

**KWAME NKRUMAH UNIVERSITY OF SCIENCE OF AND  
TECHNOLOGY, KUMASI**

**INSTITUTE OF DISTANCE LEARNING**

**AN APPRAISAL OF THE LAND ACCESS PROCESSES IN THE MINING  
INDUSTRY OF GHANA: THE CASE OF NEWMONT GHANA GOLD LIMITED  
(NGGL) AHAFO MINE**

**THESIS SUBMITTED TO THE INSTITUTE OF DISTANCE LEARNING,  
KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY IN  
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**BY**

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## DECLARATION

I hereby declare that this submission is my own work towards the CEMBA and that, to best of my knowledge, it contains no material previously published by another person nor material which has been accepted for the award of any other degree of the University, except where due acknowledgement has been made in the text.

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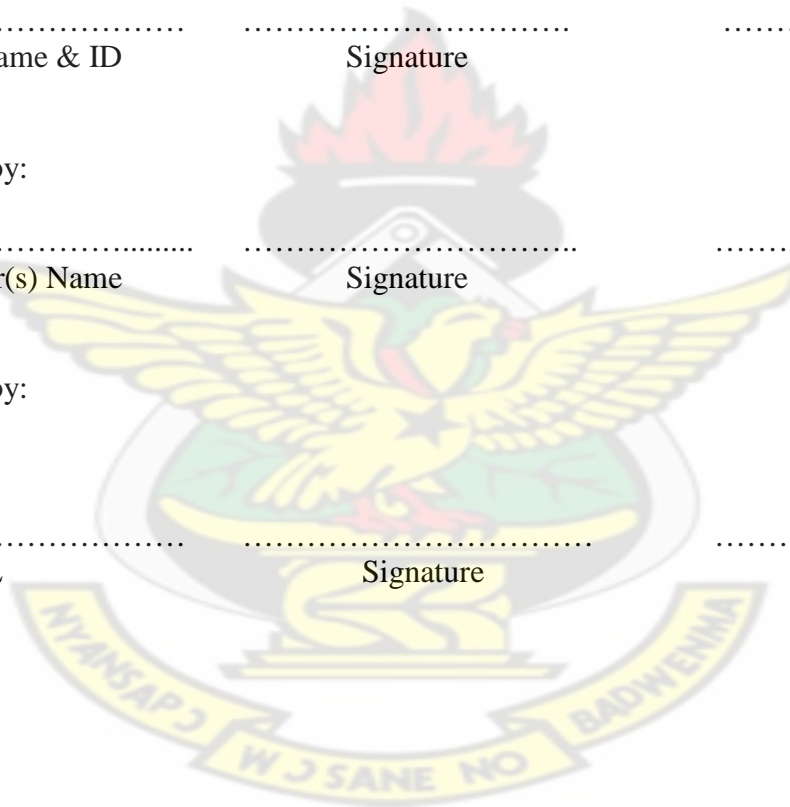
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## **DEDICATION**

This work is dedicated to my wife Pricilla Adwoa Odeabia Akoto and my son Daniel Denzel Kwadwo Asante-Manteaw whose love and support has contributed invaluable towards my education.

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To all and sundry who supported in diverse ways may GOD RICHLY BLESS YOU!

## **ABSTRACT**

The Mining Industry has contributed immensely to the development of the country over the years as a result of favourable investment climate and the high prices of the precious metals at the world market. Consequently, this has intensified mining activities which require the compulsory acquisition of large tracts of land from the communities in which they operate. The land acquisition process which takes its “power” from the 1992 Constitution and the Minerals and Mining Act 703 of 2006, has various critical factors which when not carefully handled trigger conflicts between the companies and the communities in which they operate. Whereas all mining companies claim to be following the legal requirements in the land acquisition process, the art of implementation differ and this has often degenerated into fatal conflicts. Could there be a way to reverse this trend? If not, why not? This research work thus, takes a close look at the legal requirements of the law regarding Land acquisition under the Constitution of Ghana, the new Minerals and Mining Act 703, two International Best Practices in relation to the practice of land acquisition by Newmont Ahafo Mine. The study revealed among other things a high consistency and fairness of Newmont’s practice with these benchmarks. It also revealed some gaps in the Act 703 in relation to the International Best Practices and some remarkable contributions of the mining activities to the development of communities within and outside the concession in terms of employment opportunities and the provision of social amenities. These notwithstanding, the implementation of Mining Area declaration provisions in the Act 703 by Newmont was strongly rejected by the communities. Useful suggestions have been given for consideration in the framing of the Legislative Instrument to address the gaps in the Act 703.

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## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 General Introduction**

Ghana has a long history of mining, especially for gold. Gold from West Africa was traded to Europe at least as early as the tenth century. Most of this gold came by Sahara caravan, the original sources being the kingdoms of Ghana, Mali, and Songhai. In the early colonial time, it is thought that annually more than a quarter of a million ounces of gold reached Europe from African sources. Based mainly on native workings, numerous gold deposits, both bedrock and placer, were rediscovered during the latter part of the nineteenth century throughout Senegal, Guinea, Sierra Leone, Ghana, Nigeria, and the other nations of the Gold Coast. (www.ghana-mining.org, 2010)

The mining industry has since its inception played a dominant role in Ghana's economy. Ghana earns substantial amount of foreign exchange from the mining industry. Foreign Direct Investment (FDI) into the Mining Sector in the year 2008 was US\$765.3million. The sector in the year 2009 contributed an amount of GH¢124.60million representing 19.79 per cent of the total collection of the Internal Revenue Service (IRS) to the economy. Contribution to Total Merchandise Exports in the same year amounted to US\$ 2.62 billion representing 44.52% of total export of US\$ 5.88 billion. Mineral Royalties also amounted to GH¢90.42million while P.A.Y.E and Withholding Tax were GH¢103.06million and GH¢36.29 million respectively in 2009. Mining accounted for 6.27% of total Real GDP of Ghana in the same year. The sector has employed a considerable number of labour force. For instance in the year 2009, Large and Medium scale Mines employed 17,760 labour force. Small Scale Mines generated about 500,000 employments as at the end of 2009 (Minerals

Commission 2009). Infrastructural development such as roads, electricity, schools, hospitals etc and robust economic activities in the catchments areas cannot be overlooked.

However, the environmental liabilities of mining operations cannot be overemphasized. The extent of environmental risks posed by mining industry continues to be debated in the country. The impact of mining activities on the physical environment and the approach to land access is often a source of conflict between the companies and the communities in which they operate. There has been a lot of research into the negative impacts of mining on the physical environment in recent years with very little on the approach to the compulsory acquisition of the surface rights by the mining companies once they have been granted the mining leases. Significantly, current mining technology has shifted emphasis towards surface mining. The surface or open-cast method of mining being adopted by most companies in most occasions results in the acquisition of large tracts of land and the displacement of settlements and infrastructure.

## **1.2 Statement of the Problem**

In spite of the important contributions of the mining industry in Ghana, it has been a source of worry for the communities in which it is undertaken due to the interference with other land uses and environmental and social effects. The industry is often involved in controversies mainly in the processes used in accessing land. While communities and some interest group think that the mining companies simply cheat people by exploiting the liberal processes in the Law in accessing land, the companies also claim otherwise.

Very often, these generate into clashes between mining companies and communities especially the youth. The issues relating to land access which are often the bone of contention are: **Determination and implementation of entitlement cutoff date** (*Moratorium declaration*), **adequate compensation for crop, land, relocation and resettlement** and **Livelihood re-establishment programs**. Many industry players believe that, the land access controversy is the direct result of the absence of standardized system acceptable to all in the country as different company interpret and implement the provisions in the mining act differently. The laws of Ghana require companies to negotiate and pay prompt adequate compensation in the process of accessing land. What makes compensation adequate and what are the tests of adequacy? This is subjected to different interpretations by the payee and recipients of compensation. This land access dilemma according to some industry players is inimical to encouraging investments in the sector. How can this trend be reversed? Therefore, the main issue of this research can be concluded as:

**The land Access Process in the mining industry is saddled with challenges which in most cases fuel conflicts between mining companies and the communities in which they operate. Thus enhancing existing processes in a participatory manner cannot be overemphasized in the quest to reduce community-mine conflicts.**

### **1.3 Objectives Of the Study**

#### **Aim**

The purpose of this study is to critically examine Newmont Ghana Gold Limited Land Access Processes within the provision of the Minerals and Mining Act 2006 and accepted



International best standards and come out with recommendations that will enhance the process thereby reducing community-mine conflicts.

