

## MiDA CONDITIONS PRECEDENT REPORT – COMPACT QUARTER 10 – June 9<sup>th</sup>, 2009

Project/ Activity <sup>2</sup>	Condition Precedent	Due By	Status <sup>2</sup>	Relevant Documentation	Request for Deferral/Waiver and Justification
Program – Monitoring and Evaluation <sup>3</sup>	Prior to any MCC Disbursement for any Program, Project or Project Activity (or any component thereof) covering Quarter 4 of Year 1, MiDA has selected and engaged a Director of Monitoring and Evaluation.	Y1Q4	Satisfied	Employment Contract:  1 <sup>st</sup> March 2007	
	Prior to any MCC Disbursement for any Program, Project or Project Activity (or any component thereof) on or after the Quarter immediately following the selection and engagement of the initial Director of Monitoring and Evaluation, the Board of MiDA has approved the M&E Plan.	Any	Satisfied	Board Resolution from 02/26/2007  Revised M&E Plan to be sent to MiDA Board for approval to replace previous document.	
Agriculture Project	Prior to the initial MCC Disbursement with respect to any construction under the Agriculture Project: MiDA has submitted (a) a strategic environmental assessment (including an EMP and an HIV/AIDS awareness plan) covering the Intervention Zone in which such construction is anticipated, completed to MCC's satisfaction; (b) any required feasibility and design study, EIA and RAP, each completed to MCC's satisfaction; and (c) the evidence of implementation of any required RAP, including full payment of resettlement costs, in accordance with World Bank OP 4.12 on involuntary resettlement.	Any	Not Due		It is confirmed that, the supply and installation of pre-coolers does not involve construction.

<sup>1</sup> Table will follow the projects and activities set forth in the Disbursement Agreement.

<sup>2</sup> Indicate whether condition is "satisfied," "partially satisfied," or "not satisfied."

<sup>3</sup> Project and Project Activity Level Conditions relating to Indicators Targets are not included in this report; they will be included in future reports from Year 2.

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Commercial Training Activity	Prior to any MCC Disbursement for the Commercial Training Activity: MiDA has selected and engaged the Commercialization of Agriculture Project Manager, approved by MCC, or in the event the position is vacated, MiDA is actively recruiting for the position.	Any	Satisfied.	Employment Contract: 1 <sup>st</sup> February 2007	
	Prior to any MCC Disbursement, for the Commercial Training Activity covering Quarter 1 of each Year: MiDA has submitted evidence demonstrating that the Government has maintained, at minimum the current fiscal year's level of budget allocation to the Directorate of Extension of MOFA to fund management, staffing and operational cost of extension services in target districts for the upcoming fiscal year.	Y2Q1	Satisfied	Government budgetary provision in 2008 For Directorate of Extension Services of MoFA exceed that of 2007	
Irrigation Activity	Prior to any MCC Disbursement for the Irrigation Activity: MiDA has selected and engaged the Commercialization of Agriculture Project Manager, approved by MCC or in the event the position is vacated, MiDA is actively recruiting for the position.	Any	Satisfied.	Employment Contract: 1 <sup>st</sup> February 2007	
Land Activity	Prior to any MCC Disbursement for the Land Activity: MiDA has selected and engaged the Land Administration Project Manager, approved by MCC, or in the event the position is vacated, MiDA is actively recruiting for the position.	Any	Satisfied	Employment Contract :1 <sup>st</sup> December, 2006	
	Prior to any MCC Disbursement to improve the Ghanaian courts' ability to process land disputes (as described in Paragraph 2(c)(iv) of Schedule 1 to the Compact) in connection with the Land Activity: MiDA has engaged the Judicial Service of Ghana as an Implementing Entity under an Implementing Entity Agreement, and such Implementing Entity Agreement remains in	Any	Satisfied	IEA with Judicial Service signed on 24 <sup>th</sup> April, 2008	

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	full force and effect.				
	Prior to any MCC Disbursement for the Land Activity on or after the commencement of Quarter 1 of Year 3: MiDA has submitted evidence demonstrating that the Government has taken effective measures to implement the recommendations for legal and institutional reforms for land administration, land management and land tenure as proposed in a memorandum submitted by the Minister of Lands, Forests and Mines to the Cabinet and approved by the Cabinet on February 9, 2007.	Any from Y3Q1	Satisfied	The Lands Commission Act, Act 767, 2008 has been Gazetted on 12 <sup>th</sup> Dec., 2008 to restructure the 5 Public Land Sector Agencies into a single agency with one CEO and 2 Deputies.	
	Prior to any MCC Disbursement for the Land Activity on or after the commencement of Quarter 1 of Year 4: MiDA has submitted evidence demonstrating that Government has harmonized the relevant land legislation and regulations with the constitutional mandate related to public taking of land for the public good.	Any from Y4Q1	Not Due	National Land Forum was held on 27-29 November, 2007 to discuss Draft Bill. Stakeholder discussion of Bill to commence in 2008.  Not Applicable for this Quarter's Disbursement	
Post Harvest Activity	Prior to any MCC Disbursement for the Post-Harvest Activity: MiDA has selected and engaged the Commercialization of Agriculture Project Manager, approved by MCC, or in the event the position is vacated, MiDA is actively recruiting for the position.	Any	Satisfied	Employment Contract: 1 <sup>st</sup> February 2007	

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	Prior to any MCC Disbursement of Post Harvest Activity on or after the Commencement of Quarter 4 of year 1: MiDA has submitted evidence demonstrating that the Government has adopted an Amendment to cause the National Plant Protection legislation to be in compliance with IPPC 1997.	Any from Y1Q4 (Jan 08)	Not Satisfied	<ol style="list-style-type: none"> <li>1. The Plant and Pest Diseases Act, (Act 307), 1965 has been reviewed and revised to be consistent with IPPC standards by a Technical Expert.</li> <li>2. The draft Bill has been prepared and discussed at a National Stakeholders Forum.</li> <li>3. Legal Expert engaged to facilitate the passage of Bill from Cabinet, Attorney-General's Department through to Parliament for final passage into law.</li> <li>4. The Draft Bill awaiting Cabinet approval prior to placement before Parliament.</li> <li>5. MiDA is organizing a workshop for the Parliamentary Sub-Committees on Agriculture, and Legal and Subsidiary Legislation in the third week of June,</li> </ol>	MCC in its Approval Letter for the 9 Quarter Disbursement Request, deferred this CP until the Compact Quarter 11 which will be September 10 <sup>th</sup> , 2009

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				2009, to facilitate the passage of the Bill passage through Parliament.	
	Prior to any MCC Disbursement of Post Harvest Activity on or after the Commencement of Quarter 1 of each year: MiDA has submitted evidence, demonstrating that the Government has allocated funding for the upcoming fiscal year sufficient to cover cost of Plant Protection and Regulatory Service Directorate of MOFA, Ghana Standards Board under the Ministry of Trade and Industry and the Water Resource Institute under the Environmental Protection Agency of Ghana, in order to carry out their roles and responsibility in compliance with IPPC 1997.	Y2 Q1	Not satisfied/ due	Compliance obligations under IPPC 1997 will apply upon passage of Plant protection Legislation which is currently in process.	MiDA is requesting for deferral until the passage of the Plant Protection legislation
Credit Activity	Prior to any MCC Disbursement for the Credit Activity: MiDA has selected and engaged the Agricultural Financial Services and Bank Capacity Building Manager, approved by MCC, or in the event the position is vacated, MiDA is actively recruiting for the position.	Any	Satisfied	Employment Contract: 1 <sup>st</sup> March 2007	
	Prior to any MCC Disbursement for the Credit Activity on or after the commencement of Quarter 2 of Year 5: MiDA has engaged a fiduciary or liquidation agent to manage Program Assets in connection with the Credit Activity remaining at the end of the Compact.	Any from Y5Q2	Not Due		

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Feeder Roads Activity	Prior to any MCC Disbursement for the Feeder Roads Activity: MiDA has selected and engaged an Implementing Entity under an Implementing Entity Agreement, and the agreement remains in full force and effect.	Any	Satisfied	IEA with the MoT signed 13 <sup>th</sup> December, 2007	
	Prior to any MCC Disbursement for the Feeder Roads Activity: MiDA has selected and engaged a firm to supervise the construction activities under the Feeder Roads Activity, or in the event the position is vacated, MiDA is actively recruiting for the position	Any	Satisfied	Contracts for Design and Construction Supervision of Feeder Roads Lots 1, 2 and 3 awarded to three Consultants on :  Lot 1 – 03 March, 2008  Lot 2 – 21 February, 2008  Lot 3 – 12 <sup>th</sup> March, 2008	
Transportatio n Project	Prior to any MCC Disbursement for the Transportation Project: MiDA has selected and engaged the Transportation and Agricultural Infrastructure Project Manager, approved by MCC, or in the event the position is vacated, MiDA is actively recruiting for the position.	Any	Satisfied	Employment Contract: 1 <sup>st</sup> December, 2006	
	Prior to any MCC Disbursement for the Transportation Project: MiDA has selected and engaged an external project management support consultant, approved by MCC, or in the event a position is vacated, MiDA is actively recruiting for the position.	Any	Satisfied	Contract for PMSC awarded and signed on 07 march, 2008	

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	<p>Prior to the initial MCC Disbursement with respect to any construction under the Transportation Project: MiDA has submitted (a) a strategic environmental assessment (including an EMP and an HIV/AIDS awareness plan) covering the Intervention Zone in which such construction is anticipated, completed to MCC's satisfaction; provided, this requirement shall not apply to any MCC Disbursement with respect to any construction under the N1 Activity; (b) any required feasibility study, EIA and RAP, each completed to MCC's satisfaction; and (c) the evidence of implementation of any required RAP, including full payment of resettlement costs, in accordance with World Bank OP 4.12 on involuntary resettlement.</p>	All except N1(part (a) only)	Not Due	<ul style="list-style-type: none"> <li>a) SEA approved by MCC on 5<sup>th</sup> November, 2008.</li> <li>b) Feasibility Study for N1 Highway submitted to MCC.</li> <li>c) Environmental Permit for entire N1 Highway issued by EPA-Ghana on 24<sup>th</sup> February, 2009.</li> <li>d) Off-site Drainage Study to be included in Feasibility Study Report.</li> <li>e) N1 EIA including Off-site Drainage Impact Study for entire N1 Highway approved by MCC on 31 May, 2009.</li> <li>f) MCC requesting Addendum to be added to EIA referencing Drainage Study, conclusions and recommendations.</li> <li>g) MCC recommends resubmission of EIA with attached addendum of Drainage Study,</li> </ul>	

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				<p>conclusions and recommendations with EPA-Ghana for completeness.</p> <p>h) RAP for Lot 1 of N1 Highway submitted and approved by MCC. Implementation of RAP underway.</p> <p>i) RAP for N1 Lot 2 completed and approved by MCC. Implementation to begin in June, 2009.</p>	
	<p>Prior to each MCC Disbursement for the Transportation Project covering Quarter 1 of each Year: MiDA has submitted evidence<sup>4</sup> demonstrating that (a) the amounts budgeted for routine and periodic maintenance of the maintainable road network for the previous fiscal year (other than fiscal year 2006) has been substantially expended for the intended purpose, and (b) the</p>	Any	satisfied	Relevant report Submitted to MCC	

<sup>4</sup> MiDA is to submit (i) both a written confirmation from the Ministry of Transportation, and a report from the Road Fund Board, confirming the satisfaction of the condition in Part A, Paragraph 4(a) of this Schedule 2, and (ii) excerpts from the Government budget for the current fiscal year to establish satisfaction of the condition in Part A, Paragraph 4(b) of this Schedule 2.

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	Government has budgeted funds sufficient to ensure that routine and periodic maintenance works are carried out in accordance with Ghana's Road Maintenance Standards for the maintainable road network for the current fiscal year.				
	Prior to any MCC Disbursement for the Transportation Project covering Quarter 3 of each Year: MiDA has submitted evidence <sup>5</sup> demonstrating that the Government has adhered to agreements reached with donors under the RSDP and the Transport Sector Development Program.	Any	Satisfied	<p>These are contained in a communiqué issued in December 2005. Progress outlined as follows:</p> <ul style="list-style-type: none"> <li>• Government holds Annual Donors Conference to review the performance of the Road Sector and agree on the Way Forward. 2008 Annual Conference was held in April 2008. Sector Review Document prepared.</li> <li>• Policy on Fuel Levy and approved by Cabinet to ensure sustainable road maintenance regime through the Road Fund.</li> </ul>	Relevant Documents submitted to MCC.

<sup>5</sup> MiDA is to submit, on an annual basis, as indicated in Part A, Paragraph 5 of this Schedule 2, (i) accident statistics from the National Road Safety Council and the Building and Road Research Institute; (ii) road condition surveys; (iii) reports from the Ghana Highway Authority, the Department of Feeder Roads and the Department of Urban Roads; (iv) report on registration from Driver and Vehicle License Authority; (v) report from Road Fund Board including its budget; and (vi) a Road Sector Development Program report. In addition, MiDA shall submit the Transport Master Plan when finalized.

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				<p>Fuel Levy was increased to 6.6 US cents as at beginning of 2007</p> <ul style="list-style-type: none"> <li>• Axle Load Policy approved by Cabinet and Action Plan prepared. The new Road Traffic Regulation has incorporated the requirements of the Policy and the Action Plan.</li> <li>• Cabinet has approved Policy on Tolling of Roads. Legislative Instruments on Road Use Fee, Vehicle Registration and Bridge Tolls amended by MoT yet to be submitted to Cabinet for Approval</li> <li>• Draft Transport Policy White Paper signed by Ministers of Transportation, Aviation and Harbours and Railways and submitted to Cabinet for approval.</li> <li>• Calibration of the HDM-4 Model. Application of HDM-4 institutionalized</li> </ul>	

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				and forms the scientific and objective basis for strategic planning, program and budgeting	
N1 Activity	Prior to any MCC Disbursement for the N1 Activity: MiDA has selected and engaged an Implementing Entity under an Implementing Entity Agreement, and the agreement remains in full force and effect	Any	Satisfied	IEA with MoT was signed on 13 <sup>th</sup> December 2007	
	Prior to any MCC Disbursement with respect to any construction under the N1 Activity: MiDA has selected and engaged one or more firms to supervise the construction activities under the N1 Activity, approved by MCC, or in the event that such position is vacated, MiDA is actively recruiting for such position.	Any	Satisfied	Contract awarded and signed on 28 December, 2007	
	Prior to any MCC Disbursement with respect to any construction under the N1 Activity: MiDA has submitted evidence demonstrating that the construction activities for improvements to the N1 Highway or along the right of way between Tetteh Quarshie and Mallam Junctions, funded by sources other than MCC Funding, did not commence without prior MCC approval.	Any	Satisfied	MCC reviewed bidding documents prepared for N1 Lot 1 utility relocation and replacement work to be undertaken on or along the Right of Way between Tetteh Quarshie and Mallam Junctions, which work is to be funded from GoG.	
Trunk Road	Prior to any MCC Disbursement for the Trunk Roads Activity: MiDA has selected and engaged an Implementing Entity under an Implementing Entity Agreement, and the agreement remains in full force and effect.	Any	Satisfied	IEA with MoT is signed on 13 <sup>th</sup> December 2007	

