3						
4						
5						
6						
7						

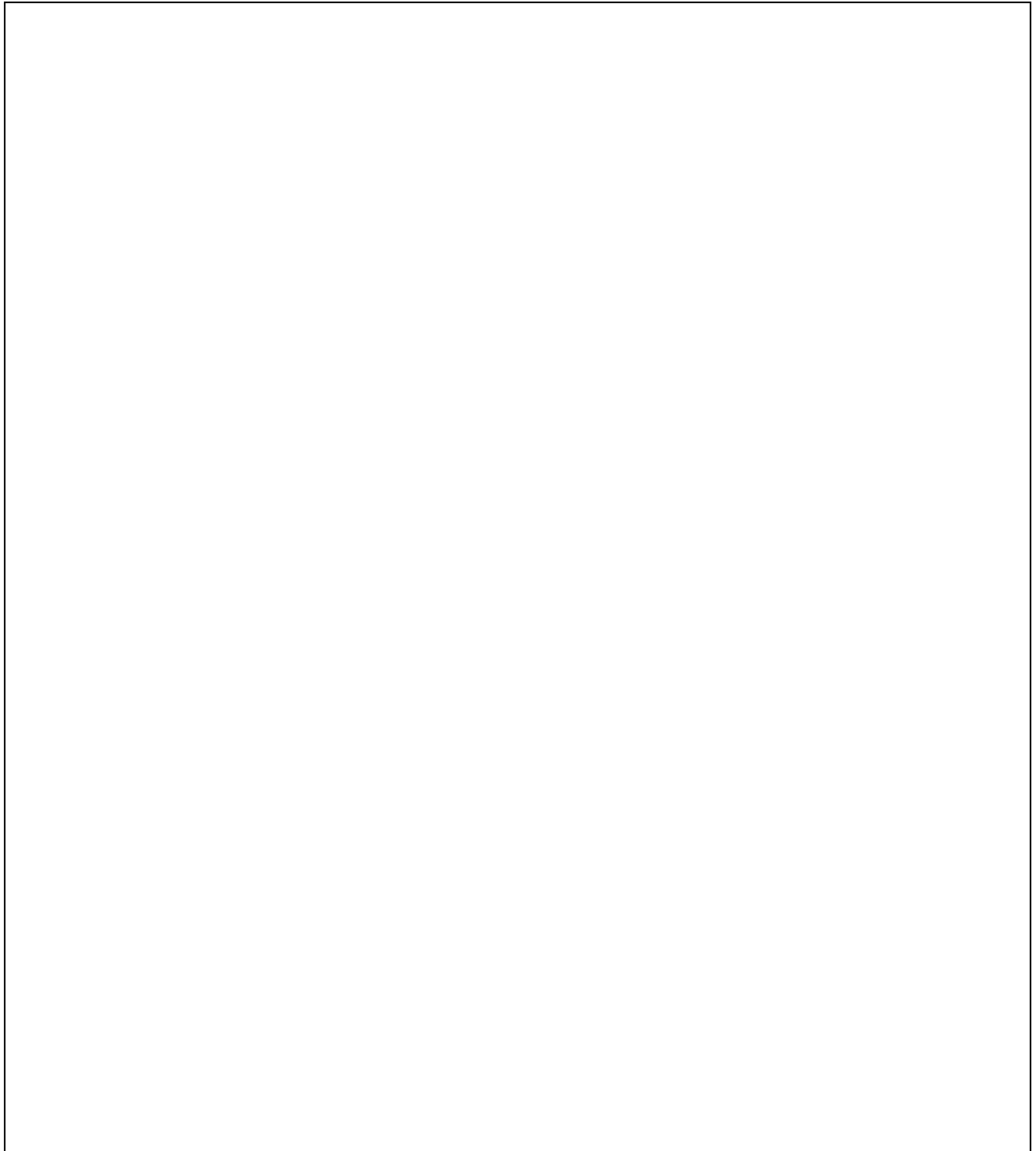
* Main PAP only, does not include details of household members. If PAPs own/ occupy more than one structure, they should not be double-counted.