The specific objectives are:

1. To identify the legal and statutory procedure for land access for mining in Ghana
2. To critically evaluate the current Land Access practices of NGGL in the context of the new Minerals and Mining Act of 2006 and other statutory requirement.
3. To assess Newmont's practices against international best practices eg. IFC Performance Standard 5, Asian Development Bank (ADB) Standards
4. To determine the role of the community in Land Access processes
5. To suggest ways of improving Newmont's practice

### **1.3.1 Research Questions**

In order to achieve the set objectives, the following research questions were addressed.

1. What are the provisions of the Law regarding Land Access?
2. How consistent is the practice of Land Access by Newmont with the new Minerals and Mining Act 703 of 2006?
3. How does the practice of Land Access by Newmont compare with International best practices? IFC, Asian Development Bank (ADB)
4. How can the process be improved to add human face to the provisions of the law?

### **1.4 Justification for the Study**

Mining industry plays a vital part in Ghana's economic development. Substantial amount of revenue had been realized from the sector which is used to support economic and social development over the years. Available records show a rising level of investment in the

mining sector. Mining sector has attracted over US\$5billion of investment over the last one and a half decades (ISSER, 2006).

The boom in the in precious minerals in the last two decades has undoubtedly resulted in the rising levels of investment in the mining sector (especially the gold industry the Ghana) culminating in the establishment of more mines and thus the acquisition of large tracts of land. In the face of these, access to land and security of tenure are key considerations in Ghana as the majority of the population are engaged as food and cash crop farmers. According to Population and Housing Census in 2000, 56.2% of the population is rural; the majority of whom solely depend on primary land activities for their sustenance. In any land take by the mining industry, it is the poor farmers, including women who are denied access to land. This increases their poverty as land is the basic productive resource in rural areas. Farmers without easy or adequate access to land lose these resources and may remain in poverty. It is therefore imperative that any process to compulsorily acquire land in the mining communities be gingerly done in order not to worsen the plight of the rural poor. It is in respect of the above, that, this study is conducted, to examine the specific case of Newmont Land Access practices in relation to the Laws of Ghana and Internal Best Practices with the view to recommend measures to give human face to the law thereby enhancing the process. This, it is believed if adopted by Newmont, will serve as a de-facto standard for land access in the mining industry and thus shall be consistent with its vision of *being the most valued and respected mining company through industry leading performance*. Ahafo Mining Project of Newmont, Kenyasi, is chosen for this study because of the scale of the operations and continuous expansion of the mine with it consequential compulsory Land takes.



### **1.5 Scope of the Study**

The study was limited to Newmont Ghana Gold mining activities in the Asutifi District whose capital is Kenyasi. Specifically it was within the immediate communities whose land have been acquired for the mining operations namely Kenyasi No.1 (K1), Kenyasi No.2 (K2), Ntotroso and Gyedu. Within these communities there are three Re-settlement Sites, they are Kenyasi No.1, Kenyasi No.2 and Ntotroso.

The study examined Newmont's Land Acquisition process in respect of the New Minerals and Mining Act of 2006, International best practices in relation to compensation, relocation/resettlement, Livelihood restoration programmes with the aim to reduce community mine conflicts during Land Acquisition in the mining industry.

### **1.6 Organization of the Study**

The report on the study is arranged in five chapters. It begins with Introduction which covers the problem statement, the objectives of the study, justification, scope, organization and limitations of the study. These form the chapter one. Chapter two reviews literature relevant to the problem under consideration. Basically it touches on compulsory land acquisition and its justification, surface rights and compensation payment. Also the legal environment of compulsory Land Acquisition for Mining in Ghana is discussed under this chapter. The chapter three consists of the research design and methodology. In addition, it presents the background of the study area and the corporate profile of Newmont Ghana Gold Limited. The chapter four consists of the analysis of both secondary and primary data and discusses the findings of the research. Also included in this chapter are measures taken by Newmont to

mitigate the impact of the mining activities on the communities. Finally, chapter five comprises of the summary of findings, recommendations and conclusions of the study.

### **1.7 Limitations of the Study**

The study encountered some challenges which included limited time to undertake the research and delay in response to questionnaires (especially those sent to organizations and those sent by e-mails). With the impacted persons, they complained of having answered a lot of questionnaires but upon explanation of purpose of study, they fully cooperated. Not all relevant stakeholders could be covered extensively due to time and resource constraint. The study could not also encompass other mining areas across the country which could have allowed for a wider generalization of the findings. This was also due to time and resource constraint. These constraints were however managed cautiously to eliminate any adverse effect on the outcome of the research.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter reviews relevant literature to the problem under consideration. It touches on compulsory acquisition or eminent domain, the need to for eminent domain and payment of adequate compensation in the exercise of compulsory acquisition. Also core in this chapter is the Mineral and Mining Legislation and Regulation in Ghana, International Best Practices in Land Acquisition and Involuntary Resettlement specifically IFC Performance Standard 5 and Asian Development Bank (ADB) Key Elements Of Good Practice and Newmont's land Access practice. These have been quoted in full text to aid analysis.

#### **2.2 Compulsory Land Acquisitions and the Need to Compulsorily Acquire**

In much of the literature on land in Africa, land is viewed as a sacred commodity, which is tied up with people's communal identity. Land is seen as communal property administered by chiefs on behalf of the whole community, including the interests of ancestors and of the unborn. (Amanor, 2006) .This is perhaps echoed in the article "Protesters in Eastern India Battle Against Mining Giant Arcelor Mittal on March 2nd, 2010". In the rural, tribal lands of Eastern India, protesters are going head-to-head with world steel giant Arcelor Mittal. "We may give away our lives, but we will not part with an inch of our ancestral land," the villagers cry. "The forest, rivers and land are ours. We don't want factories, steel or iron. Arcelor Mittal Go Back." ([www.corpwatch.org](http://www.corpwatch.org))

In recent times most customary land holders have attached a much higher value to land today than was previously known. At the same time, tenure security has worsened and there is an increasing number of land conflicts as evident in our news papers. Land tenure is the

institutional structure that determines the political, economic and social framework by which individuals and groups secure access to land and associated resources. (Ahene, 2009). According to (Usilappan, 2000), land acquisition is a complex process, is sensitive in nature, and needs pragmatic approach to deal with. Wherever possible, land developments should be carried through the process of normal economic supply and demand. Land acquisition includes both outright purchases of property and purchases of access rights, such as rights-of-way. (IFC Performance Standard 5, 2006)

Freedom of the person and the right to acquire, hold and enjoy property are the two pillars on which a democratic society rests. These are characteristics as natural rights of the people. Property is not only an economic asset; it also has emotional and sentimental value (Jain & Xavier, 1996). The right to property is not absolute. This right has always been regarded as being subject to eminent domain, an inherent right of the state, an essential part of the state sovereignty (Ghosh, 1973). Eminent domain is subject to two essential conditions: private property is to be taken only for public use; and just compensation must be paid for the property taken. Land acquisition, therefore, is a way of direct control over land development. Land acquisition is also the government's tool to assemble land in resolving the land supply problems for development. Land assembly through land acquisition is a way out to solve problems with landownership and landowners' reluctance to offer their land for development (Omar& Ismail, 2005). The power of compulsory purchase supports the land assembly negotiations in order to avoid situations where individual landowners can freeze development by refusing to sell, particularly by trying to hold out for unreasonable purchase price Under certain circumstances, such as when there are landownership problems and passive landowners, the government feels that to undertake land development by compulsory

purchase is more complicated, time consuming and more expensive than to reclaim land from sea for development in certain waterfront areas (Omar, 1999; Omar & Ismail, 2005).

