

Report No. INSP/R2007-0006/2

International Bank for Reconstruction and Development
International Development Association

INSP/47713–GH

**MANAGEMENT REPORT AND RECOMMENDATION
IN RESPONSE TO THE
INSPECTION PANEL INVESTIGATION REPORT**

GHANA

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

April 24, 2009

**MANAGEMENT REPORT AND RECOMMENDATION
IN RESPONSE TO THE INSPECTION PANEL INVESTIGATION REPORT
OF THE
GHANA – SECOND URBAN ENVIRONMENTAL SANITATION PROJECT
(IDA Credit No. 3889-GH)**

Pursuant to paragraph 23 of the Resolution Establishing the Inspection Panel (IBRD Resolution 93-10 and IDA Resolution 93-6), attached for consideration by Executive Directors is Management's Report and Recommendation in response to the findings set out in the Investigation Report No. 47713-GH dated March 13, 2009 of the Inspection Panel on the captioned Project (Ghana Second Urban Environmental Sanitation Project, IDA Credit No. 3889-GH).

**MANAGEMENT REPORT AND RECOMMENDATION
IN RESPONSE TO THE
INSPECTION PANEL INVESTIGATION REPORT NO. 47713–GH**

**GHANA
SECOND URBAN ENVIRONMENTAL SANITATION PROJECT
(IDA CREDIT NO. 3889-GH)**

CONTENTS

Abbreviations and Acronyms	iv
Executive Summary	v
I. Introduction	1
II. Project Background	1
III. Special Issues	6
IV. Management’s Action Plan in Response to the Findings	19
V. Conclusion	22

Annexes:

- Annex 1. Findings, Comments and Actions
- Annex 2. Photographs of the Kwabenya Site

Maps:

- Map 1. IBRD No. 36867, Kwabenya Landfill and Greater Vicinity
- Map 2. IBRD No. 36851, Kwabenya Landfill and Immediate Surroundings

ABBREVIATIONS AND ACRONYMS

AMA	Accra Metropolitan Assembly
BP	Bank Procedures
CEDEP	Centre for the Development of People
COHRE	Centre on Housing Rights and Evictions
DCA	Development Credit Agreement
DfID	Department for International Development (United Kingdom)
EA	Environmental Assessment
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EPA	Environmental Protection Agency (Ghana)
ESA	Environmental and Social Assessment
IDA	International Development Association
IEC	Information, Education and Communication
IFAWAMI	Inter-Faith Waste Management Initiative
IPN	Inspection Panel
ISDS	Integrated Safeguards Data Sheet
ISR	Implementation Status Report
ISWMS	Integrated Solid Waste Management Strategy
MA	Metropolitan/Municipal Assembly
MLGRD	Ministry of Local Government and Rural Development
MTR	Mid-Term Review
NACONWAM	National Coalition of NGOs in Waste Management
NGO	Nongovernmental organization
O&M	Operations and Maintenance
OP	Operational Policy
PAD	Project Appraisal Document
PBF	Performance-Based Fund
PCU	Project Coordination Unit
RAP	Resettlement Action Plan
RFP	Request for Proposals
RPF	Resettlement Policy Framework
SEA	Strategic Environmental Assessment
TAC	Technical Advisory Committee
TTL	Task Team Leader
UESP	Urban Environmental Sanitation Project
UNDP	United Nations Development Programme
WMD	Waste Management Department

EXECUTIVE SUMMARY

Summary of Request and Investigation

1. On August 22, 2007, the Inspection Panel registered a Request for Inspection concerning the World Bank's Second Urban Environmental Sanitation Project (UESP II) in Ghana. The Accra-based Centre on Housing Rights and Evictions (COHRE) submitted the Request on behalf of the Agyemankata community, resident in the Kwabenya part of the Accra metropolitan area. The Request focused on one Project subcomponent, the proposed Kwabenya sanitary landfill. The Requesters claim that the Bank has failed to comply with its policies and procedures; specifically they are concerned about involuntary displacement and health risks to those who would remain in the vicinity. Management submitted its response to the claims 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). 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.

Summary of Project and Project Status

3. Over the past two decades, the key urban, environmental issue in 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 Accra. The International Development Association (IDA) Credit (US\$62.0 million) for UESP II was approved by the Board of Executive Directors in April 2004. The Project 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 proposed Kwabenya sanitary landfill is part of Project Component 3: Solid Waste Management (US\$25.7 million), and was intended at that time to serve Accra's solid waste management needs.

4. No development of the Kwabenya landfill has occurred, subsequent to the preliminary civil works (drainage and access road) funded by the United Kingdom Department for International Development (DfID), which were completed in 2001. The principal activity conducted under the Project for the Kwabenya subcomponent is the ongoing preparation of the Resettlement Action Plan (RAP), which is nearing completion. The RAP was an implementation condition in the Development Credit Agreement (DCA) for commencement of works at the site. The RAP was delayed because of opposition from those affected at the site and surrounding it and because there were no safeguards specialists providing oversight to ensure that the RAP began during the early stage of Project implementation.

5. One of the issues flagged in the Implementation Status Reports (ISRs) of June 2006 and June 2007 was the lack of progress on the Kwabenya landfill. In June 2007, the Bank team indicated that the landfill would need to be redesigned and new EA and RAP documents prepared. If progress was not made during the MTR, funds allocated to this activity were likely to be canceled. The Project's Mid-Term Review (MTR) began in December 2007 and was completed in May 2008. It resulted in a commitment to strengthen supervision of the Project, notably with respect to safeguards. The Project team agreed with the Government on the need to deal with the Kwabenya subcomponent of the Project and solid waste issues more generally.

6. During the MTR meeting, the Accra metropolitan authorities reaffirmed that the proposed sanitary landfill remained a priority for the city. The mission clarified at that time again that no construction works could take place before completing the RAP, a new Environmental Assessment (EA), the final engineering design and the Environmental Management Plan (EMP). Taking into consideration the time required to do these studies, staff projected that no construction could take place by the June 30, 2010 closing date. Therefore, the mission advised reallocating the funds for construction of the Kwabenya landfill, while preparatory studies were being conducted, and then seeking additional funds for the next steps. In September 2008, Management followed up with a letter where it proposed to seek additional IDA funds of up to US\$15 million and an extension of the closing date for up to 18 months to allow for the completion of Project investments, including the proposed landfill for Accra. These additional funds are subject to submission of a satisfactory RAP, EA and EMP for the proposed landfill, as well as other conditions.

Summary of Management Report and Recommendation in Response to Investigation Report

7. Accra's need for a sanitary landfill was identified in the Strategic Plan for the Greater Accra Metropolitan Area (December 1992). Out of 18 candidate sites initially assessed, five were studied in 1993 and Kwabenya was considered the most suitable location. In 1997, DfID funded feasibility studies and preliminary design at Kwabenya, including an Environmental Impact Assessment (EIA). This 1999 EIA (finalized in March 2000) also updated information for all the five sites studied in 1993 and determined that Kwabenya remained the best alternative.

8. The Bank required an Environmental and Social Assessment (ESA) for UESP II as a whole, including an update of the Kwabenya EIA work. The ESA was completed in 2003. It relied in part on the 2000 EIA work for the Kwabenya sub-component, which is not unusual practice, considering that the work was about three years old. In hindsight, however, Management recognizes that reliance on the previous EIA work was not sufficient. In the interim, DfID's construction of an access road into the site in 2000-2001 had attracted more population and residential land use in the site's vicinity. Management has also agreed with the Panel's findings about specific inadequacies of the 2003 ESA. As a result of long delays in starting work on the landfill, partly because the RAP could not be completed due to opposition by residents in the vicinity, the EIA and the 2003 ESA as it pertains to Kwabenya are no longer relevant or adequate.

9. The Resettlement Policy Framework (RPF), also prepared in December 2003 as part of the ESA, was considered the most suitable instrument at that time because the final footprint and designs of various components, including the Kwabenya landfill site, were not confirmed. Management agrees with the Panel's findings about weaknesses in the RPF and failure to disclose a draft RPF in accordance with the Disclosure Policy. Management also agrees with the Panel that meaningful consultations as envisaged under the Involuntary Resettlement Policy (OP 4.12) were difficult to carry out with members of the Agyemankata community, because of a hostile situation in which stakeholders refused to participate in consultations. As a result of repeated outreach efforts during the conduct of the RAP, trust has been gained from a majority of those directly affected by involuntary resettlement in the landfill site. It has been more difficult to consult the communities in the vicinity and viewshed of the landfill site as a whole; members of the Agyemankata community remain unwilling to have consultations with Bank representatives. The weaknesses of the RPF and the Panel's finding that the affected population did not receive appropriate information are being addressed in the RAP, which began in December 2007. It is currently nearing completion and will be disclosed in draft and final form in accordance with the Disclosure Policy, including additional consultations and provision of information pamphlets.

10. Management considers that the decision to implement the RAP for Kwabenya and disburse funding for a proposed Kwabenya landfill cannot be made until completion of the new EA and evaluation of the alternatives studied. Thus, it is not a foregone conclusion that Kwabenya will be the final site. Disclosure of the RAP (for the Kwabenya site) prior to EA completion is unusual sequencing. However, disclosure of a draft RAP provides an opportunity for interested parties and key stakeholders to understand the proposed actions that would be taken, in the event that a decision is made to move forward on Kwabenya. Depending on the outcome of the EA process, the RAP may need to be revised or not implemented, if the site is not found suitable. If the Kwabenya site is not recommended as a result of the new EA, then communications and consultations will be needed with new/different stakeholders as a result of the recommended action, along with communications with the Kwabenya-related stakeholders. Compensation was initially expected in 2007. Because of the delay in the RAP and the need to await the outcome of the EA, compensation will only be made in 2010 or not at all, if Kwabenya is not developed. This will have the effect of leaving the current owners, as well as those in the vicinity of the site, in a state of uncertainty for several years. Management will discuss with the Government the status of the Executive Instrument (for expropriation), should Kwabenya not be selected, as well as the need for timely compensation, if it is selected.

11. Management acknowledges the Panel's findings about risks related to operating and maintaining a solid waste management site and agrees that this poses a serious challenge. A series of activities is in process and planned to enhance institutional capacity, community awareness and social accountability.

12. Concerning Project supervision, Management agrees with the Panel that supervision missions prior to 2007 did not include safeguards specialists. With respect to Kwabenya specifically, direct engagement did not occur because of concern for the safety

of Bank staff, based on threats that were made to them as well as to representatives of Government. Subsequently, Management has taken steps to strengthen supervision in these areas: strengthening the supervision team, including the posting of a task team leader to Accra in March 2008; strengthening communications, supervision and monitoring related to key milestones; and improved reporting in the ISR.

13. In response to the Panel's observations regarding "legacy" issues, Management recognizes that there are several aspects of this issue in the Project. This includes the decision by the Project team in 2003 to rely on a three-year old EIA and consultations, as well as implementation of preliminary civil works during the period 2000-2001. These events occurred in the context of the long-standing opposition of some nearby residents to the decision to have a sanitary landfill at Kwabenya. The Project team was aware of these issues during Project preparation and implementation and Management has made numerous efforts to invite the Agyemankata community along with other local stakeholders to engage in consultations and will continue to do so specifically during the forthcoming EA process. Management recognizes the difficulty in determining clearly whether there is broad community support for the decision to be reached at the end of the EA process. In response to the legacy issues raised in this and other projects, Management is drafting a guidance note that will be finalized and disseminated by the end of fiscal year 2009.

