

International Bank for Reconstruction and Development
International Development Association

**PROGRESS REPORT
TO THE BOARD OF EXECUTIVE DIRECTORS
ON THE IMPLEMENTATION OF THE MANAGEMENT ACTION PLAN
IN RESPONSE TO THE
INSPECTION PANEL INVESTIGATION REPORT ON THE**

GHANA

**SECOND URBAN ENVIRONMENTAL SANITATION PROJECT
(IDA Credit No. 3889-GH)**

August 29, 2011

ABBREVIATIONS AND ACRONYMS

AMA	Accra Metropolitan Assembly
COHRE	Centre on Housing Rights and Evictions
DfID	Department for International Development (UK)
EA	Environmental Assessment
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESA	Environmental and Social Assessment
FY	Fiscal Year
IDA	International Development Association
IEC	Information, Education and Communication
IFAWAMI	Inter-Faith Waste Management Initiative
IPN	Inspection Panel
ISR	Implementation Status Report
ISWMS	Integrated Solid Waste Management Strategy
MA	Metropolitan Assembly
MTR	Mid-Term Review
NACONWAM	National Coalition of NGOs in Waste Management
NDF	Nordic Development Fund
NGO	Nongovernmental organization
OP	Operational Policy
RAP	Resettlement Action Plan
SEA	Strategic Environmental Assessment
UESP II	Second Urban Environmental Sanitation Project
VRA	Volta River Authority

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Introduction

1. On August 22, 2007, the Inspection Panel registered a Request for Inspection, IPN Request RQ07/06 (hereafter referred to as “the Request”), concerning the Second Urban Environmental Sanitation Project (UESP II) in Ghana, financed by IDA Credit No. 3889-GH. The Request for Inspection was submitted by the Accra-based Centre on Housing Rights and Evictions (COHRE) on behalf of the Agyemankata community, which lives in the area known as Kwabenya within the Greater Accra Metropolitan Area (hereafter referred to as the “Requesters”). The Request focused on one of the four sub-components of the overall Project, namely the proposed Kwabenya sanitary landfill. The Requesters claimed that the Bank failed to comply with its policies and procedures; specifically they were concerned about involuntary displacement and health risks to those who would remain in the vicinity of the proposed sanitary landfill. Management submitted its response to the Panel on September 21, 2007. The Panel found the Request eligible and recommended an investigation, authorized by the Executive Directors on November 9, 2007.

2. The Panel issued its findings from the investigation on March 13, 2009. The Panel determined that the Bank did not comply with several provisions of Bank policies on Environmental Assessment (OP 4.01), Involuntary Resettlement (OP 4.12) and Project Supervision (OP 13.05). Specifically, the provisions relate to the analysis of alternatives, the analysis of impacts in the area of influence of the Project, environmental management plans and resettlement planning, as well as supervision of compliance with Bank safeguard policies.

3. On May 1, 2009, Management submitted its Response to the Inspection Panel’s Investigation Report for consideration by the Executive Directors. The Investigation Report and the Management Report and Recommendation (INSP/R2007-0006/2) were discussed by the Board on June 18, 2009. The Board approved the proposed Management Action Plan (hereafter referred to as the Action Plan), as summarized in Table 1, and it was agreed that Management would report back to the Board on its implementation in December 2009. Accordingly, this report is intended to provide a summary of the progress on the implementation of the Action Plan. It should be noted, however, that the GoG has decided not to proceed with the construction of the Kwabenya landfill.

Delay in submitting the Progress Report

4. The submission of this Progress Report to the Executive Directors and the Inspection Panel has been postponed several times, for a cumulative delay of 18 months. The postponements were a result of significant events that occurred during the review and clearance process of the first and subsequent drafts of the report. The Environmental Assessment (EA) and Resettlement Action Plan (RAP) could not be finalized according to the original planned schedule of end 2009 because of delays in procurement and difficulties in obtaining critical additional information for the RAP, in part because portions of the project-affected communities – who opposed the landfill – did not want to speak to the consultants. In early 2010, the Government of Ghana (GoG) changed its plans for a Bank-financed transmission line, and without informing the Bank, commenced construction of the line over the Kwabenya landfill site. The Bank worked with the Government to minimize the transmission line's impact on the landfill, as well as to document any additional project-affected people (PAPs). Throughout 2010, the project consultants, GoG, and the Bank attempted to hold several consultations with the PAPs, but the meetings were cancelled. Finally, in September 2010, the Mayor of Accra recommended to the GoG that the Kwabenya landfill not be constructed. Since that time, the Bank has held several meetings with the Government to resolve the issues concerning the landfill, other sanitation site options, alternative uses for the land, and following-up with the PAPs. While the Bank has been informally advised that the GoG will not proceed with the landfill, the Bank is waiting for formal notification and will advise the Executive Directors accordingly in the next Progress Report.

Project Summary

5. Over the past two decades, the key environmental issue in urban areas of Ghana has remained poor sanitation, resulting from inadequate sanitary facilities, drainage, and solid waste management. The situation is becoming more critical due to rapid population growth in metropolitan areas, particularly in Accra. An IDA Credit (US\$62.0 million equivalent) for UESP II was approved by the Board of Executive Directors in April 2004. The Project's development objective is to improve urban living conditions in regard to environmental health, sanitation, drainage, vehicular access, and solid waste management in a sustainable fashion, with special emphasis on the poor. The implementation of four of the five components of the Project (Storm Drainage, Sanitation, Community Infrastructure Improvement and Institutional Strengthening) has progressed steadily following some initial delays and most of the activities are either completed or very advanced. Out of a total of US\$62 million, the project has disbursed US\$32.6 million to date. However, the implementation of the solid waste management component, of which the proposed Kwabenya landfill is the main subcomponent, has progressed very slowly. The proposed Kwabenya sanitary landfill was intended at the time to serve Accra's urgent need for a properly engineered and operated sanitary landfill.

6. Accra's need for a sanitary landfill was first identified in the Strategic Plan for the Greater Accra Metropolitan Area in December of 1992. Out of 18 candidate sites initially assessed, Kwabenya was considered the most suitable location. In 1997, the United Kingdom's Department for International Development (DfID) funded feasibility studies

and preliminary design at Kwabenya, including an Environmental Impact Assessment (completed in March 2000), which confirmed the suitability of the Kwabenya site as the best alternative. The Bank's Environmental and Social Assessment (ESA) for UESP II completed in 2003, included an update of the DfID funded EIA. Except for the preliminary civil works (drainage and access road) funded by DfID, which were completed in 2001, development of the Kwabenya landfill has not gone ahead due to delays caused by long standing opposition to the landfill by members of the Agyemankata community.

7. In May 2007, the Bank team determined that it was necessary to prepare a new Environmental Assessment (EA) that would focus on the urgent, short-term need for solid waste disposal in Accra, including the possible use of the Kwabenya site for a sanitary landfill. This decision was based on the time elapsed since the original EA was prepared. The principal activities for Kwabenya financed under the UESP II included the preparation of a Resettlement Action Plan (RAP) and the new EA. The RAP was substantially completed in 2009, but AMA decided not to disclose it until the EA was completed, in order to incorporate any changes that could result from the EA. However, the preparation of the EA was stopped following the decision made by the GoG to abandon the development of a landfill at Kwabenya, as discussed in detail below.

Management Action Plan

8. In response to the issues raised in the Panel Report, Management proposed an Action Plan that reflects a three-pronged approach to address the need for responsible solid waste management in Accra. The *first* was the preparation of an Integrated Solid Waste Management Strategy (ISWMS). This study will result in the identification and analysis of a range of waste management options for the Greater Accra Metropolitan Area for the *medium to long term*. The ISWMS is expected to form the basis of a Solid Waste Master Plan for Greater Accra. The *second* was to provide support to the Borrower to prepare the new EA, which focuses its attention on meeting the *urgent and short term* needs for solid waste management including the analysis of the feasibility of the proposed sanitary landfill at the Kwabenya site, as well as the examination of alternatives.

9. A *third* prong of the Action Plan consisted of several activities intended to provide institutional capacity building for local government and for civil society organizations (CSOs) with active interest in sanitation issues.

Progress Report

10. **Overview:** The GoG decided in late 2010 to abandon the development of the Kwabenya landfill. The progress on the implementation of the Action Plan therefore has been mixed. One positive development has been the progress in the preparation of the ISWMS and the activities designed to increase the institutional capacity of local government and increase community awareness on sanitation issues. Table 1 presents an account of progress on each of the detailed items in the Action Plan.

11. **ISWMS:** Preparation of the ISWMS, partially funded by the Nordic Development Fund (NDF), was completed on time, i.e. before the end December 2010. However the document could not benefit from the EA consultation that might have provided additional feasible alternatives for the mid- or long-term solutions to solid waste management and disposal in Accra. Following the decision by the Government to abandon the development of the Kwabenya landfill, the ISWMS and the implementation of the recommended strategies and particularly the identification of new possible landfill sites have become even more critical and AMA is in the process of organizing consultations with key stakeholders.

12. **Institutional Capacity Support:** Several activities proposed in the Action Plan as part of overall institutional capacity building, technical assistance to municipalities, and support to the development of social accountability mechanisms by NGOs that work on sanitation issues in Ghana are either underway or have been completed. A key focus of the activities has been to promote community awareness with regard to sanitary landfill operations and solid waste management in general. The Bank, for example, has sponsored several studies, workshops and meetings with regard to the development of Citizen Report Cards and social accountability in the provision of waste management and water services by municipalities. A workshop organized under the auspices of the Minister of Local Governments and Rural Development for all the mayors in June 2009 was followed by workshops for waste management officials of the Greater Accra Metropolitan Area and civil society organizations in 2010. Additional workshops on solid waste management are planned for the five cities included in UESP II during 2011. These activities will also form part of the dialogue with Government and engagement with communities on ways to improve the operation of landfills and waste management in general.

13. **EA and RAP:** The Management Action Plan agreed with the Borrower and presented to the Board on June 18, 2009, had two key activities: the Resettlement Action Plan (RAP) and the Environmental Assessment (EA). Both activities should have been completed in 2009; however, they experienced significant delays. Although the RAP consultants made significant progress structuring the overall document, they had difficulty gathering all of the information needed on the project-affected people (PAPs). Preparation of the EA started, after significant delays. At the time the Action Plan was prepared in April 2009, it was anticipated that the EA would be completed by the end of 2009. The Contract with the EA consultants was signed by AMA on December 7, 2009, and work began in January 2010. The increasing opposition by members of the Kwabenya community to participate in consultations made it very difficult for the RAP and EA consultants to complete the safeguards documents. As a result, the Borrower decided to withhold the dissemination of the draft RAP until the EA was completed, contrary to what Management had indicated in its Action Plan.¹ Various Public Hearings

¹ In the Management Report and Recommendation, Management had noted that disclosure of the draft RAP in advance of the completion of the EA process was an unusual sequencing. However, Management agreed with the Borrower's decision to disseminate the RAP first so that it could be discussed as soon as possible with project-affected people and thus avoid confusion and the creation of false expectations by the community. The Kwabenya community was informed that the RAP could be revised substantially in the future, based on the findings and analysis in the EA.

were scheduled between March and July 2010, only to be cancelled at the minute. The EA will now not be finalized given the Government's decision to not pursue the development of the Kwabenya landfill, discussed in the next section.

14. **Transmission Line:** On November 1, 2005, IDA approved a US\$40 million equivalent Credit for the Coastal Transmission Backbone Project (Cr. No 4092) to partially finance a 215km, 330kV transmission line from Aboadze to Volta in Ghana. A segment of this transmission line (T-Line) crosses the proposed Kwabenya landfill site (Figure 1). In February 2010, it came to the attention of the Bank team that a high voltage transmission line (T-Line) had just been installed across the Kwabenya landfill site. The T-line was also financed by another Bank Project but, the Government had not advised the Bank that the T-line would overlap with the landfill. The task teams discovered this only when construction of the transmission tower infrastructure had commenced at the landfill site. Management therefore decided to postpone the submission of the Progress Report to the Executive Directors and the Inspection Panel in order to find out the implications for the landfill and, most importantly, confirm that the project financing the T-Line had complied with the Bank's safeguard requirements.²

15. After gathering some information, a field mission was organized on April 21, 2010 with the participation of technical and safeguards specialists from the two projects to look at the issue of the T-Line crossing the proposed landfill site. Further meetings were held with the Volta River Authority (VRA), the West Africa Power Pool (WAPP) implementation unit and World Bank energy specialists to identify options to overcome the interference of the T-Line with eventual development of the landfill site. The meetings concluded that if, following the completion of the ongoing landfill EA, a decision to go ahead with development of the landfill was made, the T-Line could be modified (e.g. changing the tower height/positions) to avoid any interference. The EA consultants also proposed that, during forthcoming consultations, the alternative of developing only the section of the landfill north of the transmission line would be suggested to the project-affected communities in Kwabenya. Such a proposal would still provide a reasonable useful life to the landfill and, at the same time, provide an additional buffer zone to the more densely populated area located near the south end of the proposed landfill site. Management also briefed the Inspection Panel on the situation with regard to the T-line and its impact on the Kwabenya landfill.

² It should be noted that the Coastal Transmission Backbone Project triggered two safeguard policies, OP 4.01 and OP 4.12. The Volta River Authority (VRA), the executing agency, conducted the original EIA for the project in 2003. The EIA was reviewed and approved by the Ghana Environmental Protection Agency, which issued an Environmental Permit for the transmission line on February 27, 2004. When the Bank reviewed the EIA in January 2005, it requested an addendum to clarify certain issues. The Addendum was received on February 17, 2005 and was found acceptable. The EIA and RAP were disclosed in the Bank's Info shop in February 2005. Unlike the situation with the use of Kwabenya land for solid waste management, the proposal for the T-Line did not evoke the same resistance as with the landfill and the consultation process with community members was completed fully. This difference with the landfill proposal is probably due to the smaller perceived impact of the T-Line on areas neighboring Kwabenya.

16. It was noticed during field visits made on April 21 and May 9, 2010 that some construction activity was occurring within the boundaries of the proposed site, as indicated on the site map (Figure 1) and illustrated with pictures (Figure 2). No new construction activities were observed during the field visit made on July 7, 2010. It was also observed that top soil was being removed from an area outside but close to the North-East boundary of the proposed landfill site (refer to Figure 1 and Figure 3), which could have affected the operation and useful life of the planned landfill. These developments were brought to the attention of the Municipal authorities of Accra and Ga East, where the proposed site is located. Visits to the area following AMA's decision to stop the development of the landfill (the latest visit took place on June 1, 2011) have not identified significant construction activities within the site other than substantial earth moving activities. However, there is active household construction around the proposed landfill site and top soil removal has continued.

Decision to abandon the development of the landfill

17. Following a demonstration by members of the community on July 20, 2010 and a subsequent site visit paid by the Accra Mayor, the latter decided to abandon the development of the proposed landfill, which he communicated to the Minister of Local Government and Rural Development (MLGRD) in a letter dated September 14, 2010. The Mayor explained that the decision to abandon the development of the Kwabenya landfill was based on a number of reasons, citing: (a) intensified agitation in the community; (b) a transmission line that has been placed across the proposed landfill during 2010; and (c) encroachment on the landfill. On October 15, 2010, the MLGRD organized and chaired a meeting with the Mayor of Accra, Ga East and other local, regional and national officials during which the decision of the Accra Mayor to abandon the development of the landfill was endorsed. However, no decision was reached at that time with regard to the use of the land that had been expropriated for the landfill. The Bank has held several meetings with the MLGRD seeking both written confirmation of the abandonment of the landfill project and the Borrower's plans for the land. However, no official reply has been provided to date in spite of repeated promises to do so.

18. If the cancellation were confirmed, the GoG would have to address what to do about with the Executive Instrument (EI) that legally vests in the President on behalf of the Republic of Ghana ownership of the site for the development of the landfill. The Bank has also communicated with the GoG (in a letter dated February 25, 2011) that the issuance of the EI had occurred during and because of the Project; hence, the Borrower has a continuing obligation under the Development Credit Agreement to conclude the process and compensate affected people in accordance with Bank safeguards (see paragraphs 18 and 19 below).

Next Steps

19. Given the decision to abandon the development of a landfill at Kwabenya, Management is proposing the following next steps, as a complement to the implementation of the Action Plan:

- **Consultations and dissemination of the ISWMS:** Management is encouraging broad consultations of the ISWMS between government officials and stakeholders on new potential landfill sites and alternatives to reduce the stream of refuse and improve solid waste management. The Bank has offered support under the UESP2 for these consultations and for the identification of potential landfill sites, which have become a priority for AMA and neighboring municipalities. Management also proposes to prepare a communications plan to address the recent developments in the project (including the ISWMS) and corresponding changes to the original Management Action Plan.
- **Coordination between Metropolitan and Municipal Assemblies:** Coordination begun between AMA and Ga East with regard to the Kwabenya landfill. This coordination needs to be broadened to the other six municipal and metropolitan assemblies that constitute the Greater Accra Metropolitan Area. As indicated above, consultations are being planned to discuss the ISWMS and particularly the identification of other potential landfills sites. The need to have an integrated strategy on waste management for the Greater Accra is being expanded to liquid waste. A workshop on wastewater management was held on February 15-16, 2011, for all waste management officials of the Greater Accra and key stakeholders including active NGOs. This workshop was also attended by seven of the eight Mayors of the Metropolitan and Municipal Assemblies that constitute the Greater Accra Metropolitan Area plus the Regional Minister for the Greater Accra Region.
- **SEA:** As indicated in the Action Plan, Management will seek to support the GoG to prepare a Strategic Environmental Assessment (SEA) for the recommendations of the ISWMS.
- **Decision on expropriated land at Kwabenya:** Despite the Government's decision to abandon the development of the Kwabenya landfill the Government has not yet indicated what steps it intends to take with the land that was identified for the landfill and for which expropriation proceedings were commenced in 2007. The Bank has notified the Government that a decision and timely execution of steps consistent with OP 4.12 are needed with respect to this land, based on the following considerations:
 - When the GoG issued the EI in 2007, the site was not inhabited and contained only partially constructed houses. Under Ghanaian law, the land is legally vested in the Government as of the date of the EI, and all existing rights are extinguished.

- However, given that the project involved land acquisition and thus triggered OP 4.12, the Bank informed the GoG that it would have to prepare a RAP before finalization of land acquisition and payment of compensation.
- Payment of compensation to the people affected by the EI was consequently deferred until the RAP could be completed, which was delayed for the reasons explained above. A draft RAP was substantially completed, but its finalization was contingent upon final site selection in light of the EA.
- Although the Government has now decided to exclude Kwabenya from the Project, the taking of land and extinguishing of rights that was carried out in 2007 occurred during and because of the Project. The Government is still under a continuing obligation under the DCA to conclude that process in accordance with Bank safeguards, notwithstanding its decision not to build the Kwabenya landfill.

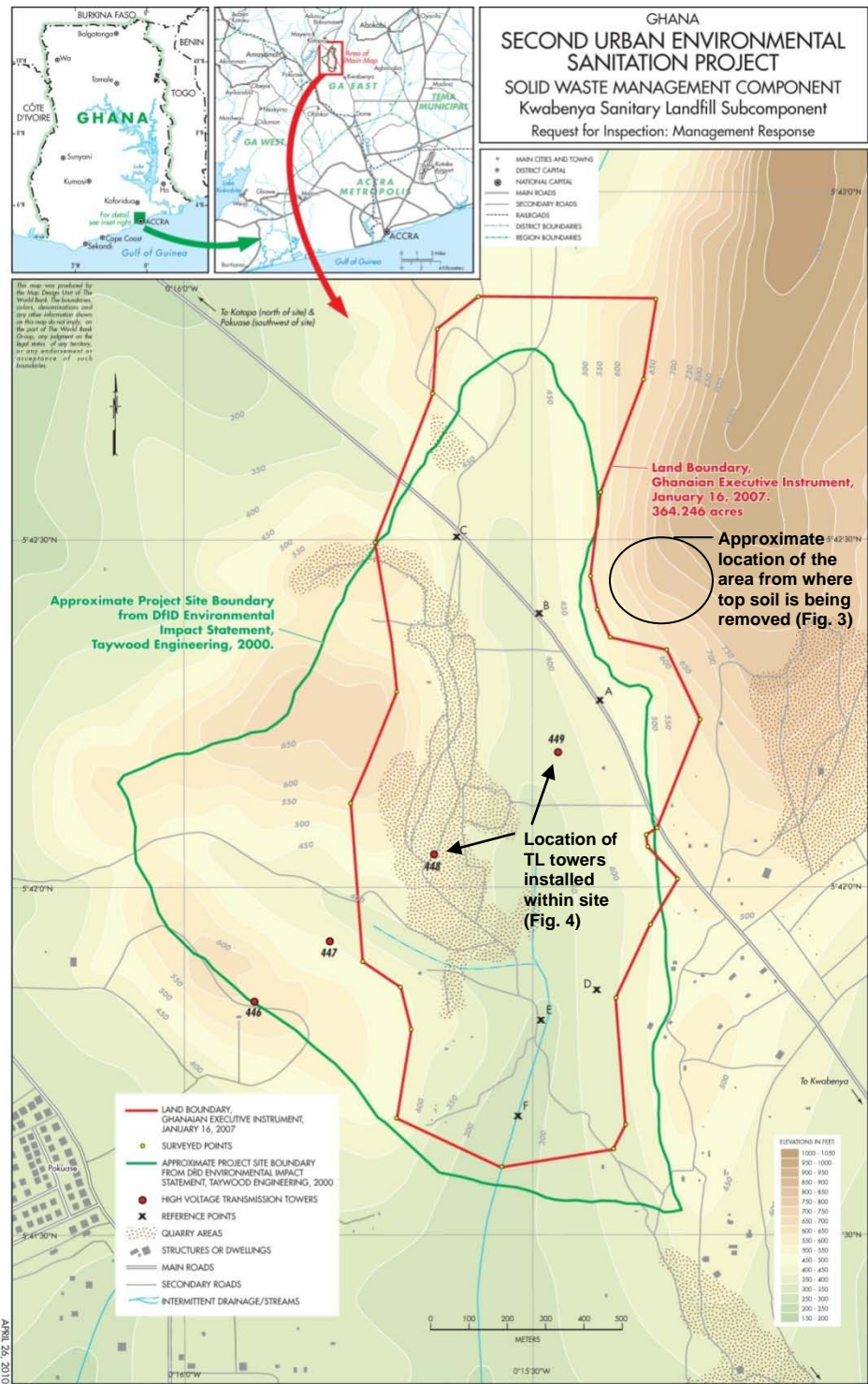
20. In light of the above, the Bank has informed the Government in a letter dated February 25, 2011 and through follow-up meetings on March 23 and May 26, 2011 that it will need to comply with its obligations under the DCA in one of the two following ways:

- a) Returning the land by rescinding the expropriation and compensating the owners of land and unfinished structures for any losses suffered as a result of loss of control and use of the land and households during the intervening years in a manner that is consistent with the requirements of OP 4.12; or
- b) Keeping the land and compensating the affected people identified in the RAP in a manner that is consistent with the requirements of OP 4.12.

21. The Bank is following up with the Government in order to obtain a written response to the above letter. This response, explaining in detail how the GoG will resolve the above issues consistent with its obligations under the DCA and providing a time-bound action plan for timely implementation, will constitute completion of the RAP.

22. Management will report to the Executive Directors in six months on progress in implementing the Management Action Plan.

Figure 1. Site Map of the Proposed Kwabenya Site



Notes: Towers installed within the proposed site are identified as Nos. 448 and 449 (photos in Fig. 4)
 New construction activities (photos in Fig. 2) are taking place near point D(x)
 Area from where top soil is being removed (photos in Fig. 3) is E-NE of reference point B(x)

Figure 2. Photos of New Construction Activities near Ref. Point D(x), Fig.1



Small building near culvert [E(x)-F(x)]
Picture taken from F(x) on 4/21/10



Small building near culvert [E(x)-F(x)]
Picture taken from F(x) on 5/9/10



Construction activity near D(x)
Picture taken from F(x) on 4/21/10



Construction activity near D(x)
Picture taken from F(x) on 5/9/10

Figure 3. Photos of Earth Movement E-NE of Ref. Point B(x), Fig.1



Earth moving activity near B(x)
(Note Transmission line in the background)
Picture taken from C(x) on 4/21/10



Earth moving activity near B(x)
(Note Transmission line in the background)
Picture taken from C(x) on 5/9/10

Figure 4. Photos of Segment of Transmission Line Crossing Landfill Site



Detail of Transmission Line crossing landfill
(TL tower closest to camera is # 449)
Picture taken from A(x) looking SW on 4/21/10



Detail of base of TL tower #448

Table 1. Issues, Actions and Progress

ISSUE	PROPOSED ACTION	IMPLEMENTATION PROGRESS
Environmental Assessment and Mitigation Measures		
Analysis of alternatives	<ol style="list-style-type: none"> 1. Per the Aide-Memoire of May 2007, a new EA will be prepared that will focus on the urgent, short-term need for solid waste disposal in Accra. (To be completed by end 2009) 2. The Bank will also support an expansion of the scope and accelerate the preparation of the ongoing ISWMS for Accra. The EA will provide input into the ISWMS, based on the scoping conducted and alternatives examined. (To be completed by end 2010) 3. The Bank will seek to support an SEA for the ISWMS. 4. Government is to appoint a Panel of Experts on all aspects of the Project 	<ol style="list-style-type: none"> 1. No longer required. Opposition to the landfill by members of the community, and administrative matters relating to the appointment of the new AMA mayor resulted in delays in: (i) initiating the selection process for EA consultants; (ii) identifying top international environmental consulting firms interested in submitting proposals to prepare the EA; and (iii) evaluating proposals and awarding the contract to Haskoning Netherlands. The contract was finally signed on December 7, 2009. The Bank task team assisted the Borrower to get the EA underway by participating in several meetings with the consultants: (i) the first took place on August 26, 2009 prior to negotiations to make sure that the tasks in the Terms of Reference required to comply with OP 4.01 were well understood; (ii) a second meeting was held on January 21, 2010 with the Project Manager at the start up of the assignment to discuss the timetable for the execution of the EA; and (iii) a third one was held on February 24, 2010 to discuss with the international and local teams the plans for the consultation and analysis of alternatives. During the third meeting, the consultants complained about lack of support from AMA in providing key background information and in organizing a Public Hearing that had been tentatively planned for March 5, 2010. The Bank reminded the consultants about the agreed special effort – with the help of a facilitator – to reach out and invite the Agyemankata Community representatives to the Public Hearing given their opposition.³ An EA public consultation was then scheduled for July 7, 2010 at the Presbyterian Church of Kwabenya. However, on July 5, 2010, the Church informed the consultants that it could no longer make its premises available for the agreed consultation, as Church officials had been approached by a group within the community opposing the consultations and the Church did not want to be seen as promoting the use of the area for the landfill amidst such local opposition. AMA and the EA consultants thus had to cancel and postpone the consultation. Shortly thereafter the AMA informed the Bank of its decision not to develop the Kwabenya landfill which was confirmed by the Minister of Local Government and Rural Development and hence the preparation of the EA was cancelled. 2. Complied with. Preparation of the ISWMS, partially funded by the Nordic Development Fund (NDF), was completed on time, i.e. before the end December 2010. However the document could not benefit from the EA consultation that might have provided additional feasible alternatives for the mid- or long-term solutions to solid waste management and disposal in Accra. Therefore, AMA is in the process of organizing consultations on the ISWMS with key stakeholders. 3. On-going. The Bank has suggested the preparation of an SEA to AMA and the Project Coordination Unit with the remaining funds of the EA contract. AMA is in the process of reaching an agreement with the consultants that were engaged for the Kwabenya EA. 4. No longer required. The selection of a Panel of Experts to independently oversee the preparation of the EA is no longer required following the cancellation of the EA.

³ AKC representatives have publicly indicated their refusal to participate in any consultation. In spite of special efforts agreed with the Government, including the use of an intermediary to reach out to them, AKC representatives may not participate in the consultation. Indeed, they have refused to meet with representatives of the World Bank on several occasions, most notably during April 3-18, 2009 to discuss the Management Action Plan.

ISSUE	PROPOSED ACTION	IMPLEMENTATION PROGRESS
	relevant to the EA.	
Buffer Zone	5. If the new EA identifies a sanitary landfill at Kwabenya as the preferred alternative, it will evaluate impacts within the landfill's area of influence outside the buffer zone and examine the size of the buffer zone in light of the situation on the ground, current internationally recognized good practice and the Government of Ghana's environmental guidelines. (To be completed by end 2009)	5. No longer required. A buffer zone will not be required since there will be no landfill.
Environmental Management Plan	6. A draft EMP will be prepared as part of the new EA for whichever alternative is chosen to meet Accra's need for solid waste management in the near term. In accordance with good practice, details in the EMP will be identified and finalized as part of final engineering design and costing. (To be completed in FY10)	6. No longer required. An EMP will not be required since there will be no landfill.
Consultation	7. The AMA will disseminate a translation of the Draft RAP to the affected population. To supplement the Draft RAP, the AMA will produce an information pamphlet that summarizes entitlements to compensation and assistance, as well as grievance procedures, and distribute this to Project affected people. (To be completed by September 30, 2009)	7. Expected to be completed with delay. AMA had decided to withhold the dissemination of the draft RAP until the EA was completed, which was contrary to its original plans, as reflected in the Management Action Plan. However, as indicated in the Management Response to the Investigation Report (Para. 42), disclosure of the RAP in advance of the completion of the EA process was an unusual sequencing, since the RAP might need to be revised, depending on the outcome of the EA, and further consultations held. Although Management respected the Borrower's decision to disseminate the draft RAP while the EA was being prepared, on the basis that it would provide an opportunity to further exchange views with the directly affected people, there was some concern that disseminating a draft RAP that would likely be revised at the end of the EA process, could create confusion and false expectations as well. Now that the landfill will not be developed, the Government will have to revise and disseminate the draft RAP. based on the following considerations: <ul style="list-style-type: none"> • In preparation for the landfill, the Government issued an Executive Instrument (EI) for land at Kwabenya in 2007. The site was not inhabited and contained only partially constructed houses. Under Ghanaian law, the land is legally vested in the Government as of the date of the EI, and all existing rights are extinguished. • When the issuance of the EI came to the attention of the Bank, the Bank informed the Government that the EI had been issued prematurely because it had not taken into account the Resettlement Policy Framework for the project and had not been preceded by the preparation of a Resettlement Action Plan (RAP) as required by OP 4.12. It would therefore be necessary to prepare a RAP before finalization of land acquisition and payment of compensation. • Payment of compensation to the people affected by the EI was consequently deferred until the RAP could be completed. For the reasons described above with respect to

ISSUE	PROPOSED ACTION	IMPLEMENTATION PROGRESS
	<p>8. Upon finalization of the RAP and clearance by the Bank, the RAP will again be distributed to the affected population and disclosed in accordance with the Bank's Policy on Disclosure. (To be completed by August 31, 2009)</p> <p>9. The consultants for the new EA will develop and undertake a consultation strategy that, at a minimum, fulfills the requirements of OP 4.01 for consultation on the scope of the EA and on the draft EA. (To be completed by end 2009)</p> <p>10. Consultation on the scope of the EA will also serve as an initial consultation on the scope of the ISWMS for Accra. (To be completed by end 2009)</p> <p>11. The EA will also be disclosed in accordance with the Bank's Policy on Disclosure. (To be completed in FY10)</p>	<p>the difficulties in gathering information and organizing consultations, RAP completion was significantly delayed. A draft RAP was virtually completed, but its finalization was contingent upon final site selection in light of the EA.</p> <ul style="list-style-type: none"> Although the Government has now decided to exclude Kwabenya from the Project, the taking of land and extinguishing of rights that was carried out in 2007 occurred during and because of the Project. Hence the Government is under a continuing obligation under the DCA to conclude that process in accordance with Bank safeguards, notwithstanding its decision not to build the Kwabenya landfill. <p>In light of the above, the Bank has informed the Government in a letter dated February 25, 2011 that it will need to comply with its obligations under the DCA in one of the two following ways:</p> <ol style="list-style-type: none"> Return the land by rescinding the expropriation and compensate the owners of land and unfinished structures for any losses suffered as a result of loss of control and use of the land and households during the intervening years in a manner that is consistent with the requirements of OP 4.12; or Keep the land and compensate the affected people identified in the RAP in a manner that is consistent with the requirements of OP 4.12. <p>This response, explaining in detail how the GoG will resolve the above issues consistent with its obligations under the DCA and providing a time-bound action plan for timely implementation, will constitute completion of the RAP.</p> <p>8. Disclosure delayed. Disclosure to be done upon completion of Item No. 7 above.</p> <p>9. No longer required. The preparation of the EA was cancelled following the decision to abandon the development of the landfill.</p> <p>10. A separate consultation for the ISWMS is planned. Since the ISWMS could not benefit from the EA consultation that might have provided additional feasible alternatives for the mid- or long-term solutions to solid waste management and disposal in Accra, AMA is in the process of organizing separate consultations with key stakeholders, which should include participation from the municipalities that comprise the Greater Accra Metropolitan. Management also proposes to prepare a communications plan to address all the recent developments in the project (including the ISWMS) and corresponding changes to the original Management Action Plan.</p> <p>11. No longer required. The disclosure is not required since the EA was cancelled.</p>

ISSUE	PROPOSED ACTION	IMPLEMENTATION PROGRESS
Institutional Capacity	<p>12. Technical Assistance. Technical assistance is being provided to Metropolitan Assemblies (MAs) to develop and implement Information, Education and Communication (IEC) strategies as part of a broader communications program. This program includes: communications training for key staff of MAs, assistance in the development and production of communication materials for dissemination and the conduct of campaigns. In addition, a solid waste specialist is being incorporated into the Bank task team to visit all of the existing landfills and dumps in the five MAs at least twice a year to assess their operations, provide recommendations for improvement and monitor the outcomes. (To commence by end 2009)</p> <p>13. Operations and Maintenance Support. During the Mid-Term Review it was agreed to reallocate credit funds to increase disbursement category 4, which finances operating costs for sanitary landfills, refuse collection and others, so that MAs can cover their entire service area. In addition, to help address long-term needs, a workshop will be held in 2009 for local waste management officials and civil society organizations. (To be completed by end 2009)</p> <p>14. Social Accountability. The Bank is supporting the development of community score cards by the coalition of NGOs⁴ that works on sanitation in Ghana in order to promote awareness in the communities and social accountability with regard to landfill operations and solid waste management in general. (Ongoing – The score cards to be completed in FY09)</p>	<p>12. Completed. Technical Assistance has been provided to MAs for the development of IEC strategies, and campaigns are regularly conducted at the MAs. A solid waste specialist joined the Bank task team in May 2009 and the following month visited the existing landfills in the Project cities plus other dump sites in Accra. He was accompanied by an NDF consultant who looked into possibilities for applying for Carbon Funds which is being further analyzed. In addition, the senior environmental specialist of the Bank task team visited and made recommendations on improving existing dump sites. Follow up missions have taken place in April 2010 and October 2010. A new mission is planned in July 2011 and there will be a follow up on the recommendations provided during the previous missions.</p> <p>13. Completed. A workshop was organized under the auspices of the Minister of Local Governments and Rural Development for all of the Mayors in June 2009 and funds were reallocated to increase disbursement category 4, which finances operating costs for sanitary landfills, refuse collection and others.</p> <p>14. Completed. The Bank has sponsored a number of workshops and meetings with regard to the development of Citizen Report Cards by the coalition of NGOs working on Waste Management (CONWAM),⁵ beginning with a day-long workshop held on May 26, 2009. Proposals were prepared by CONWAM and CONIWAS⁶ in regard to expenditure tracking and social accountability in the provision of waste management and water services, respectively. The Bank formally announced the provision of grants to both CONWAM and CONIWAS at a ceremony held on October 9, 2009 and their activities are ongoing. In addition to working at the community level to educate the people, CONIWAS and CONWAM have briefed and obtained endorsement from key committees of the Ghanaian Parliament and local government officials on the social accountability exercise. In addition,</p>

⁴ The former National Coalition of NGOs in Waste Management (NACONWAM), which has now been renamed CONWAM. The Bank's Vice President for the Africa Region launched this effort with the coalition and other civil society organizations in March 2009.

⁵ Formerly NACONWAM.

⁶ Coalition of NGOs in Water and Sanitation (CONIWAS).

ISSUE	PROPOSED ACTION	IMPLEMENTATION PROGRESS
	<p>15. Community Participation. The Bank is providing support for a competition on how to improve solid waste management through community and private sector participation in activities such as recycling, composting, energy recovery, information campaigns, etc. Cash awards will be available to support the implementation of the winning proposals. The publicity for this competition will also serve to create awareness in the communities. (To be completed by end 2009)</p> <p>16. Education. Campaign on sanitation with IFAWAMI, which reaches 98 percent of the people in Ghana through churches, mosques and other religious centers. (Ongoing)</p>	<p>a survey was completed in December 2009 for the entire AMA as part of a parallel Citizen Report Cards exercise on municipal services that included solid waste management. The dissemination of the results began in August 2010, when the Mayor presented an action plan to improve solid waste management that the communities will track. The dissemination exercise continued during the following months at each of the 11 sub-metros in which AMA is divided.</p> <p>15. Completed. A competition denominated Ghana Innovation Marketplace (GIM), supported by the Government of Ghana and the World Bank, was launched in the five largest cities of Ghana (UESP II cities) in June 2009. In addition to generating initiatives to improve waste management under the theme: Solid Waste: Big Problem! Big Opportunity!, the competition served indirectly to promote behavioral change and community participation in waste management. A key highlight of the competition was the workshop held in Kumasi on November 11-12, 2009, organized by the Engineering Department of the University of Ghana and presided by the Minister of Local Government and Rural Development. By the competition closing date of November 30, 2009, a total of 142 entries had been received from the five major cities: Tamale, Kumasi, Sekondi-Takoradi, Tema, and Accra. The authors of the top 100 proposals received extensive training during March 2010 in order to convert the proposals into implementable business plans. The top 50 business plans are expected to be implemented in the areas of advocacy and education, value addition and improved solid waste collection by means of a combination of public and private funds.</p> <p>16. Ongoing. The campaign remains ongoing by the different religious organizations. In addition the Task Team Leader has participated in several educational radio programs on waste management.</p>
Social Impact Assessment and Mitigation Measures		
Finalization of the RAP	<p>17. The RAP is being finalized. Depending on the outcome of the EA process, the RAP may need to be revised or, if the site is not found suitable, not implemented. (To be completed by August 31, 2009)</p>	<p>17. Expected to be completed with delay. Refer to Item No. 7 above on the AMA's decision to withhold the completion and dissemination of the draft RAP until the EA was finished. The complexities of tenure, ownership and usufruct arrangements were experienced during the preparation of the RAP. Particularly challenging was the identification of the total number of people who own or lease undeveloped plots of land or who own plots with incomplete structures. When the Government issued the Executive Instrument in January 2007 by which it initiated the land acquisition process, not all parcel owners or lessees registered claims with the Government for compensation. In addition, Government land records were incomplete for this area. As a result, the formal list of affected land owners or lessees assembled for purposes of the RAP was incomplete. This was compounded by difficulties of supplementing this information through field investigations, given the strong local political sensitivities in the area, and the unwillingness of some members of the affected population to engage in a dialogue or participate in the census survey. Now that a decision has been made to abandon the development of the landfill, the RAP should be completed taking into consideration whether the Government keeps the land for another use or rescinds the Executive Instrument. As indicated in Item No.7 above, the Bank has sent a letter to the Government on February 25, 2011 reminding of its obligations to</p>

ISSUE	PROPOSED ACTION	IMPLEMENTATION PROGRESS
		comply with the requirements of OP 4.12
Project Supervision		
Supervision	<p>18. A senior social safeguards specialist will continue to provide support to the Bank task team for RAP preparation and its eventual implementation. (Ongoing)</p> <p>19. A lead environmental specialist will continue to provide support to the Bank task team during preparation of the EA and eventual implementation of the EMP. (Ongoing)</p> <p>20. Formal Project supervision missions will be organized at least twice a year and progress on implementation of safeguards recommendations from the RAP and the EMP will be monitored and reported. (Ongoing)</p>	<p>18. Ongoing. A senior social safeguards specialist has continued to provide support to the Bank team in Ghana, including missions in May, June and November 2009 and several conference calls. The last one was held on February 8, 2011 to draft the letter to the Government on the obligations with regard to compensation to people that may have been affected by the issuance of the Executive Instrument for the landfill site.</p> <p>19. Ongoing. A lead environmental specialist has continued to provide support to the Bank team in Ghana, including a mission in November 2009 and multiple conference calls. He is also in contact with the team's senior environmental specialist who periodically supervises the project.</p> <p>20. Ongoing. In addition to formal supervision missions, the Bank task team meets with the Project Coordination Unit at least twice a month. In order to better understand social safeguards issues faced by the Project and the sector as a whole, the Bank undertook a review of social safeguards with regard to past Project activities in the five Project cities. The review identified weaknesses in the record keeping of social safeguard documentation that prevented the consultants to properly review all the activities. The Bank requested the submittal of missing information and has organized a workshop for the five project implementation units on April 19, 2011. The objective of the workshop was to refresh the knowledge about the obligations under OP 4.12 and to follow up on the request of documentation. A high level discussion with the Government is also being planned to discuss the differences between the Bank's OP 4.12 and the Government's resettlement procedures and variant interpretations of property and user rights. On the positive side it should be noted that the Project Coordination Unit has strengthened its safeguards capacity, which was positively reflected in the preparation and consultation of the Tema landfill RAP and other activities in the five Project Implementation Units.</p>
Assessing and Reporting Risks	21. The "Key Issues and Actions for Management Attention" section of the Implementation Status Report (ISR) will include a special section on the progress made in regard to Kwabenya. (Ongoing)	21. Ongoing. A section on the Kwabenya subcomponent has been included under key issues in the ISR.

OKAIDJA GBEKE FAMILY OF GBESE, ACCRA

JULY 2, 2010

PRESS RELEASE

REF: STAKEHOLDERS CONSULTATIVE MEETING KWABENYA LANDFILL
PROJECT: ENVIRONMENTAL & SOCIAL IMPACT ASSESSMENT (ESIA)



We the Okaidja Gbeke Family of Gbese in the Greater Accra Region of the Republic of Ghana write to inform the general public and the World Bank that we have pass a vote of NO CONFIDENCE in the A.M.A / Government of Ghana.,.

Our reasons are:

1. There were acts of omissions and breaches of procedure during and before the execution of the proposed landfill at Kwabenya.
2. Though regulation 7 (2) of the State Lands Regulation (LI230) of 1962 makes it mandatory that prior notification should be given to owners occupiers of land before any entry for inspection, survey or valuation is carried out, such notices were not served by A.M.A / Government. Although two (2) meetings were held at Kwbenya this does not satisfy the regulations.
3. The Government was to prepare appropriate notices to satisfy Regulation 2 (2) a-b) of the State Lands Regulations 1962 (LI230) such notice too was not served before the publication of the Executive Instrument on the acquisition of our land proposed for the construction of the proposed landfill project on 29th January 2007.
4. In the Resettlement Policy Framework page 37 it is documented that compensation and resettlement be carried out before Legislative Instrument is passed to confirm the land acquisition this procedure was not followed. Rather our brothers and sisters of Agyemankata were given ten (10) days to leave their own homes without compensation. National Security gave the order.
5. On October 12, 2009 THE Ghanaian Times Newspaper under the caption "35 House on G.A.E.C. Land demolished" published that the eland for Kwabenya landfill site has been paid. This is totally unfounded statement by a Government official.
6. The Okaidja Gbeke Family lodged their claims for compensation with the Executive Secretary of the Land Valuation Board as requested by the A.M.A or we forfeit compensation but to date we have not received any money nor heard anything. What a threat from A.M.A.



HASKONING NEDERLAND BV
ENVIRONMENT

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Head Procurement Unit
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Our reference : 9V1695/L0009/420010/Nijm
Direct line : + 31 (0) 24 328 45 42
E-mail : w.tromp@royalhaskoning.com
Date : 22 July 2010
Enclosure(s) :

**Subject : Environmental Impact Assessment and Preparation of an
Environmental Management Plan for the Kwabenya Landfill
Public Consultation Meeting**

Dear Mr Aidoo,

It is recalled that we had scheduled the above mentioned meeting for July 7, 2010 at the Presbyterian Church, Kwabenya from 9:30 a.m. to 1.00 p.m.

We had chosen the church premises for the meeting in order to prevent any miscreants from disrupting the meeting and to ensure that adequate shelter is provided in case of any rain event.

On Monday, July 5th 2010, the Catechist (Catechist Frank Acquah) of the Kwabenya Presbyterian Church informed us by telephone that they could no longer make the church available to us for the upcoming Public Consultation Meeting that had been scheduled for July 7th 2010 at the church premises.

In a follow-up telephone conversation with the Catechist by our Mr Richmond Yeboah Amoako, the Catechist alluded to the fact that they had received a letter from a group within the community (name was not given) stating among other things that:

- whatever the World Bank and AMA want them to talk about in a public meeting has been presented to World Bank/ AMA on many occasions already;
- they object to the meeting being held clandestinely at the church and that they believe the church is being used to coerce the community to accept the project. If anything at all, the meeting should be held at a public place and not at the church;



Member NLingenieur



- they wished the church would not allow the premises to be used for the meeting, and that if the church goes ahead then it will be at their own risk; and
- The church being part of the community and not wanting to be tagged as promoting the use of the area for the landfill took the decision not to grant us their premises for the meeting.

We have since made attempts to get a copy of the said letter but have not been successful yet. We hope to continue this effort to eventually get a copy of the said letter, and as soon as we are able to get the letter we will share it with you.

We are also discussing to schedule another consultative meeting by the 2nd week of September 2010.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'WTromp', is written over the printed name.

Wilfred Tromp
Project Manager Kwabenya Landfill ESIA

Cc: World Bank Mr V. Bengoechea (vbengoechea@worldbank.org)

KWABENYA CONCERNED CITIZENS

PRESS CONFERENCE

July 20, 2010.

Good afternoon learned men and women of the Press.

It will interest you to know that it is seventeen (17) years that the A.M.A and U.N.D.P (Habitat) including the Government of Ghana decided that a sanitary landfill be built at approximately 50 km radius from Accra.

Kwabanya was chosen as the best site among other sites because of distance from the landfill site to other settlements like Kwabanya, Pokuase and Mayera. At that time there were no settlements like A.C.P Estates, Ashongman Estates, Ayigbe Town and Opoku Shishi. There were no visual intrusion problems too.

There are at the moment various kinds of residential houses from mud houses through simple single storey concrete buildings to huge multi-storey modern style architectural edifices found at the proposed Kwabanya landfill site making it extremely difficult to create a buffer zone.

The proposed landfill area of influence is full of modern type of buildings. At the moment electricity has reached the proposed landfill site. The Head of Okaidja Gbeke Family, Nii Tetteh Ankamah II, has leased all the lands to Ghanaians.

Posterity will never forgive us if we allow the A.M.A and World Bank to pollute such communities with an enviable environment and its beautiful landscape in the name of landfill.

We can not live near a time bomb as landfills are associated with methane gas emissions and explosions. A.M.A is known for mismanagement of waste therefore we can not live any number of years around a dump site with its hazards. Examples are stench, vermin and diseases.

A.M.A and World Bank are talking about the Kwabanya Site being a short term project for Accra. Why not look for long term site now?

Our brothers and sisters of Agyemankata fought the A.M.A and nailed her against the wall by inviting the inspection panel of the World Bank.

You can have the Panels report for your records. Please analyze it and publish your findings for Ghanaians to know the activities of the World Bank on the proposed Kwabanya landfill project. The Management of the World Bank did not follow their Operational Procedures on the proposed Kwabanya landfill project.

We have kicked against the proposed Kwabenya Landfill project; our Press Statement of July 1, 2010 refers.

The A.M.A and the World Bank want to consult us to enable them to get a Permit from the E.P.A., which is very absurd.

Kwabenya Township is less than 2 km away from the proposed landfill site. Agyemankata is the closest community. They have rejected the project since 2001. We the people of Kwabenya Township will be affected environmentally. We have also rejected the proposed landfill project. We live by the Atomic Energy. We can't live near a landfill too. "To be slapped twice on the face will definitely daze you"

A.M.A should recycle Accra waste. The World Bank has money to purchase such machines for the A.M.A.

Ghana is 53 years. We are too grown to have recycle plants than to dump waste at people's backyard. Kwabenya is not the only land left for dumping site in Ghana.

The proposed Kwabenya Landfill Project was never debated in Parliament before it took off in 2001.

Tell them not to come here to negotiate for the landfill site from today. No matter how sanitary it will be. We commend our sisters and brothers of Agyemankata for their good struggle. Our ancestors never lived near (dump sites) sanitary landfills. Landfills were far away from humans.

We were environmentally conscious before the Whiteman came. UNDP (Habitat) and World Bank go away with your proposed landfill project. It is an obnoxious project

Accra needs a recycle plant not a sanitary landfill.

Thank you.

CC:

1. The Country Director, World Bank
2. The Minister, Ministry of Local Government and Rural Development.
3. The Mayor, A.M.A.
4. The MCE, Ga East Municipal Assembly.

Annex 4 - Pictures of Demonstration held on July 20, 2010



Ga sentence translated as HUMAN LIFE IS
MUCH BETTER IMPORTANT THAN REFUSE



RED BANDS WERE ALL OVER THE KWABENYA
TOWNSHIP SIGNIFYING UNHAPPINESS OF A
CONDITION/ SITUATION



ACCRA METROPOLITAN ASSEMBLY



SECOND URBAN ENVIRONMENTAL
SANITATION PROJECT (UESP II)
P. O. BOX 385,
ACCRA -GHANA

Our Ref: AMA/UESP II/10/999

Tel.233-21-676270/666609

14th September, 2010

The Hon. Minister
MLG&RD
Accra

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16. SEP. 2010

Dear Sir

DISCONTINUATION OF THE KWABENYA LANDFILL PROJECT

BACKGROUND

The Government of Ghana received a credit from IDA for the implementation of the Second Urban Environmental Sanitation Project (UESP II) and intends to apply part of the proceeds of this Credit to finance the Consultancy Services for the preparation of Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for Kwabenya Landfill.