### **2.3 Mineral Ownership and Surface Rights**

In Ghana mineral rights are owned by the state. Section (1) of the Mineral and Mining Act, 2006 (Act 703) states;

“Every mineral in its natural state in, under or upon land in Ghana, rivers, streams, water-courses throughout the country, the exclusive economic zone and area covered by the territorial sea or continental shelf is the property of the Republic and is vested in the President in trust for the people of Ghana”.

Essentially, article 257(6) of the 1992 Constitution reads the same. Therefore both the Constitution and the Act 703 give the ownership of any mineral found within the territorial jurisdiction of Ghana to the state. The ownership of mineral resources is vested in the president in trust for the citizens of Ghana. The state grants these rights to mining companies through concessions or permits.

On the other hand, the surface rights to land are publicly and privately owned in Ghana. These surface rights include farming rights, right to build, right to possess and enjoyment of economic trees both natural and artificial, right to alienate etc. These surface rights can be derived from allodial interest, usufructural or customary freehold interest, leasehold interest or even lesser interest like ‘Abusa’ and ‘Abunu’ system of agricultural tenure arrangement in Ghana. (Kidido, 2007). Customary systems are based on the values of a particular social group, and it is these values which confer legitimacy on local decision-making. (Toulmin, 1998)

The ownership of any of the interest mentioned above does not include the right to minerals found on or beneath it. The rights and losses suffered in any expropriation are as listed in the table below.

Table 2.1 Types of Losses from Land Acquisition

Types of Losses from Land Acquisition	
Category	Types of Loss
Land	<ul style="list-style-type: none"> <li>• Agricultural land</li> <li>• House plot (owned or occupied)</li> <li>• Business premises (owned or occupied)</li> <li>• Access to forestland</li> <li>• Traditional use-rights</li> <li>• Community or pasture land</li> <li>• Access to fishponds and fishing places</li> </ul>
Structures	<ul style="list-style-type: none"> <li>• House or living quarters</li> <li>• Other physical structures</li> <li>• Structure used in commercial/industrial activity</li> <li>• Displacement from rented or occupied commercial premises</li> </ul>
Income and livelihood	<ul style="list-style-type: none"> <li>• Income from standing crops</li> <li>• Income from rent or sharecropping</li> <li>• Income from wage earnings</li> <li>• Access to work opportunities</li> <li>• Income from affected business</li> <li>• Income from tree or perennial crops</li> <li>• Income from forest products</li> <li>• Income from fishponds and fishing places</li> <li>• Income from grazing land</li> <li>• Subsistence from any of these sources</li> </ul>
Community and cultural sites	<ul style="list-style-type: none"> <li>• Schools, community centers, markets, health centers</li> <li>• Shrines, other religious symbols or sites</li> <li>• Places of worship (church, temple, mosque)</li> <li>• Cemeteries, burial sites</li> <li>• Rights to food, medicines and natural resources</li> <li>• Intellectual property rights</li> </ul>
Environment-related	<ul style="list-style-type: none"> <li>• Losses due to environmental impacts that might result from land acquisition or from project itself</li> </ul>

Asian Development Bank (ADB) Handbook on Involuntary Resettlement



## 2.4 Compensation

The term compensation is used in a number of other statutes. It has a well understood meaning in respect of workers' compensation. It has a different meaning from damages in the law of contract and tort. When used in the context of deprivation of land it means *recompense or amends*. It means the sum of money which the owner would have got had he sold the land on the open market plus other losses which result from the resumption. The meaning of adequate compensation has different interpretations in different countries. In United States, the market value of the subject property is generally held as just compensation for the dispossessed owner (Eaton, 1995). In UK, compensation is based on the principle of value to owner that is made up of market value together with other losses suffered by the claimant (Denyer-Green, 1994). This principle is broadly followed in most Commonwealth countries and regions such as Australia and Hong Kong (Cruden, 1986).

Compensation on the basis of replacement value still restricts it to individually owned property; the totalities of rights that are violated are not compensated. The most critical of these are the customary rights of people to natural resources that are vital to livelihood and food security; the loss of the common property resources which constitute a valuable shared productive base of the community. This highlights the need for compensation to be relocated in a framework of restitution of rights, both community and individual, beyond even replacement value.

Compensation has largely been understood to refer to specific measures intended to make good the losses suffered by people displaced and/or negatively affected by the acquisition.



Compensation usually takes the form of a one-off payment, either in cash or in kind and is principally about awards to negatively affected persons. In relation to other countries, evidence from practitioners in every country studied except UK, indicates that a standard premium is added to the valuation achieved via the statutory basis of compensation in instances where the owner is prepared to allow the State to purchase their property by negotiation; indeed, in USA, municipalities are required to prove that negotiations have failed before leave to proceed through the courts is granted (Dowdy *et al*, 1998). Compensation for lost assets, by itself, is not sufficient to address the losses faced by those involuntarily displaced. In addition to losing assets, involuntarily displaced people face substantial economic and social disruption and related costs and losses that rehabilitation and generalized safety net measures must address. Policy makers, planners, and practitioners are increasingly accepting that displaced persons should not bear any of the externality costs and that rather than trying to reduce some of the burden imposed on the displaced, the approach should focus on fully restoring, if not improving, the well-being of project-affected persons. (ADB, 1998)

A study in Aberdeen (RICS, 1995; Rowan-Robinson *et al*, 1995) also recommends that a supplement should be paid. If the compensation were seen to be more generous, it could be possible to present compulsory purchase positively to the extent that, if it were sufficiently high, owners/occupiers might welcome compulsory purchase. Various amendments to the Malaysia Land Acquisition Act 1960 provide the landowners lesser compensation such as compensation on planned use, relocation hardships and business losses. Most jurisdictions have done away with betterment, but in Malaysia the betterment clause is still in the Act

(Usilappan, 2000). The problems of compensation are more than just a matter of law and valuation; it is a matter of justice between society and man. “The word *compensation* would be a mockery if what was paid was something that did not compensate” (ALIAS *et al*, 2006).

## **2.5 Mineral And Mining Legislation And Regulation In Ghana**

**2.5.1 Regulatory Reforms in The Mining Sector:** The steady increased performance of the mining industry in the last two decades is as a result of certain policy initiatives that were taken to revamp the sector. Notably amongst them is the Economic Recovery Programme (ERP) in which the mining sector was given particular attention. In 1986 the minerals and mining law was enacted (PNDCL 153) and the Small Scale Mining Law, (PNDCL 218) in 1989 in a bit to give legal credence to small scale artisanal mining in the country. The fiscal components of the law was considered one of the most liberal at the time only surpassed by that of Papua New Guinea with generous provision of tax incentives to foreign investors which wields jurisdiction over fiscal issues of accessing land for the mining sector. The current law governing mining activities in the country is the Mineral and Mining Act, 2006 (Act 703) and the 1992 Constitution. Before the enactment of this Act, the basic law was the Mining and Minerals Law, 1986 (PNDCL 153). There were also other associated legislations and amendments but all have since been repealed by the current law, Act 703. Under the Act before the holder of the mineral right undertakes any activity or operation under a mineral right must obtain the necessary approval and permits required from the Forestry Commission and the Environmental Protection Agency (EPA) for the protection of natural resources, public health and the environment. The Environmental Protection Agency Act, 1994 (Act 490) empowers EPA to ensure compliance with the environment assessment regulations and

to prescribe standards and guidelines relating to the pollution of air, water, land and other forms of environmental pollution. The Environmental Assessment Regulation, 1999 (LI 1652) in its Environmental Impact Assessment (EIA) mandatory list included mining extraction and processing. Thus before mining activities take place, the holder of mineral right (the mining company) must carry out EIA and submit a report to EPA for approval. These measures are intended to mitigate the adverse effects of mining on the environment, sources of livelihood and the people within the operational area of mining activities (Kidido, 2007).



## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.0 Introduction**

This chapter presents the general methodology of the research. In particular it describes the Target Population, Sample Design, Data Collection Approach and Data Analysis. It also gives background information of the study area and the Corporate Profile of Newmont Ghana Gold Limited.