14. Going forward, Management is pursuing a two-pronged approach to addressing the need for responsible solid waste management in Accra. The first is an ongoing dialogue with the Government to accelerate work to prepare an Integrated Solid Waste Management Strategy (ISWMS) that addresses the needs of the Municipality in the medium and long term and will include conduct of a Strategic EA (SEA). The second is to provide support to the Borrower to prepare a new EA, which will benefit from the advice of an independent panel of experts. The new EA will focus its attention on meeting urgent needs for solid waste management in the near term, including as one alternative the Kwabenya site; an appropriate EMP will be part of this EA. Completion of the EA is expected at the end of 2009.

15. The Bank's support to the ISWMS will result in identification and analysis of a range of waste management options for the Greater Accra metropolitan area in the medium to long term. The Bank has recognized that operation of a landfill at Kwabenya has become an increasingly short-term solution to an urgent waste disposal need. Its current footprint compared to the size envisaged in 2000, combined with the increased waste stream in Accra, will mean that it will have a shorter life. There is also no reason to assume that the Kwabenya site will be chosen as a result of the new EA, which will include an examination of feasible alternatives. This will have implications for whether or not the current RAP will be implemented or will need to be redone for another option that might involve transport, another landfill location, another configuration of the current site or some other alternative yet to be defined.

16. Management has prepared an Action Plan to address key, past and ongoing issues, through the ISWMS and capacity-building. A Bank mission attempted to meet with the Requesters (April 16-18, 2009) to discuss the Action Plan. Despite several requests to

meet beginning on April 3, 2009 and continuing through April 18, 2009, the Requesters did not agree to meet the team. Bank Management successfully met with Government on the Action Plan and gained its agreement. Management will provide an update to the Board of Executive Directors within six months of the Board's consideration of the Management Report and Recommendation.

I. 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 Ghana: Second Urban Environmental Sanitation Project (UESP II), financed by the International Development Association (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 Accra metropolitan area (hereafter referred to as the “Requesters”).
2. The Executive Directors and the President of IDA were notified by the Panel of receipt of the Request. Management responded to the claims in the Request on September 21, 2007.
3. In its Report to the Board, the Panel found the Request eligible and recommended that the Executive Directors authorize an investigation. The investigation was authorized by the Executive Directors on November 9, 2007.
4. On March 13, 2009, the Panel issued its report outlining the findings of the investigation. Management appreciates the Panel’s clear and thorough presentation of its findings. This report, responding to the findings of the Panel, is organized in five sections. Section I is the introduction; Section II provides Project background; Section III discusses special issues, including the Environmental Assessment (EA), the Resettlement Action Plan (RAP), Supervision, Integrated Solid Waste Management Strategy, Legacy Issues and Challenging Circumstances, and Repeater Projects; Section IV presents Management’s Action Plan in response to the Panel’s findings; and Section V contains the conclusion. The Panel’s findings, along with Management’s responses, are described in detail in Annex 1. Photographs of the Kwabenya site are included in Annex 2.

II. PROJECT BACKGROUND

5. **Over the last two decades, the key urban environmental issue in Ghana has remained poor sanitation, resulting from inadequate sanitary facilities, drainage, and solid waste management.** The situation is becoming more critical due to the rapid population growth in key metropolitan areas, particularly Accra, which already accounts for about 40 percent of the urban population. In 1999, the Government approved its *Environmental Sanitation Policy*, which analyzed the causes of the prevailing poor sanitation conditions, established basic principles and objectives for better environmental management, and specified the institutional responsibilities in the pursuit of these objectives. The *Local Government Service Act*, passed in June 2003, provided legal and administrative support for decentralizing the provision of basic services, such as urban sanitation.¹ However, existing revenue mechanisms, like property tax rates, add minimal

¹ The central government provides subsidies to the Metropolitan/Municipal Assemblies (MAs) for solid waste collection, and assists the MAs in establishing better institutional arrangements for the management of the urban environment. In principle, the responsibility for all urban infrastructure has been transferred to the Assemblies under a decentralized system.

value to the local government own-source revenues to support the provision of basic services.

6. **Implementation of the first phase of the UESP between 1996 and 2003 marked a significant step in attempts to address environmental sanitation issues**, particularly with regard to storm drainage, solid waste collection and disposal, and sanitation. However, the 2003-2005 Ghana Poverty Reduction Strategy recognized that environmental sanitation and capacity to deal with solid and liquid wastes have shown little sign of improvement. Flooding, erosion and siltation of drains remain major problems, from which the urban poor suffer disproportionately.

7. ***The Project. The Project is a repeater of the UESP, which closed satisfactorily on December 31, 2003.*** In accordance with Bank procedures for repeater projects,² a Regional Review Panel was constituted and concluded that the Project qualified to be prepared as a repeater (see paragraphs 59 and 60). An IDA Credit of SDR 41.6 million (US\$62.0 million equivalent) for UESP II was approved by the Board of Executive Directors in April 2004.

8. ***Project Objective. The Project 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 Project is located in several sites in Ghana, including Accra, Tema, Sekondi-Takoradi, Kumasi and Tamale. The intermediate objectives for the Project components are as follows:

- Reduce the frequency, severity, and duration of flooding in low-lying areas;
- Increase the accessibility for low- and middle-income residents and school children to adequate latrines;
- Increase the amount of refuse collected and disposed of in an environmentally sustainable manner;
- Increase vehicular access and reduce flooding, erosion and dust in low-income communities; and
- Enable central and local government agencies, especially the Waste Management Departments (WMDs), to more effectively fulfill their mandate regarding the Project objectives.

9. ***Project Components.*** The Project has several components:

- *Component 1: Storm Drainage (US\$16.5 million IDA).* This involves the lining of primary and secondary drains, construction of small bridges, and erosion control.

² The policy note, *Building on Success: More Efficient Processing of Repeater Projects* (SecM2003-0034), was submitted to the Board of Executive Directors on January 22, 2003 and discussed on February 11, 2003.

The main target group of this component is the urban population of five towns who live and/or work in low-lying areas that are subject to flooding. Many of these neighborhoods are characterized by a high population density and low income. The expected outcome is reduced frequency, severity, and duration of flooding in the low-lying areas.

- *Component 2: Sanitation (US\$7.8 million IDA)*. This includes the following sub-components: (a) construction of household latrines and establishment of a domestic latrine delivery program; (b) rehabilitation and construction of latrines in public places; (c) rehabilitation and construction of school latrines combined with hygiene education and the provision of water supply where needed; (d) rehabilitation or construction of sewage treatment facilities; and (e) improved sewerage management in Tema. The main target group is the population living in low-income neighborhoods without household latrines, users of public places (such as markets and transport terminals), and school children in schools without a safe means of excreta disposal. The expected outcome is an increased coverage with conveniently located and hygienic latrines.
- *Component 3: Solid Waste Management (US\$25.7 million IDA)*. This includes the following sub-components: (a) construction of new sanitary landfills for Accra and Tema and completion of the one in Sekondi-Takoradi; (b) equipment for sanitary landfills; (c) closure and rehabilitation of existing refuse dumps; (d) operation of sanitary landfills, preceded by the improved operation of some; (e) private solid waste collection; and (f) supply of household bins, skips,³ and skip pads. The main target group is the urban population of the five Project towns that will benefit from one or the other measure. The population residing or working near the present refuse dumps will benefit from better environmental conditions. The expected outcome is an increase in the amount and regularity of refuse collected and disposed of in a technically, institutionally, financially, and environmentally sustainable manner. (See photos in Annex 2.)
- *Component 4: Community Infrastructure Upgrading (US\$8.5 million IDA)*. Infrastructure upgrading in low-income communities will consist mainly of access roads, roadside drains, street lighting, water supply, and sanitation. The main target group is the population living and/or working in select low-income communities. The expected outcome is better access to high-density neighborhoods that have been difficult or impossible to access with a motor vehicle; less flooding, erosion and dust; better neighborhood safety at night; fewer pipe breakages; more registered water consumers; and improved sanitation.
- *Component 5: Institutional Strengthening (US\$9.6 million, financed by the Nordic Development Fund)*. This includes the following sub-components: (a) technical assistance and training; (b) capacity building in the Ministry of Local Government and Rural Development (MLGRD) and other central agencies; (c) capacity building in the Metropolitan Assemblies (MAs); (d) malaria vector control and

³ A skip is a dumpster.

HIV/AIDS prevention; (e) Project-wide monitoring; (f) reconditioning of waste management equipment; (g) house numbering; and (h) a communications strategy. The main target group is the administration (Assembly staff) of the five Project towns and particularly the WMDs and the Environmental Health Departments. The expected outcome is a greater ability of the Assemblies of the Project towns, especially the WMDs, to more effectively and efficiently fulfill their responsibilities in regard to environmental sanitation in the long term, with their own resources.

10. The Project also includes a Project Management component (US\$1.1 million IDA), the refunding of an advance Project Preparation Facility (US\$0.6 million), and physical and price contingencies, which constitute the Performance-Based Fund (PBF) (US\$11.1 million). The PBF⁴ is being used to make allocations to the MAs for additional activities within the Project objectives based on their achievement of the MA Performance Criteria contained in the Project Implementation Manual and specified in the Development Credit Agreement (DCA).

11. **Project Status.** The Project has been rated marginally satisfactory; it was satisfactory in all components, except the solid waste component, which was rated unsatisfactory. The other components of the Project were ready when it was appraised and proceeded in a satisfactory fashion. However, the Kwabenya subcomponent, in particular, required further work, such as the preparation and implementation of the RAP, which was made an implementation condition in the DCA for commencement of works at the site. The RAP was delayed because of opposition from those affected at the site and surrounding it and because there were no safeguards specialists providing oversight to ensure that the RAP began during the early stage of Project implementation. The Kwabenya landfill (see Map 1) has not been built and no activities have taken place other than preparation of the RAP, now nearing completion.

12. **The Kwabenya subcomponent was at a crossroads in the first half of 2007.** One of the issues flagged in the Implementation Status Reports (ISRs) of June 2006 and June 2007 was the lack of progress on the Kwabenya landfill. The Bank team indicated that the landfill would need to be redesigned and new EA and RAP documents prepared. If progress was not made during the Mid-Term Review (MTR), funds allocated to this activity were likely to be canceled. Following its May 2007 mission, the Bank specifically identified the need to prepare a new EA, which the Government of Ghana subsequently acknowledged in writing in a September 2007 letter. The MTR was postponed from June 2007 until December 2007, to give Government an opportunity to address the issues and the lack of progress. The MTR began in December 2007 and continued through May 2008. During this time the Bank maintained a continuous dialogue with the Government, which was facilitated by the deployment of the new task team leader to Ghana in March 2008. The MTR concluded with a wrap-up meeting held in Accra on May 29, 2008, attended by representatives of the MAs, the Project Coordination Unit (PCU) and the Borrower.

⁴ The PBF was initially made up of physical and price contingencies, amounting to 13.7 percent of the total Project cost.

13. During the MTR, the Accra metropolitan authorities reaffirmed that the proposed sanitary landfill remained a priority for the city. The mission clarified that no construction works could take place before completing the RAP, a new EA, the final engineering design, and the EMP. Taking into consideration the time required to do these studies, staff had estimated that no construction would have taken place by the June 30, 2010 closing date. Therefore, the mission had advised reallocating the funds for the construction of the Kwabenya landfill, while the preparatory studies were being conducted, and then obtaining additional funds for an eventual construction of the Kwabenya landfill. Management followed up with a letter⁵ where it proposed to seek additional IDA funds, subject to satisfactory completion of the RAP and the EA.

14. The September 1, 2008 letter also referred to the following actions agreed during the MTR on:

- Strengthening the capacity of the supervision, coordination and implementation teams to ensure that the investments are executed in a timely manner and in compliance with obligations;
- Improving collection and disposal of solid and liquid wastes, as well as the operation and maintenance of landfills, storm drains and wastewater treatment facilities;
- Promoting awareness and active participation of the communities in regard to urban services, particularly collection and recycling of solid waste and maintenance of storm drains; and
- Identifying additional funds to support the above actions, cope with increasing costs of ongoing and future works and provide sanitation and urban upgrading to additional low-income people.