** No need to specify number in each category at this stage.

PART 1 (CONT.). PLOT LAYOUT

Provide illustrative sketch of plot with approximate dimensions, location of structures and where PAPs are located.

Use map base or image if possible.



PART 2. PAP INFORMATION

Note 1. This form needs to be completed for every PAP resident or working on the plot.

Note 2. Main PAP only; separate forms not required for other household members.

IDENTIFIERS (from Part 1)

ECG/ NEDCo		Sub-Activity	
Component		Location Code:	
Land Plot Ref.		Structure No.:	
Name of interviewer		Date:	

PAP number (assigned by enumerator)	1/2/3/4/5/6
NAME of PAP	
ID No.	
Telephone Contact:	
Interviewer name:	Date of survey:

2.1. Situation in Project Area

DO YOU WORK OR LIVE ON THIS PLOT?

If OTHER, interviewee is unlikely to be a PAP and interview can be terminated.

Live but not work	Work but not live	Work AND live	Other
-------------------	-------------------	---------------	-------------

When and how did you hear about the project?

Date	
How informed?	

2.2. Land and Structure Occupancy Status in Project Area

LAND Occupancy Status (should be only one response)	
Land owner	Municipal license holder
Land renter (e.g., if tenant farmer)	None
Rent free from private owner	Other (specify)

STRUCTURE Occupancy Status (multiple responses permissible)	
Resident owner	YES/NO
Residential Tenant	YES/NO
Business owner	YES/NO
Business tenant	YES/NO
Employee	YES/NO
Apprentice	YES/NO
Other (Specify)	YES/NO

Do you have any of the following <u>written</u> proof of your ownership/ right of occupation? (multiple responses permissible) [not applicable for employees, petty traders]				
Title deed	Document of sale	Written rental agreement	Utility bill	
Municipal license	Municipal Tax receipt	Other	No written proof	
IF NO written proof, by what means have you acquired the right to occupy				
Unwritten customary right	Oral written rental agreement	Oral permission from owner	Other.....	Nothing

If RENT, how much rent do you pay to your landlord?: **YES/NO**

Cedis per week/ month/ quarter/ year

Do you make any payment to the municipality/ district? **YES/NO**

Cedis per week/ month/ quarter/ year

2.3. RESIDENCE in the Project Area?:

2.3.1. If YES, how long have you lived in this place?

Under 6 months	6-12 months	1-2 years
2-5 years	6-9 years	10 years or more

Where did you live before?

Elsewhere in Project Area	Other district in Accra	Other district outside Accra
---------------------------	-------------------------	------------------------------------

What is good about living in this location?	What is bad about living in this location?:
Reason 1:	Reason 1:
Reason 2:	Reason 2:

2.3.2. If NON-RESIDENT:

Where do you currently live? **Location.....**

What is your current housing tenure?

Owned (legal)	Rented	Squatter 'owned'	Not applicable (non-resident)
Squatter rented	Rent Free	Other	

2.4 WORK IN THE PROJECT AREA

2.4.1 IF YES, how long have you worked in this place?

Under 6 months	6-12 months	1-2 years
2-5 years	5 years and over	Not applicable

What is good about working in this location?	What is bad about working in this location?:
Reason 1:	Reason 1:
Reason 2:	Reason 2:

2.4.2. IF NOT working in Project Area?

Where do you currently live? **Location: Project Area/ other**

How long does it take you to get here: **Minutes.....**

By what means?: **Bus/ minibus/ walk/ motorcycle/ taxi/ car/ other.....**

2.5. CHARACTERISTICS OF PAP (all PAPs)

2.5.1 General

Age: years Sex: Male/ Female

Are you the Head of your household: YES/NO

How many people live in your household? 1/2/3/4/5/6/.....

2.5.2. Economic Activity and Employment

Are you?

Working	Unemployed	Student
Household duties	Retired	Sick/ disabled
Other.....		

What is your work situation?

Employer with employees	Self-employed (sole trader) – fixed premises	Self-employed – petty trader
Employee (full time)	Employee (part time)	Unpaid family worker
Other (e.g., Apprentice).....		

What is your main OCCUPATION (what job do you do)?