#### **3.1 The Target Population**

The target population was the impacted farmers/landowners and community members which have been indirectly impacted. These were people farming in the Mine Take Area of Ahafo Mining Project. The farmers held farm lands and structures which were acquired for the mining activities. It was essential that their views were sought.

The Officials of the Ministry of Food and Agriculture (MOFA), The District Assembly, Office of the Administrator of Stool Lands (OASL), Land Valuation Division of Lands Commission, Commission of Human Right and Administrative Justice (CHRAJ) and Non Governmental Organizations (NGOs) in the Asutifi District also formed an important source of data. The External Affairs Department of Newmont was also targeted, due to its close collaboration with the affected people and the fact that a lot of the staff hail from the communities and are impacted. Some local chiefs and family heads, who wield much influence over land ownership in the area and concern groups, were also contacted.

### 3.2 Sample Design and Data Collection Approach

A sample size of one hundred and twenty 120 was chosen, to enable the views of all the relevant stake holders to be adequately represented. This sample size is based on the total estimated population of the study area which is **17,616**. (Pop. & Housing Census, 2000 and DPCU projections-2004, 2006&2009) using **The Research Advisors (2006)** sample size calculator. The parameter set used are: confidence = 95% and Degree of Accuracy /Margin of Error =0.09.

A purposive sampling technique was adopted in selecting all respondents. The reason is that this research sought the opinions of people abreast with the issues on the research subject. However the perceptions of the people with fair ideas on it were not left out. The study relied extensively on the use of both primary and secondary data in addressing the set objectives of the research. Secondary data was particularly useful in establishing some critical findings. However, primary data constituted a greater source of information for the analysis. Three types of questionnaires were used for the primary data collection in this study. The first one was to collect basic information from the Affected Communities with respect to the entire land acquisition process as implemented by Newmont. The second sought the opinions (in respect of adherence to the Law and fairness) of Governmental, Semi-Governmental, Private Firms engaged in the acquisition processes and relevant Non-Governmental Organizations (NGOs). The last questionnaire was to seek specific relevant information from the company to aid in the analysis. The questionnaires were closed-ended in nature and were designed such that it does not take long for the respondent to answer.

In administering the questionnaires, a number of community persons who are staff of NGGL were interviewed. For this category of respondents, the company's Ethernet facility was used as the medium for correspondence. Whereas the opinions of key persons amongst the elders in the communities were sought, some youth leaders, Resettlement Negotiation Committee (RNC) members were also reached for their views. Random selection from the targeted groups was also done. Some vital information in respect of the dwelling places of affected people living in the community was collected from Newmont and this aided in locating the affected persons for their responses. Sampling at the resettlement site (which mainly comprised of affected persons) was carried using systematic sampling technique. The reason was that the layout of the houses has been well designed with access roads. It made it easy and reliable in resorting to systematic sampling techniques and this also made the selection more representative. Starting from a point, the first house was selected and the interval of four houses skipped and the next fifth house selected. The process continued in that order till the sample size was reached. At the end, the respondents exceeded the One hundred and twenty (120) sample size estimated with One hundred and nine (109) respondents selected from the Affected Communities and Twenty-six (26) from relevant government and private organisations totaling One hundred and thirty (135). Table 1.0 gives details of the sample selection. .



Table 3.1 Details of data collection

Details of Data Collection			
Settlement/Group	Population Projection 2009	Sample Size	Remarks
Kenyasi 1	4,630	15	RNC,Care takers,land Owners,Farmers Share Croppers, CRRC,Youth Groups.
Kenyasi 2	9586	23	RNC,Care takers,land Owners,Farmers Share Croppers, CRRC,Youth Groups.
Kenyasi No. 1&2 Resettlements		19	RNC,Care takers,land Owners,Farmers Share Croppers, CRRC,Youth Groups.
Ntotroso/Gyadu	3400	18	RNC,Care takers,land Owners,Farmers Share Croppers, CRRC,Youth Groups.
Ntotroso Resettlement Site		10	RNC,Care takers,land Owners,Farmers Share Croppers, CRRC,Youth Groups.
Newmont Staff (Local/National)		20	At different levels of Management
<i>NANANOM</i>		4	
<i>Sub-total 1</i>		<i>109</i>	
<i>Total Population</i>	17,616		
<i>Sample drawn from Organisations</i>			
NGOs		7	
Asutifi District Assemble		2	
MOFA		4	
Land Sector/LVD, OASL		3	
Lawyers / CHRAJ		2	
Private Firms		8	
<i>Sub-total 2</i>		<i>26</i>	
<b>Total Sample Size</b>		<b>135</b>	

(Based on Pop. & Housing Census, 2000 and DPCU projections-2009)

### 3.3 Data Analysis

The data obtained from the field both the primary and secondary were statistically analyzed. Tables, averages or means, frequencies, percentages and proportions were largely used. Some important comments were also used to reflect the non quantitative findings. This provided a good description and presentation of the data.



### **3.4 Background Information of the Study Area:**

#### **3.4.1 Asutifi District Overview and Location**

The district covers an area of 1,500km<sup>2</sup> and is one of the smallest districts in Brong Ahafo region. There are total of 117 settlements in the district and four traditional paramount areas, namely; Kenyasi No.1, Kenyasi No.2, Hwediem and Acherensua. The district capital is Kenyasi a twin town made up of Kenyasi No.1 and Kenyasi No.2, located 6km south of the Ahafo Mine Site and approximately 50km from the regional Capital of Sunyani. The study was however restricted to Kenyasi No.1, Kenyasi No.2, Ntotroso and Gyedu by virtue of the direct impact of the mining activities.

In the Ahafo area where the study was carried out, customary system of land ownership predominates. Within this type of ownership, the main categories of interests and rights identified are: Customary Law Leasehold (for non-agricultural purposes), Tenancy/Sharecropping Interests (for agricultural purposes *Abunu* and *Abusa Agreements*): Paramount of the above in the area is *Abunu* and *Abusa Agreements* where land owners and farmers agree to share proceeds in a predetermined ratio. ‘Abunu’ involves crop sharing into two (2) equal parts, while ‘Abusa’ is sharing into three (3) equal parts.

#### **3.4.2 District Land Use**

The district contains a repetitive mosaic of land cover composed of:

1. Farmland - newly cultivated fields, mixed food crops, and cocoa plantations
2. Fallow Land - fallow thickets, secondary forests and elephant grass
3. Settlements - homestead plots, villages, towns and roads

Farming households typically practice swidden-fallow agro-forestry, a sophisticated agricultural system that mimics natural forest cycles. Fallow land, which is uncropped land

left to recover from previous farming activities, forms an integral part of the agro-forestry system. Settlements include rural and urban homesteads, communities, roads and schools.

### **3.4.3 Local Economy and Employment:**

In 2000, Asutifi District had a population of 84,475 people, projected to grow up to 108,682 in 2009. The major economic activity in the area is agriculture. The people are predominantly farmers and their main source of livelihood is agriculture. They engage in the cultivation of food crops like maize, plantain, cassava, cocoyam, rice, vegetables and cash crops particularly cocoa. Thus the livelihood of the people is dependent on land.

### **3.5 Corporate Profile of Newmont Ghana Gold Limited**

Newmont Ghana Gold Limited holds two mining concessions in Ghana. These concessions located in the Ahafo Area of the Brong Ahafo Region and the Eastern Region, are wholly owned by Newmont. Ghana is one of five core operating districts for Newmont Mining Corporation, a leading gold producer which also has other key assets in North America, Peru, Australia, New Zealand and Indonesia. Newmont is committed to amongst others, the following international agreements and conventions: the Universal Declaration of Human Rights, The voluntary principle on Security of Human Rights, the Global Compact, the Surveillance Principles, the Extractive Industries Transparency Initiative, "Publish What You Pay" and International Council on Mining and Metals' Sustainable Development Principles. The company reports on its performance using internationally-recognized standards- such as the Global Reporting Initiative and the Institute of Social and Ethical Accountability's standard on stakeholder engagement (AA 1000). Their vision is to be the most valued and respected mining company through industry leading performance. In their mission, they

intend to build a sustainable mining business that will deliver top quartile shareholder returns while leading in safety, environmental stewardship and social responsibility.

