

GHANA OIL PALM DEVELOPMENT COMPANY LIMITED

Kwae



UPDATED

RESETTLEMENT ACTION PLAN

for the

Oil Palm Plantation Development Project at Okumaning

AY & A Consult Ltd
Water. Environment. Industry
P. O Box OS 2922
Osu, Accra
Ghana

Tel: 233 21 767408
Fax: 233 21 767408
E-mail: info@ayaconsult.com
Website: www.ayaconsult.com

May 2007

Table of Contents

Table of Contents	i
List of Figures	iii
List of Tables	iii
List of Plates	iii
List of Annexes	iii
Executive Summary	iv
1.0 INTRODUCTION.....	1
1.1. BACKGROUND.....	1
1.2. BRIEF DESCRIPTION OF SOCIO-CULTURAL SETTING OF PROJECT DISTRICT	1
1.3. SOCIO-ECONOMIC PROFILE OF THE AFFECTED SETTLEMENTS.....	5
2.0 PROJECT IMPACTS AND AFFECTED PERSONS	8
2.1. LAND USE IN THE OKUMANING CONCESSION	8
2.2. BRIEF DESCRIPTION OF THE OKUMANING PROJECT	11
2.2.1. Location and size.....	11
2.2.2. Plantation Development Activities.....	11
2.3. CURRENT STATUS OF OKUMANING PLANTATION DEVELOPMENT	13
2.4. PROJECT IMPACTS	16
2.4.1. Acquisition of Land.....	16
2.4.2. Impacts on Assets and Livelihood.....	16
2.4.3. Status of Project Impacts	20
3.0 LEGAL FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION.....	22
3.1. RELEVANT NATIONAL LEGISLATIVE FRAMEWORK	22
3.1.1. The Constitution of Ghana and the Protection of Individual Property.....	22
3.1.2. The State Lands Act, 1962	23
3.2. IFC PERFORMANCE STANDARD 5.....	24
3.3. WORLD BANK SAFEGUARD POLICY ON INVOLUNTARY RESETTLEMENT.....	25
3.4. LAND TENURE IN GHANA.....	26
3.4.1. Interests in land	26
3.4.2. Existing forms of land ownership	26
3.5. LAND ADMINISTRATION IN GHANA.....	27
3.5.1. Traditional Authorities	27
3.5.2. Public Institutions.....	27
4.0 COMPENSATION PLAN.....	30
4.1. ELIGIBILITY AND ENTITLEMENTS	30
4.2. VALUATION OF PROPERTIES.....	31
4.2.1. Valuation of Assets	31
4.2.2. Basis of Valuation.....	31
4.2.3. Valuation Method	31
4.3. VALUATION PROCEDURES.....	32
4.3.1. Determination of Valuation Dates/Cut off Dates.....	32
4.3.2. Field measurements and requirements	32
4.4. COMPENSATION DETERMINATION AND APPROVAL	33
4.5. COMPENSATION PAYMENT PROCEDURES	33
4.5.1. Notice of payment	33
4.5.2. Payment of compensation.....	34
4.5.3. Cashing of compensation cheques.....	34

4.6.	CURRENT STATUS OF VALUATION AND COMPENSATION PAYMENT	34
4.6.1.	<i>Affected Settlements and Present Situation/Condition</i>	35
4.6.2.	<i>Removal of structures and crops</i>	38
4.7.	VULNERABLE PERSONS	38
4.7.1.	<i>Identification of Vulnerable People</i>	38
4.7.2.	<i>Assistance to Vulnerable People</i>	38
5.0	OBJECTIVE OF THE RESETTLEMENT PLAN	40
6.0	LIVELIHOOD SUPPORT AND OTHER MITIGATION MEASURES	41
6.1.	LIVELIHOOD SUPPORT INITIATIVES	41
6.1.1.	<i>Employment opportunities</i>	41
6.1.2.	<i>Provision for small holder/outgrower scheme facilities</i>	41
6.2.	OTHER MITIGATION MEASURES.....	42
6.2.1.	<i>For project affected persons</i>	42
6.2.2.	<i>For nearby host communities such as Okumaning</i>	43
7.0	ORGANISATIONAL RESPONSIBILITIES	45
7.1.	GOPDC	45
7.2.	LAND VALUATION BOARD (LVB).....	45
7.3.	DIVESTITURE IMPLEMENTATION COMMITTEE (DIC).....	45
7.4.	KWAEBIBIREM DISTRICT ASSEMBLY	46
7.5.	TRADITIONAL AUTHORITIES	46
7.6.	GHANA COMMERCIAL BANK (GCB), KADE BRANCH	47
7.7.	COURT OF LAW-KOFORIDUA HIGH COURT	47
7.8.	CONSULTANTS	47
8.0	PUBLIC CONSULTATION AND PARTICIPATION.....	48
8.1.	INITIAL STAKEHOLDER CONSULTATIONS	48
8.1.1.	<i>Issues raised and discussed</i>	48
8.1.2.	<i>GOPDC Initial Resettlement Package</i>	48
8.2.	COMMUNITY SENSITISATION.....	51
8.3.	ON-GOING CONSULTATIONS ON RESETTLEMENT PLAN.....	54
8.4.	PROPOSED COMMUNICATION PLAN.....	54
9.0	GRIEVANCE REDRESS MECHANISMS	56
9.1.	CURRENT REDRESS PROCESS	56
9.2.	UPDATED REDRESS PROCESS	57
9.2.1.	<i>Notification and Logging of Complaints</i>	57
9.2.2.	<i>Determining Redress Action and Meeting with Aggrieved Farmer or Party</i>	57
9.2.3.	<i>Implementing the redress actions and verification</i>	58
9.2.4.	<i>Review and alternative actions</i>	58
9.3.	COST ELEMENTS.....	58
10.0	MONITORING, EVALUATION AND REPORTING.....	59
10.1.	MONITORING AND EVALUATION	59
10.1.1.	<i>Purpose and Responsibility</i>	59
10.1.2.	<i>Indicators</i>	60
10.2.	REPORTING	60
11.0	BUDGET AND FUNDING.....	61
11.1.	BUDGET	61
11.2.	FUNDING ARRANGEMENT	61
12.0	IMPLEMENTATION SCHEDULE.....	62
13.0	CONCLUSION.....	63

14.0 BIBLIOGRAPHY	64
ANNEXES.....	65

List of Figures

FIGURE 1	LOCATION OF KWAEBIBIREM DISTRICT WITHIN THE DISTRICT MAP OF THE EASTERN REGION OF GHANA	2
FIGURE 2	SETTLEMENTS ON THE CONCESSION.....	10
FIGURE 3	OKUMANING CONCESSION SHOWING PROPOSED NUCLEUS ESTATE AND SMALL HOLDER PLOTS 12	
FIGURE 4	OKUMANING PLANTATION DEVELOPMENT STATUS AS AT MAY 15, 2007	15
FIGURE 5	STATUS OF VALUATION AND COMPENSATION PAYMENT	36
FIGURE 6	PROPOSED RESETTLEMENT SITE OPTIONS	50

List of Tables

TABLE 1	POPULATION SIZES WITHIN THE SETTLEMENTS.....	5
TABLE 2	AREA UNDER DEVELOPMENT.....	13
TABLE 3	CURRENT STATE OF DEVELOPMENT OF THE CONCESSION	13
TABLE 4	SUMMARY OF CURRENT STATUS OF THE OKUMANING PROJECT	14
TABLE 5	POTENTIAL IMPACTS ON ASSETS AND LIVELIHOODS	17
TABLE 6	NUMBER OF FARMERS AND FARMS AFFECTED	20
TABLE 7	POPULATIONS AND FARMERS LIVING IN THE VILLAGES ON THE CONCESSION	20
TABLE 8	MATRIX OF ENTITLEMENTS FOR THE IMPACTS	30
TABLE 9	PROPOSED RAP BUDGET FROM 2007 TO 2010	61
TABLE 10	IMPLEMENTATION PLAN.....	62

List of Plates

PLATE 1	AN AFFECTED OIL PALM FARM AT EGYA BADU.....	18
PLATE 2	AN AFFECTED MAIZE FARM AT EGYA BADU.....	18
PLATE 3	EHA NSO DE VILLAGE	19
PLATE 4	COMMISSIONING OF THE ELECTRIFICATION AND STREET LIGHT PROJECT AT OKUMANING BY TRADITIONAL AND POLITICAL LEADERS	44
PLATE 5	MEETING WITH THE CHIEF/ODIKRO OF EHA NSO DE VILLAGE.....	52
PLATE 6	MEETING AT NKARANFO VILLAGE	53
PLATE 7	MEETING WITH THE PEOPLE OF EGYA BADU VILLAGE	53
PLATE 8	MEETING AT CONGO VILLAGE.....	53

List of Annexes

Annex 1	Some affected structures within the communities
Annex 2	IFC Performance Standard 5
Annex 3	Samples of Completed Valuation Forms for Structures
Annex 4	Samples of Completed Standard Form “F”
Annex 5	Payment of compensation in pictures

EXECUTIVE SUMMARY

Ghana Oil Palm Development Company Limited (GOPDC) owns a 5,115 hectare of land at Okumaning, about 10km from Kade in the Kwaebibirem District of the Eastern Region of Ghana. The concession was acquired from the Government of Ghana under a divestiture programme to be developed into an oil palm plantation.

Settlements on the concession such as Nkranfo, Eha Nso De, Dwenasi I, Dwenasi II, and Aburokyire have already been displaced. Egya Badu and Akuamoah villages are expecting their compensation payments soon in order to evacuate. Other settlements like Congo, Beposo and Akurafitaa will remain on the concession. There were about 1963 persons in all these settlements consisting mostly of Fantes, Kwahus, Ewes, Asantes and Ga tribal migrants. They migrated to the region about 2 to 3 decades ago to undertake crop farming.

Both perennial and annual crops are grown on the concession. Cash crops to be affected include citrus, cocoa, oil palm, and cola nut; whereas food crops include cassava, maize, plantain, yam, and vegetables such as garden eggs, pepper, tomatoes, okro. The dominant affected crops are oil palm, citrus and cocoa.

It is important to note that, most of the affected farmers on the concession live and sometimes work in neighbouring towns such as Okumaning, Nkwantanang, Kusi, Kade and Takrowase., and in some cases in Accra, Obuasi, etc. There are 2,344 affected farmers on the concession, and only about 653 of them live in the villages on the concession.

Out of the 2,344 affected farmers (excluding Kusi land area and small holder portion), about 1,121 are yet to be displaced from their farmlands. Inhabited dwellings affected are mostly made up of mud houses with thatch roofs or aluminium roofing sheets. Out of about 279 of such structures affected, about 189 have been paid for already leaving only 90 of such structures to be compensated.

The Government of Ghana acquired the concession in 1976 from the Akyem Abuakwa Traditional Council via the Okumaning Traditional Authority for the erstwhile State Farms Corporation for commercial farming. Therefore land compensation is not required.

To implement this RAP, the required IFC procedural activities have been defined to be followed carefully. These include a system for regular engagement of stakeholders and open/ continuous communication, fair valuation of properties and simple procedures for prompt compensation payments, proper attention paid to vulnerable persons, good mechanism to redress grievances, provision for livelihood support schemes, and the monitoring and evaluation of the entire process.

About 34.4 Billion Cedis will be needed to pay compensations from 2007 to 2010. A further 25 Billion cedis has been earmarked for livelihood support schemes for the next four years.

A total of about 67.8 Billion Cedis is needed to implement the resettlement action plan over the next four years, which has evolved from a vigorous stakeholder engagement process. The Project adequately takes care of the environment, and the socio-cultural and economic circumstances of the affected people. GOPDC is making the necessary financial arrangements to ensure that the commitments in the resettlement plan are fully met especially the livelihood support initiatives.

1.0 INTRODUCTION

1.1. *Background*

Ghana Oil Palm Development Company Limited (GOPDC), an agro-industrial establishment located at Kwaie in the Kwaebibirem District of the Eastern Region of Ghana is engaged in large-scale cultivation of oil palm and processing of the oil palm fruits into palm oil and palm kernel oil. GOPDC is also putting in place a refinery and fractionation plant at Kwaie to further process the crude palm oil into refined products.

The Company has acquired a 5,115 ha piece of land at Okumaning, near Kade from the Government of Ghana under divestiture (PNDC Law 326), and is developing the parcel of land into oil palm plantation as part of its expansion drive as well as in anticipation of the felling of aged palm trees at an older plantation at Kwaie. The project is expected to create new jobs, provide tax revenue to the Ghana Government, and accelerate the development of social infrastructure in host communities.

The project envisages the need to relocate a number of communities on the concession, to avoid future social and environmental conflicts. As part of the Environmental Impact Assessment (EIA) of the Project in 2002, GOPDC offered to resettle (build new settlements for) some of the communities within the concession. However, the resettlement proposal was rejected by the communities in spite of the intervention of the District Assembly and the Eastern Regional Minister. The affected communities opted for cash compensation, and this was eventually accepted by all parties.

This revised document presents GOPDC's ongoing plan for carrying out the resettlement exercise in a socio-cultural and environmentally sensitive manner, in accordance with International Finance Corporation (IFC) and accepted Ghanaian standards.

1.2. *Brief description of socio-cultural setting of Project District*

Location and Area

The oil palm plantation is located at Okumaning, about 10km from Kade (the district capital) in the Kwaebibirem District of the Eastern Region of Ghana. The concession lies in between the Aiyawola Forest Reserve and the Kade-Akim Oda Road. **Figure 1** shows the location of Kwaebibirem District in the Eastern Region of Ghana. The project site is accessible from the Kade–Okumaning road as well as Kade-Kwaie road through Nkwantanang.

The Kwaebibirem District shares boundaries with five other districts namely Birim North (at the western and northwestern section), East Akim (at the eastern and northeastern section),

Birim South, West Akim and Suhum Kraboa Coalatar districts, all at the southern section of the Kwaebibirem District as shown in Figure 1. The Kwaebibirem District has a total land area of about 1,210 km² and has Kade as its district capital.

Population

The total population is estimated at 169,140. The population growth rate is 1.9%, which is less than the national average growth rate of 3% probably due to migratory influences. About 85,265 out of the total population of 169,140 are males whilst 83,875 are females. This gives a ratio of 101.7:100 (male/female ratio). This is also a variation from the national character where we have more females than males. About 36% of the population are between 0–14 years, 62% 15–64 years and 3% 64 years and above.

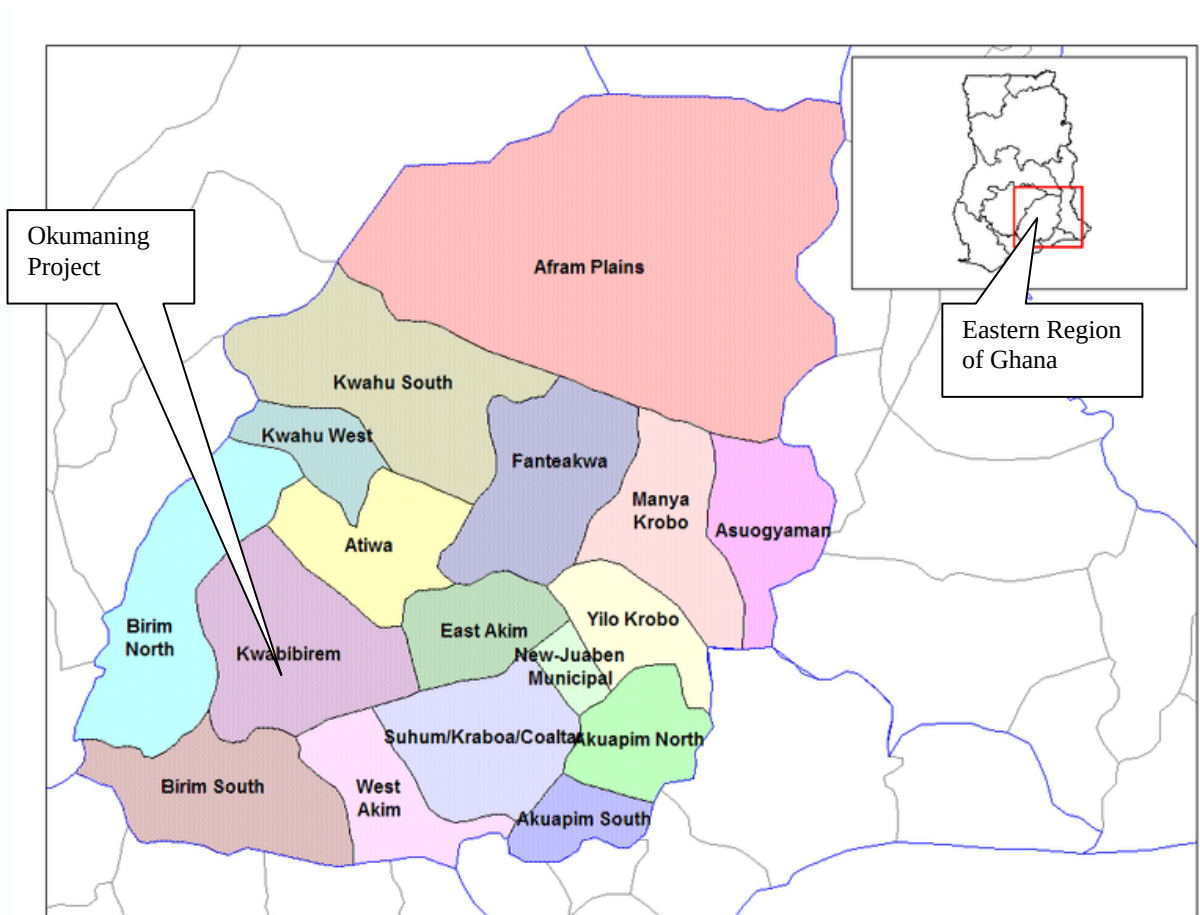


Figure 1 Location of Kwaebibirem District within the District Map of the Eastern Region of Ghana

Local Economy

Soils in the district are generally rich and as a result farming is the main economic activity of the people. Food crops such as cocoyam, cassava, plantain, rice etc are grown. Also cash crops like oil palm, cocoa, cola and citrus abound in the district. Economic trees like cider, ofram, emire, mahogany and wawa are also widely logged for various purposes.

The District also has some other industrial dimension to its economy– mining. Both alluvial small–and large–scale diamond mining go on in towns like Akwatia, Boadua, Topremang, Dokyi, Dompem etc. The District can boast of three sawmills. Oil extraction, soap making, basket weaving and handicrafts making also exist at the cottage level.

A considerable volume of trading and other tertiary sector activities also exist. There are two major tourist hotels in the District. They are located at Akwatia and Kade.

Employment

Agriculture absorbs about 52.1 per cent of the total labour force. Trade and commerce employ 25.3 per cent, Services 12.1 per cent; whilst 7.5 per cent are public servants.

Road Network

The District has an estimated total road network coverage of 300 km.

Health Facilities

The District has a reasonable number of health facilities. There are two hospitals at Akwatia – St. Dominic’s hospital and GCD hospital and a clinic at Kwae – GOPDC Clinic; four Health Centres at Kade, Asuom, Prankese and Takrowase; community clinics at Wenchi, Kusi, Awenase and Anwiaso. There is a maternity home at Takyiman and MCH Centres at Abaam, Bamso, Takyiman and Otumi. The doctor patient ratio is about 1:28,190.

Diseases

The most prevalent disease is malaria i.e. about 60 per cent of all reported cases. Followed in order of importance by diarrhoea (10.1%), Upper Respiratory diseases (8.2%), Skin diseases (7.9%), Infections (7.7%), accidents and fractures (5.9%), Anaemia (0.2%), Guineaworm, HIV/AIDS and Buruli Ulcer also exist.

Religion and Ethnicity

The Kwaebibriem district is predominantly Christian which is about 91.2 per cent of the population; 7.1 per cent are Muslims and 1.7 per cent belong to the traditional Ghanaian religion. Being an Akan speaking area, the Akans are dominant; followed by Northerners 12.6%, Ewes 8.1%, Gas 7.5% and others 4.6%.

Rural-Urban Split

In terms of rural-urban split, 66.3% of the people reside in the rural areas of the district. The rest reside in urban settlements like Kade, Akwatia, Asuom, Abaam and Takrowase.

Water

Sources of water supply include hand-dug wells, boreholes, rivers, dugouts and pipe-borne water. The percentage distribution is as follows: boreholes (26.2%), well (25.7%), rivers (22.9%), pipe-borne water (18.7%), dugouts (0.8%), others (5.6%). It is worth noting that the District has the lowest coverage of potable water supply to rural areas in the Eastern Region, and therefore the whole country.

Sanitation

Only about 58.4 per cent of households have toilet facilities. Out of this 63.5 per cent are pit latrines, 17.4 per cent are KVIP, 14.1 per cent WC, 3.3 per cent pan latrine and 0.3 per cent 'free range' defecation.

Education

There are 38 private kindergartens as against 60 public kindergarten schools in the district. There are 38 private primary schools and 60 public primary schools. For Junior Secondary School, there are 6 private JSS and 68 public JSS and lastly there is one private Senior Secondary/Vocational School and 5 public SSS/Vocational.

1.3. *Socio-economic Profile of the Affected Settlements*

Population, Ethnicity, Traditional Authority and Social Structure

These settlements have about 1,963 inhabitants and about 785 of them are farmers on the concession. The villages consist mostly of Fantes, Kwahus, Ewes, Asantes and Ga migrants who settled in these areas to undertake crop farming many years ago. They constitute over 90% of the population. The population sizes of the various settlements are presented in **Table 1**. Children make up about 60 to 65% of the total population.

Table 1 Population sizes within the settlements

Village/Settlement	Population
Nkranfo	15
Eha Nso De	136
Aburokyire	33
Dwenase I	473
Dwenase II	210
Congo	284
Beposo	250
Akurafitaa (Patase)	80
Egya Badu	290
Akuamoah	192
Total	1,963

The Okumaning concession falls under three traditional authorities namely:

- Okumaning Stool;
- Kusi Stool; and
- Takrowase Stool.

The traditional authorities granted the migrant farmers /settlers the right to occupy and farm on the land for a fee, and the appropriate land rent is paid to the traditional authorities at agreed times. The three traditional authorities also fall under the Akyem Abuakwa Traditional Council. With the exception of Akuamoah village, which pays allegiance to Kusi stool, the other settlements belong to the Okumaning stool.

During our surveys, Nkranfo village was found to have almost been deserted as the pioneer settler had relocated to Kade leaving behind his wives and children. However, the other settlements were more vibrant with second and third generation lineages well established.

The social structures are solid. Each village has an 'Odikro' (caretaker chief) and elders who traditionally manage the affairs of the village/settlement. There is a strong bond among the inhabitants and among the various families as well as the settlement units on the concession.

Local economy and employment

These settlements are farming communities. The major cash crops grown are oil palm, citrus and cocoa. Major food crops grown include plantain, cassava, cocoyam and maize. Vegetables also grown include tomatoes, garden eggs, pepper, and okro. Some of these settlements (especially Egya Badu, Akuamoah and Congo) have cottage mills for palm oil processing. Income levels vary considerably between 2,000,000 and 10,000,000 Cedis per household per year.

Infrastructure and social amenities

The settlements and connecting roads occupy about 242 ha (4.73% of the concession). The roads are all of third class type and difficult to use during the rainy season. The settlement structures are rural (mostly mud houses with thatch roofs).

Apart from Congo village, which has a primary school, there are no educational facilities at these settlements. The pupils attend schools at the neighbouring bigger communities, and schools under the University of Ghana Agricultural Research Station at Okumaning as well as OPRI Schools at Kusi. There are no health facilities at these villages. Toilet facilities available in the settlements are pit latrines. Free range defecation in nearby bushes is common.

Water sources

Boreholes and or hand-dug wells are available in all the settlements and serve as sources of drinking water for the people. However, the villagers commonly use nearby streams for washing and bathing.

Electricity, postal services and telecommunication

There is no electricity facility in all the settlements on the concession. Postal services and telecommunication facilities are non existent.

Cemeteries and grave yards/ shrines

The settlers are not allowed by the traditional authorities to create cemeteries or grave yards in the communities for security reasons. However, children under 10 years of age were buried

at Dwenase. Bodies are brought to Okumaning, Kusi or Takrowase for burial. There are no shrines in the affected settlements on the concession.

Nearby Communities

Major nearby communities/ towns around the project site include:

- Kade, the district capital of the Kwaebibirem District;
- Okumaning;
- Nkwantanang;
- Kusi; and
- Takrowase.

These provide the necessary infrastructural support and social amenities for the small communities like hospitals, schools and so on.

2.0 PROJECT IMPACTS AND AFFECTED PERSONS

2.1. *Land Use in the Okumaning Concession*

GOPDC mapped the main land-use patterns using satellite image interpretation and groundtruth observations at the time of acquisition of the Okumaning concession. The concession was characterized by the following major land-use characteristics:

- Oil palm farms;
- Cocoa farms;
- Citrus farms;
- Fallow/food crop farms;
- Uncultivated land; and
- Settlements/Roads.

Oil Palm Farms

The individual oil palm farms cover about 790 ha (15.45% of the concession) of the concession. Most of the trees are Tenera types coming from the seed garden of the Oil Palm Research Institute (OPRI) at Kusi.

Cocoa and Citrus Farms

Cocoa farms within the concession cover about 796 ha (15.57% of the concession) of the area. Citrus farms within the concession are about 495 ha (9.67% of the concession). Most of the seedlings are bought from the University of Ghana Agricultural Research Station at Okumaning, near Kade.

Fallow/farmlands

The fallow/farm lands within the concession cover about 2,137 ha (41.77% of the concession). Annual crops alternate with fallow land cover. The fallow land is covered by re-growth vegetation of various stages. These include *panicum* and weeds, thicket vegetation, which consists mostly of woody climbers, shrubs and coppice shoots, which form an entangled mass.

Annual crops cultivated include maize, cassava, cocoyam, rice, sugarcane and vegetables such as tomatoes, garden eggs, pepper and okro. These food crops are commonly in smallholdings of less than one hectare. The most common farming system is mixed cropping involving cassava, cocoyam, maize and vegetables. A mixture of *panicum* and *pueraria* covered the formerly planted area of 1,400 ha by the erstwhile State Farms Corporation.

Uncultivated land or forest re-growth

The uncultivated land represents mainly secondary forest from which timber has been exploited and it covers about 655 ha (i.e. 12.97% of the concession). The various forest re-growth patches can be categorised into:

- Secondary forest; and
- Swamp forest.

The secondary forest consists mostly of degraded high forest, tree-poles (isolated tree species) and shrubs. These occur on fallow lands of more than 8 years old. The swamp forest occurs in the valley bottoms where drainage is poor. The indicator species is the *Raphia palm*.

Settlements/Roads within the Concession

Settlements and roads occupied 242 ha (4.73%) of the concession as at the time of acquisition. The main settlements within the concession as given earlier and shown in **Figure 2** include:

- Eha Nso De;
- Nkranfo;
- Dwenase I and Dwenase II;
- Aburokyire;
- Congo;
- Akuamoah;
- Egya Badu; and
- Beposo and Akurafitaa (Patase).

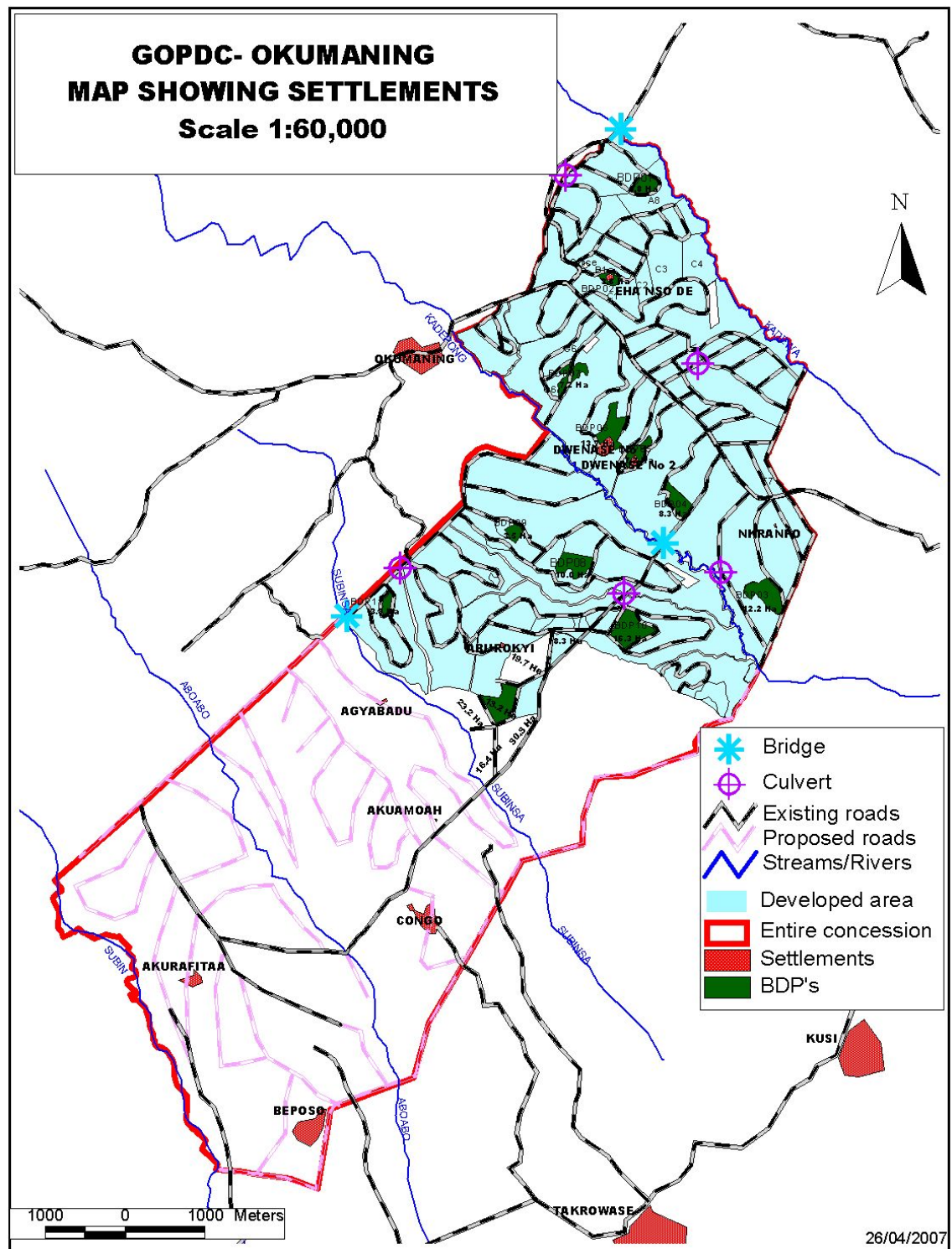


Figure 2 Settlements on the Concession

2.2. Brief Description of the Okumaning Project

2.2.1. Location and size

The total Okumaning concession is about 5,115 ha. The plantation development consists of a nucleus estate of about 3,942 ha and a separate small-holder portion of about 1,172 ha. **Figure 3** shows the Okumaning concession and the proposed nucleus estate and small holder portion.

2.2.2. Plantation Development Activities

The oil palm plantation operations consist of the following:

- ❖ Pre-nursery and Nursery;
- ❖ Land Preparation;
- ❖ Transplanting;
- ❖ Plantation Maintenance;
- ❖ Harvesting and fruit collection; and
- ❖ Haulage of fruits to the Mill at Kwae.

Pre-nursery and Nursery

Seednuts for the project are imported mainly from Lame in Cote D'Ivoire. The seedlings are developed at present in a GOPDC germinator at Kwae. Maintenance of the nursery entails hand weeding around seedlings, supply of sufficient water and application of agro-chemicals. Drip irrigation is employed. The source of water is from boreholes.

Land Preparation

Bush clearing is undertaken manually by slashing using machetes/cutlasses. Bulldozers are used to fell big trees. No burning takes place. Cover crops planted include *Pueraria phaseoloides*, *Calopogonium mucunoides*, and *Centrosema pubescens*. These are all leguminous creeping covers and are sown immediately after brushing or ploughing of the plots. Oil palm seedlings are spaced 9m x 9m (i.e. 9m triangular spacing method is adopted).

Planting and Plantation Maintenance

About 143 seedlings are planted per hectare. Transplanting is done during the rainy season between March and August. No irrigation is carried out. No planting is done at hilltops as well as close to water bodies. Hill tops are developed as biodiversity plots. About 30m spacing is allowed between streams and nearest oil palm plant. Planting started in 2002.

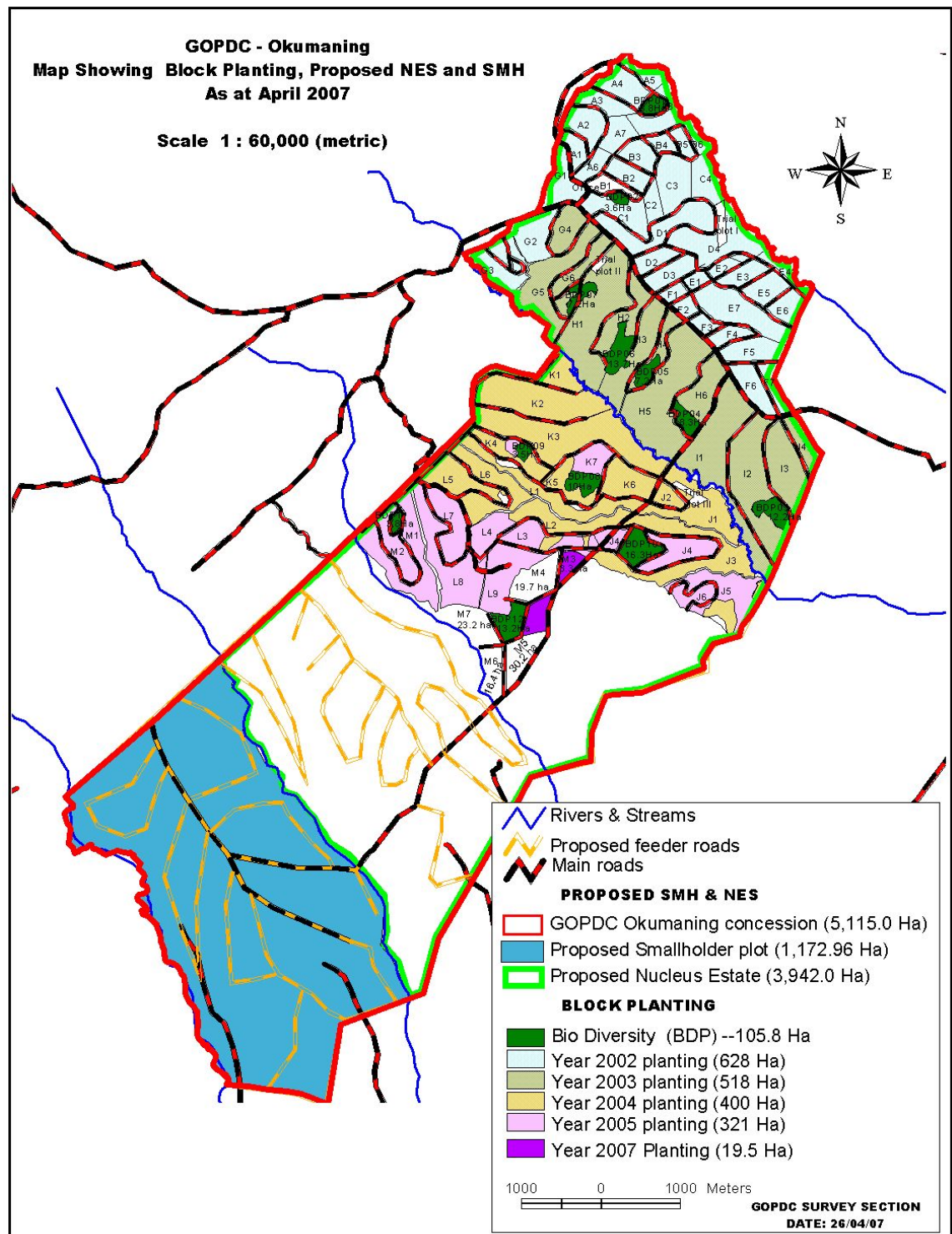


Figure 3 Okumaning concession showing proposed nucleus estate and small holder plots

GOPDC maintains the plantation as organic agriculture in order to produce a fully certified organic palm oil product. Herbicides are not be used. Weed control is done manually. Labour-intensive approach using simple farm tools are employed.

Harvesting, Fruit Collection and Haulage

Harvesting of fruits is done manually using harvesting poles. Power tillers are used to collect fresh fruit bunches (FFB) to containers that are stationed on the easily accessible plantation roads. Tractors are used to collect the containers from the plantations to convenient sites for onward haulage to the Mill by trucks.

2.3. Current Status of Okumaning Plantation Development

About 1,958 ha of the concession is under development since 2002 and 105.8 ha of this area is used as biodiversity plots. The Kusi Stool has retained about 342.5 ha of land and this area is within the nucleus estate. Negotiations are ongoing for the release of this portion of land to GOPDC. The total undeveloped portion of the concession is about 2,814.5 ha and this includes about 1,172.96 ha of land proposed for small holder section. **Tables 2 to 4** provide summaries of the current status of the Okumaning Project and this is further illustrated in **Figure 4**.

Table 2 Area under development

Year	Developed area/ ha (planted and biodiversity)
2002	628
2003	518
2004	400
2005	321
2007	91
Total	1,958

Table 3 Current state of development of the concession

Concession	Land area/ha
Total area under development	1,958.0
Total area undeveloped	2,814.5
Area retained by Kusi Stool	342.5
Total	5,115.0

Table 4 Summary of current status of the Okumaning Project

Concession	Land area/ha	Description of area	Land area/ ha
Nucleus Estate	3,942.0	Total area under development within nucleus estate since 2002	1,958
		Kusi land area retained	342.5
		Undeveloped area within nucleus estate	1,641.54
		<i>Subtotal (nucleus estate)</i>	<i>3,942.04</i>
Small holder area	1,172.96	Undeveloped area of small holder plots	1,172.96
Total	5,114.96	-	5115.0

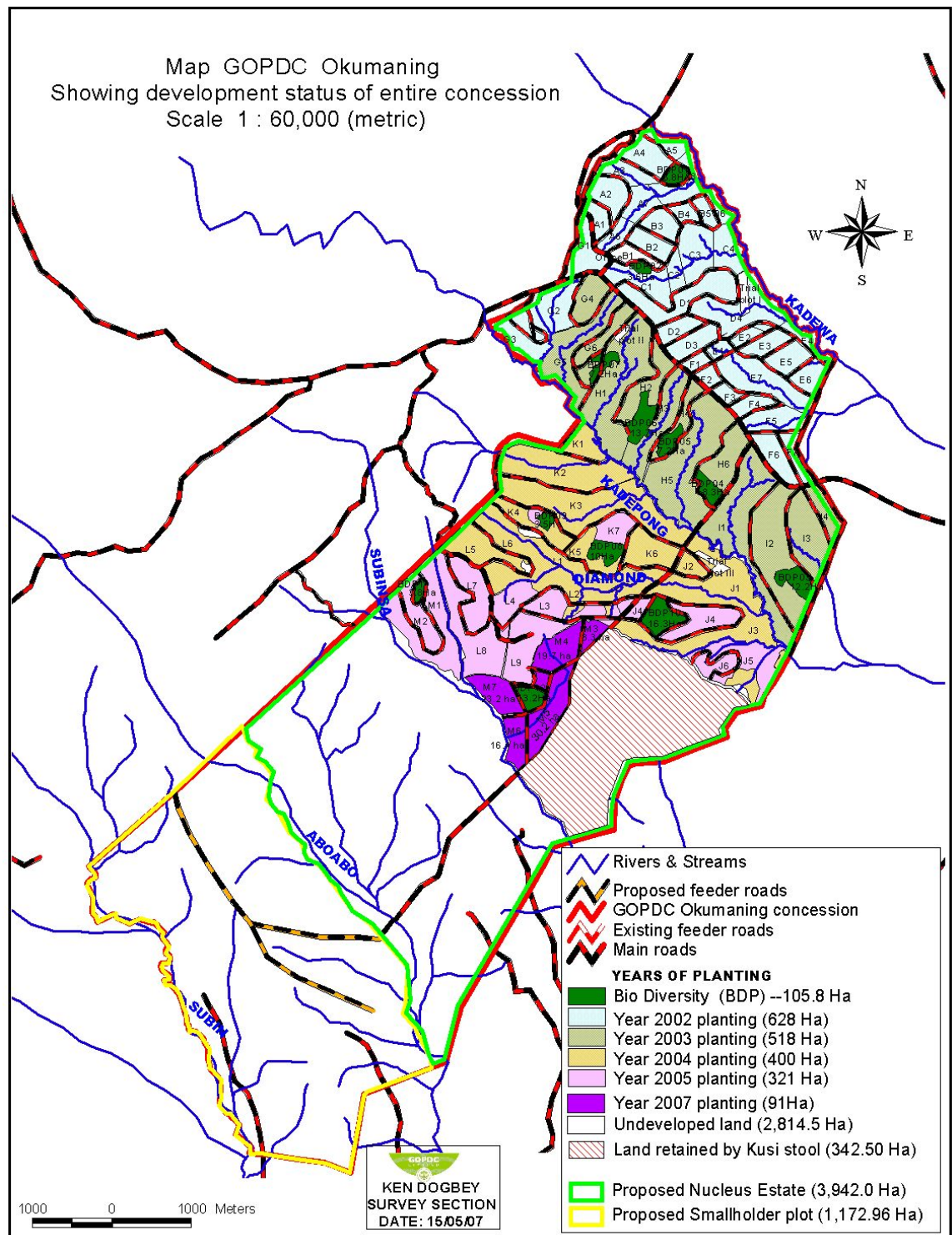


Figure 4 Okumaning Plantation Development Status as at May 15, 2007

2.4. Project Impacts

2.4.1. Acquisition of Land

The government acquired the 5,115 ha of land from the Akyem Abuakwa Traditional Council via the local traditional authorities for the erstwhile State Farms Corporation for commercial farming as per the Ghana Lands Concession Bulletin No. 17 dated Friday 23rd April 1976. It is on record that appropriate compensation was paid for the land as well as for affected crops on portions of the land developed by the State Farms Corporation (SFC)

The SFC however failed to develop all the land as state farm. About 1,500 ha of the 5,115 ha concession was developed under oil palm plantation. The inability of the government to develop the whole concession allowed the continuous occupation by migrant farmers/settlers. Moreover, the collapse of the erstwhile State Farms Corporation also encouraged new farmers to have access to the concession through the traditional authorities. The traditional authorities continued to have jurisdiction over the supposedly abandoned government land and continued to enjoy land rent from the migrant farmers.

The state farms were placed under divestiture in the 1990s and came under the control of the Divestiture Implementation Committee (DIC). The DIC offered the Okumaning State Farm to GOPDC in 2002.

2.4.2. Impacts on Assets and Livelihood

It is expected that the project will have impacts on assets and livelihoods as summarised in **Table 5**. The expected impacts of the Okumaning Project will be limited to:

- Physical displacement of most settlements on the concession and will impact on inhabited dwellings; and
- Economic displacement of farmers within the concession. This will impact on livelihoods of farmers/settlers.

The following settlements on the concession will be affected and will be physically displaced:

- Nkranfo;
- Eha Nso De;
- Dwenasi I;
- Dwenasi II;
- Egya Badu;
- Aburokyire; and
- Akuamoah.

Table 5 Potential impacts on assets and livelihoods

Assets/ Livelihoods	Impacts
Land	Permanent acquisition of land for oil palm plantation development
Crops/farms	Destruction of crops on concession
Structures	Removal of structures of settlers who will be physically displaced.
Livelihoods	-Where food and cash crops are affected, impacts on livelihoods of affected farmers (including both owners and occupants) -where structures used for business purposes are affected, impacts on livelihoods of business persons including both owners and operators of affected enterprises

The settlements that will not be physically displaced include Beposo, Akurafitaa, and Congo. Beposo and Akurafitaa are located within the portion earmarked for small holder scheme. All farms in the small holder area will be owned and controlled by the affected farmers and therefore the presence of the settlements will not be a problem.

Congo village is located on a hill on the boundary line of the nucleus estate. GOPDC does not plant the hills but leaves them as biodiversity plots. Even if Congo village is displaced, the area will not be planted as it is located on a hill. The village is also left there to provide labour for the plantation. It also has an established primary school and relocation without careful planning may cause pupils dropping out of school.

Most of the affected farmers live outside of the concession either in nearby communities such as Okumaning, Nkwantanang, Kusi, Kade and Takrowase or in big towns and cities such as Accra, Winneba, Obuasi, etc.

Affected crops/farms/farmers

Both perennial and annual crops are grown on the concession. Affected crops include cash crops such as citrus, cocoa, oil palm, and cola nut; and food crops such as cassava, maize, plantain, yam, and vegetables such as garden eggs, pepper, tomatoes, okro. Others include groundnut, mango, pawpaw, sugar cane, pineapple, coconut, avocado and teak trees. The dominant affected crops are oil palm, citrus and cocoa.

Various farm sizes exist. Affected farm sizes range from 0.01 hectare to 10 hectares. About 2,930 individual farms were located within the proposed nucleus estate and this excludes the Kusi land area. About 2,344 farmers are affected.



Plate 1 An affected oil palm farm at Egya Badu



Plate 2 An affected maize farm at Egya Badu

Affected Structures and Occupants

Dwellings made up of mud houses with thatch roofs or aluminium roofing sheets will be affected. Some of the mud houses have been plastered with either clay or cement screed and painted. Wooden inhabited structures also exist in the settlements. Very few sandcrete block buildings may be found in some of the settlements. **Annex 1** shows some affected structures within the communities. About 279 structures are affected. About 189 structures have already been paid for leaving about 90 structures yet to be paid for and these are located at Egya Badu and Akuamoah villages.

The dwellings are mostly inhabited by their owners or by their relatives especially children. No tenants were encountered. Dwellings are usually not rented because the structures are basic and are made up of local materials which are easily constructed at minimum cost.

Communal properties to be affected mostly include boreholes or hand-dug wells. Some wooden makeshift structures used as church houses are found in Dwenasi and Egya Badu villages. No school building will be affected as these communities do not have schools. No cemeteries or graveyards will be affected likewise shrines.



Plate 3 Eha Nso De village

2.4.3. Status of Project Impacts

About 1,963 people lived in the villages on the concession. About 867 people have already been relocated. About 482 people are yet to be displaced and this comprises people of Egya Badu and Akuamoah communities. Out of the 2,344 farmers affected, about 653 lived in the villages on the concession. **Tables 6 and 7** provides summary of the project impacts on affected farmers, farms and population of the settlements on the concession.

Table 6 Number of farmers and farms affected

Concession portion	Description	Land area/ ha	No. of farmers	No. of farms units
Nucleus Estate	Area under development	1,958	1,223 (already displaced from farmland)	1,529 (already destroyed)
	Undeveloped portion	1,641.54	1,121 (yet to be displaced from farmland)	1,401 (yet to be destroyed)
	Kusi land area	342.5	Unknown (Negotiations for land release ongoing)	Unknown (Negotiations for land release ongoing)
Small holder portion	Not yet developed	1,172.96	Unknown (farmers will not be affected)	Unknown (farms will not be affected)
Total		5115	2,344	2,930

Table 7 Populations and farmers living in the villages on the concession

Village/Settlement on the concession	Population	Persons impacted/ not impacted	Number of farmers living on concession	Affected farmers living on concession
Nkranfo	15	867 (already displaced)	347 (already displaced from farmland)	347 (displaced from farmland)
Eha Nso De	136			
Aburokyire	33			
Dwenase I	473			
Dwenase II	210			
Egya Badu	290	482 (yet to be displaced)	193 (yet to be displaced from farmland)	306 (farmers living on concession and yet to be displaced from farmland)
Akuamoah	192			
Congo	284	614 (will not be displaced)	113 (yet to be displaced from farmland)	(Farmers living in Beposo and Akurafitaa will not be affected)
Beposo	250		132 (will not be affected)	
Akurafitaa (Patase)	80			
Total	1,963	1,963	785	653

The following describe in summary, the current situation of farms and persons to be affected on the nucleus estate of the Okumaning

- Land area undeveloped (excluding Kusi land area) = 1,641.54
- Total number of farms to be affected = 1,401
- Total number of farmers to be affected = 1,121
- Number of farmers living on concession = 306
- Number of farmers living outside concession = 815
- Number of structures to be affected = 90

3.0 LEGAL FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION

3.1. Relevant National Legislative Framework

The relevant legal framework for land acquisition and compensation in Ghana include:

- ◆ The Constitution of the Republic of Ghana, 1992; and
- ◆ The State Lands Act, 1962.

3.1.1. The Constitution of Ghana and the Protection of Individual Property

The Constitution of Ghana, adopted in 1992, makes provisions that protects the right to private property and sets principles under which citizens may be deprived of their property in the public interest. Article 18 provides that

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

Article 20 of the 1992 Constitution of Ghana describes the circumstances under which compulsory acquisition of immovable properties in the public interest can be done:

“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 following conditions are satisfied:

- a) The taking of possession or acquisition is necessary in the interest of defence, public safety, public order, public morality, public health, town and country planning or the development or utilisation of property in such a manner as to promote the public benefit; and*
- b) The necessity for the acquisition is clearly stated and is such as to provide reasonable justification for causing any hardship that may result to any person who has an interest in or right over the property.”*

Clause 2 of Article 20 further provides that:

“Compulsory acquisition of property by the State shall only be made under a law which makes provision for:

- a) The prompt payment of fair and adequate compensation; and*
- b) 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.”*

Displacement of people

Clause 3 of Article 20 adds that:

“Where a compulsory acquisition or possession of land effected by the State in accordance with clause (1) of this article involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values.”

3.1.2. The State Lands Act, 1962

The State Lands Act, 1962 (Act 125) vests in the President of the Republic the authority to acquire land for the public interest via an executive instrument. The Act details the procedural requirements to be followed and further provides that *“on the publication of the executive instrument..., the land shall, without any further assurance than this subsection, vest in the President on behalf of the Republic, free from any encumbrance whatsoever”* (Sect. 1-3).

The State Lands Act also places responsibility for registering a claim on the affected party, and details the related procedure.

Calculating Compensation

The State Lands Act, 1962, details the different elements to be taken into consideration when calculating compensation and these include:

- ◆ “Cost of disturbance” means 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;
- ◆ “Market value” means the sum of money which the land might have been expected to realise if sold in the open market by a willing seller or to a willing buyer,
- ◆ “Replacement value” means 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 made under section 1 of this Act, and shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the said declaration; and
- ◆ “Other damage” means damage sustained by any person having a right or interest in the land or in adjoining land, by reason of severance from or injurious affection to any adjoining land.

3.2. IFC Performance Standard 5

IFC Performance Standard 5 is to be complied with where land acquisition and involuntary resettlement is involved. The objectives of the Performance Standard (PS) 5 include:

- ❖ To avoid or at least minimise involuntary resettlement wherever feasible by exploring alternative project designs;
- ❖ 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 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 at least restore the livelihoods and standards of living of displaced persons; and
- ❖ To improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites.

The Performance Standard applies to physical or economic displacement resulting from the following types of land transactions:

- Type I: Land rights for a private sector project acquired through expropriation or other compulsory procedures;
- Type II: Land rights for a private sector project acquired through negotiated settlements with property owners or those with legal rights to land, including customary or traditional rights recognised or recognisable under the laws of the country, if expropriation or other compulsory process would have resulted upon the failure of negotiation.

The requirements of PS 5 include among others the need for the client:

- To consider feasible alternative project designs to avoid or at least minimise physical or economic displacement, while balancing environmental, social, and financial costs and benefits;
- To offer displaced persons and communities compensation for loss of assets at full replacement cost and other assistance to help them improve or at least restore their standards of living or livelihoods;
- To consult with and facilitate the informed participation of affected persons and communities, including host communities in decision-making processes related to resettlement;
- To establish a grievance mechanism consistent with Performance Standard 1 to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities;
- To carry out a census with appropriate socio-economic 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;

- To offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate;
- To provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable;
- To promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost; and
- To compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment.

Detailed provisions of the IFC Performance Standard 5, Land Acquisition and Involuntary Resettlement are given in **Annex 2**.

With the implementation of the measures in the RAP, and the future adherence to the resettlement plan contained therein, the project will meet the requirements of PS 5.

3.3. World Bank Safeguard Policy on Involuntary Resettlement

The World Bank's safeguard policy on involuntary resettlement, OP 4.12, (December 2001) is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to natural resources, may take place as a result of the project. It includes requirements that:

- a) Involuntary resettlement should be avoided where feasible, or minimised, exploring all viable alternative project designs.
- b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

According to OP 4.12, the resettlement plan should include measures to ensure that the displaced persons are:

- a) informed about their options and rights pertaining to resettlement;
- b) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
- c) provided prompt and effective compensation at full replacement cost for losses of assets attributed directly to the project.

If the impacts include physical relocation, the resettlement plan should include measures to ensure that the displaced persons are:

- 1) Provided assistance (such as moving allowances) during relocation; and
- 2) Provided with residential housing, or housing sites, or as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site.

Where necessary to achieve the objectives of the policy, the resettlement plan also should include measures to ensure that displaced persons are:

- a) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and
- b) provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities.

3.4. Land Tenure in Ghana

3.4.1. Interests in land

Ghanaian law recognizes the following four interests in land:

- 1) Allodial interest is the highest interest recognized by customary law. It is equivalent to freehold. Allodial titles are normally vested in stools or skins, and also in families or individuals, depending on areas and ethnic groups.
- 2) Customary law freehold is a perpetuity interest vested in members of the community that holds the allodial title. Customary law freehold implies that the holder can occupy the land and derive economic use of it.
- 3) Common law freehold is an interest that results from sale or gift to a non-member of the community that holds the allodial title by the custodian of this title.
- 4) Leasehold is a right to occupy and develop the land granted for a certain period (up to 99 years for Ghanaian citizens and 50 for non-Ghanaian), usually against the payment of a rent.

3.4.2. Existing forms of land ownership

Land in Ghana belongs to two broad categories:

- Customary land, including stool land and family land,
- Public land, including state land and vested land.

Stool land

Stool land is land the allodial title of which is vested in a stool. Although under customary law, stool land has a customary custodian (the chief of the stool). The 1992 Constitution has created the Office of the Administrator of Stool Land, which is in charge of collecting fees and royalties, which amount to land taxes.

Family land

Family land is vested in the head of the family. These lands are not placed under the control of the Government, as stool lands are, and are less regulated.

State land

State land is land that the State has compulsorily acquired for public purposes or in the public interest. It is administered by the Lands Commission.

Vested land

Vested land is still owned by a customary landowner, typically a stool, but has been “vested” in the Government which manages it on behalf of the customary owner. This should mean that the customary owners still retain the land economic benefits; whereas the Government, through the Lands Commission, manages the land (i.e. has a right to sell or lease it for instance).

3.5. Land Administration in Ghana

3.5.1. Traditional Authorities

In Ghana, people of common descent owe allegiance to a symbol of collective authority, such as the ‘stool’ for southern Ghana or the ‘skin’ for the northern Ghana. Traditional authorities play a role in the administration of the land or area. Chiefs act as custodians of stool/skin land. At the village level, family and land disputes and development issues are traditionally dealt with by the village chief and elders.

3.5.2. Public Institutions

The modernisation process of land administration in Ghana has included a land titling process as well as the establishment of a series of land administration institutions. These include:

- Land Commission;
- Land Title Registry;
- Survey Department;
- Land Valuation Board;
- Department of Town and Country Planning; and
- Office of the Administrator of Stool Lands.

Lands Commission

The Lands Commission is the principal land management organisation of the Government. Its mandate (Lands Commission Act, 1994) includes amongst others:

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

Land Title Registry

This institution was established by the Land Title Registry Act, 1986, which also provides for compulsory registration of land transactions, and requires that a cadastral map and a title search be attached to any application for title registration.

Survey Department

Under the Survey Act, 1962, the Survey Department has mandate, amongst others, to plan all national surveys and mapping, to license and supervise licensed surveyors, and to undertake surveys, supervision and storage for public use. The Survey Department is responsible for the production of cadastral maps, since under the Land Title Registration Law, for a title to be registered, the production of a map certified by the Survey Department is a requirement.

Land Valuation Board

It was established in 1986 through PNDC Law 42. It is responsible for all valuation services for the Government, including assessing compensation to be paid as a result of land acquisition by the Government. The Land Valuation Board is supposed to be involved in any acquisition of land on behalf of the Government. It keeps rates for crops which are applicable nation-wide.

Department of Town and Country Planning

It was established in 1945. It is responsible for designing plans (planning schemes) and controlling settlements, based on mapping information provided by the Survey Department.

Office of the Administrator of Stool Lands

This institution was established by the Office of the Administrator of Stool Land Act, 1994. It is intended to manage revenue drawn from stool/skin lands, by establishing a stool land account for each stool, collecting revenue into this account, and disburse these monies to the stool, to the traditional authority and to the related district assembly. It is placed under the overall control of the Lands Commission.

4.0 COMPENSATION PLAN

4.1. Eligibility and Entitlements

Table 8 presents the matrix of entitlements for the different categories of impacts encountered under the Project. Entitlement for land was not considered because the project will be undertaken on land acquired from the State.

Table 8 Matrix of Entitlements for the Impacts

Affected Assets/ units	Type of impact	Entitled units	Eligibility criteria	Entitlement
Crops (economic trees inclusive)	Destruction of standing crops	Owner or Farmer	-Have grown the affected crop (farmer) or -Released the affected plot to farmer on agreed terms	Cash compensation for standing crops not harvested prior to land entry, counted at cut-off date and determined by Land Valuation Board
Structures	Destruction of immovable structures	Owner	Use the affected structure	Cash compensation at replacement value of structure or market value whichever is higher and disturbance cost as determined by Land Valuation Board
Livelihoods	Farming	Farmer	Use the project affected land for farming as livelihood sources (emphasis on perennial crops. Annual crops can be harvested prior to land entry)	-Employment at GOPDC Okumaning Project -Consideration for small holder/outgrower scheme facility
	Agri-business (cottage industry of palm oil making)	Owner	Use structure for agri-business purposes	-Employment at GOPDC Okumaning Project -Consideration for small holder/outgrower scheme facility

4.2. Valuation of Properties

4.2.1. Valuation of Assets

The purpose of the valuation exercise is to assess the total compensation payable to the project affected persons. The scope of the valuation covers all structures in the affected settlements to be physically displaced as well as all standing crops/farms on the concession. Land was not considered in this case since all the affected properties are within legally acquired state land.

4.2.2. Basis of Valuation

The bases of this valuation are derived from Section 4(1) of the State Lands Act of 1962, Act 125; and Section 20 of the 1992 Fourth Republican Constitution of Ghana as well as the World Bank's Involuntary Resettlement Policy, OP 4.12. The valuation is based on market valuation, and tested on value to the owner and not to the acquiring agency.

4.2.3. Valuation Method

Structures

The Replacement Cost Approach (RCA) was adopted for the valuation of the structures. The RCA is based on the assumption that cost and value are related. It involves finding the estimate of the gross replacement cost of a structure/development which is the estimated cost of constructing a substitute structure, having the same gross area as that existing, at prices current at the relevant date. For the purpose of the valuation, the structures and development were not depreciated.

Crops/ Economic Trees

The Enumeration Approach was adopted for the crops/economic trees affected by the project. The Enumeration Approach involves taking census of the affected crops and applying the relevant rate approved by the Land Valuation Board (LVB). The counting is either by the number of trees or an area of crops.

Land

Land required for the oil palm development project was divested with other assets of the former State Farms Corporation. Therefore no land compensation was to be paid to the farmers other than for their crop and structural assets.

4.3. Valuation Procedures

4.3.1. Determination of Valuation Dates/Cut off Dates

Valuation of affected crops and structures are carried out in phases. GOPDC and the valuation team meets with the affected communities to determine and agree on the valuation dates. Notices are placed within the affected communities on the agreed dates for valuation. As the day approaches, the community leaders ensure that gong-gong is beaten to remind the people of the dates of the valuation.

4.3.2. Field measurements and requirements

Structures

The LVB team from the Regional Capital, Koforidua and also Asamankese carry out the field measurements of the affected structures in the presence of the following:

- The affected owner of structure or his/her representative;
- GOPDC Survey team; and
- GOPDC Photographer.

All the structures are labelled or numbered using LVB codes. Affected structures are described in terms of floor, wall, door, window, roof, ceiling, accommodation, condition on a prescribed form with dimensions of the structure also indicated.

The form is completed in duplicate with photographs of the structure also placed on the second form later. Photographs are taken of all affected structures with owners/representatives in front of the structure. **Annex 3** shows sample completed forms (in duplicate) of some affected structures.

Crops

The LVB team from Koforidua and Asamankese carry out the field measurements of the affected crop in the presence of the following:

- The affected farmer or his/her representative; and
- GOPDC Survey team.

Information obtained on the affected crops include:

- Type of crop;
- Maturity of crop (seedling, small/young, Medium, large/mature); and
- Acreage or size of farm or number of individual plants.

LVB team processes the field data onto LVB Standard Form “F” which is given out to the affected farmer/claimant to confirm or agree upon the affected crop and size/acreage. When there is any disagreement between farmer and valuation team, field measurements are taken again on the farm and the size determined in the presence of the farmer.

Three passport size pictures of the farmer are obtained and fixed on the accepted Form “F” which is produced in three copies. One copy of the accepted Standard Form “F” is then given out to affected farmer in the presence of either the Okumaning or Kusi Chief or his representative. Where the affected farmer is not the ‘owner’ of the farm, the ‘owner’ of the farm is also required to be present during the issuing of the Form “F” to the affected farmer. Samples of completed Standard Form “F” are shown in **Annex 4**.

4.4. Compensation Determination and Approval

In this context, the compensation is the amount required, so far as money can do so, to put the farmer or owner or user of a farm or structure in the same position as if his/her use and enjoyment has not been disrupted. In other words, it is based on the principle of “Equivalent Re-instatement”. In general, the compensation value due the affected person comprises:

- a) the replacement cost of the affected properties (for structures);
- b) the value of the affected crops as determined by LVB (for crops); and
- c) disturbance cost to the farmer/owner/user of the property (for crops and structures).

The methodology used by the Land Valuation Board to establish the various crop rates and structure values including the disturbance cost is not disclosed by LVB. The LVB Regional Office at Koforidua determines the compensation payable to the affected farmers and owners of the structures. The values obtained are confirmed or cross checked by the LVB Head Office in Accra.

4.5. Compensation Payment Procedures

The LVB Head Office approved compensation values are sent to the Divestiture Implementation Committee (DIC) in Accra. The DIC then gives GOPDC the approval to pay the compensations as approved by LVB Head Office to the affected farmers and settlers.

4.5.1. Notice of payment

Notice is given three weeks before payment of compensation is done. Notices are pasted at open strategic areas in Okumaning, Kade (the District Assembly Office) and in the affected settlements. Information on the notices include:

- Dates of compensation payment;

- List of affected people/claimants or beneficiaries and their Form “F” number if it is for crops; and
- Place of payment – usually at Okumaning Project Office at Okumaning.

GOPDC periodically uses vans and pick-ups mounted with public address systems to announce payment dates. Affected villages also beat gong-gong to inform the people about the date and place of payment and other requirements needed before compensation is paid.

4.5.2. Payment of compensation

The project affected persons or claimants receive their compensation payment in Ghana Commercial Bank (GCB) Cheques at the Okumaning office in the presence of:

- The Okumaning/ Kusi Chief or his representative;
- A member of the LVB team;
- The Assemblyman for the area;
- GOPDC surveyor;
- Photographer; and
- A local Policeman.

GOPDC cashier issues the cheques to the claimant/affected farmer (as shown in **Annex 5**) who is expected to submit his or her Form “F”. Where the farmer obtained the land from another person on agreed terms, the plot owner is also required to be present during issuing of the cheque to the farmer. Payment of compensation for structures sometimes takes place at the community.

4.5.3. Cashing of compensation cheques

The GCB cheques issued for the compensation are cashed at the nearest GCB branch, which is the Kade branch. There are no banks in the affected communities or at Okumaning. GOPDC sends the names of beneficiaries to the bank for payment to be done. The bank requires the affected farmers to present endorsed passport size photographs, Identity Card (Voter I.D or Birth Certificate or Driver License or Passport).

4.6. *Current Status of Valuation and Compensation Payment*

The area left to be valued is the Kusi land area of the concession, which is about 342.5 ha. Farms and settlements (Beposo and Akurafitaa) within the area earmarked for small holder scheme will not be affected. No valuation will be undertaken in this area.

Figure 5 shows the status of valuation and compensation. About Twenty-Four Billion, Twenty-Two Million, Six Hundred and Seventy-Eight Thousand and Six Hundred and Sixty-Four Cedis (¢24,022,678,664) or about USD2.5 million of compensation has been paid as

derived from **Figure 5**. An analysis of compensation figures indicate that about \$2,200 is paid per hectare of crop.

About 870.4 ha of affected farms have been assessed but not listed for payment. This means the field measurements have been done but LVB are yet to submit the valuation list for payment. Also, about 149.3 ha have been listed but compensations are yet to be paid. The LVB has therefore submitted the list of affected persons and their compensation amounts but GOPDC is yet to effect payment.

Settlements valued but yet to receive their compensation include Akuamoah and Egya Badu. All other project affected communities have received their compensation.

4.6.1. Affected Settlements and Present Situation/Condition

To prepare this updated RAP, a quick survey of the affected settlements was carried out. It confirmed that the migrants have relocated to nearby communities such as Okumaning, Kade, Kusi and Takrowase. Others have gone back to their hometowns in other parts of the country. The situation is summarised below:

Nkranfo

The people have relocated to Kade, the district capital of the Kwaebibirem District after receiving the appropriate compensation. GOPDC has planted the area with oil palm with success. This was a small Ga tribal settlement originating from the Greater Accra Region and consisted of five mud houses with 3 households.

Eha Nso De

The people have mostly relocated to Okumaning and Kade and others gone back to the Central Region. The settlers were Fantes who came from Gomoa Fete in the Central Region to farm. Appropriate compensations have been paid to them. GOPDC has planted the area with oil palm.

Dwenasi I & II

The people have mostly relocated to Okumaning and Kade and others have gone back to their hometowns in the Central Region. They are Fantes from Agona Kwaman in the Central Region. Appropriate compensations have been paid to them. GOPDC has cultivated the area with oil palm.

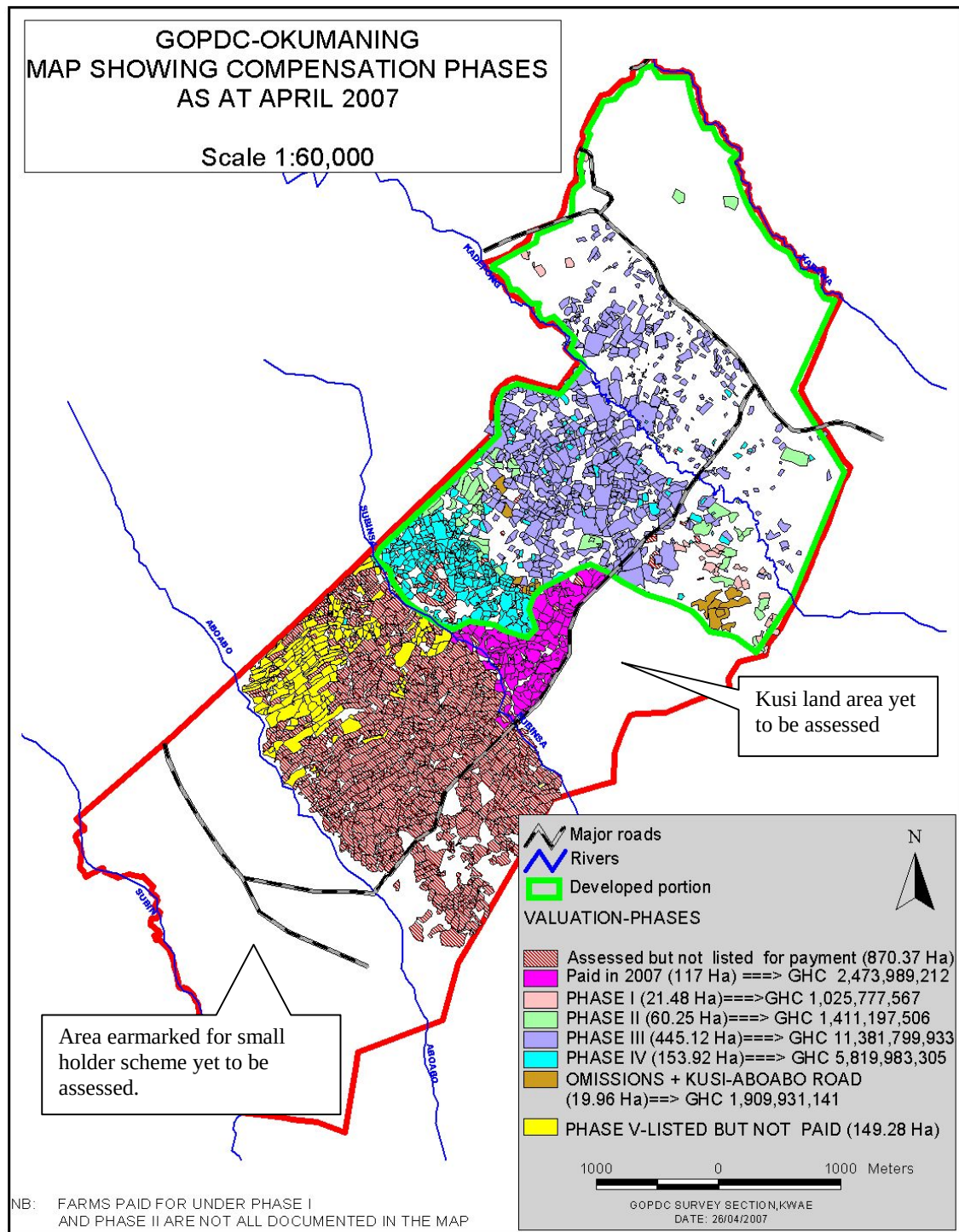


Figure 5 Status of valuation and compensation payment

Aburokire

The people have mostly relocated to Okumaning, Kade, and Kusi. Others have gone back to their hometowns. Appropriate compensations have been paid. The people are of mixed ethnic groups comprising mainly of Fantes, Kwahus Ewes, Krobos and northerners. These settler farmers engaged in cocoa, citrus and oil palm cultivation.

Egya Badu and Akuamoah

These are mostly Kwahus from the Eastern Region. Egya Badu and Akuamoah villages are yet to be paid their compensations for crops and buildings. The crops and buildings have already been assessed by LVB but GOPDC is yet to receive the valuation results from LVB for payment. Egya Badu and Akuamoah villages plan to relocate to Kusi, Takrowase, Kade, and Okumaning. Some intend to go back to their hometowns in the Kwahu region.

Beposo & Akurafitaa (Patase)

These settlements are within the proposed area earmarked for small holder scheme, and will not be affected. Neither their farms nor structures will need to be removed. No valuation will be undertaken as there will not be any compensation payments. They will be part of the small holder scheme. Farmers growing citrus and other cash crops will however be encouraged to grow oil palm.

Congo

Congo village is the only community within the proposed nucleus estate that will not be relocated. This is because it is located on a hill and GOPDC does not plant the hills but use it as biodiversity plots. The village is also left there to provide labour for the plantation. However, their farms will be affected. The affected farms have been valued but LVB is yet to submit list for compensation payment. The settlers are mostly Fantes, Ewes and Asantes. There is a primary school at this village. Hand-dug wells serve as source of drinking water. In addition, the villagers use the Subinsa and the Aboabo streams for other domestic activities such as washing.

4.6.2. Removal of structures and crops

GOPDC pays compensation to project affected people before removing the affected crops and structures. Inhabited dwellings are given 3-6 months to prepare to leave their residences. The affected settlers are encouraged to leave at their own volition.

4.7. *Vulnerable Persons*

GOPDC recognises the need to identify and assist vulnerable groups so that the project impacts do not worsen their conditions.

4.7.1. Identification of Vulnerable People

Vulnerable persons are those at risk of becoming exposed to exploitation due to the displacement, compensation and resettlement processes. Vulnerable people in this case include:

- Very disabled persons, whether mentally or physically;
- The elderly, from 70 years and above; and
- The sick or bed ridden persons.

GOPDC survey team will identify vulnerable persons during the field valuation/measurement stage. The survey team will liaise with the various community leaders to identify all vulnerable persons using the above criteria. This step is critical because often vulnerable people do not participate in community meetings, and their disability/vulnerability may remain unknown.

4.7.2. Assistance to Vulnerable People

Assistance to vulnerable people will include the following:

- ❖ Identification of required assistance at the various stages of the process: field measurement/ valuation, compensation, moving;
- ❖ Implementation of the measures necessary to assist the vulnerable person; and
- ❖ Monitoring and continuation of assistance after resettlement and/or compensation, if necessary.

Due to the intricate family structure, such persons are usually very well supported and represented by family relations including children who live in the same households. The close relation is given mandate with approval by family heads to represent and assist such vulnerable persons.

Assistance will take the following forms, depending upon vulnerable person's requests and needs:

- Assistance in the compensation payment procedure (e.g. going to the bank with the person to cash the compensation cheque);
- Assistance in the post payment period to secure the compensation money and reduce risks of misuse or robbery; and
- Assistance in moving: providing vehicle, driver and assistance at the moving stage.

5.0 OBJECTIVE OF THE RESETTLEMENT PLAN

No land compensation is involved under this project. Also, the project will not develop any new settlements since the communities rejected this option which was earlier proposed by GOPDC. The main objectives of the resettlement plan are therefore as follows:

- To ensure that project affected people are consulted and their concerns included in the resettlement programme for implementation;
- To ensure that project affected people are adequately compensated for loss of crops and structure (either business structure or residential structure or communal property);
- To compensate the affected units and enterprises for their loss at replacement cost or market value whichever is higher, and cost of disturbance to the affected persons in line with the State Lands Act 1962;
- To provide immediate employment to interested project affected persons to ensure that the income-earning capacity of the affected individual are not diminished but at least restored to the levels they would have had without the project;
- To provide small holder scheme facilities to interested affected farmers to ensure that affected farmers without land can have access to free land for oil palm development which will serve as a livelihood support;
- To provide technical support to affected farmers who have access to land for oil palm development under its outgrower scheme facility to ensure that farmers obtain good yield from their farms;
- To identify vulnerable groups among the project affected people and prescribe any special assistance they may require in terms of extra attention during the implementation of the programme; and
- To meet both national and institutional regulatory requirements. Any impact of the project is addressed in compliance with the Constitution of Ghana, other Ghanaian regulations, and with the IFC Performance Standard 5 on land acquisition and involuntary resettlement.

6.0 LIVELIHOOD SUPPORT AND OTHER MITIGATION MEASURES

6.1. *Livelihood Support Initiatives*

GOPDC will fulfil the IFC requirement to improve, or at the very least restore, the project affected people's livelihood. GOPDC acknowledges that the development of the Okumaning Project which involves physical as well as economic displacement of people will have an impact on their livelihoods.

Livelihood support initiatives were therefore conceived at the project planning and design stage and have been developed as part of the programme to assist the affected persons. The initiatives put in place include:

- Employment opportunities; and
- Provision for small holder/outgrower scheme facilities.

6.1.1. Employment opportunities

GOPDC offers employment to project affected persons on the Okumaning Project. Interested project affected persons have always been considered for employment since 2002. Currently, out of the 1,000 employees on the Okumaning Project, 800 are project affected persons both male and female, that is about 80% of the workers. The daily wages of these workers range from a minimum of ₦23,100/day to a maximum of ₦50,000/day. About Five Hundred Million Cedis (₦500,000,000) is paid as monthly salary to the affected workers and therefore goes into the local economy.

More people are expected to be employed as the Okumaning oil palm development project progresses towards the Aboabo area. Additionally, between 400 and 500 new people will be engaged on the portion of the concession to be newly developed. Over 90% of this employment opportunity will be given out to project affected persons/settlers on the concession.

The provision of employment opportunities to project affected persons has impacted positively on the people by providing reliable income, which has helped them to easily settle in nearby communities and are now far better off than they were before the project began. These farmers were earning between ₦7,000 to ₦20,000 per household per day.

6.1.2. Provision for small holder/outgrower scheme facilities

About 1,172.96 ha of the concession have been earmarked for small holder schemes. Allocation of plots will be 2 ha per project affected farmer or individual. Over 300 people

are expected to benefit from the scheme. Project affected persons will not pay any land rent to GOPDC. GOPDC will provide the following technical inputs to be paid for later:

- Oil palm seedlings; and
- Fertilisers.

The services of Extension Officers will be free. During harvesting, GOPDC will provide free haulage services to convey the fruits to the collection centres. However, beneficiary farmers will pay for the technical inputs. A grace period of 7 years will be allowed, and repayment will be over 12 years.

For the outgrower scheme, it is expected that farmers will look for land or should have their own farms for that purpose. Such farmers will equally benefit from the supply of technical inputs, extension services and haulage of fruits as well as enjoy the allowable grace period of 7 years and a repayment within 12 years. Those with existing oil palm farms who want to join the scheme will also be welcomed. However, GOPDC will inspect and approve such farms for quality assurance purposes.

The scheme is expected to take off this year and will begin with registration of interested project affected farmers. The project affected farmers in Congo, Beposo and Patase villages will be considered first for the small holder scheme.

6.2. Other Mitigation Measures

6.2.1. For project affected persons

Project affected farmers after receiving compensation for the affected annual crops are also allowed to harvest such crops. Such crops are not destroyed even though compensations have been paid. The farmers are allowed some time to harvest all fruit bearing perennial crops such as oil palm, cocoa, citrus, cola etc after receiving compensations on such affected perennial crops.

Owners of oil palm farms are also allowed to sell the palm trees for wine tapping. The palm wine tapers are also given adequate time to carry out their activities. The price of a palm tree ranges from ₦10,000 to ₦60,000 depending on the size, maturity and condition of the tree. Affected Oil palm growers have made extra income out of this provision.

Owners of structures are allowed to salvage all necessary materials from the affected structures to be demolished. This has enabled a lot of affected people to rapidly re-establish and furnish newly acquired dwellings at Okumaning.

Besides the small holder scheme facility, Congo community will be given land to grow food crops such as maize, cassava, and vegetables. Each household will be given about 2 ha of

land for such purposes for domestic use. Congo community will also be employed on the project to ensure that their income generating capacity is sustained.

6.2.2. For nearby host communities such as Okumaning

GOPDC acknowledges the fact that most of the affected settlements will relocate to nearby communities such as Okumaning, Kade, Kusi, and Takrowase. Unlike Okumaning, Kade, the district capital of Kwaebibirem, Kusi and Takrowase are relatively well established towns with electricity, water and other social amenities.

GOPDC has put in place measures to alleviate the pressure on Okumaning as a result of the relocation of affected farmers to the community. These include:

- Provision of electricity to Okumaning to facilitate the development of the community. About \$140,000 was invested in the electrification project to purchase two transformers, electric poles and high and low tension electric lines and so on;
- Assisting with water and sanitation projects in the community: GOPDC in collaboration with the traditional council and the district assembly is constructing a KVIP facility for the community. The company has assisted with the relocation of a huge waste dump within the community that was creating serious unsanitary and health concerns.
- Construction of school buildings. GOPDC is assisting with excavation equipment.
- Construction of culverts/bridges: GOPDC has constructed a permanent bridge to link Okumaning and Nkwantanang.

Communication and commerce has greatly improved at Okumaning and nearby communities since GOPDC facilitated the installation of a mobile phone network in the area.

Establishment of community development fund

GOPDC has established a community development fund. About 0.2% of its turnover (gross profit) is put into the fund. The fund is used to undertake development activities in communities within its catchment.



Plate 4 Commissioning of the electrification and street light project at Okumaning by traditional and political leaders

7.0 ORGANISATIONAL RESPONSIBILITIES

The main organizations involved with the implementation of the resettlement plan include:

- GOPDC;
- Land Valuation Board (LVB);
- Divestiture Implementation Committee (DIC);
- Kwaebibirem District Assembly, Kade;
- Traditional Authorities;
- Ghana Commercial Bank, Kade Branch;
- Court of law-Koforidua High Court; and
- Consultants.

7.1. *GOPDC*

GOPDC is ultimately responsible for the payment of adequate compensation to the project affected persons on behalf of the Government of Ghana as provided for in the divestiture agreement. It is the key organisation responsible for monitoring and evaluation of the resettlement plan, and also involved with the grievance redress processes. It is responsible for stakeholder/public consultations and to ensure that project affected persons are involved in the resettlement programme and their concerns taken on board. GOPDC has to ensure the success of the resettlement programme.

7.2. *Land Valuation Board (LVB)*

LVB was established in 1986 (PNDC Law 42), through a merger of valuation divisions operating within different ministries. The LVB is responsible for all valuation services for the Government, including assessing compensation to be paid as a result of land acquisition or damage to an asset in view of a government project. The Board keeps rates for crop compensation which are applicable nation-wide. The LVB has offices in all the ten (10no.) regions of Ghana and 44 district offices. The LVB also keeps records of private sector certified valuers.

The LVB Eastern Regional Office at Koforidua and the District Office at Asamankese undertakes the field measurements and valuation of the affected crops and structures on the Okumaning concession. The Head Office in Accra provides the needed quality assurance by cross checking the values obtained for each affected crop or structure as well as endorsing the valuation exercise.

7.3. *Divestiture Implementation Committee (DIC)*

This office has responsibility to act on behalf of Ghana Government to implement and execute all policies in respect of the divestiture programmes. The details about DIC are set

out in the Divestiture of State Interests (Implementation) Law, 1993 (PNDC Law 326). Its functions among others are to plan, monitor, coordinate and evaluate all divestitures.

The Okumaning concession was acquired by government in 1976 for the defunct State Farms Corporation for commercial farming and portion of the land was developed as State Oil Palm Plantation Project. The state farm was placed under divestiture in the 1990s and came under the control of the DIC. The DIC offered the Okumaning state farm to GOPDC following due process of the divestiture implementation procedures.

The DIC receives copies of the valuation of crops and structures from LVB Head Office, Accra and authorises GOPDC to pay the various amount involved to the affected people or claimants as assessed by LVB on behalf of the Government of Ghana. The DIC is also involved with resolving conflicts arising from boundary demarcation with relevant traditional authorities.

7.4. *Kwaebibirem District Assembly*

The Assembly is the local political and administrative office with governmental jurisdiction over the Okumaning area and therefore the oil palm plantation project. The Assembly has been involved with the resettlement programme from the beginning by ensuring that the interest of farmers is protected. The Assembly through the effort of the District Chief Executive (DCE) is available to meet various factions of the affected communities on the resettlement issue since 2002. The Assembly also intervened and encouraged the affected settlers especially at Dwenasi village to opt for resettlement (in which their structures/buildings would be replaced at a new location) but the farmers opted for compensation.

As a local administrative head, it collaborates with the security agencies especially the police to ensure security of the people as well as the whole resettlement programme to ensure successful implementation of the Okumaning Project. The Assemblymen within the affected settlements are made to witness the compensation payment and also to witness individuals whose structures are affected.

7.5. *Traditional Authorities*

The main traditional authorities involved are

- Okumaning Stool;
- Kusi Stool; and
- Takrowase Stool.

The government acquired the 5,115 ha (12,540 acres) of farmland from the Okumaning Traditional authority for the State Farms Corporation for commercial farming as per the Ghana Lands Concession Bulletin No. 17 dated Friday 23rd April 1976.

It was previously thought that the whole concession was under the Okumaning stool. However, it has been established from due process, that all the three traditional authorities named above have lands within the concession.

The traditional authorities granted the farmers and the settlers the right to occupy and farm the land. One of the chiefs or his representative is present during the issuing of cheques for the compensation amount. The presence of the traditional authority is to ensure that the rightful farmers receive the compensation cheques and that GOPDC has paid the right and appropriate compensation to the farmer.

7.6. *Ghana Commercial Bank (GCB), Kade Branch*

GOPDC issues the compensation amounts in GCB Cheques. GCB, Kade Branch is the only bank authorised to receive the compensation cheques and pay cash in return to the affected farmer or individual. The Bank encourages the affected person to open accounts with it to enable the money to be deposited in their individual accounts.

7.7. *Court of Law-Koforidua High Court*

Dispute resolution/grievance redress

The Koforidua High Court is to be involved with dispute or conflict resolution arising from the implementation of the resettlement programme. It is expected to be the last point of call for settling disputes.

Death of beneficiary

The law court is expected to play a key role in case of the death of a claimant or beneficiary. The new claimant to the property is expected to obtain a letter of administrator from the court and also to swear an affidavit at the high court. Such documents will be required by LVB before the necessary payments are made.

7.8. *Consultants*

GOPDC has contracted local consultants knowledgeable in resettlement issues to assist in preparing a plan for GOPDC that satisfies both Ghanaian and international (IFC) requirements for involuntary resettlement, in active collaboration with the company. The consultants have been involved with community consultations for the first resettlement plan from the initial stages of the project since 2002.

8.0 PUBLIC CONSULTATION AND PARTICIPATION

8.1. *Initial Stakeholder Consultations*

Public consultation on the resettlement related issues of the Okumaning Project started in April 2002. Consultations were carried out with key stakeholders including:

- ◆ Kwaebibirem District Assembly;
- ◆ EPA;
- ◆ Project affected people/settlements;
- ◆ Chief and elders of Okumaning; and
- ◆ Nearby communities such as Kusi and Nkwantanang.

8.1.1. Issues raised and discussed

Issues raised and discussed included:

- GOPDC initial resettlement proposal;
- The need for transparent and prompt compensation payment;
- Possible pressure on nearby community amenities such as housing, clinic, sanitation facilities etc as a result of the relocation of the migrant communities on the concession;
- Possible increase in prices of foodstuffs hence cost of living due to the increasing use of arable land for cash crops such as oil palm, cocoa and citrus in the area;
- Possible increase in social vices in nearby communities and how to address these;
- Use of mediation or arbitration to resolve disputes or conflicts; and
- Need for nearby communities such as Okumaning, Kusi, Nkwantanang etc to welcome and live at peace with affected migrant farmers/settlers.

8.1.2. GOPDC Initial Resettlement Package

GOPDC proposed the following basic package subject to negotiation with stakeholders including affected communities:

- The Company will pay compensation for all affected infrastructure and farms. It will also settle the outstanding claims inherited from the previous concession owners, State Farms Corporation.
- Eha Nso De and Nkranfo villages will be paid off and relocate to new areas on their own;
- The Dwenase villages will be resettled on new areas on the concession;
- Other settlements on the concession outside the proposed nucleus area will remain;
- GOPDC will finance the cost of the new houses and infrastructure for Dwenasi villages
- All farmers affected by the relocation will if desired, become smallholders on the concession. They may start planting in year 2003 and each smallholding will be 4 ha

- Each smallholder will be provided an additional 1 ha to grow food crops.

The proposed location of the new settlements for Dwenasi was upland behind the Subinsa Stream, as shown in **Figure 6**. It was expected that the lowlands will be developed as smallholder zones and the mid- slopes will be earmarked for food crop production. Any farms or crops to be affected by the new settlement would be compensated for.

The typical house type will comprise a minimum of 2-bedroom house, on concrete slabs with concrete brick walls and aluminium roofing. The project will also provide a central market and borehole water supply.

Stakeholder concerns about the initial resettlement package

The initial resettlement proposal was developed into a resettlement plan as part of the Environmental Impact Assessment of the Okumaning Project. The EPA and the District Assembly accepted the resettlement plan in principle. This is because the plan was a proposal and was subject to negotiations with all stakeholders including project affected communities for fine tuning.

The chief and elders of Okumaning and neighbouring communities also accepted the resettlement package in principle and called for the involvement of the traditional leaders in the area as well as the affected communities in the planning and fine tuning of the proposal.

However, the affected communities on the concession with the exception of Eha Nso De and Nkranfo villages rejected the proposal and therefore stalled further negotiations and discussions on the proposal.

The District Assembly arranged a series of meetings with the affected communities to resolve the issue and encouraged them to accept the initial proposal in principle. One of such meetings was held at the Assembly premises in Kade on the 25th June 2002. However, the communities did not yield to the Assembly's interventions.

GOPDC in collaboration with its local consultants organised an intensive community sensitization of the communities to further educate them on the resettlement package in principle to enable further negotiations, planning and fine tuning of the resettlement proposal to be carried out.

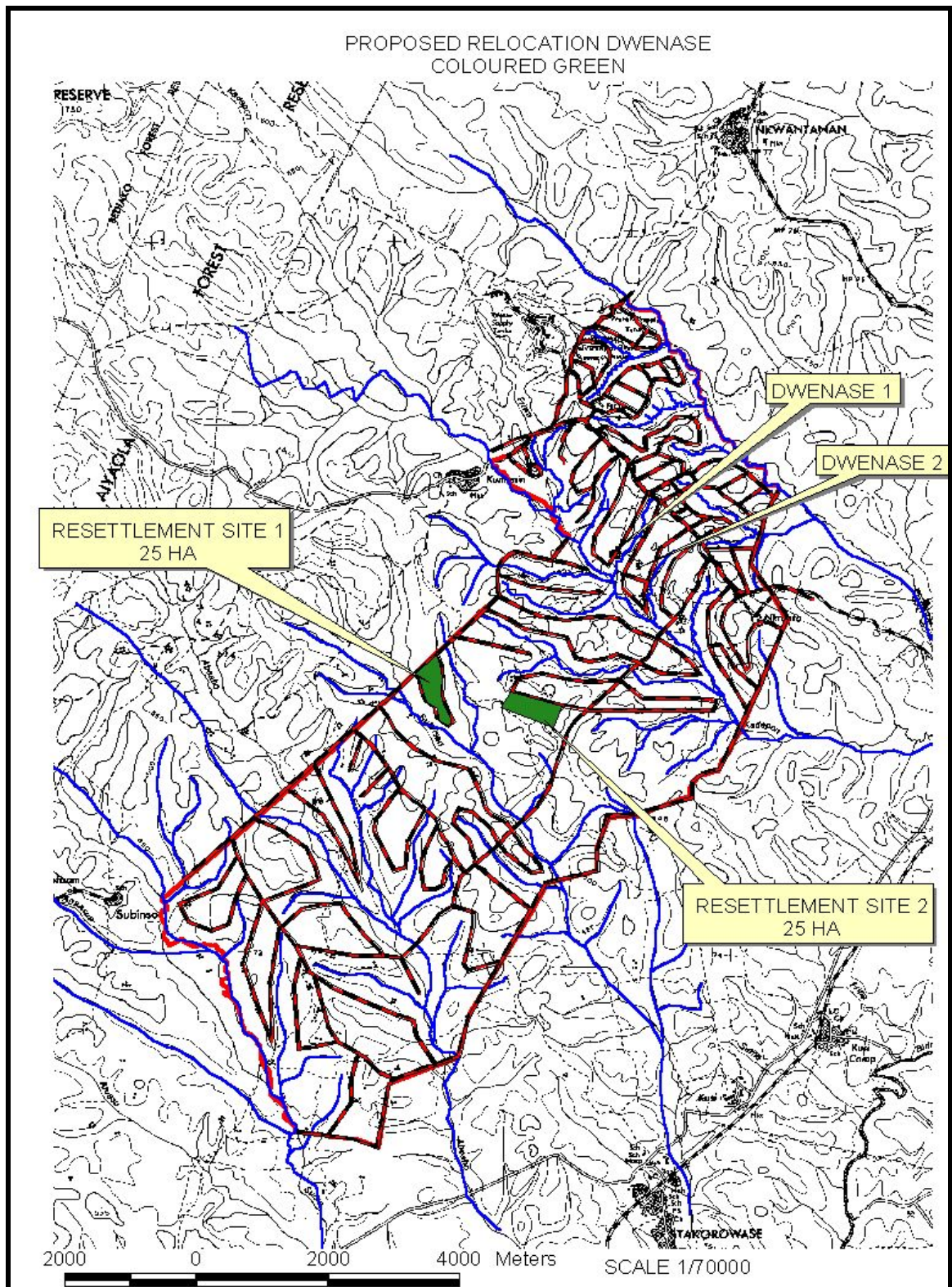


Figure 6 Proposed resettlement site options

8.2. Community Sensitisation

Further consultations and community sensitisation programmes on the initial resettlement proposal were undertaken in November - December 2002. The general objective has been to educate, increase public awareness and encourage communities within the area of project influence, to be more receptive to, and participate in the development of the resettlement programme and the oil palm plantation at Okumaning. The specific objective was to solicit their cooperation and negotiation on the initial resettlement proposal presented by GOPDC.

The methodology used has been a set of Participatory Rural Appraisal (PRA) techniques comprising:

- Interviewing or (information gathering), using semi-structured interviews;
- Community meetings and information sharing using existing knowledge base;
- Analysis of information obtained; and
- Validation of information received from multiple sources through discussions with other key informants.

More specifically, community/opinion leaders were interviewed on specific issues such as land tenure, perceived benefits/problems of the Okumaning project, and their stance with regard to proposed resettlement programme and mitigation measures to be taken.

Where the necessary rapport had been achieved, issues were clarified for better decisions to be taken on mitigation options by each community. Information obtained from the primary targets was validated through interviews and discussions with key informants outside the communities. These included:

- the District Chief Executive;
- District Co-ordinating Director;
- District Development Planning Officer;
- Executives of the small holders and out growers association;
- The Okumaning Chief; and
- Farmer leaders.

Summary of Community Sensitisation Results

These sensitisation programmes yielded good results. Eha Nso De, and Nkranfo villages were very cooperative and agreed to relocate on their own volition to Okumaning or Kade.

Dwenasi communities remained sceptical about GOPDC's initial resettlement proposal of building new houses for them at a new site on the concession and subsequently opted for cash compensation.

The other affected settlements on the concession also preferred cash compensation to enable them relocate to new places of their choice especially their hometowns in other parts of the country.

Congo requested for a tenancy agreement with GOPDC to assure them of security.

The affected settlers/farmers expressed interest in the proposed small holder and outgrower schemes undertaken by GOPDC and called upon the company to consider them first. There was mutual agreement that the involvement of the project affected people/settlers on such schemes will go a long way to support their livelihoods.

The project affected persons requested to be immediately employed on the Okumaning Project in order to get immediate income to support their living.



Plate 5 Meeting with the chief/Odikro of Eha Nso De Village

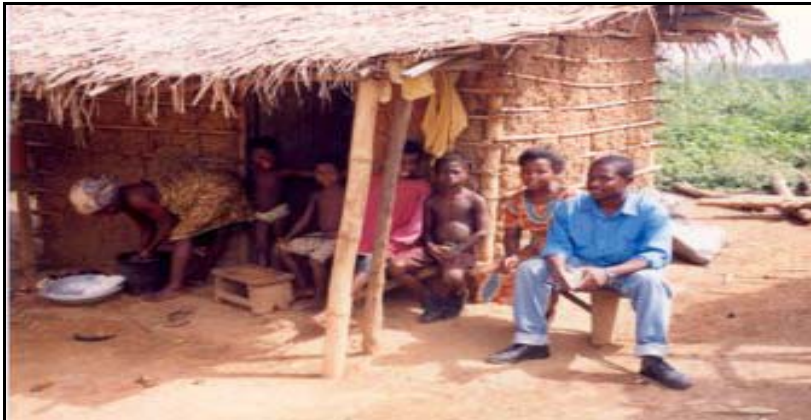


Plate 6 Meeting at Nkranfo Village

(Men had already deserted the village leaving women and children)



Plate 7 Meeting with the people of Egya Badu Village

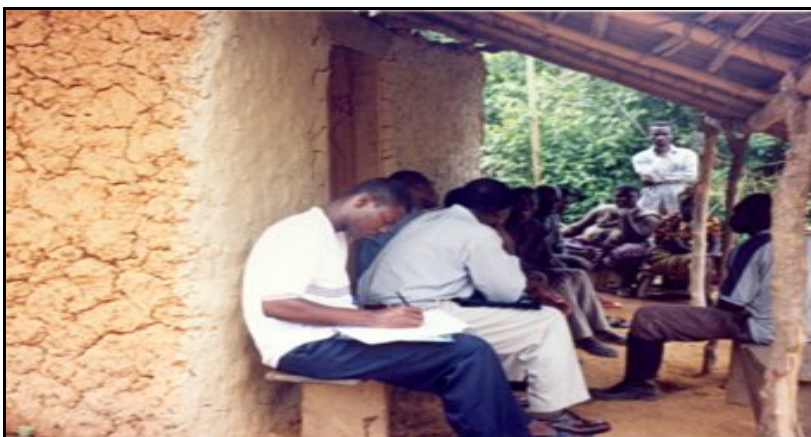


Plate 8 Meeting at Congo village

8.3. *On-going Consultations on Resettlement Plan*

The purpose of the regular on-going consultation is to ensure that project affected persons/settlers participate and discuss the various issues of concern as they evolve during the implementation of the resettlement plan.

GOPDC and the LVB team have been consulting the affected communities on the current resettlement programme. Issues raised and discussed included:

- Valuation dates/Cut off dates;
- Need to avoid speculative farming/development;
- Farmers confirming information on Form F;
- Compensation payment procedures and dates;
- Period for relocation; and
- Grievance redress issues.

8.4. *Proposed Communication Plan*

Besides the community notices, meetings with project affected farmers/settlers, beating of gong-gong at the village level, GOPDC proposes to use the nearest and popular FM station whose transmission is within reach of the affected communities to continually inform and engage project affected farmers/settlers and other stakeholders on the resettlement programme and general activities of GOPDC.

The local FM Station is the Obuoba FM (91.7 FM) at Nkawkaw in the Kwahu West District of the Eastern Region. GOPDC will buy air time once a month (for 30 to 45 minutes) for this activity. The proposed day for such activity is either Tuesday or Friday. Tuesdays and Fridays are non-farming days and revered as a sacred day in the Kwaebibirem area. Farmers stay at home on such days and are more likely to listen to any programme concerning the resettlement programme and their welfare.

GOPDC is holding further consultations with management of Obuoba FM Station on the suitability of the day and time of the programme including the starting date which will start during the third quarter of this year.

Organisations and institutions that will be brought to feature on the programme periodically include but not limited to:

- GOPDC;
- Land Valuation Board;
- Kwaebibirem District Assembly;
- Divestiture Implementation Committee;
- GOPDC Small Holder/Outgrower Association;

- Traditional Authorities;
- Project affected farmers/settlers; and
- Consultants and local Nong-governmental organisations (NGOs) or community based organisations (CBOs).

The confirmed day and time for the radio programme as well as the starting date will be adequately communicated to the affected farmers/settlers and neighbouring communities through notices, gong-gong and public announcements on moving vans.

9.0 GRIEVANCE REDRESS MECHANISMS

The resettlement plan is being carried out with the participation and involvement of the affected farmers and settlers as well as relevant stakeholders such as the traditional authorities. No major dispute has arisen so far during the implementation of the programme.

In spite of the participatory approach adopted for the resettlement programme, provisions for redress of grievances or disputes are in place. The objective of the grievance redress mechanism is to;

- Provide affected farmers and settlers avenues for making complaints;
- Ensure that redress actions taken are acceptable to parties involved; and
- Ensure that the court of law becomes the last resort for solving disputes or grievances.

9.1. *Current Redress Process*

Initially, GOPDC in collaboration with the LVB handles grievances that come to it. However, this process suffers delays as petitions or complaints have to pass through the normal administrative set up of GOPDC. Furthermore, the LVB being a public institution is encumbered with many logistical problems and their regular presence at the Plantation is not always assured. The procedure has therefore delayed the resolution of some minor cases that have arisen such as omission of some farmers' names on a compensation list and incorrect entering of the appropriate acreage of farm on the relevant form etc.

The petitions, which are in writing are received and filed by GOPDC Administrative Secretary at Kwae and sent to the office of the Managing Director. The Managing Director then determines who to act on the case and usually refers such grievances to the GOPDC Surveyor or the LVB team in Koforidua. The LVB team in Koforidua takes some time (months) to resolve cases referred to them especially when it involves coming over to Okumaning for verification. The LVB team pre finances their transportation and other administrative cost and this delays their activities.

The redress actions prescribed by GOPDC surveyor or the LVB team in Koforidua are sent back to the GOPDC Managing Director via the Administrative Secretary. The Managing Director upon satisfying himself with the actions provided then authorises the implementation of the redress action.

Dissatisfied aggrieved persons have the option to take the matter to the law court (Koforidua High Court). However, no court cases have occurred as most grievances or complaints received are minor.

9.2. Updated Redress Process

To expedite action on complaint redress issues, it is proposed to constitute a committee to handle all grievances arising from the implementation of the resettlement programme. Membership of the team will comprise:

- GOPDC Okumaning Project Manager;
- GOPDC Surveyor;
- A member from the LVB team (will be invited where necessary for technical assistance);
- District Assembly;
- NGOs; and
- A representative from the relevant traditional authority.

The general steps of the grievance process will include:

- Notification of complaints;
- Logging of complaints;
- Determining redress action;
- Notify or meet with aggrieved farmer/ party who initiates the complaints;
- Implementing the redress actions and verification of outcome; and
- Review and alternative actions.

9.2.1. Notification and Logging of Complaints

A complainant shall serve notice of his or her grievance in writing or verbal at the complaints offices at Okumaning and Kwae. All complaints received shall be logged or filed by the Complaints Officer. Complaints shall be logged taking into consideration the following:

- ◆ Date and description of the grievance;
- ◆ Personal information on the complainant if necessary; and
- ◆ Document references if grievance is in writing.

9.2.2. Determining Redress Action and Meeting with Aggrieved Farmer or Party

The committee will sit to determine the redress action in consultation with the complainant if necessary. The committee will meet monthly to review and resolve cases before it. The proposed action to be taken, time frame for implementation, and the person(s) or institution responsible for implementation will be recorded.

The proposed redress action and the timeframe in which it is to be implemented will be communicated to the complainant within 1 week after decision taking. The grievance issue should be resolved within 4 weeks after taking redress decision or action.

9.2.3. Implementing the redress actions and verification

The committee is responsible for the implementation of the redress action. The committee may engage GOPDC staff or units or any other appropriate organisations or individuals to act on its behalf. The monitoring committee will verify outcomes. If the complainant is not satisfied with the outcome of the redress action, additional steps may be carried out to reach agreement between the complainant and the committee.

9.2.4. Review and alternative actions

If the complainant is dissatisfied with the reviewed action of the committee, the complainant has the option to pursue appropriate recourse via the law court in Ghana. The court of law is expected to be a 'last resort' option. The constitution allows any aggrieved person the right of access to court of law.

9.3. ***Cost elements***

GOPDC will finance the activities of the committee. The key cost elements include transportation and lodging cost for the technical support from the LVB from Koforidua to Kwae/Okumaning, transportation cost for traditional authority representative and other administrative cost of the committee as well as sitting allowances of non-GOPDC staff. Sitting allowances for non-GOPDC members is necessary to serve as incentives and ensure their regular presence at committee meetings.

10.0 MONITORING, EVALUATION AND REPORTING

10.1. *Monitoring and Evaluation*

The monitoring and evaluation measures put in place are to ensure that the implementation of the resettlement actions is carried out in accordance with the relevant requirements of this resettlement plan. Internal monitoring and evaluation of the resettlement programme measures will be undertaken by the monitoring and evaluation committee comprised mainly of relevant GOPDC staff.

10.1.1. Purpose and Responsibility

The purpose of the internal monitoring and evaluation will be to verify that:

- Actions and commitments described in the resettlement programme are implemented;
- Eligible people to be affected by the project receive their full compensation;
- Incomes of project affected people are restored; and
- Complaints and grievances lodged by aggrieved farmers or individuals are followed-up and resolved.

Monitoring aims to identify implementation issues, while evaluation is intended at checking whether policies or measures have been complied with, providing lessons learnt for amending strategies and implementation in a longer term perspective. Both monitoring and evaluation will be internal.

Members of the committee to carry out the internal monitoring and evaluation of the implementation of the resettlement programme include:

- GOPDC Surveyor or his representative;
- A representative of the Financial Controller;
- Representative of the complaints offices; and
- Others.

The monitoring and evaluation committee will carry out the routine internal monitoring and evaluation assignments so as to ensure that all the other responsible units follow the schedule and comply with the principles of the resettlement plan. The monitoring and evaluation committee will provide the GOPDC Director of Operations (DOO) and the Managing Director (MD) with feedback on the resettlement programme implementation issues.

The monitoring and evaluation will be the main mechanism to alert GOPDC management of any delays and problems. These activities will help measure the extent to which the main objectives of the RAP have been achieved.

10.1.2. Indicators

GOPDC will keep the following statistics on quarterly basis:

- Number of farmers or individuals affected by project activities;
- Amount of compensation paid;
- Number of farm units affected;
- Total farm acreage affected;
- Number of grievances registered;
- Number of project affected farmers employed by GOPDC;
- Legal cases involved; and
- Communities where affected settlements have relocated to.

Reference documentation for the evaluation will be

- This resettlement action plan;
- Ghanaian laws and regulations as described in Section 3.0; and
- IFC Performance Standard 5.

GOPDC will keep a database of project affected people to track whether people have been able to restore their livelihoods, and to periodically evaluate whether the livelihood restoration measures given under Section 6.1 are achieving their objective.

Generally, evaluation will be based on the general assessment of the compliance of the implementation of the resettlement activities as set out in this resettlement plan.

10.2. Reporting

The monitoring and evaluation team will submit biannually reports to the Director of Operations and the Managing Director on its findings and the report will at least cover status of compensation status/disbursement, valuation status, grievance redress actions, legal cases and follow-ups. Evaluation of resettlement activities will also be part of general assessment and review activities undertaken for the Okumaning Project as a whole.

11.0 BUDGET AND FUNDING

11.1. Budget

GOPDC is making the necessary financial arrangements to ensure that the commitments in the RAP are fully implemented. The proposed budget is presented in **Table 9**. As at December 31st 2006, about Twenty-Eight Billion, Four Hundred Million Cedis (¢28,400,000,000) had already been paid as compensation for crops and structures.

About Thirty-Four Billion, Three Hundred and Sixty-Two Million Cedis (¢34,362,000,000) is further required to pay compensations from 2007 to 2010. The proposed RAP budget of Thirty-Seven Billion, Eight Hundred and Thirteen Million, Nine Hundred and Fifty-Five Thousand Cedis (¢67,813,955,000) including livelihood support programmes.

Table 9 Proposed RAP Budget from 2007 to 2010

No.	Cost item	Estimated cost (Cedis ¢)	Comment
1.0	Compensation for permanent acquisition of land	-not applicable-	Government acquired land
2.0	Compensations for destruction crops	33,362,000,000	-
3.0	Compensation for destruction of structures	1,000,000,000	-
4.0	Subtotal-compensation	34,362,000,000	About \$3.735 Million
5.0	Livelihood support	30,000,000,000	Job creation, technical support for small holder/ outgrower schemes
6.0	Consultants –RAP Preparation	70,000,000	-
7.0	LVB activities	1,295,000,000	At 4% of compensation cost
8.0	Proposed communication plan	300,000,000	-
9.0	Proposed grievance redress mechanism	100,000,000	-
10.0	Legal fees	1,700,000,000	
11.0	Administrative costs for compensation payment and monitoring and evaluation	-	Absorbed in GOPDC staff cost
12.0	Total RAP Budget	67,827,000,000	

11.2. Funding Arrangement

GOPDC is providing funds from its operations to pay compensation on behalf of Ghana Government since the Government despite its contractual obligation to the GOPDC, lacks the necessary funds to do so.

12.0 IMPLEMENTATION SCHEDULE

The resettlement programme is implemented in phases (with reference to Figure 5). The implementation plan for the identified key activities is presented in **Table 10**.

Table 10 Implementation Plan

Main tasks	Specific tasks	Responsibility	Status /comments	Timeframe
Consultations and Preparation of initial resettlement plan	Consultations with affected people/ communities	Consultant	Completed in 2002	-
	Census of project affected communities	GOPDC	Completed in 2002	-
	First resettlement plan report	Consultant	Completed in 2002	-
Preparation of RAP in line with IFC requirements	Update RAP to suit IFC format and procedures	Consultant	Draft Plan	April-May 2007
Valuation of Properties	Phase I area	LVB	Completed	-
	Phase II area	LVB	Completed	-
	Phase III area	LVB	Completed	-
	Phase IV area	LVB	Completed	-
	Phase V area	LVB	Completed	-
	Other areas assessed but not listed	LVB	Partial –list yet to be submitted	2007
	Kusi land area	LVB	Not yet	2008
Compensation disbursement	Phase I area	GOPDC	Completed	-
	Phase II area	GOPDC	Completed	-
	Phase III area	GOPDC	Completed	-
	Phase IV area	GOPDC	Completed	-
	Phase V area	GOPDC	Not yet	2007
	Other assessed areas but not listed	GOPDC	Not yet	2007-2008
	Kusi land area	GOPDC	Not yet	2008-2010
Livelihood support initiatives	Employment offers	GOPDC	Ongoing	2002 to 2011
	Small holder/outgrower schemes	GOPDC	Yet to start	2007 to 2011
Communication plan	Informing and engaging project affected farmers/settlers and stakeholders	GOPDC	Ongoing	Since 2002
Grievance redress mechanism	Previous mechanism	GOPDC	Ongoing	Since 2002
	Updated mechanism	GOPDC/ Committee	To start 2 nd quarter of 2007	2007 to 2010
Monitoring and Evaluation	Internal monitoring and evaluation	GOPDC	Ongoing	2002 to 2010

13.0 CONCLUSION

GOPDC acknowledges the fact that the development of the Okumaning Project will involve physical as well as economic displacement of people and this will have an impact on their livelihoods.

The Company reaffirms its commitment to the following principles, which will guide its resettlement programme:

- Fair and transparent negotiations with stakeholders and affected persons/settlers;
- Recognition of the laws of Ghana;
- Recognition of the requirements of IFC;
- Ensuring that project affected persons/settlers benefit from livelihood support initiatives; and
- Safe project implementation with minimal environmental and socio- economic impacts.

The success of the Okumaning Project hinges on the implementation of a successful resettlement plan for the affected communities/farmers who have always been involved with the resettlement design and planning process.

The success of the Okumaning Project will further ensure immense improvement in the socio-economic conditions of local communities and the Kwaebekirim District in general. It is the policy of the Company to donate 0.2% of its annual turnover into a Fund for community development.

14.0 BIBLIOGRAPHY

Ghana Oil Palm Development Company Ltd (2002) Environmental Impact Assessment Report for the Proposed Oil Palm Development Project at Okumaning, AY & A Consult Ltd, Accra.

Ghana Oil Palm Development Company Ltd (2002) Resettlement Plan for the Proposed Oil Palm Development Project at Okumaning, AY & A Consult Ltd, Accra.

Ghana Oil Palm Development Company Ltd (2002) Community Sensitisation Programme for the Proposed Oil Palm Development Project at Okumaning, AY & A Consult Ltd, Accra.

Ghana Water Company Limited (2004) Ghana Water Sector Restructuring Project: Resettlement Policy Framework, AY & A Consult Ltd & Royal Haskoning, Accra

Kwaebibirem District Assembly (2001) Medium Term Development Plan, Kade.

ANNEXES

Annex 1	Some affected structures within the communities
Annex 2	IFC Performance Standard 5
Annex 3	Samples of Completed Valuation Forms for Structures
Annex 4	Samples of Completed Standard Form “F”
Annex 5	Payment of compensation in pictures

ANNEX 1

Some affected structures within the communities

SOME AFFECTED STRUCTURES AT EGYA BADU



Felicia Asante



Yaw Asante



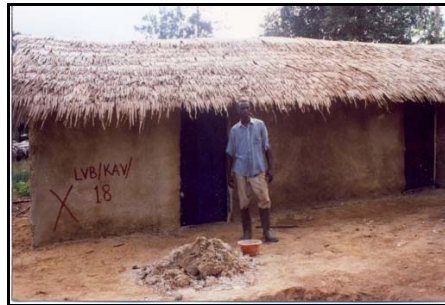
Egya Badu Mill



Paul Ampadu



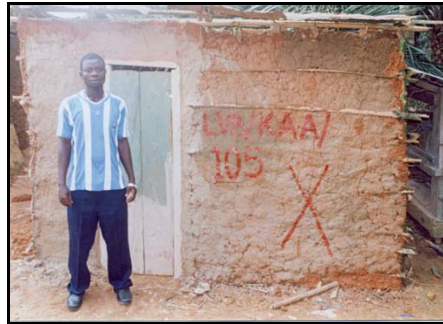
Ofosu & Ampadu (Hand-dug Well)



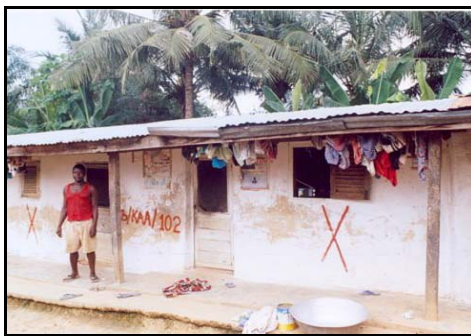
Ofosu



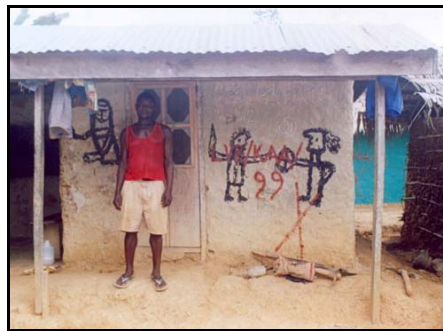
Mr Obeng



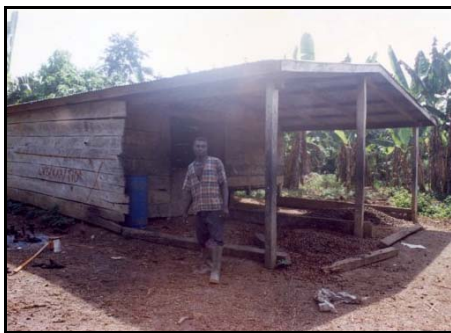
Kweku Dada



Yaw Asante



Yaw Asante



Yaw Kwakye (Mill)

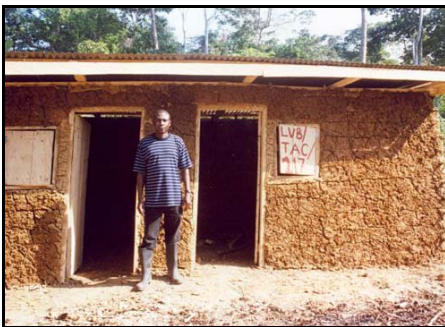
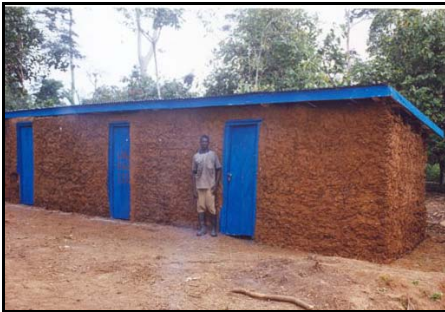


Yaw Asante (Hand-dug Well)



Mr Obeng

SOME STRUCTURES AT CONGO VILLAGE



SOME AFFECTED STRUCTURES AT AKUAMOAH VILLAGE



ANNEX 2

IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement

Performance Standard 5

Land Acquisition and Involuntary Resettlement

April 30, 2006

Introduction

1. 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 means of livelihood) as a result of project-related land acquisition.¹ Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that results in displacement. This occurs in cases of: (i) lawful expropriation or restrictions on land use based on eminent domain;² 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.

2. Unless properly managed, involuntary resettlement may result in long-term hardship and impoverishment for affected persons and communities, as well as environmental damage and social stress in areas to which they have been displaced. For these reasons, involuntary resettlement should be avoided or at least minimized. However, where it is unavoidable, appropriate measures to mitigate adverse impacts on displaced persons and host communities³ should be carefully planned and implemented. Experience demonstrates that the direct involvement of the client in resettlement activities can result in cost-effective, efficient, and timely implementation of those activities, as well as innovative approaches to improving the livelihoods of those affected by resettlement.

3. Negotiated settlements help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly. Negotiated settlements can usually be achieved by providing fair and appropriate compensation and other incentives or benefits to affected persons or communities, and by mitigating the risks of asymmetry of information and bargaining power. Clients are encouraged to acquire land rights through negotiated settlements wherever possible, even if they have the legal means to gain access to the land without the seller's consent.

Objectives

- To avoid or at least minimize involuntary resettlement wherever feasible by exploring alternative project designs
- 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 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 at least restore the livelihoods and standards of living of displaced persons
- To improve living conditions among displaced persons through provision of adequate housing with security of tenure⁴ at resettlement sites

Scope of Application

4. The applicability of this Performance Standard is established during the Social and Environmental Assessment process, while implementation of the actions necessary to meet the

¹ Land acquisition includes both outright purchases of property and purchases of access rights, such as rights-of-way.

² Such restriction may include restrictions of access to legally designated nature conservation areas.

³ A host community is any community receiving displaced persons.

⁴ A resettlement site offers security of tenure if it protects the resettled persons from forced evictions.

Performance Standard 5

Land Acquisition and Involuntary Resettlement

April 30, 2006

requirements of this Performance Standard is managed through the client's Social and Environmental Management System. The assessment and management system requirements are outlined in Performance Standard 1.

5. This Performance Standard applies to physical or economic displacement resulting from the following types of land transactions:

- Type I: Land rights for a private sector project acquired through expropriation or other compulsory procedures
- Type II: Land rights for a private sector project acquired through negotiated settlements with property owners or those with legal rights to land, including customary or traditional rights recognized or recognizable under the laws of the country, if expropriation or other compulsory process would have resulted upon the failure of negotiation⁵

Paragraph 18 and part of paragraph 20 below apply to displaced persons with no recognizable legal right or claim to the land they occupy.

6. This Performance Standard does not apply to resettlement resulting from voluntary land transactions (i.e., market transactions in which the seller is not obliged to sell and the buyer cannot resort to expropriation or other compulsory procedures if negotiations fail). In the event of adverse economic, social, or environmental impacts from project activities other than land acquisition (e.g., loss of access to assets or resources or restrictions on land use), such impacts will be avoided, minimized, mitigated or compensated for through the process of Social and Environmental Assessment under Performance Standard 1. If these impacts become significantly adverse at any stage of the project, the client should consider applying the requirements of Performance Standard 5, even where no initial land acquisition was involved.

Requirements

General Requirements

Project Design

7. 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.

Compensation and Benefits for Displaced Persons

8. When displacement cannot be avoided, the client will offer displaced persons and communities compensation for loss of assets at full replacement cost and other assistance⁶ to help them improve or at least restore their standards of living or livelihoods, as provided in this Performance Standard. Standards for compensation will be transparent and consistent within the project. Where livelihoods of displaced persons are land-based, or where land is collectively owned, the client will offer land-based compensation, where feasible.⁷ The client will provide opportunities to displaced persons and communities to derive appropriate development benefits from the project.

⁵ These negotiations can be carried out by the private sector company acquiring the land or by an agent of the company. In the case of private sector projects in which land rights are acquired by the government, the negotiations may be carried out by the government or by the private company as an agent of the government.

⁶ As described in paragraphs 18 and 20.

⁷ See also footnote 9.

Performance Standard 5

Land Acquisition and Involuntary Resettlement

April 30, 2006

Consultation

9. Following disclosure of all relevant information, 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.

Grievance Mechanism

10. The client will establish a grievance mechanism consistent with Performance Standard 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.

Resettlement Planning and Implementation

11. Where involuntary resettlement is unavoidable, the client will carry out a census with appropriate socio-economic 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. In the absence of host government procedures, the client will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area.

12. In the case of Type I transactions (acquisition of land rights through the exercise of eminent domain) or Type II transactions (negotiated settlements) that involve the physical displacement of people, the client will develop a resettlement action plan or a resettlement framework based on a Social and Environmental Assessment that covers, at a minimum, the applicable requirements of this Performance Standard regardless of the number of people affected. 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 (see Performance Standard 1, paragraph 12). The client will document all transactions to acquire land rights, as well as compensation measures and relocation activities. The client will also establish procedures to monitor and evaluate the implementation of resettlement plans and take corrective action as necessary. A resettlement will be considered complete when the adverse impacts of resettlement have been addressed in a manner that is consistent with the objectives stated in the resettlement plan or framework as well as the objectives of this Performance Standard.

13. In the case of Type II transactions (negotiated settlements) involving economic (but not physical) displacement of people, the client will develop procedures to offer to the affected persons and communities compensation and other assistance that meet the objectives of this Performance Standard. The procedures will establish the entitlements of affected persons or communities and will ensure that these are provided in a transparent, consistent, and equitable manner. The implementation of the procedures will be considered complete when affected persons or communities have received compensation and other assistance according to the requirements of this Performance Standard. In cases where affected persons reject compensation offers that meet the requirements of this Performance Standard and, as a result, expropriation or other legal procedures are initiated, the client will explore opportunities to collaborate with the responsible government agency, and if permitted by the agency, play an active role in the resettlement planning, implementation, and monitoring.

Performance Standard 5

Land Acquisition and Involuntary Resettlement

April 30, 2006

Displacement

14. Displaced persons may be classified as persons: (i) who have formal legal rights to the land they occupy; (ii) who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws⁸; or (iii) who have no recognizable legal right or claim to the land they occupy.⁹ The census will establish the status of the displaced persons.

15. Land acquisition for the project may result in the physical displacement of people as well as their economic displacement. As a result, requirements for both physical displacement and economic displacement may apply.

Physical Displacement

16. If people living in the project area must move to another location, the client will: (i) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate; and (ii) provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Alternative housing and/or cash compensation will be made available prior to relocation. New resettlement sites built for displaced persons will offer improved living conditions.

17. In the case of physically displaced persons under paragraph 14 (i) or (ii), the client will offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location, or cash compensation at full replacement value where appropriate.¹⁰

18. In the case of physically displaced persons under paragraph 14 (iii), the client will offer them a choice of options for adequate housing with security of tenure so that they can resettle legally without having to face the risk of forced eviction. Where these displaced persons own and occupy structures, the client will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost, provided that these people occupy the project area prior to the cut-off date for eligibility. Compensation in kind will be offered in lieu of cash compensation where feasible. Based on consultation with such displaced persons, the client will provide relocation assistance sufficient for them to restore their standards of living at an adequate alternative site.¹¹ The client is not required to compensate or assist those who encroach on the project area after the cut-off date.

19. Where communities of Indigenous Peoples are to be physically displaced from their communally held traditional or customary lands under use, the client will meet the applicable requirements of this Performance Standard, as well as those of Performance Standard 7 (in particular paragraph 14).

Economic Displacement

20. If land acquisition for the project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the client will meet the following requirements:

⁸ Such claims could be derived from adverse possession or from customary or traditional law.

⁹ Such as opportunistic squatters and recently arrived economic migrants who occupy land prior to the cut-off date.

¹⁰ Payment of cash compensation for lost assets may be appropriate where: (a) livelihoods are not land-based; (b) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual land is economically viable; or (c) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

¹¹ Relocation of informal settlers in urban areas often has trade-offs. For example, the relocated families may gain security of tenure, but they may lose advantages of location.

Performance Standard 5

Land Acquisition and Involuntary Resettlement

April 30, 2006

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost
- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment
- Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the national laws (see paragraph 14 (i) and (ii))
- Compensate economically displaced persons who are without legally recognizable claims to land (see paragraph 14 (iii)) for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost. The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date
- Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living

21. Where communities of Indigenous Peoples are economically displaced (but not relocated) as a result of project-related land acquisition, the client will meet the applicable requirements of this Performance Standard, as well as those of Performance Standard 7 (in particular paragraphs 12 and 13).

Private Sector Responsibilities under Government-Managed Resettlement

22. Where land acquisition and resettlement are the responsibility of the host government, the client will collaborate with the responsible government agency, to the extent permitted by the agency, to achieve outcomes that are consistent with the objectives of this Performance Standard. In addition, where government capacity is limited, the client will play an active role during resettlement planning, implementation and monitoring, as described below in paragraphs 23 through 25.

23. In the case of Type I transactions (acquisition of land rights through expropriation or other legal procedures) involving physical or economic displacement, and Type II transactions (negotiated settlements) involving physical displacement, the client will prepare a plan (or a framework) that, together with the documents prepared by the responsible government agency, will address the relevant requirements of this Performance Standard (the General Requirements, except for paragraph 13, and requirements for Physical Displacement and Economic Displacement above). The client may need to include in its plan: (i) a description of the entitlements of displaced persons provided under applicable laws and regulations; (ii) the measures proposed to bridge any gaps between such entitlements and the requirements of this Performance Standard; and (iii) the financial and implementation responsibilities of the government agency and/or the client.

24. In the case of Type II transactions (negotiated settlements) involving economic (but not physical) displacement, the client will identify and describe the procedures that the responsible government

Performance Standard 5

Land Acquisition and Involuntary Resettlement

April 30, 2006

agency plans to use to compensate affected persons and communities. If these procedures do not meet the relevant requirements of this Performance Standard (the General Requirements, except for paragraph 12, and requirements for Economic Displacement above), the client will develop its own procedures to supplement government action.

25. If permitted by the responsible government agency, the client will, in collaboration with such agency: (i) implement its plan or procedures established in accordance with paragraph 23 or 24 above; and (ii) monitor resettlement activity that is undertaken by the government agency until such activity has been completed.

ANNEX 3

Samples of some completed field forms used for the description of affected structure

RECORDER: THOMPSON BROWN
DATE (D/M/Y): 1-09-2005

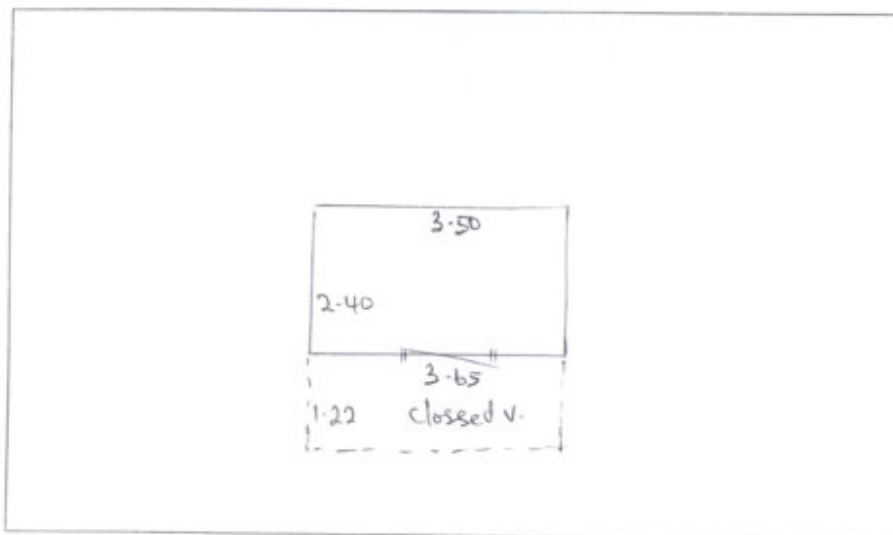
CLAIMANT (S): DAVID IWENEBOR (LYB/KAA/03)

DESCRIPTIONS:

- Floor... Cement screed
- Wall... Wattle & daub, rendered internally & the front only. Painted not
- Door... Battened with timber boards and painted
- Window... Nil
- Roof... Pitched with C.I.S over timber boards (2x4)
- Ceiling... Nil
- Accommodation... 1 No. Bedroom & closed verandah
- Condition... Fair

ANY OTHER REMARKS:

SKETCH:



3

RECORDER: THOMPSON BROWN
DATE (D/M/Y): 1-09-2005

CLAIMANT (S): DAVID TWENEBOA (LVB/KAA/03)

DESCRIPTIONS:

- Floor... Cement screed
- Wall... Wattle & daub, rendered internally & the front only. Painted net
- Door... Battened with 2 timber boards and painted
- Window... Nil
- Roof... Pitched with C.I.S over timber boards (2x4)
- Ceiling... Nil
- Accommodation... 1 No. Bedroom & closed verandah
- Condition... Fair

ANY OTHER REMARKS:

SKETCH:



RECORDER:
DATE (D/M/Y):

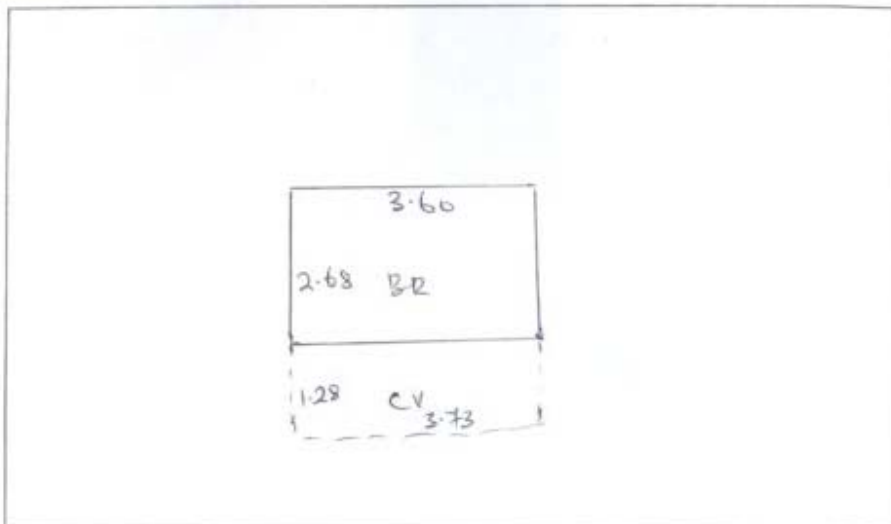
CLAIMANT (S): CRISTIANA OWIRE DUA (LYBIKAAHOS)

DESCRIPTIONS:

- Floor... Cement screed over mass concrete
- Wall... Wattle & daub, rendered both internally & externally and old painted
- Door... Battened with timber boards with mosquito
proves and painted
- Window... Battened with timber boards and painted
- Roof... Pitched with C.I.S. over timber boards
- Ceiling... Palm stacks
- Accommodation... 1 No. Bedroom & closed verandah
- Condition... Fair

ANY OTHER REMARKS:

SKETCH:



RECORDER:
DATE (D/M/Y):

CLAIMANT (S): CRISTIANA OWIREDDA (LYB/KAA/05)

DESCRIPTIONS:

- Floor... Cement Screed over mass concrete
- Wall... Wattle & daub rendered both internally & externally and old painted
- Door... Battened with timber boards with mosquito net and painted
- Window... Battened with timber boards and painted
- Roof... Pitched with C.I.S. over timber boards
- Ceiling... Palm Stacks
- Accommodation... 1 No. Bedroom & closed verandah
- Condition... Fair

ANY OTHER REMARKS:

SKETCH:



RECORDER:
DATE (D/M/Y):

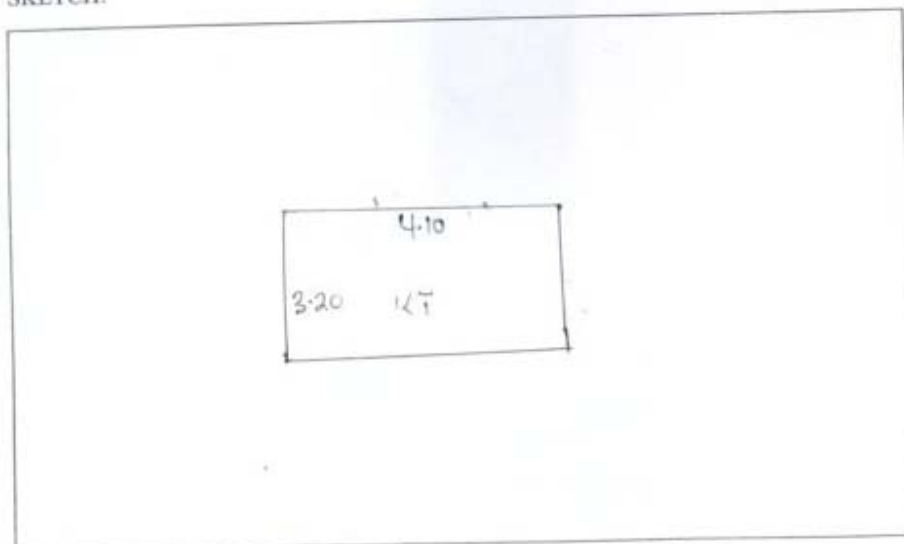
CLAIMANT (S): JOYCE KWAKYE (LYB/KAA/18)

DESCRIPTIONS:

- Floor... Cement screed
- Wall... Wawa boards battened not painted
- Door... Timber boards battened not painted
- Window... Battened with timber boards not painted
- Roof... Pitched with C.I.s over timber boards
- Ceiling... Nil
- Accommodation... 1 No. Kitchen
- Condition... Fair

ANY OTHER REMARKS:

SKETCH:



RECORDER:
DATE (D/M/Y):

CLAIMANT (S): JOYCE KWAKYE (LVB/KAA/18)

DESCRIPTIONS:

- Floor... Cement screed
- Wall... Klawa boards battened not painted
- Door... Timber boards battened not painted
- Window... Battened with timber boards not painted
- Roof... Pitched with C.I.s over timber boards
- Ceiling... Nil
- Accommodation... 1 No. Kitchen
- Condition... Fair

ANY OTHER REMARKS:

SKETCH:



RECORDER:
DATE (D/M/Y):

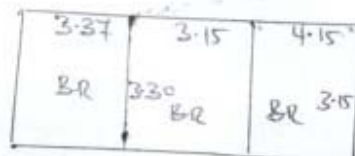
CLAIMANT(S): ADW/04 YEB/04 (LVB/KAA/41)

DESCRIPTIONS:

- Floor: Two rooms are cement screed & one room is earth rammed
- Wall: Walls & clamb not rendered or painted internally only part of the front is rendered & painted
- Door: Battened & not painted
- Window: Nil
- Roof: Lean-to with C.I.S over timber boards
- Ceiling: Nil
- Accommodation: 3 No. bedrooms
- Condition: Fair, newly built

ANY OTHER REMARKS:

SKETCH:



RECORDER:
DATE (D/M/Y):

CLAIMANT (S): ADWOA YEBOAH (JVB/KAA/41)

DESCRIPTIONS:

- Floor... Two rooms are cement screed & one room is earth rammed
- Wall... Wattle & daub not rendered or painted internally, only part of the front is rendered
- Door... Battened & not painted
- Window... Nil
- Roof... Lean-to with C.I. over timber bscade
- Ceiling... Nil
- Accommodation... 3 No. bedrooms
- Condition... Fair, newly built

ANY OTHER REMARKS:

SKETCH:



RECORDER: THOMPSON BROWN
DATE (D/M/Y): 1-09-2003

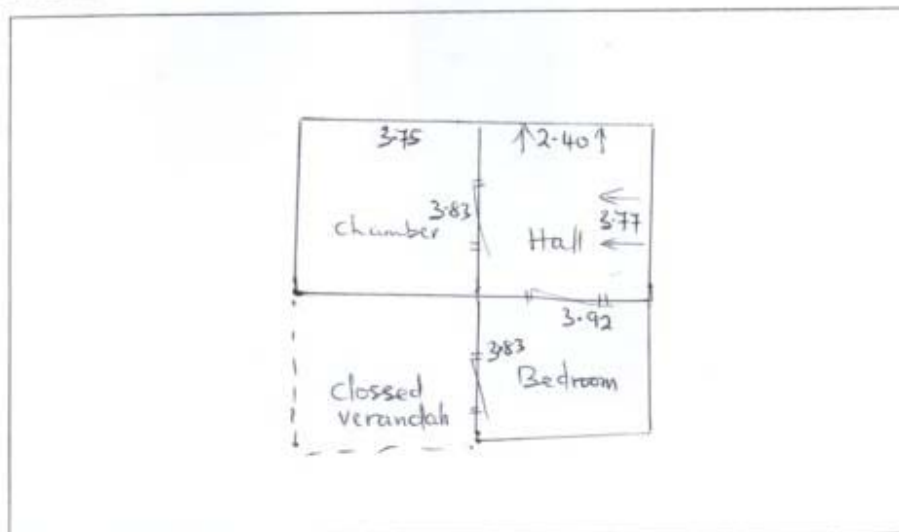
CLAIMANT(S): MARTIN AKUAMODAH (LYBKAA/01)

DESCRIPTIONS:

- Floor... Cement screed over mass concrete
- Wall... Sandcrete blocks building rendered both internally & externally & painted
- Door... Pannels & battened & painted
- Window... are jalousies painted the front ones whilst the back is not painted
- Roof... Pitched with S.I.S over timber boards ie (2x4) & (4x6)
- Ceiling... NU
- Accommodation... 1 No. chamber & Hall & Bedroom & open verandah
- Condition... Good during the period of investigation ie (old used)

ANY OTHER REMARKS:

SKETCH:



RECORDER: THOMPSON BROWN
DATE (D/M/Y): 1-09-2005

CLAIMANT (S): MARTIN AKUAMODAH (LVB/KAA/01)

DESCRIPTIONS:

- Floor... Cement screed over mass concrete
- Wall... Sandcrete blocks building rendered both internally & externally & painted
- Door... Panels & battens & painted
- Window... are jalouses painted the front ones whilst the back is not painted
- Roof... Pitched with C.I.S over timber boards ie (2x12) x 6
- Ceiling... NJ
- Accommodation... 1 No. chamber & Hall & Bedroom & open verandah
- Condition... Good during the period of investigation ie. (old used)

ANY OTHER REMARKS:

SKETCH:



Annex 4

Samples of completed Standard Form “F”

My Ref. No. LVB/10/78

STANDARD FORM "F"

Original

Site GOPDC - OCCUPANCY PROJ.

Dept. of DIC/GOPDC LTD

Date 7th Nov. 2005

No 054748

Claimant ADWOA MENSIMA

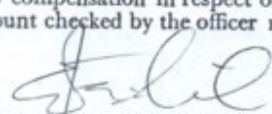
THIS IS TO CERTIFY that the under-mentioned crops have been counted and agreed by the claimant (representative) in respect of the area claimed by him, as is more particularly delineated as FARM.

Serial No. 12

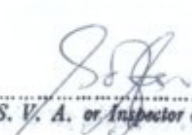
BLOCK KUSI - KWAENNU

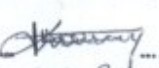
CROPS	Large	Medium	Small	Seedlings	Total
<u>OIL PALM</u>	<u>200 (5 YRS)</u> <u>201</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>201</u> <u>200 EAT.</u>
					

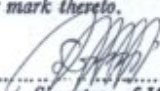
It is being understood that should circumstances arise in which Government becomes liable to pay compensation in respect of such crops it will be necessary for the claim to be verified and the count checked by the officer making the valuation.


Signature of Valuation Assistant


Signature or Thumb-print of Claimant after the Contents of this form have been read and interpreted to him/her in English Language by Nana Akese Appiah II when the claimant seemed perfectly to understand same before making his/her mark thereto.


Signature of S. V. A. or Inspector of Lands


G.O.P.A.C
Surveyor


Signature of Witness

Chiz Kwon

Original

STANDARD FORM "F"

Date 3RD Oct. 2005

A N° 056402

Claimant: TUTU ISSAC

THIS IS TO CERTIFY that the under-mentioned crops have been counted and agreed by the claimant (representative) in respect of the area claimed by him, as is more particularly delineated as FARM.

Serial No. 150

BLOCK KUSI - ALUAMAH

[illegible]

It is being understood that should circumstances arise in which Government becomes liable to pay compensation in respect of such crops it will be necessary for the claim to be verified and the count checked by the officer making the valuation.

Signature of Valuation Assistant
H. C. 10

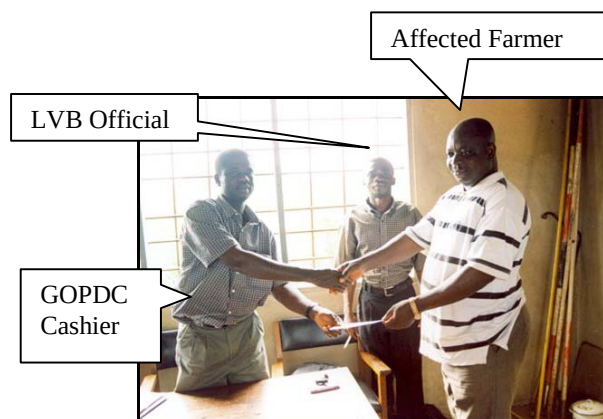
Signature or Thumb-print of Claimant after the Contents of
this form have been read and interpreted to him/her in US
Language by Nous A. Appiah III
when the claimant seemed perfectly to understand same be-
fore making his/her mark thereon.

Signature of S. V. A. or Inspector of Lands

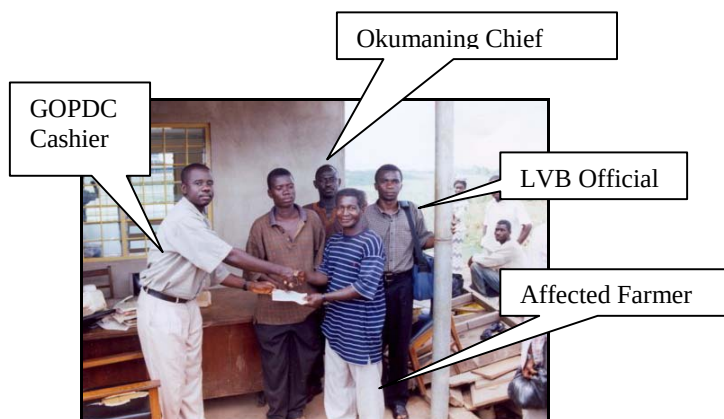
Signature of Witness

ANNEX 5

Payment of Compensation



A

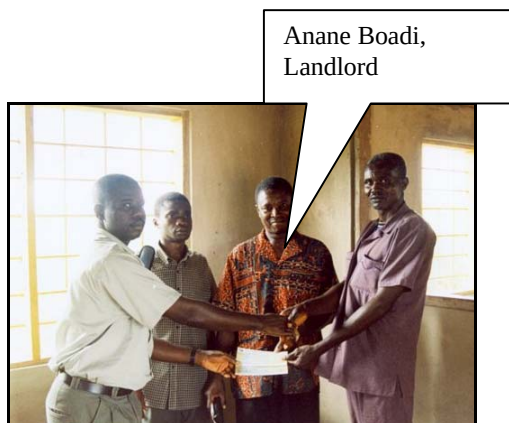


B

Affected farmers from Dwenasi receiving their compensation at Okumaning Office. Both now live at Kade.



Okumaning Chief receiving compensation cheque Ali, receiving his cheque ((Lived at Aborokyire)



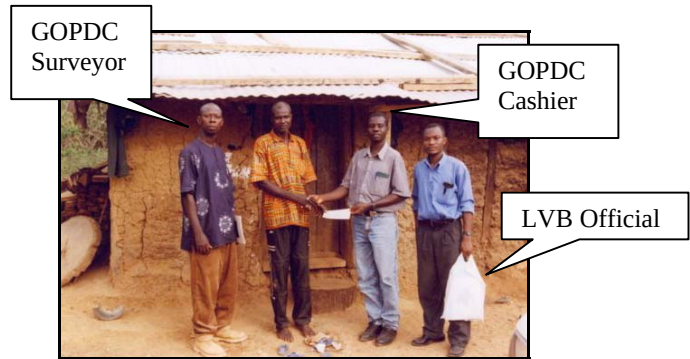
Maame Abena Esther, Okumaning Ohemaa



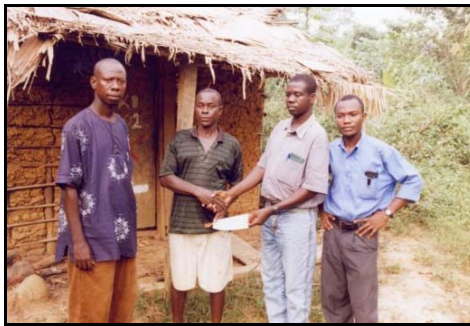
Ntie (Oil palm plantation at Eha Nso De) (Had oil palm plantation at Eha Nso De, now lives at Kade)



Sampson Kwasi Ayim, farm at Dwenasi
(Lived at Okumaning but now at Asuom)



Mr Ali, affected structure at Aborokyire



Kwabena Osei, affected structure at Aborokyire
(Bought Urvan bus and taxis with compensation money;
now a transport officer at Okumaning)



Affected structure at Dwenasi



Kweku Owireku; farm at Eha Nso De
(Bought taxi with compensation money;
now lives and farms)



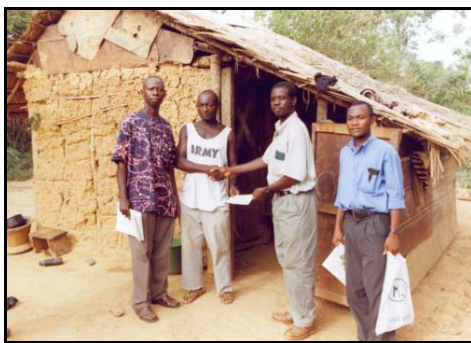
Odikro/Chief of Eha Nso De
((Built house with money at Okumaning where he
now lives)



Samuel Asante; had citrus and oil palm at Dwenasi
(lived at Okumning; built house at Nkawkaw where he now lives)



Nana Sir Awurobo, Gyaasehene of Okumaning
(Affected farm at Aborokyire; lived at Okumaning; built house with money at Okumaning)



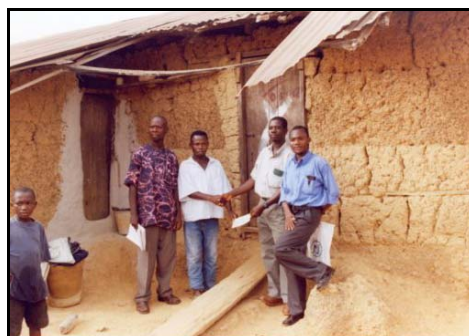
Kwaku Boedu; structure at Eha Nso De
(has now rented a house at Kade; works with GOPDC on the Okumaning Project)



Asante; structure at Eha Nso De
(now lives with father at Okumaning)



Wife of Mr Abor, Chief's Sec – Okumaning
(Structure at Eha Nso De; now lives at Kade)



Atta; structure at Eha Nso De
(Now lives at Mr Asante's house in Okumaning)



Saka Allotey; structure at Nkranfo
(Now lives at Kade)



Andrews Quansah; structure at Eha Nso De
(Now lives at Kade)



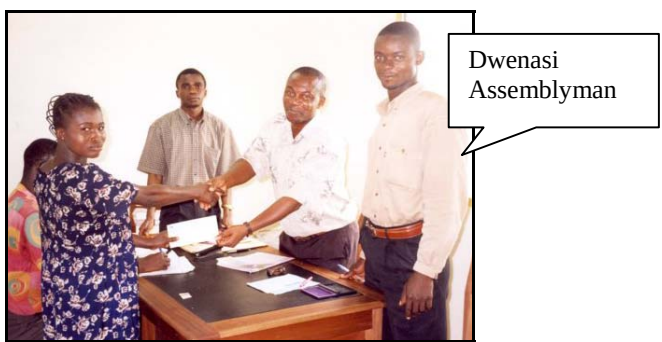
Daughter of Mr Allotey; structure at Nkranfo
(Now lives at Kade)



Adia Yaw; Farm at Dwenasi
(Now in prison for assaulting the wife)



Elder C.K. Jotey; Farm at Dwenasi
(Lived at Okumaning but now deceased)



Farmer at Dwenasi



Farm at Nkranfo



Dwenasi Farmer



Dwenasi Farmer

(Bought car and built house at Kade; now deceased)



Odoom; Dwenasi farmer

(Bought car with the money)



Farmer at Dwenasi

(Bought a taxi; went to live at Subin; now deceased)



Kwame Agyir, farmer at Dwenasi

(Built house at Kade with compensation money; works with GOPDC now)



Ogura; lived and farmed at Dwenasi
(Now lives at Kade and works with GOPDC)



Lived and farmed at Dwenasi
(Now lives at Kade)