15. **As part of the commitment to move ahead with solid waste management planning and recognizing the need for a long-term solid waste management strategy,** the Bank's September 2008 letter proposed an approach that would include the reallocation of idling funds to support the above agreements and also a provision of up to US\$15 million equivalent in additional IDA funds. The Bank also suggested seeking an extension of the closing date for up to 18 months, to allow for the completion of all the investments, including the proposed landfill for Accra. Because of concerns about the Kwabenya subcomponent, these additional funds were subject, as noted above, to submission of a satisfactory RAP, EA and EMP for the proposed landfill for Accra. Progress made on the RAP and the EA is detailed in Section III below. The Bank and the Borrower have agreed to organize a workshop to review the Project status and the progress made on the MTR agreements as soon as the new local and national authorities are in place (following recent elections). Solid waste management remains a high priority for the Government and the Bank is working closely with the MLGRD and Ministry of

⁵ Letter addressed to the Ministers of Local Government and Rural Development and Environment, dated September 1, 2008.

Environment Science and Technology to accelerate critical efforts in capacity building and planning.

16. **The Action Plan (see Section IV and paragraph 30) lays out the two-pronged strategy to deal with the urgent, short-term needs to address solid waste disposal in Accra and the longer-term needs to develop an Integrated Solid Waste Management Strategy (ISWMS).**

III. SPECIAL ISSUES

17. This section addresses key issues arising from the Panel's investigation report, namely: the EA and OP 4.01; the RAP and OP 4.12; Supervision and OP 13.05; the ISWMS; Institutional Strengthening and Capacity-Building; Legacy Issues and Challenging Circumstances; and Repeater Projects.

EA and OP 4.01

18. **Background to Bank Involvement.** Management appreciates the Panel's review (Investigation Report, paragraphs 113-122) of the history of the Kwabenya sanitary landfill analytical work leading up to the early 2003 request by the Government to include Kwabenya as a component in the Bank's UESP II Project. Management believes that this history is important because the previous environmental and social assessment work, the consultations with directly affected people, and the preliminary civil works executed through DfID funding in 2000-2001 were important foundations to the decisions made by the Project team and Bank Management during Project preparation and appraisal for UESP II.

19. **Accra's need for a sanitary landfill was identified in the Strategic Plan for the Greater Accra Metropolitan Area report (December 1992)**, funded by the United Nations Development Programme (UNDP)/HABITAT. Initially, 18 candidate sites were identified and assessed, from which a short list of five sites was the subject of a subsequent study by Plan Consult in 1993. The Panel notes (paragraph 100) the Requesters' acknowledgement that the 1993 feasibility study of alternatives identified the Kwabenya Valley as the most appropriate location for a future sanitary landfill for Accra, and that it met the selection criteria specified in that feasibility study. Feasibility studies and preliminary sanitary landfill design at Kwabenya were carried out in 1997 with funding from the DfID under the Accra Waste Project. An environmental impact assessment (EIA)⁶ was carried out in 1999 with DfID funding and finalized in March 2000.

20. **The 2000 EIA included a review of the then-current conditions at the five alternative sites for a sanitary landfill** that had been examined in detail in the 1993 site

⁶ To differentiate among various environmental assessments discussed herein and consistent with the terminology used in the Inspection Panel Investigation Report: EIA references the DfID 1999 document, finalized in March 2000; the Environmental and Social Assessment (ESA) references the 2003 UESP II assessment; and EA identifies the new assessment being developed for the Project's subcomponent for meeting the urgent need for solid waste management in Accra.

selection study, including Kwabenya. Based on this update of current conditions, the 2000 EIA concluded that the Kwabenya site remained the best alternative of the five. In particular, as noted in paragraph 122 of the Panel report, the analysis confirmed that there were no communities that directly overlooked the Kwabenya site and therefore visual intrusion was of low significance. The EIA also stated that the number of directly affected people and families working on the site or living in the viewshed was known and was relatively small, and that any potential conflict would likely be with landowners who lived some distance away from the proposed site.

21. **Management notes that the 2000 EIA also identified and assessed key impacts such as road traffic, litter, dust and noise which could occur within the landfill's area of influence**, recognizing that these aspects of the activity would potentially impact receptors (nearby residents, businesses, and communities) outside the boundaries of the landfill site and its buffer zone during construction and operations. After the EIA was finalized in March 2000, construction of a two-kilometer access road into the Kwabenya Valley, storm water culverts, catch water drains, and monitoring boreholes began in late 2000, again with financial assistance from DfID, to enable completion of site investigations and to carry out final engineering designs. In January 2002, DfID's involvement ended with a policy change on aid disbursement from project-specific aid to direct budgetary support to the government.

22. **Preparation of 2003 Environmental and Social Assessment (ESA)**. In preparing for the appraisal of UESP II in mid-2003, the Project team had the advantage of the relatively recent EIA described above. This EIA, on the basis of the 1999-2000 review of current conditions at the five alternative sites, had confirmed that Kwabenya remained the superior site among the five with respect to the original selection criteria and land uses at all the sites. Moreover, extensive consultations, with the help of a local NGO (Centre for the Development of People [CEDEP]), continued to occur with directly affected people and stakeholders in the Kwabenya area during the period late 2001 and 2002 in anticipation that the Kwabenya sanitary landfill would be built soon.

23. **It is not unusual practice in environmental assessment to rely extensively on recent assessment work and supporting documents**, and this was done for the Kwabenya sub-component of the 2003 ESA. The ESA covered the UESP II Project as a whole; for the Kwabenya sub-component it summarized the findings of the 2000 EIA and updated current land use at the Kwabenya site. For example, the ESA in 2003 noted, following a site visit to Kwabenya, that the agricultural activity on and adjacent to the Kwabenya site as had been described in the EIA was no longer occurring, but quarrying activities continued. The ESA also reported on a series of consultations with directly affected people in the Kwabenya area through 2001 and 2002. The Panel's investigation report notes (paragraph 132) that the construction of the access road by DfID in late 2001 enabled new encroachment around the Kwabenya site. Management agrees that the ESA did not address the socioeconomic changes in the Project setting that were induced by the construction of this access road.

24. **With respect to the two new landfill sites included in UESP II (Kwabenya and Tema), Project preparation documents such as the Integrated Safeguards Data**

Sheet (ISDS) and Project Appraisal Document (PAD) recognized that the ESA and the Resettlement Policy Framework (RPF) prepared in advance of the Project appraisal were not expected to be the final safeguards documents for these two sensitive Project subcomponents. With respect to Kwabenya, it was recognized that a RAP acceptable to the Bank, which would include the requisite consultations, was needed prior to commencing any works at Kwabenya. This requirement was included in the PAD, agreed during negotiations, and set as a condition in Section 3.03 (c) of the DCA. It was also known that the final engineering design was still needed. In accordance with good practice, the final engineering design would also require an update of the EMP for the facility.

25. **Had progress on the final engineering design (including an updated EMP) and the RAP been made relatively swiftly, many of the findings of the EIA would have remained germane.** Renewed consultations with directly affected people as part of the RAP would have also followed closely on the consultations with stakeholders in the Kwabenya area that were carried out in 2001-2002. Management was of the view that the EIA and the Project's ESA and RPF would serve as a foundation for any additional safeguards work, along with the local consultation with directly affected people and interested stakeholders that would be required for the final, updated EMP, and the RAP. However, delays arose as the UESP II Project was set to proceed in 2004 because vigorous protests and threats of violence prevented mobilization of consultants to work on site to prepare the RAP or engage in final engineering designs.

26. **It was a professional judgment whether this relatively recent EIA work and subsequent consultations remained relevant.** In hindsight, Management agrees that these judgments about the currency of the recent EIA work may not have been appropriate, because the DfID-funded construction of the access road onto the site in 2000-2001 produced a change in the socio-economic setting (i.e., increased residential land use and more population) of the proposed landfill, and because there were unexpectedly long delays in getting work started on the RAP.

27. **Management acknowledges that the ongoing consultations with directly affected people and stakeholders in the Kwabenya area during 2001 and 2002 did not constitute a sufficient transition between the previous EIA work and commencement of Bank involvement in early 2003.** The consultations facilitated by CEDEP in the Kwabenya community in 2001 and 2002 (see paragraph 22) predate the proposed involvement of the Bank in Kwabenya, which began around March 2003. Only one consultation specific to the Kwabenya subcomponent was carried out in September 2003 after the ESA consultants received a contract from the Government through Bank funding to prepare the ESA and the RPF for the UESP II Project as a whole.

28. **Current Situation. Subsequent to completion and disclosure of the 2003 ESA, the Technical Advisory Committee (TAC) was formed by the Government in June 2004 to address the concerns of property owners,** many of whom were recent arrivals after DfID-funded construction of the access road in late 2001, about the size and boundaries of the landfill and its buffer zone, as this had not yet been decided. The recommendation of the TAC to reduce the site's physical footprint in order to reduce

impact on adjacent landowners was in relation to both the sanitary landfill and its buffer zone. The TAC's recommendation did not constitute a final engineering design or decision on the final width of the buffer zone. The TAC noted that the majority of the community agreed with its recommendations except for a small number of nearby residents who opposed the construction of the landfill under any circumstances. As the Panel states in its report (paragraph 160), the TAC recommendation to reduce the physical footprint was not acceptable to the Requesters because it allowed a landfill to still be built at the site, even if smaller (see Map 2).

29. **In the six years since the 2003 ESA, urban growth in the greater Accra area has increased significantly, and the findings of the 2000 EIA and the 2003 ESA are no longer relevant** to the current environmental and social setting (see Map 1). Given the delay and the changing environmental and social setting in the proposed landfill's area of influence, a new EA is needed to re-examine the full range of issues associated with addressing Accra's urgent need for a sanitary landfill and an effective approach to solid waste management in the near term.

30. **Management has recognized that a sanitary landfill at Kwabenya, in the event it is built, cannot be the sole solution to Accra's needs for long-term solid waste disposal**, especially given the reduced size of the landfill as recommended by the TAC in 2004 (see Map 2). As described in Section IV, a two-pronged approach has been developed, one to address the short-term urgent disposal needs, which will be accomplished with the preparation of the new EA, and another to address the medium and long-term needs, which will be accomplished through preparation of the ISWMS. The preparation of the new EA, which will examine feasible alternatives in the short term, will also inform ongoing work at the broader level to develop a long-term strategy for the management of solid waste within the Municipality of Accra. (See paragraphs 54 to 56 for additional details on the long-term ISWMS for Accra.)

31. **To meet the urgent and short-term needs of solid waste management in Accra, a Request for Proposals (RFP) has been issued for preparation of an EA that will meet the requirements of Ghana regulations and OP 4.01.** The short-listed firms were sent copies of the RFP with OP 4.01 attached as an annex. Proposals from the consultant are due in mid-April 2009. The EA will re-examine current conditions at the Kwabenya site, especially in view of recommendations by the TAC. Bank staff will meet with the selected consultant to discuss the scoping process and key issues for the EA, such as: identification and assessment of a range of reasonable and feasible alternatives; siting and preliminary design; definition of and potential impacts on the area of influence; and, if the preferred alternative remains a sanitary landfill at Kwabenya, alternative design options within the landfill footprint, including recommendations for a buffer zone size in accordance with the environmental and social setting, good practice, and Ghana's regulations.

32. **The process of scoping and preparing the EA is expected to be a useful contribution to advancing the design of the long-term ISWMS.** Some of the alternatives raised during the scoping process will be reasonable and feasible alternatives to resolve the short-term needs of Accra, and will be assessed in the EA. Other

alternatives that may be identified during the scoping process will be more appropriately deferred for detailed consideration as part of the long-term ISWMS. The EA, therefore, can serve as a decision making tool for meeting short-term waste disposal needs, and also can serve as a planning tool in the parallel work on the ISWMS.

33. **An EMP will be prepared as part of the new EA.** As per standard practice, the scope of the EMP as presented in the EA will reflect the environmental impacts that are identified and the mitigation measures that are proposed to avoid, prevent, mitigate, or compensate for those impacts. If construction and operation of a sanitary landfill remains as the preferred alternative for Accra to meet the urgent need for appropriate solid waste management in the near term, details of the buffer zone and relevant details in the EMP will be identified and finalized as part of final engineering design and costing. Bank staff will work with government counterparts in the review of the findings and recommendations of the EA to determine whether they provide an adequate basis for the Kwabenya subcomponent to be processed with Bank financing, and for the Environmental Protection Agency (EPA) to issue an Environmental Permit.

RAP and OP 4.12

34. **In line with OP/BP 4.12, an RPF was prepared in December 2003 as part of the ESA, with the objective of establishing guiding principles and objectives governing resettlement preparation and implementation.** The Bank's Policy on Involuntary Resettlement (OP/BP 4.12) seeks to avoid or minimize involuntary resettlement under Bank financed operations and where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living. An RPF was considered the most suitable instrument at the time of appraisal since the final footprint and design of the landfill site had not been confirmed. OP/BP 4.12 allows for the preparation of an RPF rather than a RAP if the extent and precise location of resettlement is not known at appraisal. As the Panel notes, the RPF and the DCA included provision for the preparation of a RAP acceptable to the Bank prior to the commencement of any works or the displacement of people and assets at the landfill site.

35. **Management acknowledges that there were weaknesses in the RPF.** Among other weaknesses, the RPF's analysis of tenure issues and of gaps between domestic law and Bank policy was incomplete. Management also agrees with the Panel that the RPF failed to include stone crackers (people engaged in the informal breaking of stone for sale at the landfill site) as a category of people eligible to receive compensation or assistance under the Project, and notes that the RPF should have paid more attention to identifying impacts on women and vulnerable groups. Although consultations carried out during the preparation of the RPF and its public dissemination in early 2004 were considered sufficient by Management, it also acknowledges that there are no records available to indicate that the draft RPF, in accordance with the Bank's Policy on Disclosure, was made available by the Government to potentially displaced people.

36. **The RAP being prepared by the Government for the Kwabenya landfill addresses the shortcomings of the RPF.** Preparation of the RAP commenced in December 2007, under the direction of the Accra Metropolitan Assembly (AMA). While

based on the principles and provisions of the RPF, the RAP will provide for a more systematic and thorough understanding of land tenure and ownership issues. The RAP will also establish a process that meets the requirements of OP 4.12, thus bridging any identified differences between the Bank's policy and Ghanaian law. For example, the draft RAP requires: (a) compensation for stone crackers who may not be eligible for compensation under national laws; (b) payment of compensation directly to affected people rather than being distributed through allodial (holding permanent title) land owners; and (c) assessment of the valuation methods being used to ensure they meet the requirements of OP 4.12.

37. **Consultations were carried out with a broad range of stakeholders between December 2007 and October 31, 2008, in conjunction with the socioeconomic baseline and census survey for the RAP.** The consulted stakeholders included owners of land and structures adversely affected by the Project, leaders of the three main groups of stone crackers, chiefs and traditional leaders of the Kwabenya community and NGOs. These consultations underpin the assessment of social impacts and risks, including those on vulnerable groups, and the identification of appropriate entitlements for assistance to improve or at least restore the standards of living of people affected by the Project. The end of the formal census on October 31, 2008, establishes a cut-off date to exclude subsequent inflow of people eligible for compensation and assistance under the Project.

38. **The surveys conducted as part of the RAP confirm that there are no squatters or migrant populations or other people living at the site, and identify the key adverse social impacts.** These are: (a) appropriation of undeveloped residential plots from 35 owners; (b) loss of 76 incomplete and uninhabited residential structures; (c) interruption of the activities of up to 1,000 stone crackers who currently earn their livelihoods at the informal quarry sites in the area of the landfill; and (d) disruption of commercial activities of three informal food vendors.

39. Residents located near the landfill site and living in the Kwabenya and Agyemankata community have raised concerns about environmental and safety risks. Management had hoped to pursue these issues during consultations on the proposed Action Plan, but was unable to gain the agreement of the Agyemankata community to meet (see paragraph 65 for additional detail).

40. **Management agrees with the Panel that meaningful consultations as envisaged under OP/BP 4.12 were difficult to carry out with members of the Agyemankata community** during the preparation of the RPF. Government continues to face these difficulties in the preparation of the RAP. The consultants preparing the RAP have encountered significant challenges in communicating with members of the Agyemankata community, as well as a group of stone crackers, whose refusal to participate in consultations appears to be due to a long standing campaign against the landfill. In January 2009, a specific outreach effort was made to these people to disseminate information about the Project and ensure their inclusion in the preparation of the RAP. Through repeated outreach efforts, both the Project team and the consultants preparing the RAP have been able to gain the trust of a majority of people directly affected by the landfill.

41. **Further consultations are planned to discuss the Draft RAP, which is near completion,** with those who are willing to participate in such consultations. Before these take place, the document will be made available at a place accessible to Project affected people and NGOs in a manner and language that is understandable to them. Upon the finalization of the RAP, AMA will prepare a simple information pamphlet detailing resettlement and compensation principles and processes, as well as processes for filing grievances, which will be distributed to those affected, in addition to the disclosure of the final RAP in accordance with the Bank's Policy on Disclosure.⁷

42. **Depending on the outcome of the EA process, the RAP may need to be revised and further consultations may be necessary.** Disclosure of the RAP in advance of the completion of the EA process is unusual sequencing. However, given the importance of addressing adverse social impacts on people directly affected by the landfill, disclosure of the RAP provides an opportunity, in a timely manner, for these people and other interested parties to understand proposed mitigation actions in the event that a decision is made to move forward with the development of the Kwabenya landfill site, upon completion of the EA. Disclosure of the RAP does not commit the Bank to disbursement of funding for the construction of the landfill; at a minimum, this decision cannot be made until completion of the EA, expected at the end of 2009.

43. **Management wishes to underscore the importance of communication with affected stakeholders concerning the results of the EA and the RAP,** particularly in view of the sequencing of the two documents. Management has emphasized that the decision concerning Kwabenya as the short-term solution for waste disposal in Accra cannot be made until the EA is completed. If the Kwabenya site is not recommended as a result of the new EA, then communications and consultations will be needed with new/different stakeholders as a result of the recommended action, along with communications with the Kwabenya-related stakeholders. Since the issuance of an Executive Instrument (for expropriation – See Map 2) in 2007 for the landfill site, owners are not able to sell their assets or make improvements. Compensation was initially expected in 2007. Because of the delay in the RAP and the need to await the outcome of the EA, compensation will only be made in 2010 or not at all, if Kwabenya is not developed. This will have the effect of leaving the current owners, as well as those in the vicinity of the site, in a state of uncertainty for several years. Management will discuss with the Government the status of the Executive Instrument, should Kwabenya not be selected, as well as the need for timely compensation, if it is selected.

Supervision and OP 13.05

44. **Management acknowledges that supervision missions did not include safeguards specialists during the early stages of Project implementation.** Management notes that all of the supervision missions gave special attention to the situation in Kwabenya as reflected in the Aide Memoires, but recognizes that greater

⁷ In this connection, it is worth emphasizing, as noted in the Panel's investigation report, that the Government has assured Management that it understands that compliance with OP 4.12 requires that even those affected landholders who failed to file for compensation within six months after the 2007 Executive Instrument will be entitled to compensation.

effort could have been made to engage the residents opposed to the landfill. During the first Project supervision held in October 2004, the mission paid particular attention to the issues associated with the community consultations for establishing a sanitary landfill for Accra in the Kwabenya area. These consultations were coordinated by the special TAC that was set up in June 2004 by MLGRD to address community grievances.

45. **The TAC (see paragraph 28) recommended various changes in the size and design of the landfill to accommodate recent developments and reduce the number of directly affected residential structures in 2004.** In July 2004, the TAC issued a press release inviting the general public to submit concerns regarding the sanitary landfill project. The TAC then held a three-day brainstorming session with land agencies, social groups, traditional authorities, Kwabenya residents, Government and Project officials. However, the Agyemankata community declined to participate in these discussions. The Government further indicated to the Bank that when officials from the MLGRD and AMA delivered letters to members of the Community in June 2004 inviting them to a meeting, they were detained for several hours, confronted with serious threats⁸ should they ever return, and the letters were returned unopened. In the end and based upon the result of the consultations with the majority of the community, the TAC did propose a reduced landfill size. According to the TAC report (July 2004), the majority of the community agreed with the TAC recommendations except for a small number of nearby residents who opposed the construction of the landfill under any circumstances. While the mission concurred with the Committee's recommendations, it requested the Government to submit to the Bank a plan on how it intended to address the group of residents that threatened to prevent construction of the landfill at any cost.

46. **The mission advised the PCU to obtain the services of a Communications Advisor with experience in community relations,** since the situation had not changed by the time of the next supervision held in April 2005.

47. **Supervision of the Kwabenya subcomponent was especially hindered by the difficult security situation, as noted in the Panel's report.** In hindsight, Management recognizes that the Project team could have attempted more direct engagement with the group of residents opposing the proposed landfill. However, taking into consideration the advice of the Government following the serious threats, the Country Management Unit decided that the safety of Bank staff could be compromised by visiting the premises. Therefore, the supervision missions relied on the information provided by the Government in regard to Kwabenya.

48. **Management has taken steps to strengthen supervision,** based on these building blocks, described in more detail in the subsequent paragraphs:

- Strengthening the supervision team;

⁸ As indicated in writing to local and national officials: *“We Agyemankata community the immediate residents living on Kwabenya landfill site will never honor any invitation or discussions on a dump (landfill) at Agyemankata Kwabenya. We have the right to protect our environment. Anybody who enters here does so at his/her own risk.”* This reflects the complex social situation the Government is dealing with and the difficulties in undertaking field visits.

- Strengthening communications;
- Supervision and monitoring related to key milestones; and
- Improved ISR reporting.

49. **Strengthening Supervision.** Bank staff met with members of the Agyemankata community on four occasions after January 2004 (following protests in front of the World Bank Office in Accra). A formal meeting was held with a group of about 35 members of the Agyemankata community on February 27, 2004. Later, the Bank advised the community on July 22, 2004 to actively participate with the TAC to ensure that their concerns were taken into consideration. The Bank also asked the Government in all of the supervision missions beginning in October 2004 about the status of communications with the community and advised the Project unit to engage a communications specialist.

50. Supervision of the Kwabenya subcomponent was strengthened with the inclusion in the Project team of a senior social safeguards specialist since September 2007 (see Table 1 below). A new task team leader was assigned to the Project in August 2007 and posted to Accra in March 2008 to follow Project implementation more closely. The senior social safeguards specialist provided technical assistance to the AMA during the preparation of the RAP for the proposed Kwabenya landfill and will continue to do so during RAP implementation. The Project team's social development specialist, who is based in Accra, will support supervision of the Kwabenya subcomponent in addition to supporting supervision of the implementation of other components of the Project. A lead environmental specialist supported the team regarding the EA of the proposed Kwabenya landfill and will continue to do so during its preparation and eventual implementation of an EMP. In addition, the team will be supported by a senior environment specialist.

Table 1. Supervision Missions

Supervision Mission Date	Key Staff
September 12-20, 2007	<ul style="list-style-type: none"> • Sector Manager* • TTL • Senior Social Safeguards Specialist • Senior Municipal Engineer • Social Development Specialist • Sector Leader*
December 3-19, 2007	<ul style="list-style-type: none"> • TTL • Senior Social Safeguards Specialist* • Senior Safeguards Policy Specialist* • Senior Municipal Engineer • Senior Communications Officer • Sector Leader*
April 16-18, 2008	<ul style="list-style-type: none"> • TTL • Regional Environmental and Safeguards Advisor • Senior Environmental Specialist • Senior Municipal Engineer • Social Development Specialist
May 21-29, 2008	<ul style="list-style-type: none"> • TTL

	<ul style="list-style-type: none"> • Senior Environmental Specialist • Senior Municipal Engineer • Social Development Specialist • Sector Leader*
September 2-5, 2008	<ul style="list-style-type: none"> • TTL • Senior Social Safeguards Specialist
September 5-10, 2008	<ul style="list-style-type: none"> • TTL • Lead Environmental Specialist
January 10-19, 2009	<ul style="list-style-type: none"> • TTL • Social Safeguards Consultant • Social Development Specialist* • Sector Leader*
April 16-17, 2009	<ul style="list-style-type: none"> • TTL • Senior Social Safeguards Specialist

(*) Participated during part of the supervision mission

51. **Strengthening Communications.** Communications with stakeholders through the EA process and through the RAP will be critical. Management considers this to be a key supervision issue in view of: (a) the previous difficulties in achieving adequate consultation for the Kwabenya proposed landfill, the gains made to date in overcoming hostilities and the need to keep channels of communication open; and (b) the importance of explaining at key milestones the interrelationship and sequencing of the EA and the RAP.

52. **Supervision and Monitoring Related to Key Milestones.** The progress on the EA (selection of consultants, award of contract, scoping, other consultations, reports and disclosure), on the RAP (consultation on the draft RAP, disclosure, information pamphlet and the like as discussed earlier) and on the ISWMS will be monitored and reported. Supervision missions will be planned to coincide with these events to the extent feasible. As documents are finalized and decisions are made, implementation of safeguards recommendations from the RAP, the EMP and the studies in connection with the ISWMS will be monitored and reported.

53. **Improved ISR Reporting.** To improve the supervision of the Kwabenya subcomponent, Management is requesting the Project team to include, from now on, in the “Key Issues and Actions for Management Attention” section of the ISR, a dedicated treatment of progress made in regard to Kwabenya. Management agrees that the safeguards rating of the previous ISRs did not sufficiently address the specific issues of the Kwabenya landfill. Management does wish to note that Bank supervision missions were aware of the contentious issues affecting the implementation of activities related to the Kwabenya landfill, as flagged in all of the Aide Memoires, which are part of the ISRs, since October 2004. The ISRs of June 2006 and June 2007 specifically flagged poor progress on Kwabenya as a key issue for Management attention, raising the possibility that this subcomponent might be cancelled at the MTR.

Integrated Solid Waste Management Strategy

54. ***Need for an Integrated Solid Waste Management Strategy.*** As delays have continued to lengthen in the implementation of the Kwabenya component, due largely to the refusal of key stakeholders from the Agyemankata community to meet with Government staff and consultants, the Bank has recognized that: (a) operation of a landfill at Kwabenya becomes an increasingly shorter-term solution to an urgent need; and (b) greater emphasis and priority needs to be given to the institutional strengthening component of the Project to work with the Municipality of Accra in developing a long-term strategy for management of solid waste. Even if the results of the EA are to select the Kwabenya site to solve short-term needs, operation of the Kwabenya landfill will be limited to a much shorter period of time compared to what was envisaged in 2000, given its reduced size (see Map 2) and the increased waste stream in Accra. The Nordic Development Fund, with significant oversight by the Bank, has been providing technical assistance to the Municipality of Accra to improve its ability to prepare a long-term strategy for management of solid waste. This activity will be enhanced and given priority.

55. **The Bank will accelerate and increase support to the ISWMS**, which will include identification and analysis of the range of solid waste disposal options for the Greater Accra metropolitan area. Key components of the strategy will be analyses of:

- Waste streams, characterization and volumes;
- Waste minimization, compaction and recycling options;
- Alternative waste collection and transfer options;
- Alternative waste disposal technologies, e.g., sanitary landfills, incineration, composting and waste to energy plants;
- Alternative sites for various technological options;
- Institutional, regulatory and financing options, including the coordination and cooperation of urban areas within a reasonable hauling distance of Accra, such as Tema, to provide waste disposal sites; and
- Timing and methods for decommissioning existing Accra dumping sites.

56. **The ISWMS is expected to form the basis of a Solid Waste Master Plan for Greater Accra.** As part of this effort, the Bank will also seek to support a Strategic Environmental Assessment (SEA) to accompany the Master Plan.

57. **The proposed extension of the Project for 18 months and the addition of supplemental financing will allow these activities to proceed** in tandem with the conduct of the EA, RAP implementation and construction at Kwabenya, should it go forward. If it does not, other options will have to be considered and financed in order to address the short-term and urgent needs for waste disposal in Accra. This two-pronged approach, one addressing the urgent needs for disposal, and the other, the long-term needs, is considered to be the most appropriate contribution that the Bank can make towards solving the solid waste problem in Accra.

Institutional Strengthening and Capacity Building

58. Management acknowledges the Panel's concerns about properly operating and maintaining a solid waste management site and agrees that this poses a serious challenge to the successful implementation of the Project. The ongoing activities listed below are a combination of: (a) technical assistance supported by international and local consultants funded by the Nordic Development Fund, which is part of an overall effort to improve local governments' abilities to operate and manage solid waste management sites; and (b) community education and participation to promote good behavior in dealing with solid waste and the participation of the community in solid waste-related activities. This also includes monitoring the delivery of local government services provided directly or indirectly through the private sector.

- Outsourcing of solid waste collection and disposal, including the development of financing arrangements to support operation and management and capacity of AMA to monitor the performance of private operators;
- Improving the quality of landfill operation guidelines and developing the capacity of AMA and private operators in operating and managing landfills;
- Developing and updating a solid waste management data base, including relevant data on collection, disposal, cost recovery and financing and performance of operators;
- Strengthening the regulatory framework, including environmental standards for solid waste management and disposal; and
- Providing technical assistance to 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 team to visit all existing landfills and dumps in the five MAs at least twice a year to assess operations, provide recommendations for improvement and monitor outcomes. During the MTR it was agreed to reallocate credit funds to increase disbursement in the category that finances operating costs for sanitary landfills, refuse collection and others;
- Planning a workshop in 2009 for local waste management officials and civil society organizations to help address long-term needs. A Safeguards Clinic was organized for representatives of the five MAs and the national government by Bank staff in Kumasi in April 2008. The objective of the clinic was to disseminate the Bank's social and environmental policies, discuss the importance of community consultation and participation and review the manual of operation of solid waste landfills and share good practices. A follow-up workshop on safeguards and solid waste management will be organized for the five MAs during 2009. The objective of this workshop is to raise awareness about

safeguards among the MAs and include participation of local civil society organizations;

- Providing Bank support for the development of community score cards by the coalition of NGOs 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;
- Providing Bank 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; and
- Providing Bank support for the ongoing campaign on sanitation with the Inter-Faith Waste Management Initiative (IFAWAMI), which reaches 98 percent of the people in Ghana through churches, mosques and other religious centers.

Legacy Issues and Challenging Circumstances

59. In its Concluding Observations the Panel expresses concerns related to the broader matter of “legacy” issues and challenging circumstances on the ground. In response to a commitment made to the Board in December 2008 during the discussion of the Bujagali Inspection Panel case, Bank staff has been drafting a guidance note on legacy issues related to safeguards documents, which will be finalized and disseminated by the end of fiscal year 2009.

60. **Management recognizes that the Kwabenya subcomponent of the Project has “legacy” aspects.** Examples related to environmental assessment are the decision by the Project team in 2003 to rely on a three-year old EIA and consultations, as well as implementation of preliminary civil works during the period 2000-2001. Another “legacy” aspect of the Kwabenya subcomponent is the long-standing opposition of some nearby residents to the decision to build and operate a sanitary landfill at Kwabenya, which produces challenging circumstances for the conduct of additional safeguards work, such as the RAP. In the context of sanitary landfill projects in large metropolitan areas, the phenomenon of vigorous opposition by nearby residents is not unique to Accra. The Project team was aware of this issue during Project preparation.

61. **Management acknowledges that there are no simple answers or easy solutions to address the concerns of a small group of stakeholders or local citizens who vehemently oppose a project or project component and refuse to engage in consultations.** The serious delays in implementation of this subcomponent, including preparation of the RAP and of the final engineering design and the detailed EMP, were in large part due to the refusal of some stakeholders to participate in consultation or to allow consultants or government officials on the site as an expression of their strenuous objection to the landfill. This objection dates back to when DfID was expecting to assist the Government in implementing the Kwabenya landfill, about six years after a detailed

alternatives study had selected the site for a sanitary landfill. Management will continue to make efforts to invite the Agyemankata community along with other local stakeholders to engage in consultations and will do so specifically during the forthcoming EA process. Management recognizes it will be difficult in these challenging circumstances to determine clearly whether there is broad community support for the decision that is reached at the end of the EA process.

Repeater Projects

62. **In April 2003, the Africa Region used the Guidelines for Processing of Repeater Projects (March 2003), to process UESP II.** A Regional Review Panel was convened and the safeguards aspects of UESP I (Category B) were reviewed to determine if the Project had any environmental, social or other safeguard problems in accordance with the guidelines. Based upon a supervision mission in October/November 2002 by an environmental and a social safeguards specialist, there were no major safeguards issues with UESP I.

63. **The new UESP II was placed in Category A, because two new urban landfills (Kwabinya and Tema) had been added.** As stated in the minutes of the review meeting, the nature of the safeguards work required under a Category A would be the same whether or not the Project was processed as a “repeater.” A safeguards review was ongoing, which called for preparation of a new ISDS, an RPF and an ESA pursuant to OP 4.01 and OP 4.12. These documents were prepared and disclosed prior to appraisal. The RAP for Kwabinya was not prepared at the time (see paragraph 34) but was a condition in the credit agreement for proceeding with the construction of the landfill.

IV. MANAGEMENT’S ACTION PLAN IN RESPONSE TO THE FINDINGS

64. In response to the ongoing challenges in the Project and acknowledging the importance of finalizing the RAP and EA, Management is pursuing through the UESP II Project a two-pronged approach to addressing the need for appropriate solid waste management in Accra. The first is an ongoing dialogue with the Government on accelerating work in capacity building and planning for an ISWMS that addresses the needs of the Municipality in the medium and long term. The second is to prepare a new EA that focuses its attention on meeting urgent needs for solid waste management. The Bank will continue to engage high level officials in the MLGRD and Ministry of Environment Science and Technology in a dialogue to accelerate work in capacity-building and planning that addresses the need for appropriate solid waste management in Accra and the finalization of an EA that focuses on meeting urgent needs in the sector. Management has prepared an Action Plan (Table 2) to address key past and ongoing issues, including preparation of the EA, finalization of the RAP, and capacity-building.

65. Beginning April 3, 2009, the Project task team leader (TTL) asked to meet with the Requesters on April 16 or 17 to discuss the Action Plan prior to its finalization for this Response. The initial request was through COHRE, which had agreed to facilitate the consultation, who replied on April 8 that the community leaders would like to receive an e-mail detailing the reasons for the meeting. The Bank sent a detailed e-mail to the

community leaders on April 10. There were several back and forth exchanges during the following week of April 13, with the result that six emails were sent, responding to the community's requests for clarification, explaining why the Management Response and the Inspection Panel investigation could not yet be made public, providing an agenda and offering to meet on April 18 (by April 17, it became clear that a meeting that day was no longer possible). The Bank received no further responses to its messages, subsequent to the e-mail sent April 17 proposing to meet on April 18 and responding to the last set of questions from the community. The Bank also made several telephone calls on April 16, 17 and 18 and sent SMS messages, but the only replies (to some of the telephone calls) were that the community would respond, which it subsequently did by e-mail, although not to the last request.

66. The Bank was able to meet with the Government to discuss the proposed Action Plan on March 25 and March 27 and on April 6, 2009. The Government agreed with the proposed Action Plan, which is now being presented in this Management Response.

67. Management will provide an update to the Board within six months of the Board's consideration of this Management Report and Recommendation.

Table 2. Proposed Management Action Plan	
ISSUE	ACTION
Environmental Assessment and Mitigation Measures	
Analysis of alternatives	<ul style="list-style-type: none"> 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) The Bank will also support an expansion of the scope and accelerate the preparation of the ongoing Integrated Solid Waste Management Strategy (ISWMS) for Accra. The EA will provide input into the ISWMS, based on the the scoping conducted and alternatives examined. (To be completed by end 2010) The Bank will seek to support an SEA for the ISWMS. Government to appoint Panel of Experts on all aspects of the Project relevant to the EA.
Buffer Zone	<ul style="list-style-type: none"> 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)
Environmental Management Plan	<ul style="list-style-type: none"> 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)

Table 2. Proposed Management Action Plan	
ISSUE	ACTION
Consultation	<ul style="list-style-type: none"> • AMA will disseminate a translation of the Draft RAP to the affected population. To supplement the Draft RAP, 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) • 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) • 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) • 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) • The EA will also be disclosed in accordance with the Bank's Policy on Disclosure. (To be completed in FY10)
Institutional Capacity	<ul style="list-style-type: none"> • Technical Assistance. Technical assistance is being provided to 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 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) • O&M Support. During the MTR 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) • Social Accountability. The Bank is supporting the development of community score cards by the coalition of NGOs⁹ 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 will be completed in FY09) • 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) • Education. Campaign on sanitation with IFAWAMI, which reaches 98 percent of the people in Ghana through churches, mosques and other religious centers. (Ongoing)

⁹ The National Coalition of NGOs in Waste Management (NACONWAM). The Bank's Vice President for the Africa Region launched this effort with the coalition and other civil society organizations in March 2007.

Table 2. Proposed Management Action Plan	
ISSUE	ACTION
Social Impact Assessment and Mitigation Measures	
Finalization of the RAP	<ul style="list-style-type: none"> 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)
Project Supervision	
Supervision	<ul style="list-style-type: none"> A senior social safeguards specialist will continue to provide support to the Project team for RAP preparation and its eventual implementation. (Ongoing) A lead environmental specialist will continue to provide support to the Project team during preparation of the EA and eventual implementation of the EMP. (Ongoing) 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)
Assessing and Reporting Risks	<ul style="list-style-type: none"> The "Key Issues and Actions for Management Attention" section of the ISR will include a special section on the progress made in regard to Kwabenya. (Ongoing)

V. CONCLUSION

68. Management agrees with the Panel's findings with respect to the Project, in particular regarding the preparation of the RAP and EA, consultation with the affected community, and supervision of the Project. Management believes that the proposed Action Plan included in its report addresses the Panel's concerns.

**ANNEX 1
FINDINGS, COMMENTS AND ACTIONS**

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
PROJECT CONTEXT AND DESIGN			
1.....	<p>Project Risks and Approval as a Repeater Project</p> <p>The Panel notes that in this environment [at the time of Project appraisal], where tensions were high, documents show that it was evident that there would be considerable difficulties in achieving compliance with safeguard policies, especially on consultations and involuntary resettlement. This situation posed significant risks for the affected people and the implementation of the Kwabenya subcomponent.</p> <p>Panel finds that contrary to the criteria established for use of Repeater Project procedures, the Kwabenya landfill subcomponent had significant foreseeable environmental, social and safeguard problems. Panel notes that Management did not take all the required measures to address safeguard issues arising in the Project, in spite of the Regional Review Panel's advice in 2003.</p>	96	<p>Comment: In April 2003, the Africa Region used the Guidelines for Processing of Repeater Projects (March 2003), to process UESP II. A Regional Review Panel was convened and the safeguards aspects of UESP I (Category B) were reviewed to determine if the Project had any environmental, social or other safeguard problems in accordance with the guidelines. Based upon a supervision mission in October/November 2002 by an environmental and a social safeguards specialist, there were no major safeguards issues with UESP I.</p> <p>The new UESP II was placed in Category A, because two new urban landfills (Kwabenya and Tema) had been added. As stated in the minutes of the review meeting, the nature of the safeguards work required under a Category A would be the same whether or not the Project was processed as a "repeater." A safeguards review was ongoing, which called for preparation of a new ISDS, an RPF and an ESA pursuant to OP 4.01 and OP 4.12. These documents were prepared and disclosed prior to appraisal. The RAP for Kwabenya was not prepared at the time but was an implementation condition in the DCA for proceeding with the construction of the landfill (see Item 10 for more detail.)</p> <p>Action: The safeguard risks are currently being addressed as described in subsequent items of this Annex (with deadlines included in the Management Action Plan).</p>
ENVIRONMENTAL ISSUES			
2.....	<p>Environmental Categorization</p> <p>Panel finds that the Project was correctly categorized as "Category A" for the purpose of OP/BP 4.01.</p>	127-128	<p>Comment: Management acknowledges the Panel's finding of compliance with OP 4.01 regarding project categorization.</p> <p>Action: No action needed.</p>
3.....	<p>Analysis of Alternatives</p> <p>An EIA was carried out in 1999 with funding from DfID, as well as feasibility studies... The EIA takes a short detour along the analysis of alternatives route, basically to conclude that (i) incineration under one form or another..is not feasible; and (ii) no other suitable suite could be performing as well as Kwabenya. There is no formal comprehensive environmental, social and economic analysis of the potential alternatives.... DfID withdrew from this earlier proposal to develop the landfill at Kwabenya, and the proposal subsequently became part of UESP II financed by the Bank.</p> <p>Panel finds that 2003 ESA did not</p>	129-139	<p>Comment: Management acknowledges that the 2003 ESA did not adequately examine alternative sites. However, it was not the only EIA for the proposed sanitary landfill to serve Accra. Preparers of the 2003 ESA relied upon the DfID EIA¹ (final dated March 2000). This EIA revisited the five sites assessed as part of the 1993 site selection study, including Kwabenya, which the Requesters acknowledge has been designated since 1993 as the preferred site for Accra's first sanitary landfill. The 2000 EIA updated and documented current land use as well as encroachment by settlements around the five alternative sites, including the Kwabenya site. Although not a formal, comprehensive re-evaluation of alternatives, DfID's review of the five sites confirmed that Kwabenya remained the superior site among the five with respect to both environmental and social issues.</p> <p>It is not unusual practice in environmental assessment to rely on recent documents, as was done for the Kwabenya</p>

¹ To differentiate among various environmental assessments discussed herein and consistent with the terminology used in the Inspection Panel Investigation Report: EIA references the DfID 1999 document, finalized in March 2000; ESA references the 2003 UESP II assessment; and EA identifies the new assessment being developed for the Project's Kwabenya subcomponent.

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
	<p>adequately examine alternative sites for the future landfill, and failed to assess adequately the implications of the influx of people and changing conditions on the ground in the years since the earlier studies on which it relied. This does not comply with OP/BP 4.01.</p> <p>As the Panel was preparing this Report, however, it was informed by Bank staff that a new Environmental Assessment for the Project is being developed, as the existing 2003 ESA is outdated and no longer adequately reflects conditions on the ground. According to Management, the new EIA will examine, <i>inter alia</i>, options for alternative sites. The Panel notes, however, that the draft Terms of Reference for the EIA provided by the Bank makes no specific reference to the need for an analysis of alternatives. Management needs to clarify this issue.</p>		<p>subcomponent of the 2003 ESA. As noted in the ESA, consultations with directly affected people in the Kwabenya area had continued through 2001 and 2002.</p> <p>It was a professional judgment whether relatively recent EIA work remained relevant. In this case, the 2003 ESA did provide an update to the 2000 EIA, which in hindsight, did not adequately reflect changing conditions. (See also response to Item 4 concerning the area of influence.)</p> <p>Had progress on the final engineering design and RAP for the Kwabenya site proceeded swiftly after Board approval, the EIA and the Project's ESA and RPF could have been used as a foundation for the additional safeguards work, together with the local consultation with affected parties required for the RAP and final EMP (which would need to be updated as part of the final design). There were, however, significant delays. In the Aide-Memoire for the May 2007 supervision mission, the Bank stated the need to prepare a new EA. Management agrees that the earlier assessment documents are now out of date and a new EA is required.</p> <p>An RFP has been issued for preparation of an EA that will meet the requirements of Ghana regulations and OP 4.01. This EA will include an analysis of alternatives per paragraph 2 of OP 4.01. Upon selection of the consultant, Bank staff will meet with the consultant to discuss the scoping process and key issues for the EA, including the range of alternatives and consultation needs. Bank staff will continue to work with government counterparts at high levels in the review of the findings and recommendations of the EA to determine whether they provide an adequate basis for supporting the financing of a landfill at Kwabenya and for the EPA to issue an Environmental Permit.</p> <p>Action: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. 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 the scoping conducted and alternatives it examines. The Bank will also seek to support an SEA for the ISWMS.</p> <p>The Bank has also indicated to the Government via email dated January 16, 2009 that it should engage an advisory panel of independent, internationally recognized specialists to advise on all aspects of the Project relevant to the EA, in line with the provisions of OP 4.01 regarding contentious activities. The Government has agreed to engage such a panel as soon as possible.</p>
4.....	<p>Potential Adverse Impacts and Project Area of Influence</p> <p>The 2003 ESA does not adequately identify the full extent of the "area of influence" of proposed landfill (as a subcomponent of the Project) and its potential impacts on nearby people and residents. Panel finds that this does not comply with OP 4.01.</p>	140-143	<p>Comment: Management agrees that the 2003 ESA for the UESP II Project did not clearly define the full extent of the area of influence of the Kwabenya landfill site. However, as noted in Item 3, the 2003 ESA relied upon the DfID-funded EIA, which did provide an assessment of impacts such as road traffic, litter, dust and noise that would potentially impact receptors (nearby residents, businesses, and communities) outside the boundaries of the landfill site and its buffer zone during construction and operations.</p> <p>With respect to the two new landfill sites, Kwabenya and</p>

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
			<p>Tema, included in UESP II, Project preparation documents such as the ISDS and PAD, recognized that the ESA and Resettlement Policy Framework prepared in advance of the Project appraisal were not expected to be the “final” safeguards documents for these two sensitive subcomponents. With respect to Kwabenya, as noted above, had progress on the final engineering design (including an updated EMP) and the RAP been made relatively swiftly, many of the findings of the DfID EIA would have remained germane. The all-weather access road into the Kwabenya site financed by DfID in late 2001, however, encouraged residential development in the area of influence around the Kwabenya site. In the intervening six years, urban growth in the greater Accra area has increased dramatically, and the findings of the DfID EIA and the 2003 ESA are no longer relevant to the current environmental and social setting.</p> <p>Action: See Item 3 above.</p>
5.....	<p>The “Buffer Zone” and Adjacent Areas</p> <p>Panel finds that 2003 ESA has not adequately assessed or justified a decision to use a buffer zone of 250 meters or less, as compared to larger distances noted in other documents and in light of significant concerns about capacity to properly and safely maintain the landfill.</p> <p>Panel notes that the adequate determination of the buffer zone is a complex and site-specific undertaking. It is important to achieve compliance with Bank Policy, and to determine who may be entitled to compensation and resettlement under OP 4.12.</p> <p>Panel notes that the landfill could also result in indirect adverse impacts on people who live in the area adjacent to the buffer zone, but within the project area of influence. This also has to be analyzed and addressed in accordance with OP 4.01, which calls for actions to prevent, avoid, mitigate, or compensate for such impacts.</p> <p>Management has informed the Panel that the new EIA will examine these issues.</p>	144-160	<p>Comment: Management agrees with the Panel’s finding that the 2003 ESA did not provide justification for the width of the buffer zone. Management also concurs with the Panel’s note that determination of an adequate buffer zone is a complex and site-specific undertaking.</p> <p>During Project preparation in 2003, the engineering design of the landfill was still in a preliminary stage. As per standard practice, it was recognized that the final size and boundaries of the landfill and its buffer zone were not and could not be finalized until there was detailed engineering design work, at which time the precise boundaries could be defined and the detailed EMP and RAP could then be finalized. See Map 2, which shows the landfill site in 2000 and the 2007 land acquisition area. The area in 2007 is 364 acres, considerably less (20 to 25 percent) than in 2000.</p> <p>It is generally recognized as good practice that the actual footprint of the landfill disposal area and the width and design of a buffer zone depend on the characteristics of the selected site and normally are not fully determined until the final design stage, based on the detailed assessments carried out as part of the EIA, including topography, wind conditions, visual aspects, geology, surface water, etc., and local and national regulations.</p> <p>Action: If the new EA identifies a sanitary landfill 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 landfill guidelines.</p>
6.....	<p>Environmental Management Plan (EMP)</p> <p>Panel finds that EMP produced as part of 2003 ESA was noticeably deficient in most of these aspects [little or no costing, no provisions for capacity</p>	161-166	<p>Comment: Management acknowledges that the 2003 EMP lacked specific details for the Kwabenya landfill. Because there was no final engineering design (and as indicated in Item 5, the boundaries of the landfill had not been determined), the 2003 EMP could not provide the requisite details. For sanitary landfill projects, it is good</p>

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
	<p>building, vague monitoring strategies, and generally provides very little information on how negative environmental impacts will be prevented, avoided, mitigated, or compensated, and otherwise monitored]. This is not consistent with OP 4.01. The 2003 ESA did not provide a sound and effective basis for Project appraisal.</p>		<p>practice to provide the final engineering design after an EIA is prepared. In such cases, it is typical EIA practice to provide a preliminary EMP, as part of an EIA, with sufficient detail so that stakeholders can understand what issues of concern will be addressed and how. It is also recognized good practice to update an EIA's EMP and provide greater detail either as part of or immediately after final engineering design.</p> <p>Furthermore, the EMP produced as part of the 2003 ESA was for the UESP II as a whole. Almost all the civil works contemplated in the Project, e.g., another landfill and other works, required final engineering design. Therefore, the level of detail in the EMP prepared for the Project-wide ESA was appropriate for Project appraisal, because of the understanding that as engineering design was finalized for each component, a more detailed EMP that addressed each component would need to be finalized according to good practice.</p> <p>Action: See Items 3-5. 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.</p>
7.....	<p>Consultation</p> <p>Panel notes that meaningful consultations, as envisaged under OP/BP 4.01 and OP/BP 4.12, did not take place with those living nearest the proposed landfill. Panel acknowledges the difficulties of conducting such meaningful consultations under the prevailing conditions at the time.</p> <p>Panel finds that Management failed to ensure that affected population was provided with an information sheet in local languages or in English or French (for migrant workers) setting out the purpose of the survey, or explaining the resettlement and compensation procedures.</p>	167-174; 289-294	<p>Comment. Management agrees with the Panel that meaningful consultations as envisaged under OP/BP 4.01 and OP/BP 4.12 were difficult to carry out with members of the Agyemankata community living near the proposed Kwabenya landfill. Attempts by the Government to consult and communicate directly with them were met with resistance. Management notes that the 2003 ESA describes extensive consultations, organized with the help of a local NGO (CEDEP), with directly affected people and stakeholders in the Kwabenya area during late 2001 and 2002, and again in September 2003. The consultations in the Kwabenya community in 2001 and 2002 predate the proposed involvement of the Bank in the Kwabenya subcomponent of the Project, which began around March 2003. The consultation in September 2003 was carried out after the ESA consultants received a contract from the Government through Bank-funding to prepare the ESA and RPF for the UESP II Project as a whole.</p> <p>The Panel has noted the difficulties in organizing informed consultation in a situation where stakeholders do not wish to engage in a dialogue and Government continues to face these difficulties in the preparation of the RAP. A small group of people continues to refuse to participate fully in the consultations or socioeconomic and census surveys that have been carried out, despite repeated efforts to engage their participation. The group's refusal to participate is due to a long standing campaign against the landfill. Refusal to participate in consultations is a means of voicing their opposition to the construction of the landfill at Kwabenya.</p> <p>The surveys conducted confirmed that there were no migrants or squatters working at the site. As part of conducting the socio-economic survey, the consultants</p>

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
			<p>discussed the household survey questionnaire with groups of stone crackers.</p> <p>To date, preparation of the RAP has involved extensive consultations held between December 2007 and October 2008 with people who risk being adversely impacted by the construction of the landfill, including people currently working at the site as stone crackers, leaders of the three main groups of stone crackers, owners of land and uncompleted buildings and structures, and other members of the local community. In addition, a specific outreach effort was made in January 2009 to consult with the group of stone crackers refusing to participate in any consultations. Through repeated outreach efforts the task team and consultants preparing the RAP have been able to gain the trust of a majority of people directly affected by the landfill, and ensure their inclusion in the census survey.</p> <p>Beginning on April 3, 2009, the Project TTL asked to meet with the Requesters on April 16 or 17 to discuss the Action Plan prior to its finalization for this Response. The initial request was through COHRE, which had agreed to facilitate the consultation, who replied on April 8 that the community leaders would like to receive an e-mail detailing the reasons for the meeting. The Bank sent a detailed e-mail to the community leaders on April 10. There were several back and forth exchanges during the following week of April 13, with the result that six e-mails were sent, responding to the community's requests for clarification, explaining why the Management Response and the Inspection Panel investigation could not yet be made public, providing an agenda and offering to meet on April 18 (by April 17, it became clear that a meeting that day was no longer possible). The Bank received no further responses to its messages, subsequent to the e-mail sent April 17 proposing to meet on April 18 and responding to the last set of questions from the community. The Bank also made several telephone calls on April 16, 17 and 18 and sent SMS messages, but the only replies (to some of the telephone calls) was that the community would respond, which it subsequently did by e-mail, although not to the last request.</p> <p>Action: The implementing agency, AMA, will disseminate a translation in local languages of the Draft RAP and carry out consultations with the affected population who are willing to participate. Once the RAP is finalized, 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. Upon finalization of the RAP and clearance by the Bank, it will again be distributed to the affected population and disclosed in accordance with the Bank's Policy on Disclosure.</p> <p>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.</p> <p>Consultation on the scope of the EA will also serve as an initial consultation on the scope of the ISWMS for Accra.</p>

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
			The EA will also be disclosed as soon as it is completed in accordance with the Bank's Policy on Disclosure.
8.....	<p>Proper Maintenance of Landfill— Capacity Issues</p> <p>While the capacity constraints facing local authorities was acknowledged and the risk was rated as “substantial” in the PAD, no mention was made in the PAD of any possible capacity issues or risks faced by constructing a landfill at Kwabenya.</p> <p>Panel finds that this omission downplays the significant risk of inadequate operation of a landfill at Kwabenya, and is not consistent with OMS 2.20 on Project Appraisal and with the capacity building provisions of OP/BP 4.01.</p> <p>The [Management] Response ... articulates a “no harm” principle, in which Management indicates its determination to continue work with the Government and communities to “ensure that . . . affected communities will not be negatively impacted should the Bank agree to finance the construction of the sanitary landfill...” under the original conditions.</p> <p>These are welcome statements. The Panel appreciates, however, the concerns of the community that even with the best intentions at design, problems and risks to health and the environment could arise for the members of the community living near the proposed landfill site.</p> <p>In light of past experience with waste management, and to achieve compliance with Bank Policy, Panel notes the need for clarity about institutional arrangements for construction and operation of a future sanitary landfill.</p>	177-184	<p>Comment: Management concurs with the Panel's comment that no reference was made in the PAD to capacity issues or risks related specifically to Kwabenya operations. Management agrees with the finding that this omission downplayed the risk and was not consistent with OMS 2.20 and the capacity building provisions of OP 4.01.</p> <p>The PAD referred to the landfills that had already been constructed in the context of the Project's critical risks. In practice, during Project implementation, risks are being mitigated through the Project's institutional strengthening component, which is applicable to the five MAs. As indicated in the PAD, one of the objectives of this component is strengthening the Waste Management Department and the Environmental Sanitation Department in the five MAs, including AMA, which is responsible for Kwabenya.</p> <p>A Safeguards Clinic was organized for representatives of the five MAs and the national government by Bank staff in Kumasi in April 2008. The objective of the clinic was to disseminate the Bank's Social and Environmental policies, discuss the importance of community consultation and participation and review the manual of operation of solid waste landfills and share good practices.</p> <p>Action:</p> <p>Technical Assistance. Technical assistance is being provided to MAs to develop and implement 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 to the Bank team to visit all of the existing landfills and dumps in the five MAs at least twice a year to assess the operations, provide recommendations for improvement and monitor the outcomes.</p> <p>O&M Support. During the MTR it was agreed to reallocate credit funds to increase disbursement category 4, which finances operating costs for sanitary landfills, refuse collection and others. In addition, to help address long-term needs, a workshop is planned in 2009 for local waste management officials and civil society organizations. In addition, to help address long-term needs, a workshop is planned in 2009 for local waste management officials and civil society organizations.</p> <p>Social Accountability. The Bank is supporting the development of community score cards by the coalition of NGOs² that work 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.</p> <p>Community Participation. The Bank is providing support</p>

² The National Coalition of NGOs in Waste Management (NACONWAM). The Bank's Vice President for the Africa Region launched this effort with the coalition and other civil society organizations in March 2007.

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
			<p>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 of this competition will also serve to create awareness in the communities.</p> <p>Education. Ongoing campaign on sanitation with the IFAWAMI, which reaches 98 percent of the people in Ghana through churches, mosques and other religious centers .</p>
9.....	<p>Linkage between EA Process and Resettlement Problems The EA and resettlement/compensation processes are intimately linked in the real world, and by the terms of the two policies.³ For instance, the determination of the size and precise location of the future buffer zone is closely linked to the potential harm of the future landfill. At the same time, the final determination of this size and location directly affects the number of people to be evicted as well as the cost of compensation. This poses a dilemma for the Project. The inadequacy of the 2003 ESA as a basis for these key determinations undercuts the ability of the Project to carry out resettlement planning in accordance with Bank Policy, and establish a well-founded “cut-off” date to identify the affected population eligible for compensation and/or resettlement assistance. This problem occurred during Project design, and affects the timing of current actions. Since the 2003 ESA does not form an adequate basis for Borrower’s Executive Instrument (for expropriation) and resettlement planning, it is surprising and maybe inappropriate to conduct the final EIA after the completion of the RAP. Given the path chosen by the Borrower and the Bank, the logic of the process may need to be reversed, with the final EIA having to take stock of the decisions and parameters of the RAP. This is by no means trivial and may increase the discomfort and fuel the opposition of the future residents of the proposed landfill site.</p>	185-189	<p>Comment: The draft RAP is near completion under the direction of AMA, and is expected to be disclosed in accordance with the World Bank Disclosure Policy. (See also Item 7.) Management wishes to note that a cut-off date has been established, based on consultations with the groups that have come forward, as of October 31, 2008 (See also main text, paragraphs 36 and 37)</p> <p>Disclosure of the RAP upon its completion does not commit the Bank to disbursement of funding for the construction of the Kwabenya landfill; at a minimum, this decision cannot be made until completion of the new EA that is underway. It is important to note that the findings of the EA could affect the draft RAP; thus, the RAP may need to be revised or rewritten after the EA’s completion, thereby requiring further consultation.</p> <p>Disclosure of the RAP in advance of the completion of the EA process is an unusual sequencing. However, given the importance of the compensation issue to directly affected people at the site who face the prospect of lost livelihoods or economic impacts, disclosure of a draft RAP provides an opportunity for interested parties and key stakeholders to understand the proposed actions that are likely to be taken regarding one of their key concerns, in the event that a decision is made by the Bank to move forward on this subcomponent upon the findings of the new EA.</p> <p>Action: See Item 7.</p> <p>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.</p>
SOCIAL ISSUES			
10...	Decision to Prepare an RPF rather than a RAP at Project Appraisal	233-237	<p>Comment: An RPF was considered the most suitable instrument at the time of appraisal since the final design of the landfill site had not been confirmed. OP/BP 4.12</p>

³ See OP4.01 on Environmental Assessment, paragraph 3, and OP4.12 on Involuntary Resettlement, paragraphs 1 and 2.

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
	<p>Panel notes that preparation of a RAP would also have helped bring to the surface the crucial and difficult questions involving resettlement planning prior to the time of Project appraisal, rather than leaving these to Project implementation.</p> <p>The Panel acknowledges that Management included a covenant in the Development Credit Agreement that the works for the landfill could not be commenced until a policy-consistent RAP was prepared and implemented. The Panel observes, nevertheless, that difficulties now being encountered in completion of the RAP, and its linkage to the EA Policy, noted above, may be traced back at least in part to the lack of adequate and coordinated safeguards work by the time of Project preparation.</p>		<p>requires the preparation of an RPF rather than a RAP if the extent and precise location of resettlement is not known at appraisal.</p> <p>Action: No action required. See Items 7 and 9 above regarding finalization of the RAP.</p>
11...	<p>Adequacy of RPF</p> <p>- Gaps between Domestic Law and Bank Policy</p> <p>Panel notes that specific measures to bridge the gap between domestic legislation and Bank Policy need to be addressed to achieve compliance with Bank Policy.</p> <p>Panel finds that although important elements were included in RPF, the risks related to land acquisition and compensation were not sufficiently considered. This does not comply with OP/BP 4.12.</p> <p>- Tenure and Ownership</p> <p>The tenure, ownership and usufruct arrangements in the project site were described in the RPF, but, as noted above, the implications of the complexity of tenure in the Kwabenya site was not fully developed. The designation of some residents as "squatters" is misleading without a full analysis of their title to land and property. The Panel finds that the description failed to anticipate the complexities of claims, or to delineate the range of claimants or their entitlements under Ghanaian law.</p> <p>- Livelihood Assistance</p> <p>The Panel notes that the Entitlements Matrix failed to include quarryers as a category of affected or entitled persons.⁴ The issues of livelihoods</p>	242-270	<p>Comment: Management acknowledges that the RPF's analysis of tenure issues and of gaps that exist between domestic law and Bank policy was incomplete. It also agrees with the Panel that the RPF failed to include stone crackers (people engaged in the informal breaking of stone for sale) as a category of people eligible to receive compensation or assistance, and acknowledges that the RPF should have paid more attention to identifying impacts on women and other vulnerable groups.</p> <p>The RAP will provide for a more systematic and thorough understanding of land tenure and ownership issues. It also establishes a process that meets the requirements of OP 4.12, thus bridging any identified differences between policy and Ghanaian law. In particular, the RAP will require: (i) compensation for stone crackers who may not be eligible for compensation under national laws; and (ii) payment of compensation directly to affected persons rather than being distributed through allodial (holding permanent title) owners.</p> <p>The tenure, ownership and usufruct arrangements described in the RPF have been supplemented and more clearly examined as part of the December 2007 through March 2008 census and socioeconomic studies carried out to prepare the RAP. In addition to standard socioeconomic data sets disaggregated by gender, descriptions of household characteristics and organizations as well as information on livelihoods and standards of living have been collected. The Greater Accra Regional Survey Department has conducted a cadastral land survey of all land required for the landfill and demarcated affected properties. The Land Valuation Board of Ghana has undertaken a survey and valuation, at replacement cost, of the affected land and structures at the site. The adequacy of the valuation methodologies used by the Government will be assessed by the RAP to meet the requirements of</p>

⁴ RPF, p. 43.

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
	<p>were particularly pertinent for women and migrants who made up a large number of the quarriers. The Panel finds that the RPF pays insufficient attention to the needs of vulnerable groups including women and other displaced persons who are not protected through national land compensation legislation.</p>		<p>OP/BP 4.12. Based on these studies the categories of claimants eligible for entitlements have been defined. This does not include squatters or migrants, since there is no evidence of the presence of either at the landfill site.</p> <p>Recognizing that loss of livelihood is the most significant adverse social impact associated with the construction of the landfill, the RAP places specific emphasis on defining economic and income restoration strategies to ensure that people affected by loss of livelihood are provided with appropriate assistance.</p> <p>The recent socioeconomic studies of the landfill area paid attention to the identification and establishment of processes to help vulnerable groups improve or at least restore their standards of living in accordance with OP 4.12.</p> <p>Action: See Item 9 above.</p>
12...	<p>Disclosure of RPF</p> <p>The final RPF was disclosed as a separate and stand-alone document in English on January 16, 2004, prior to appraisal. This is consistent with Bank Policy on Disclosure of Information.</p> <p>Panel finds that, contrary to requirements under Bank Policy on Disclosure, no records are available to show that the draft RPF was disclosed to the affected people. This has had a negative effect on the consultation process.</p>	271-272	<p>Comment: Management acknowledges the Panel's note regarding disclosure of the final RPF. Management also acknowledges that no records are available to indicate that the draft RPF, in accordance with the Bank's Policy on Disclosure, was made available at the time of appraisal by the Government to potentially displaced people and local NGOs.</p> <p>Action: Action related to disclosure will be undertaken for the RAP. See discussion under Item 7.</p>
PROJECT IMPLEMENTATION AND SUPERVISION			
13...	<p>Supervision</p> <p>In discussions with the Panel, Bank staff acknowledged that mistakes had been made in supervision of the Kwabenya subcomponent of the Project, particularly in the critical early stages of Project implementation. Particular shortfalls were identified in relation to the supervision of the application of safeguard policies.</p> <p>[I]t should have been anticipated that the Project would be overlaid with intense local political sensitivities and the possibility of strong local resistance. During interviews, the Panel learned that Bank staff was fully aware of this climate following DfID's decision to withdraw from the project in 2000, in light of reputational and operational risks.</p> <p>Notwithstanding these warning signs, the Bank opted for a hands-off approach on the supervision of the Kwabenya subcomponent, without paying sufficient attention to the social</p>	299-317	<p>Management acknowledges that supervision missions did not include safeguards specialists during the early stages of Project implementation. Supervision of the Kwabenya subcomponent in particular was hindered by the difficult security situation, as noted in the Panel's report. In hindsight, Management recognizes that the Project team could have attempted more direct engagement with the group of residents opposing the proposed landfill. However, Management notes that all of the supervision Aide Memoires provided an update on the Kwabenya situation. The supervision of this subcomponent has been strengthened with social and environmental safeguards specialists since 2007.</p> <p>A new task team leader was assigned to the Project in August 2007 to oversee its implementation. He was posted to Accra in March 2008.</p> <p>Action: A senior social safeguards specialist will continue to provide support to the Project team for RAP preparation and its eventual implementation.</p> <p>A lead environmental specialist will continue to provide support to the Project team during preparation of the EA and eventual implementation of the EMP.</p> <p>Formal Project supervision missions will be organized at least twice a year and progress on implementation of</p>

No.	Issue / Finding	Para Nos.	Comment/Action <i>Assigned to:</i>
	<p>and environmental safeguard aspects of the Project. The Panel finds that supervision of the Kwabenya subcomponent was lacking until well into the implementation of the Project, in non-compliance with OP/BP 13.05.</p> <p>This lack of engagement of social specialists is particularly problematic in light of social concerns that had surfaced during the design phase and the inability of project authorities to solve such issues. This is not consistent with Bank Policy on Supervision.</p>		safeguards recommendations from the RAP and the EMP will be monitored and reported.
14...	<p>Failure to Adequately Assess and Report Risks</p> <p>Project supervision reporting, including the Implementation Status and Results Reports (ISRs) called for under BP 13.05, did not adequately “flag up” social safeguards issues or prompt an internal call for greater supervision on these matters. Indeed it was not until the MTR that the need for enhanced supervision of social safeguards was signaled with any urgency.</p> <p>Since the local opposition to the proposed Kwabenya sanitary landfill is putting the solid waste component at significant risk of unsuccessful implementation and sustainability, the Panel finds that the Bank should have consistently reported on the unsatisfactory progress in the “safeguard policies” ISR, which it failed to do. This does not comply with the letter and the spirit of BP 13.05.</p> <p>In sum, during processing and supervision of this project, until late in Project implementation, the Panel finds that Bank Management has failed adequately to identify and propose actions to address the issue of opposition to the proposed Kwabenya sanitary landfill as a major stumbling block for the Accra Solid Waste management component of UESP II.</p>	318-324	<p>Comment: Management agrees that the safeguards rating of the ISR did not address the specific issues of the Kwabenya landfill. Management does wish to note that Bank supervision missions were aware of the contentious issues affecting the implementation of activities related to the Kwabenya landfill, which were flagged in all of the aide memoires since October 2004. Bank missions were informed of the progress made by the TAC established in 2004 for the Kwabenya landfill and recommended use of a communication specialist in order to facilitate the consultations being undertaken by the TAC.</p> <p>The ISR dated June 2006 has specifically flagged poor progress on Kwabenya as a key issue for Management attention and the possibility that this subcomponent might be cancelled as a result of the Mid Term Review.</p> <p>Action: The “Key Issues and Actions for Management Attention” section of the ISR will include a special treatment of progress made in regard to Kwabenya. Management will provide an update to the Board within six months of the Board’s consideration of this Management Report and Recommendation.</p>

**ANNEX 2
PHOTOGRAPHS OF THE KWABENYA SITE**



ABOVE: View of southern end of proposed landfill site in foreground, looking SW (4/2007).



ABOVE: View of drain structure (financed by Dfid), at southern end of proposed landfill site looking south (9/2007).

BELOW: Panoramic view of western slope of proposed landfill site from a quarry NE and outside of the site (4/2009).



ABOVE: View from northern section of proposed landfill site looking SE (9/2008).



ABOVE: View from northern section of proposed landfill site looking SSE (9/2008).

BELOW: View from northern section of proposed landfill site looking SW (9/2007).

BELOW: View from southern section of proposed landfill site looking SSE (2/2009).





ABOVE: Unfinished structures in proposed landfill site (9/2007).

BELOW: Typical stone cracking work area and stone crackers at work (9/2007).