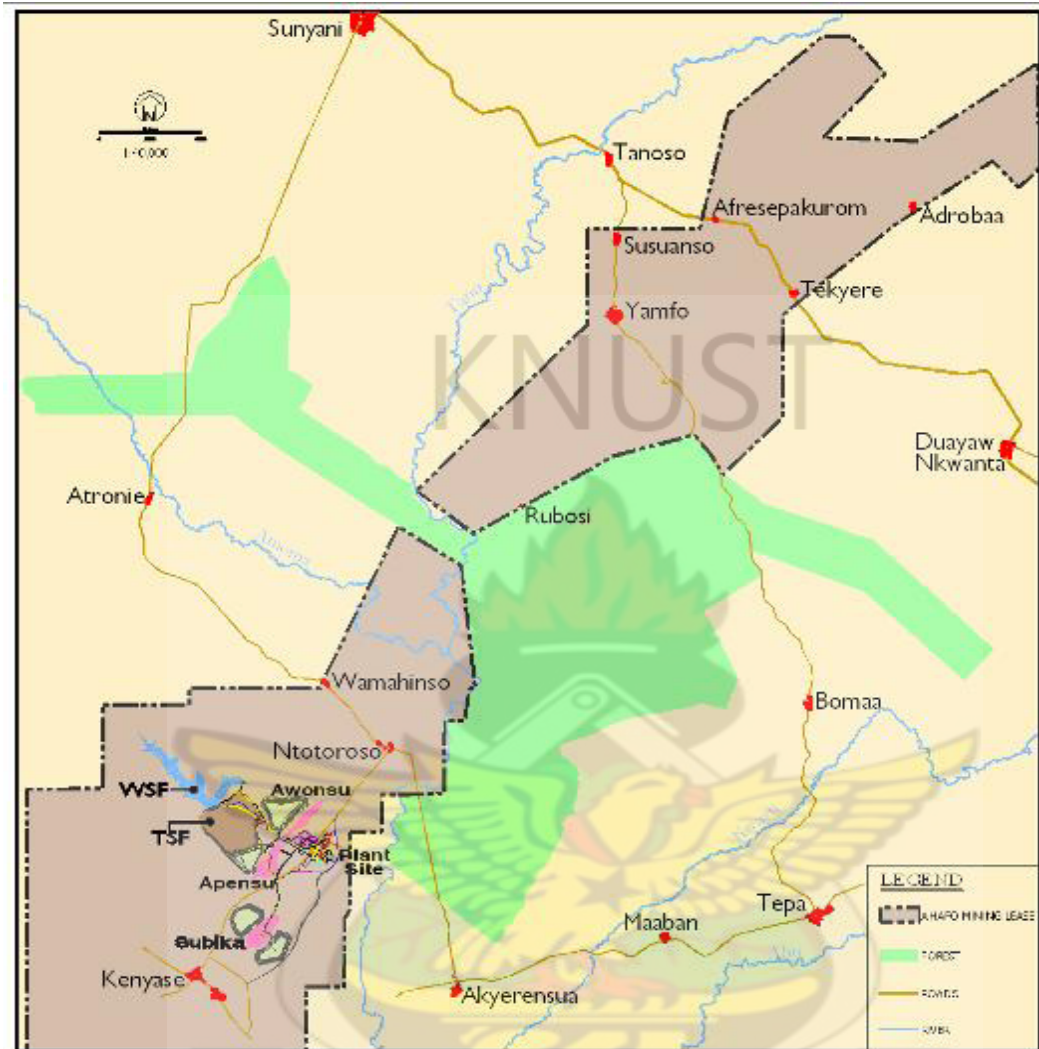
### **3.5.1 Akyem Project**

The Akyem Project is located approximately 125km northwest of Accra in New Abirem area of the Eastern Region of Ghana. With the acquisition of the mining lease in January 2010 and the required permits, the project devolvement is on going with emphasis on optimization works including value engineering efforts related to project construction cost opportunities for mining cost reduction, and improved process recovery. If all permits are secured, the project is expected to commence production in late 2013 or early 2014. The project has gold reserve of 7.2million ounces.

### **3.5.2 The Ahafo Operations**

Newmont Ghana Gold Limited's (NGGL's) Ahafo Mine is located in the Brong Ahafo Region of Ghana, West Africa. The Project Area is located approximately 300 km northwest of the capital city, Accra, 107 km northwest of Kumasi, and 55km south of the regional capital of Sunyani, as shown in Figure 3.1. It is Newmont's first African operations. The Ahafo Project currently involves 774 square kilometers of land covered by mining and prospecting licenses and 834 square kilometers of land covered by reconnaissance licenses, together with an approximate 48km strike length. It is separated into two components, Ahafo North and Ahafo South all consisting of 11pits. Active mining began at the Ahafo south mine in January 2006 with commercial production commencing in July 2006. The mine has 10million ounces of gold reserves as of December 31, 2010.

Figure 3.1 Ahafo Mine, showing North and South Areas

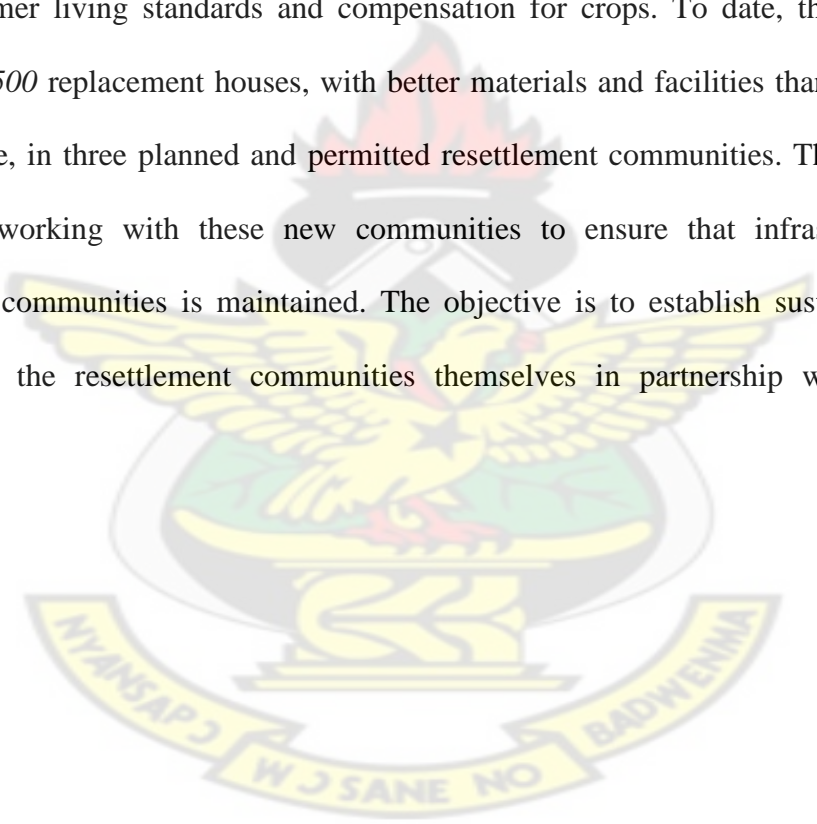


Source: Newmont Ghana RAP 2009

The Ahafo South Area extends from the Amoma Shelterbelt/Bosumkese Forest Reserve on the north and east; the communities of Kenyasi No.1 and Kenyasi No.2 on the south; and to the headwaters of the Subri and Awonsu drainages in the west (Figure 1.2). The Ahafo North Area extends from the northern boundary of the Amoma Shelterbelt and Bosumkese Forest reserves north-easterly to the known extent of the Ahafo mineralized.

### **3.4 Ahafo Mine Impacts**

To date, the Ahafo Mine area has impacted approximately over 1,705 households, in that their houses or farms were included in the mine land-take. As described in detail in the Ahafo South Project Resettlement Action Plan (NGGL, August 2005), compensation was paid to project-affected people according to parameters set by the Resettlement Negotiation Committee on the basis of non-coerced and informed consent. Compensation included full replacement cost of structures, assistance with moving personal belongings, efforts to improve former living standards and compensation for crops. To date, the Company has constructed 500 replacement houses, with better materials and facilities than had previously been the case, in three planned and permitted resettlement communities. The Company has since been working with these new communities to ensure that infrastructure of the resettlement communities is maintained. The objective is to establish sustainable systems managed by the resettlement communities themselves in partnership with the District Assembly.





## **CHAPTER FOUR**

### **PRESENTATION AND ANALYSIS OF FIELD DATA**

#### **4.1 Introduction**

This chapter presents empirical evidence on the factors that are of concern and often the source of conflicts if not properly managed during land acquisition in the mining industry. It is almost inconceivable that a major mining activity could be carried out without community-mine conflict in the land acquisition process.

The analysis is based on the data collected from Kenyasi No.1, Kenyasi No.2, Ntotroso and Gyedu in the Asutifi District of the Brong-Ahafo Region where Newmont Ghana Gold Limited (NGGL) is carrying out its mining operations.

#### **4.2 Analysis Based On Secondary Data**

##### **4.2.1 Newmont's Land Acquisition Process Compared with International Best Practices in Land Acquisition and Involuntary Resettlement**

The Gap Analysis was carried out by to fundamentally determine the fit or otherwise between the Act 703(Appendix 5) and IFC Standards (Appendix 6) and to formulate a strategy to satisfy both provisions. See Appendix 1.

##### **Gaps in the Minerals and Mining Act 703**

It is clear from the comparative analysis above that the Minerals and Mining Act 703 makes no provision for squatters. This means that if squatters are impacted in any acquisition there is no legal backing for compensation claims by them.

It is again obvious that the Act does not specify any form of assistance aside the payment of fair, prompt and adequate, but IFC requires targeted assistance in terms of livelihood supports. This certainly is needed as compensation by itself is generally believed to be insufficient recompense.

Conspicuously missing from the Act is focused support for vulnerable groups. It is an undeniable fact that vulnerable groups are the most adversely impacted in any compulsory acquisition and therefore requires particular protection by an Act like the Minerals and Mining Act. The omission is thus a major setback in the quest to restore the impacted.

Consultation and Information Disclosure: There are no specific provisions in the Act 703. However, IFC requires that resettlement activities are implemented with appropriate disclosure of information and the informed participation of those affected.

Lastly, there is no provision for Monitoring and Evaluation of the Resettlement Action Plan (RAP) in the Act as in the case of IFC. This is necessary for the effective implementation of RAP.

#### **4.2.2 Newmont's Practice Compared With Asian Development Bank (ADB) Standards**

This section compares Newmont's Land Access practice (Appendix 8) with the second selected International best practice, ADB Standards (Appendix 7). The practices of Newmont in responds to the standards were quoted from Newmont's Ahafo Resettlement Action Plan, (RAP) 2009.



- 1. Take all steps to minimize or eliminate involuntary resettlement where feasible by exploring viable alternative design options.*

Newmont's Practice: **Efforts to Minimize Resettlement** During Project development, consideration has been given to minimizing the scope of physical and economic displacement associated with the Amoma Pit Project through Design of Project Infrastructure and Approaches to Land Access & Management. (Newmont's RAP, 2009)

- 2. Define the parameters of likely resettlement at the Initial social assessment stage, and include appropriate Terms of References in the Project preparatory technical assistance Feasibility Study.*

Newmont's Practice: **Identifying Project Impacts**

The final disclosed RAP will identify all people affected by the project and all adverse impacts on their livelihoods associated with the project's land acquisition. Projected effects include: Loss of dwellings, Loss of farm buildings, and other structures (wells, boreholes, fish ponds), Loss of agricultural land, trees, and standing crops, Impeded or lost access to community resources including forest and woodland, Reduced income resulting from these losses – (Newmont's RAP, 2009)

- 3. Conceptualize and implement resettlement measures as development programs, to be part of all projects, including sector, private sector and co-financed projects, and loans to development finance institutions.*

Newmont's Practice: This document represents the Resettlement Action Plan (RAP) for the Amoma Project development at Newmont Ghana Gold Limited's Ahafo Mine, Brong-Ahafo

Region, Ghana. The purpose of developing a RAP at this stage of the Project cycle is to outline the framework for execution of the Amoma Resettlement Project as early as possible in project development. This will allow for effective disclosure to key stakeholders, and subsequent feedback and inputs, prior to completion of resettlement negotiations and implementation. (Newmont's RAP, 2009)

- 4. Complete socioeconomic surveys and census of people affected early in the project preparation to identify all losses from land acquisition and all affected persons, and to avoid an influx of outsiders or speculators.*

**Newmont's Practice: Demographic, Socio-Economic & Asset Surveys**

Comprehensive surveys are being undertaken as part of the resettlement planning process, particularly comprehensive socio-economic survey and immoveable assets survey. Questionnaire results inform the information-gathering process, providing detailed individual feedback on stakeholder comments and concerns, outside of the group format. (Newmont's RAP, 2009)

- 5. Involve all stakeholders in a consultative process, especially all affected persons, including vulnerable groups.*

**Newmont's Practice: Resettlement Negotiation Committee (RNC)**

The mandate of the Resettlement Negotiation Committee is to negotiate fair and just compensation for project-affected persons. The Resettlement Negotiation Committee was initially established for the Ahafo South Area resettlement negotiations. The RNC consists of project-affected persons, representatives of traditional leaders, representatives from government agencies, and representatives from non-governmental organizations. At the onset of the Amoma Project, the issue of adequate representation for the Amoma area was

discussed with the RNC; six additional Amoma area based representatives were subsequently elected from local communities to join the Committee. The Resettlement Negotiation Committee is consulted regularly on all aspects of the Project from initial project planning, and throughout the process. An intensive series of meetings commenced in October 2008 which marked the beginning of the negotiation process for the Resettlement Project. (Newmont's RAP, 2009)

6. *Compensate all affected persons, including those without title to land, for all their losses at replacement rates.*

Newmont's Practice: Compensation was paid to project-affected people according to parameters set by the Resettlement Negotiation Committee on the basis of non-coerced and informed consent. Compensation included full replacement cost of structures, assistance with moving personal belongings, efforts to improve former living standards and compensation for crops. (Newmont's RAP, 2009)

7. *Where relocation of housing is required, develop relocation options in consultation with affected persons and host communities, in order to restore living standards.*

Newmont's Practice: Eligible owners and their spouses will be entitled to choose a replacement residential structure ("resettlement house") and plot within the resettlement community, from the agreed designs, as compensation for the loss of residential structures that were in place as of the Entitlement Cut-off Date. (RAP 2009)

8. *Where people will lose income and livelihoods, establish appropriate income restoration programs with objectives to improve, or at least restore, their productive base.*

Newmont's Practice: **Livelihood Enhancement and Community Empowerment Program (LEEP)**. LEEP is an ongoing community development initiative, currently implemented by OICI, and funded solely by NGGL. Partners in the implementation of LEEP include the Asutifi District Assembly, the District Office of the Ministry of Food and Agriculture, and the Asutifi District Water and Sanitation Office. The goal of LEEP is to improve the livelihood, security and quality of life of all project affected households in the Ahafo project area. (Newmont's RAP, 2009)

- 9. Provide a social preparation process for people affected when they are vulnerable, or when there is social tension associated with displacement.*

Newmont's Practice: **Vulnerable Program**. The Vulnerable Program was established in January 2006, focused on directly-impacted households living within the mine area and particularly in the resettlement communities. There are currently 680 households benefiting from the Vulnerable Program. The goal of NGGL's Vulnerable Program is to provide a safety net until identified vulnerable households can become self-sufficient and resilient to economic stresses. (Newmont's RAP, 2009)

- 10. Prepare a time-bound Resettlement plan with appropriate provisions and sources of funding before appraisal, with a summary Resettlement plan before Management Review Meeting. Include a summary resettlement plan in the draft Report and Recommendation of the President to the Board.*

Newmont's Practice: This document represents the Resettlement Action Plan (RAP) for the Amoma Project development at Newmont Ghana Gold Limited's Ahafo Mine, Brong-Ahafo Region, Ghana. The purpose of developing a RAP at this stage of the Project cycle is to outline the framework for execution of the Amoma Resettlement Project as early as possible

in project development. This will allow for effective disclosure to key stakeholders, and subsequent feedback and inputs, prior to completion of resettlement negotiations and implementation. (Newmont's RAP, 2009)

*11. Involve specialists in resettlement and social sciences, and people affected, in the planning, implementation, and monitoring of the Resettlement plan.*

Newmont's Practice: **Project Resettlement Team**

“The Project Resettlement Team consists of the following: Newmont Ghana Gold Limited, rePlan Mining Consultants Ltd (Specialists in resettlement and social sciences), Borealis Inc, Opportunities Industrialization Centers International (OICI)-NGO” (Newmont's RAP, 2009)



### 4.3 Analysis Based on Primary/Field Data

#### 4.3.1 Survey Results and Discussion of Findings

Background of the Respondents

Table 4.1: The Main Characteristics of the Sample

*Total respondents is 135 which is made up of 109 from Affected*

*Communities and 26 from relevant organisations.( 135 = 109+26)*

Characteristic	Frequency	Percentage (%)
<i>Sex</i>		
Male	86	79
Female	23	21
<i>Age of respondent</i>		
<18	2	2
18-45	71	65
45-60	22	20
>60	14	13
<i>Educational Background</i>		
Literate	94	86
Illiterate	15	14
<i>Level of education</i>		
JHS/ Form 4	24	22
SHS/ Secondary School	27	25
Tertiary	41	38
<i>Marital Status</i>		
Single	19	17
Married	87	80
Divorced	3	3
<i>Origin</i>		
Indigene	64	59
Migrant	43	39
<i>Communities of Respondents</i>		
Kenyasi No.1	21	19
Kenyasi No.2	36	33
Ntotroso	19	17
Gyedu	11	10
Others	22	20
<i>Years lived in the Community</i>		
0-2	6	6
2-5	10	9
>5	93	85

Source: Field Survey, 2011



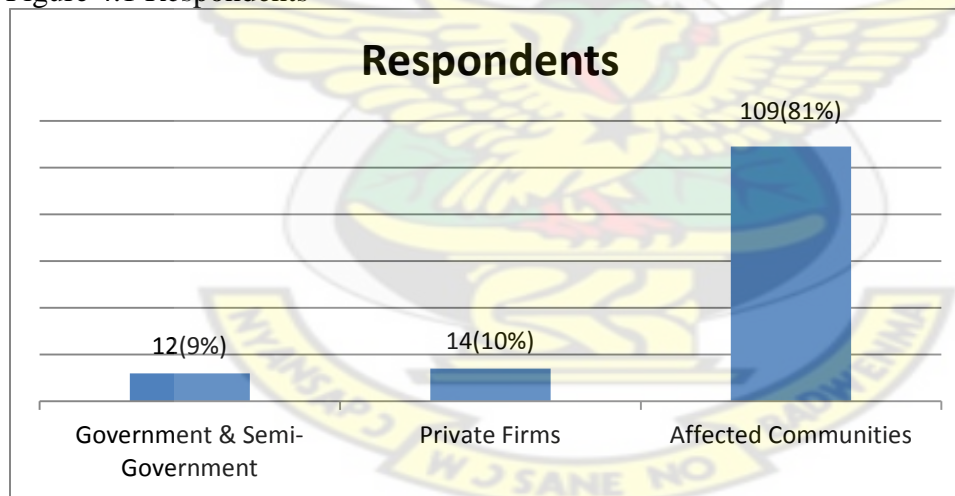
Table 4.2 Respondents From Organisations

Characteristic	Frequency	Percentage (%)
<i>Level in Organisation</i>		
Management Staff	10	38
Senior Staff	13	50
Staff	3	12
<i>Years lived in the community</i>		
0-2	6	23
2-5	13	50
>5	7	27

Source: Field Survey, 2011

As presented in Tables 4.1 and 4.2, the respondents who took part in the survey are qualified to give their opinion. This was evident from the fact that 85% of the respondents from the community had lived in the community for over five years and 77% of the organisational respondents have over two years knowledge of the process.

Figure 4.1 Respondents



Source: Field Survey, 2011

Figure 4.1 shows the nature of the participating stakeholder respondents. Twelve (12) or 9% of respondents are from governmental and semi-governmental organisations, 10% from private firms and a whopping 81% from the Affected Communities. The large respondents from the impacted communities were by design as they bear the effects of the land access

process and whose opinions were the most sought. The Governmental and Semi-governmental organisations were the Land Valuation Division (LVD), National Commission for Civic Education (NCCE), Commission for Human Rights and Administrative Justice (CHRAJ), Asutifi District Assembly (ADA), Office of the Administrator of Stool Lands (OASL) and the Ministry of Food and Agriculture (MOFA). The Private firms are those engaged in the various processes such as the Rapid and Full-Built Asset Survey, Crop Survey, Crops Assessment, cash call preparation, Non-Governmental Organisations and others.

#### 4.3.2 Determination of Project Affected Persons

Table 4.3 Project Affected Persons in the study

Issue	No. Of Respondents	Percentage %
Project Affected Persons	58	53%
Un-impacted (knowledgeable of the process)	51	47%

Source: Field Survey, 2011

From Table 4.3, 53% of the respondents are Affected Persons and 47% are those (such as Assemblymen/women, Opinion leaders, Elders of the Towns, Staff of Newmont who hail from the communities, etc) knowledgeable of the process and could comment on it.

#### 4.3.3 Status of Compensation Payment

Table 4.4 Payment of Compensation

Issue	No. Of Respondents	Percentage %
Compensation paid	55	95%
Compensation paid Not	3	5%

Source: Field Survey, 2011

It is also clear from Table 4.4 that compensation had been paid to 95% of respondents who had been impacted. It was only 3 or 5% who had not received their compensation. It is worth noting that at the time of the survey, there was an acquisition on-going and some of the respondents had just had their farms/property acquired. The study also revealed that one of the 3 APs had his land under dispute accounting for why he had not received compensation.

#### 4.3.4 Type of compensation received

Table 4.5 Type of compensation received

Issue	No. Of Respondents	Percentage %
Monetary	41	70%
Monetary & Resettlement	12	21%
Others	5	9%

Source: Field Survey, 2011

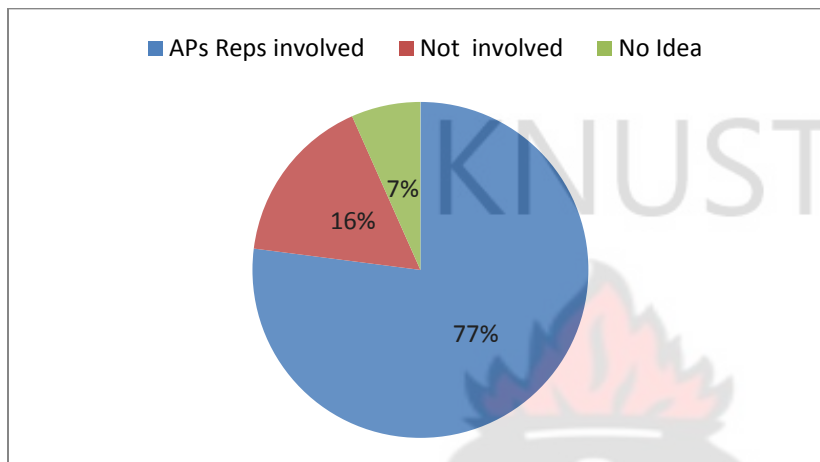
Table 4.5 above shows various type of compensation received by the farmers. Out of the 58 who were impacted 70 % representing 41 of them received monetary compensation as a result of impact on their farms or structures. 21% of them had monetary compensation and were resettled. These were farmers who were living in their villages undertaken peasant farming. The other 9%, consist of farmers who had been impacted mainly by exploration activities such as line cutting for geophysics surveys through their farms, thus these group also received monetary compensation.