What is your approximate income (net) from work?cedis	Per week/ month/ year
--	------------	-----------------------

Do you have other jobs, if so, please give us some details? YES/NO

2 nd job.....	Project area? YES/ NO	Inc.:.....cedis	Per week/ month/ year
3 rd job	Project area? YES/ NO	Inc.:.....cedis	Per week/ month/ year

If EMPLOYER, how many people do you employ? 1/2/3/4/5/.....

Do you have a bank account? YES/ NO

If NO, does anyone else in your household have one?

YES, Other household member	Relationship to PAP:
No one in household has bank account	

PART 3. INVENTORY OF LAND ASSETS (FOR LAND OWNERS ONLY*)

NB. This section not applicable if PAP does not own land OR plot is not privately owned, i.e., it is located on existing ROW.

TYPE OF LAND/ USE	Project Impact on land Use			Total Land Area	Amount of Land Lost Permanently	Amount of Land Lost Temporarily (e.g., for new ROW)
	None	Yes (100%)	Yes (partial)			
Total Area						
Residential land						
Cultivated Land						
Land used for business/ commercial purposes						
Other land 1 (specify)						
Other land 2 (specify)						
<p>Comments: <i>[provide further detail/ sketches] if situation on plot is complex and/or if current uses of new ROW land cannot be reinstated due to restriction on replacement of trees and/ or structures.</i></p>						

PART 5. LOSS OF CROPS AND TREES

Note: Only applies to crops and trees that will be lost and if PAP owns them.

Loss of Standing Perennial Crops		Acreage to be lost	Permanent loss YES/NO	Temporary loss (1 season) YES/NO	Other information
	Crop Type 1.....				
	Crop Type 2.....				
	Crop Type 3.....				
Loss of Fruit trees		Number of mature trees	Number of semi-mature trees	Number of seedlings (young) trees	Other information
	Tree Type 1.....				
	Tree Type 2.....				
	Tree Type 3.....				
Loss of Timber trees		Number of mature trees	Number of semi-mature trees	Number of seedlings (young) trees	Other information
	Tree Type 1.....				
	Tree Type 2.....				
	Tree Type 3.....				

PART 6. OTHER LOSSES RELATED TO LAND/ STRUCTURES (e.g., utility connections, improvements made by tenant)

Applicable to owners of structures (1-4, 7) and tenants (ALL) who have made improvements.

Must relate to PAP who is completing the form.

Type of Loss (e.g. access)		YES/NO	Details of loss
1	Electricity connection	YES/NO	
2	Water connection	YES/NO	
3	Telephone (land line)	YES/NO	
4	Internet connection	YES/NO	
5	Improvement(s) to structure (external)	YES/NO	
6	Improvement(s) to structure (internal)	YES/NO	
7	Other (specify)	YES/NO	

PART 7. Information on PAPs Household (irrespective of location of residence)

Only required if PAP will have to relocate on a permanent basis.

7.1. Household Level Information.

What is your relationship to the Head of Household?

Self (head)	Spouse/ partner	Mother/ Father	Son/ daughter	Brother/ sister
Grandson/ granddaughter	Other relative	Non-relative	Other	

What utilities do you have in your residence?

Water	Piped to house	Standpipe	Well	Other
Electricity	Yes (legal)	Yes (illegal)	No	
Telephone (land line)	Yes	No		
Other				

Please give some details about your household's expenditures?

Food	Housing (rent)	Housing (other)	Utilities	Transportation
Week/ month/ quarter/ year	Week/ month/ quarter/ year	Week/ month/ quarter/ year	Week/ month/ quarter/ year	Week/ month/ quarter/ year
Cedis.....	Cedis.....	Cedis.....	Cedis.....	Cedis.....
Clothes	Education	Health	All Other	
Week/ month/ quarter/ year	Week/ month/ quarter/ year	Week/ month/ quarter/ year	Week/ month/ quarter/ year	
Cedis.....	Cedis.....	Cedis.....	Cedis.....	