Between 1991 and 1992, the Accra Planning and Development Programme, in association with the UNDP Centre for Human Settlements, (Habitat) developed a strategic plan for the then Greater Accra Metropolitan Area (GAMA). The Plan indicated that a new landfill site should be identified within 50km of Accra to meet the projected requirements for waste management in Accra.

The Waste Management Department of Accra Metropolitan Assembly (AMA) subsequently carried out a site selection survey to identify potential sites for landfill development. Out of nearly 18 sites inspected, five (5) potential sites were considered to have sufficient potential for future investigation. A study of the five (5) potential sites was undertaken by a consultant (Bannerman 1993), resulting in the selection of Kwabenya as the most suitable site.

Following the selection of the site in 1993, Messrs Taywood Environmental Consultancy, an affiliate of the Taylor Woodrow Group conducted studies on the Kwabenya Landfill as part of the DFID funded Accra Waste Project.

In November 2000, Messrs Taylor Woodrow under the Accra Waste Project implemented some enabling basic infrastructure works which was completed in November 2001.

Messrs Scott Wilson & Kirk Patrick(SWK), who were engaged as supervision consultants on the Accra Waste Project, prepared and submitted detailed engineering designs and tender documents using the already available Taylor Woodrow designs in December 2001 (and revised Nov. 2002).

In June 2003 during the preparation of the UESP II, Messrs Environ Engineering Management Consult (EEMC) carried out an Environmental and Social Assessment study, and prepared a framework for resettlement of affected persons.

MAJOR ACTIONS SINCE 2007

EI issued for compulsory acquisition in January 2007. Valuation completed and offer letters issued to affected property owners in 2007. Owners accepted offer in 2007.

World Bank (WB) insisted compensations by GOG should be made only after completion and acceptance of Resettlement Action Plan (RAP) by World Bank (WB). RAP delayed due to some agitations by near by community and several intermittent visits by World Bank inspection panel RAP completed in August 2009. WB again intimated EIA should be completed before payment of compensation.

REASONS FOR DISCONTINUING THE LANDFILL PROJECT AT KWABENYA

- More encroachments
- Structures have been developed further up
- Electricity High Tension lines developed
- Three (3) years non-payment of compensation and several threats of law suits
- Intensified agitations
- Project to be done with and under permanent security which is not sustainable
- Not undertaking the project at Kwabenya will be a lesser evil

WAY FORWARD FOR ALTERNATIVE WASTE DISPOSAL SITE

AMA is therefore considering the search for alternative site within the shortest possible time.

Targeted time for proposed alternative site is December 2010.

I hereby propose a meeting with your goodself, MLGRD-PCU, AMA and WB to meet to discuss the following;

- Further actions on the discontinuance of the project
- Discussion of plans for alternative landfill site
- Consideration of draft integrated solid waste management strategy prepared by UESP II.
- Agree on further actions.

Thank you.

Yours faithfully



Hon. Alfred Okoe Vanderpuije
Metro Chief Executive

cc: The Hon. Minister
Ministry of Finance
Accra

The Task Team Leader (UESP II)
World Bank, Country Office
Accra – Ghana

The Project Director (UESP II)
MLG&RD
Accra

The Technical Director
PCU – UESP II
MLG&RD

The Project Co-ordinator (UESP II)
Accra Metropolitan Assembly
Accra

February 25, 2011

Dr. Kwabena Duffuor
Minister of Finance & Economic Planning
Ministry of Finance & Economic Planning
Accra

Dear Dr. Duffuor,

Second Urban Environmental Sanitation Project (UESP II)
Re: Kwabenya Landfill

This is in reference to the sanitary landfill that was proposed to be built under the UESP II in Kwabenya. The Bank has been advised orally by the Project Director and by AMA officials that the Government of Ghana (GoG) no longer intends to construct the landfill and will not use project funds for that purpose. To ensure clarity on this point and to enable us to maintain complete project documentation, we would be grateful if we could receive an official written communication from the GoG confirming this decision.

We would also like to bring to your attention that, notwithstanding the decision to exclude Kwabenya from the project, the GoG has certain continuing obligations with respect to the site under its Development Credit Agreement (DCA) with the Bank. Section 3.03 of the DCA states as follows:

The Borrower shall, prior to commencing work on any storm drainage, sanitation, solid waste management or community infrastructure upgrading and prior to any displacement of any Affected Persons from such works:

(c) for the sanitary landfill at Kwabenya, the sanitary landfill in Tema, rehabilitation of refuse dumps at Mallam, Oblogo, Kpone, and Essipon, and community infrastructure upgrading in all Project Cities, prepare and furnish to the Association, a detailed resettlement action plan acceptable to the Association documenting the implementation arrangements for resettlement arising from such works, including compensation, relocation and rehabilitation of Affected Persons;

(d) complete the implementation of such resettlement action plan in a manner satisfactory to the Association.

As you know, an Executive Instrument for land acquisition at the site was issued in 2007, vesting ownership of the land in the state, extinguishing the rights of the land owners and lessees and restricting them from entering or developing the land. This occurred prior to the preparation of a Resettlement Action Plan (RAP), contrary to the requirements of the DCA. When informed of this discrepancy by the Bank, the Government agreed to postpone completion of the acquisition process in order for a RAP to be prepared and to ensure that compensation and resettlement would be conducted in accordance with the DCA.

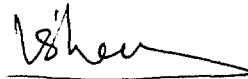
We recognize that it is no longer the intention of the Government to include the Kwabenya site in the project and fully appreciate the reasons for which that decision was made. Nevertheless, because the land taking occurred during and in connection with the project, there

is a continuing obligation under the DCA to ensure that compensation is paid in accordance with Bank policy as reflected in an approved RAP.

We have been told that there are two possible scenarios for next steps with respect to the land at Kwabenya. One is to rescind the Executive Instrument (EI) and return the land to the affected owners. The other is for government to keep the land and use it for another purpose. Under either scenario, the DCA obligations apply. If the EI is rescinded, Bank policy would require compensating owners for losses, if any, that may have been incurred during the intervening years as a result of the taking. If the EI remains in place, full compensation in accordance with the RAP is required. We recognize the Government's diligent efforts to complete the RAP in very difficult circumstances. Our understanding is that with respect to those affected by the EI, the RAP is virtually complete, although it may be necessary to update the valuation data.

We believe that both Government and the Bank have a strong shared interest in resolving this matter as quickly as possible, consistent with the terms of the DCA. Therefore, we would be grateful to know as soon as possible what the Government's plans are for the site, for the completion of the RAP, and for the timely payment of compensation to affected people. We would be happy to work with the Government and the Project team to ensure that outstanding issues concerning the Kwabenya land are resolved as soon as possible.

Sincerely,



Ishac Diwan
Country Director for Ghana
Africa Region

cc: The Hon. Minister, Ministry of Local Government & Rural Development
The Chief Director, Ministry of Local Government & Rural Development
The Chief Director, Ministry of Finance & Economic Planning
The Head, World Bank Unit, Ministry of Finance & Economic Planning
The Project Director, UESP II
The World Bank Executive Director for Ghana