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Activity	Prior to the initial MCC Disbursement with respect to any construction on the Agogo-Dome Road segment under the Trunk Roads Activity: MiDA has submitted a technical and environmental audit of the Agogo-Dome Road, completed to MCC's satisfaction.	Any	Satisfied	Technical and Environmental Audit Report submitted to MCC and approved on 11 July, 2008	
	Prior to any MCC Disbursement with respect to any construction under the Trunk Roads Activity: MiDA has selected and engaged a firm to supervise the construction activities under the Trunk Roads Activity, approved by MCC, or in the event that such position is vacated, MiDA is actively recruiting for such position.	Any	Satisfied	Contract for Design and Construction Supervision of Trunk Roads (Lot 4) awarded and signed on 03 March, 2008	
Ferry Activity	Prior to any MCC Disbursement for the Ferry Activity: MiDA has selected and engaged an Entity under a Memorandum of Understanding (MOU), and the MOU remains in full force and effect.	Any	Satisfied	MOUs with VRA/VLTC and with Ministry of Harbours and Railways/Ghana Maritime Authority signed on 24 <sup>th</sup> December, 2007.	
	Prior to any MCC Disbursement with respect to any construction under the Ferry Activity: MiDA has selected and engaged a firm to supervise the construction activities under the Ferry Activity, approved by MCC, or in the event that such position is vacated, MiDA is actively recruiting for such position.	Any	Satisfied	Consultant engaged by Contract signed 14 February, 2008.	
	Prior to any MCC Disbursement for the Ferry Activity and by the time construction related to the activity has commenced, MiDA has submitted the Emergency Response Plans of VLTC developed by the Government and satisfactory to MCC.	Any from Y2Q2	Not Satisfied	<ul style="list-style-type: none"> <li>VLTC's Response Plan submitted to MCC. MCC not satisfied with Response Plan as submitted.</li> <li>Ferry Consultant</li> </ul>	MiDA is requesting a deferral of this CP until Quarter 11 which will be 10 <sup>th</sup> September, 2009

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				tasked to assist VLTC to improve on Response Plan.  <ul style="list-style-type: none"> <li>• Ferry Consultant in accordance with its Work Plan is in the process of enhancing VLTC Response Plan. Final Plan expected to be ready by end of August, 2009</li> </ul>	
	Prior to any MCC Disbursement for the Ferry Activity and by the time construction related to the activity has commenced, MiDA has submitted a Maritime Framework governing access and operations (including safety) on Lake Volta developed by the Government and satisfactory to MCC.	Any from Y2Q3	Satisfied	Maritime Framework submitted to MCC	
Rural Development Project	Prior to the initial MCC Disbursement with respect to any construction under the Rural Development Project: MiDA has submitted (a) a strategic environmental assessment (including an EMP and an HIV/AIDS awareness plan) covering the Intervention Zone in which such construction is anticipated, completed to MCC's satisfaction; (b) any required feasibility and design study, EIA and RAP, each completed to MCC's satisfaction; and (c) the evidence of implementation of any required RAP, including full payment of resettlement costs, in accordance with World Bank OP 4.12 on involuntary resettlement.	Any	Satisfied	Draft SEA submitted and approved by MCC on 5 <sup>th</sup> November, 2008.	

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Procurement Capacity	Prior to any MCC Disbursement for the Procurement Capacity Activity: MiDA has selected and engaged the Public Procurement Board under an Implementing Entity Agreement outlining, among others, the fiscal accountability arrangements that will govern the Procurement Capacity Activity and addressing the funding and sustainability plan for the Procurement Capacity Activity (including the amount of such funding), and the agreement remains in full force and effect.	Any	Satisfied	IEA with Public Procurement Authority signed 17 <sup>th</sup> September, 2007	
Community Services Activity	Prior to any MCC Disbursement for the Community Services Activity: MiDA has selected and engaged the Community Services Project Manager, approved by MCC, or in the event the position is vacated, MiDA is actively recruiting for the position.	Any	Satisfied	Employment Contract:  1 <sup>st</sup> February, 2007	
	Prior to any MCC Disbursement for the sub-activity described in Section 2(b)(i) of Schedule 3 to Annex I of the Compact:  MiDA has executed one or more Implementing Entity Agreements with (1) the Ministry of Local Government, Rural Development and Environment (for RICU), (2) the Community Water and Sanitation Entity, and (3) the Ministry of Education, Youth and Sport (for the Ghana Education Service), and these Implementing Entity Agreement(s) remain in full force and effect.	Any	Satisfied.	IEAs with Ministry of Local Government, Rural Development & Environment (MLGRDE) signed - 12 <sup>th</sup> March, 2008  IEA with Ministry of Education Science & Sports (MoESS) signed - 13 <sup>th</sup> March, 2008  IEA with Ministry of Water Resources, Works & Housing (MWRWH) signed - 13 <sup>th</sup> March, 2008	
	Prior to any MCC Disbursement for the sub-activity described in Section 2(b)(i) of Schedule 3 to Annex I of the Compact:  MiDA has submitted a project implementation manual,	Any	Satisfied	Community Services Operations Manual (Sect )  1) Vol. II Chapter 3	

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	completed to MCC's satisfaction, setting out key operational roles, responsibilities and processes relating to, among others (1) financial management, procurement and contracting mechanisms; (2) methodology for allocation of funds among eligible districts; (3) relationships with relevant ministries, district assemblies, area councils and other communities; and (4) reporting requirements.			2) Vol. II Chapter 2 3) Vol. I Chapters 3-6 Vol. II Chapter 3 Sec 3.6	
	<p>Prior to any MCC Disbursement for any of the sub-activities described in Sections 2(b)(ii), (iii) or (iv) of Schedule 3 to Annex I of the Compact: MiDA has submitted the following, each satisfactory to MCC:</p> <ul style="list-style-type: none"> <li>i) Service norms &amp; standard designs: Norms for the provision of services and facilities, and standard designs of facilities to be built or rehabilitated, in accordance with the relevant ministries, departments and agencies;</li> <li>ii) District planning processes: Defined processes of prioritizing and selecting projects to be funded in accordance with District Development Plans, including consideration of proximity to the Project Activities under the Agriculture Project;</li> <li>iii) Community commitment standards: Standards for minimum contribution in cash or other property (including land and raw material) or labor by communities to qualify for participation;</li> <li>iv) Operating and maintenance budget commitments: Standards for adequate commitment of provision for operating and maintenance budgets, including needed staffing commitments; and standards for adequate cost</li> </ul>	Any	Satisfied	<p>Contained in the Community Services Operations Manual (Reference Section)</p> <p>Vol. III: Chapter 1 – Specification for Water &amp; Sanitation</p> <p>Vol. IV: Chapter 1 - Specification for Education</p> <p>Vol. II: Chapter 2, Sect. 2.1 – 2.4 - Policies &amp; Procedures</p> <p>Vol. III: Chapter 1 Sect. 1.4 – Water &amp; Sanitation</p> <p>Vol. IV: Chapter 1, Sect. 1.2 – Education</p> <p>Vol. III: Chapter 1, Sect. 1.9 – Water &amp; Sanitation</p> <p>Vol. IV: Chapter 1, Sect. 1.2 –</p>	

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	<p>recovery mechanisms (as appropriate); and</p> <p>v) Environmental and social assessment: Defined processes and standards for adequate assessment of environmental and social impacts, and remediation if needed.</p>			<p>Education</p> <p>Vol. II: Chapter 7 – Water &amp; Sanitation</p> <p>Vol. IV: Chapter 7 – Education</p>	
Financial Services Activity	<p>Prior to any MCC Disbursement for the Financial Services Activity: MiDA has selected and engaged the Agricultural Financial Services and Bank Capacity Building Manager, approved by MCC, or in the event the position is vacated, MiDA is actively recruiting for the position.</p>	Any	Satisfied.	<p>Employment Contract:</p> <p>1<sup>st</sup> March 2007</p>	