**Does anyone in your household receive any social welfare, cash transfer, social security, or other social protection payments?
YES/ NO**

Recipient 1 (e.g. self, mother, son, etc.)	Name of program:	Amount received (cedis/ month)
Recipient 2 (e.g. self, mother, son, etc.)	Name of program:	Amount received (cedis/ month)
Recipient 3 (e.g. self, mother, son, etc.)	Name of program:.....	Amount received (cedis/ month)

7.2. INFORMATION ON INDIVIDUAL HOUSEHOLD MEMBERS

Note: Information needed to: (i) assess impact of loss of income on total household income) and (ii) identify vulnerable households). Only required if PAP has to relocate.

Person No.	PAP (Yes/ No)	AGE (years)	Sex (M/F)	Relationship to Head of Household	Highest level of education	Economic Activity Status	Current Main employment	Average monthly income (all jobs)	Chronically sick (YES/NO)	Disabled (YES/NO)
1	PAP*									
2	-									
3										
4										
5										
6										
7										
8										
9										
10										

* Most of the PAP's information will be available from previous questions but is repeated here for ease of analysis.

PART 8. Relocation/ Compensation Options

Note: This section will need to be revised to take into account of specific options available for each Sub-Activity that involves involuntary resettlement. Options should only be asked if applicable, e.g., if PAP is being relocated, others will be restricted to particular groups, such as households categorized as vulnerable.

As someone who will be adversely affected by this project, you will be entitled to compensation for losses including land, property and income. It is likely that most of the compensation will be in cash; however, some may be provided in kind. For the following, please indicate which option you would prefer/ be interested in.

Option	Eligible PAPs	Preference for cash compensation	Preference for in-kind assistance
Assistance with relocation compensation	All those who have to relocate from their residential or business location in the project area	YES/ NO	YES/ NO
Additional agricultural extension services	PAPs losing a significant proportion of their cultivated land area	YES/ NO	YES/ NO
Assistance with removal of salvaged construction materials and movable possessions	All PAPs having to relocate to a new site.	YES/ NO	YES/ NO
Temporary construction employment	PAPs at greatest risk of having difficulty finding new employment.	-	YES/ NO
Reinstatement of hard standings damaged by trenches.	All PAPs temporarily losing hard standings.	YES/ NO	YES/ NO
Establishment of food vending location near construction sites.	Food vendors	YES/ NO	YES/ NO
Training in business skills, etc.	Petty traders	YES/ NO	YES/ NO
Assistance with paperwork	Vulnerable group PAPs	YES/ NO	YES/ NO
Assistance with utility companies	Vulnerable group PAPs	YES/ NO	YES/ NO
Assistance with opening bank account	Vulnerable group PAPs	YES/ NO	YES/ NO
Counseling / referrals to other agencies	Vulnerable group PAPs	YES/ NO	YES/ NO

PART 9. SIGNATURES

Date of survey:	
Signature of PAP or PAP representative:	
Position of Representative	
Name / Signature and of Enumerator	

SUMMARY of SURVEY INFORMATION (office use only)

TYPE OF PAP (multiple response permissible)

CATEGORY	YES/NO?	Information missing?/ Comment/ Uncertainty?
Land owner	YES/NO	
Resident - owner	YES/NO	
Residential tenant	YES/NO	
Business owner	YES/NO	
Business tenant	YES/NO	
Employee	YES/NO	
Apprentice	YES/NO	
Other	YES/NO	

SUMMARY of IMPACTS (multiple response permissible)

CATEGORY/ SUB-CATEGORY		Extent of Loss	Information missing?/ Comment/ uncertainty?
Loss of Assets	Land (if owner)	YES total/ Yes partial/ NO	
	Permanent structure	YES total/ Yes partial/ NO	
	Temporary structure	YES total/ Yes partial/ NO	
	Hard standing	Permanent/ temporary	
	Improvements/ utility connections (non-owning tenants)	YES/NO	
Loss of income due to:	Permanent Relocation	YES/NO	
	Temporary relocation or business closure	YES/NO	
	Temporary disturbance only (no relocation or business closure)	YES/NO	
Vulnerable Household		YES/NO/ Not Applicable	

Checked by Enumerator:	Date:
Checked by Supervisor	Date: