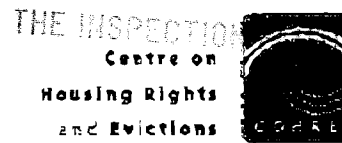


Brer Thiele
Centre on Housing Rights and Evictions
8 N. 2nd Avenue East
Suite 208
Duluth, MN 55802
U.S.A.

RECEIVED

07 AUG 16 PM 11:57



Sylvia Noagbesenu
Centre on Housing Rights and Evictions
PMB CT 402 Cantonments, Accra
GHANA

e-mail: Litigation@cohre.com

16 August 2007

Re: Request for Inspection by World Bank Inspection Panel

Executive Secretary
The Inspection Panel
1818 H Street, NW
Washington, DC 20433

World Bank Inspection Panel,

1. The Centre on Housing Rights and Evictions (COHRE) represents the Agyemankata Community who live in the area known as of Kwabenya in Ga District, Ghana. COHRE's addresses are above. Please send any correspondence to both addresses.
2. The Agyemankata Community is detrimentally effected by the sanitary landfill proposed in the context of the World Bank funded Second Urban Environment Sanitations Project (UESP-2) (Project). Indeed, the World Bank's Integrated Safeguards Data Sheet states "those living near the landfill will be negatively affected" and that "surface and ground water pollution could extend 5 to 10km downstream." Specifically, if implemented, this component of the Project will result in the involuntary displacement of much of the community and leave the remainder of the community living in conditions that pose graves risks to their health.
3. Specifically, many of the households near the proposal Kwabenya Landfill (Landfill) site have been told that they will be displaced if and when the Project is implemented.



Additionally, those who are outside of the area of displacement will live within proximity of the landfill and its related operations which would pose grave risks to their health. Indeed, the Landfill has raises several potentially contentious environmental and social issues.

4. The Agyemankata Community was not meaningfully consulted during the planning of the Landfill. The following examples illustrate the lack of meaningful consultation as required by

- 4.1 The Accra Metropolitan Assembly (AMA), a government agency involved in the Landfill, often announces decisions after they have been made via publication in local newspapers such as the *Ghanaian Times* and the *Daily Graphic* or through radio announcements. This means of communication is insufficient as it may not reach the Community nor does it allow a process for meaningful input from the Community.
- 4.2 The Agyemankata Community learned about the World Bank's role in the Landfill only from a newspaper article in the *Daily Graphic* (dated 10 December 2003, page, 23, para. 15) in which it was stated that "S.O. Darko, former Mayor of Accra, said World Bank was to finance the Kwabenya landfill."
- 4.3 In response to this article, the Agyemankata Community wrote to the World Bank on 16 January 2004 requesting that the Bank not support the Landfill component of the Project.
- 4.4 In response, the World Bank on 30 January 2004 invited the Agyemankata Community to see the already prepared Environmental and Social Assessments and the Resettlement Policy Framework. This is the first time the Agyemankata Community was made aware of these documents and, again, was only allowed to see them after their completion. The Community is quite frustrated given this lack of transparency and lack of consultation.



- 4.5 The Agyemankata Community has yet to see any Involuntary Resettlement Action Plan on Kwabenya Landfill yet alone be able to meaningfully participate in such a plan's creation.
 - 4.6 The AMA communicated to the Agyemankata Community via radio announcements on 19 and 20 July 2007 and in the 18 July 2007 edition of the *Ghanaian Times* that its residents needed to deposit all documents on their respective properties at the Land Valuation Board.
 - 4.5 A further notice by the AMA to the Agyemankata Community to bring all relevant documents to the AMA by 30 July 2007 or forfeit their compensation was communicated to the Agyemankata Community only in the 18 July 2007 edition of the *Ghanaian Times*.
 - 4.5 The Agyemankata Community has sent several letters to the AMA over the course of several years. The AMA, however, has never replied nor acknowledged receipt of those letters and continues to issue messages to the Agyemankata Community through newspapers or radio announcements.
5. The above-mentioned facts demonstrate that the World Bank has not abided by its Operational Policy on Involuntary Resettlement (OP 4.12) or its Bank Procedures on Involuntary Resettlement (BP 4.12). Specifically:

- 5.1 The Operational Policy 4.12 Policy Objective requiring that "displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs." (OP 4.12, para. 2(b).)
- 5.2 The Operational Policy 4.12 Required Measure that "(a) the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are (i) informed about their options and right pertaining to resettlement; (ii) consulted on, offered choices among, and provided with



technically and economically feasible resettlement alternatives.” (OP 4.12, para. 6(a).)

- 5.3 The threat by the AMA of 30 July 2007 that the residents risk forfeiting their compensation is a threat by the AMA to violate Operational Policy 4.12 Required Measure that “(a) the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are ... (iii) provide prompt and effective compensation at full replacement cost for losses of assts attributable directly to the project.” (OP 4.12, para. 6(a).)
- 5.4 Bank Procedure 4.12, paragraph 5 (b) requiring the resettlement plan or resettlement policy framework’s “adequacy with respect to OP 4.12, including the involvement of affected groups and the extent to which the views of such groups are being considered.” (BP 4.12, para. 5(b).)
- 5.5 The threat by the AMA of 30 July 2007 that the residents risk forfeiting their compensation demonstrates either the inadequacy of or a threat to violate any resettlement plan’s or resettlement policy framework’s “criteria for eligibility of displaced persons for compensation” as required by BP 4.12, para. 5 (c). (BP 4.12, para. 5(c).)
- 5.6 The actions of the AMA demonstrate a lack of commitment to implementing any resettlement instrument that meets with OP 4.12 and BP 4.12. Consequently the Project is in violation of Bank Procedure 4.12 (Appraisal), para. 10, requiring assessment of “(a) the borrower’s commitment to and capacity for implementing the resettlement instrument, (b) the feasibility of the proposed measures for improvement or restoration of livelihoods and standards of living, (c) availability of adequate counterpart funds for resettlement activities; and (d) significant risks, including risk of impoverishment, from inadequate implement of the resettlement instrument.” (BP 4.12, para. 10.)



6. The above may not be an exhaustive list of all World Bank Operational Policies and Bank Procedures being violated by the Kwabenya Landfill project. Consequently, COHRE and the Agyemankata Community reserve the right to amend this Request for Inspection.

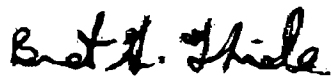
7. Finally, it should be noted that that Kwabenya Landfill project is based on an early 1990s UNDP strategic plan for the then Greater Accra Metropolitan Area. This strategic plan stated that landfill sites should be 1 km away from residential areas. While the Kwabenya site fit that criterion at the time this plan was drafted, the current Project fails to meet this plan due to changed residential patterns in the area. Indeed, the Agyemankata Community now reside within 1 km of the proposed Landfill

8. As outlined above, the Agyemankata Community has spoken with World Bank officials in Accra on several occasions and their concerns have yet to be dealt with in a satisfactory manner. Again, those responsible for the Landfill continue to not meaningfully consult with the Community.

9. We request the Inspection Panel recommend to the World Bank's Executive Directors that an investigation of these matters be carried out.

10. COHRE and the Agyemankata Community reserve the right to provide further information on this matter.

Sincerely,



Bret Thiele
Attorney at Law
Coordinator – ESC Rights Litigation Programme
COHRE