#### 4.3.5 Affected Persons and or Reps Involved in determination of Compensation?

On the issues of whether or not the farmers or their representatives were involved in the determination of compensation? The Figure 4.2 below indicates that 77% of the 135 respondents knew Affected Persons (APs) had representation on the committee that determine and/or reviews compensation rates. 16% responded in the negative whereas 7%

had no idea. The 16% and 7% were persons who have been living in their villages and had little or nothing to do with the dealings of Newmont. Others fell in the category of people who had lived in the community less than 2 years.

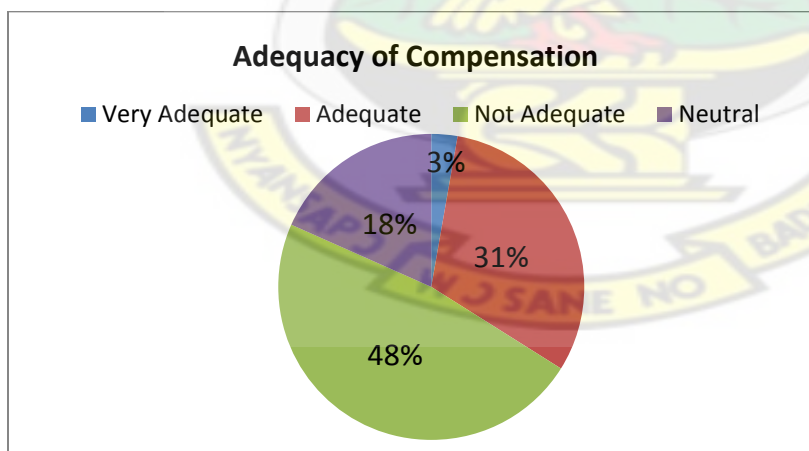
Figure 4.2 Were Affected Persons and or Reps Involved in determination of Compensation?



Source: Field Survey, 2011

#### 4.3.6 Adequacy of Compensation

Figure 4.3 Adequacy of compensation



Source: Field Survey, 2011

When asked about the adequacy of the compensation paid, the study revealed that 48% of the respondents felt it was not adequate, and advanced reasons such as: “the compensation is

highly inadequate compared with the number of years the crops or property would have survived on the land”, “the land is acquired for good, denying generations unborn its benefit” and “Not adequate compared with what the same Newmont is paying on the Akyem Project” amongst others. 31% responded it was adequate substantiating with reasons as “Compensation is based on accepted rates by both parties”, “It always involves Land Valuation Division (LVD) and for me, it suggests that the process is transparent and compensation is adequate”, “Adequate compared with what other companies are paying” and “Because it has improved the lives of many in the community”. A minority 3% did indicate it was very adequate. They commented: “Valuation process is fair” and “I have been part of decision making at RNC and knows what goes onto the determination of compensation”. However 18% were indifferent stating: “That is what has been agreed upon. I have to accept it anyhow” and “You may get an expected high capital to start a business”.

This is depicted on Figure 4.3 above. It was realised that those who stated that compensation paid was inadequate viewed land a sacred commodity which should not be sold out irrespective of the amount being offered.

#### **4.3.7 Payment of Compensation by itself Sufficient Recompense?**

Table 4.6 Payment of compensation by itself sufficient recompense?

Issue	No. Of Respondents	Percentage %
Sufficient Recompense	34	25%
Not Sufficient Recompense	101	75%

Source: Field Survey, 2011

When the question was posed, would payment of compensation by itself be sufficient recompense? As shown in Table 4.6, majority of respondents (75%) believe compensation by itself cannot be sufficient recompense. This is consistent with the answer to this question by

Asian Development Bank: “Not necessarily. Most governments have policies, laws, and regulations requiring compensation for people losing assets, yet these might not be sufficient to restore livelihoods and living standards as required by Bank’s policy. Generally, to meet the Bank’s policy to restore the economic and social base, people losing livelihood need three things: compensation for lost assets and income; transfer and relocation assistance; and help to rehabilitate and restore their lives. Compensation at replacement rates would usually suffice if neither livelihood nor housing is threatened.” (Asian Development Bank, 1998)

#### 4.3.8 Willingness to give land to Newmont in future?

On whether AP’s would be willing to give their farm/lands to Newmont in future land take? Table 4.7 reveals that 51% of the respondents were willing to give their lands to Newmont in the future. In explaining their position, they advanced the following reasons amongst others: “I know the developmental benefits that responsible mining brings to a community. I believe Newmont pays appropriate and sufficient compensation for taking over land” , “Newmont has the necessary permit from Government and agreement with traditional authorities, who am I to restrain them?” and “Will generate capital to expand or start a new business”. Equally the 49% who declined given their lands out in future land acquisition gave the following reasons: “Compensation not adequate to secure future”, “I’m happy working on my land, I don’t need onetime payment”, “All our fertile lands are being taken over”, “the land is for generations unborn” and “Land degradation in a short time”

Table 4.7 Willingness to give land to Newmont in future

Issue	No. Of Respondents	Percentage %
Yes	56	51%
No	53	49%

Source: Field Survey, 2011



Comparing this responds to the adequacy of compensation Table 4.8 below, it could be deduced that not adequate is 48% which compares favorably with 49% who said they will not give their lands out. According to (Buang, 2001); (Usilappan, 2000); (Xavier,1999),” if the compensation were seen to be more generous, it could be possible to present compulsory purchase positively to the extent that, if it were sufficiently high, owners/occupiers might welcome compulsory purchase.” It could be concluded that those who thought compensation was not adequate may have objected to future land take by Newmont.

Table 4.8 Perception on adequacy of compensation

Issue	No. Of Respondents	Percentage %
Very Adequate	3	3%
Adequate	34	31%
<i>Not Adequate</i>	52	48%
Neutral	20	18%

Source: Field Survey, 2011

#### 4.3.9 Ascertaining whether respondents have benefited from Newmont Livelihood Re-establishment Program

As to whether those impacted have benefited from Newmont Livelihood Re-establishment Program, Table 4.9 reveals that 46 of the 58 respondents impacted, representing 79% had received the livelihood reestablishment benefits while 12 or 21% were yet to receive.

Table 4.9 Benefited from Newmont Livelihood Re-establishment Program

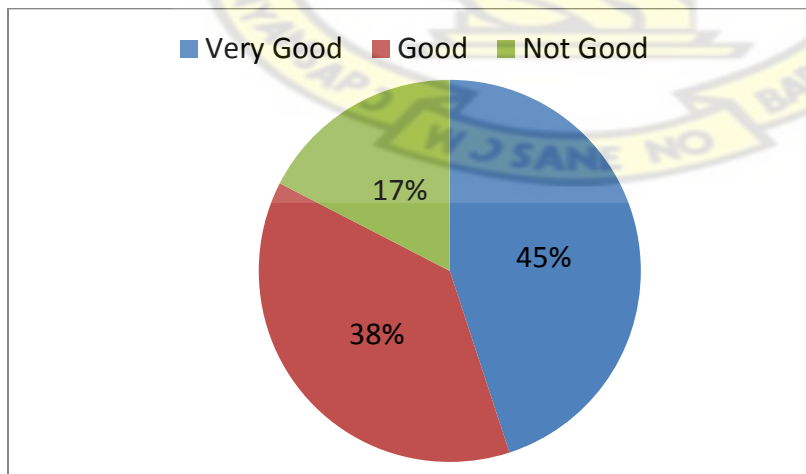
Issue	No. Of Respondents	Percentage %
Benefited	46	79%
Not yet benefited	12	21%

Source: Field Survey, 2011

#### 4.3.10 Perceptions on Livelihood Re-establishment Program

When asked how they perceived the Livelihood Re-establishment Program, 45% of the respondents agreed that it was very good giving bases as: “It provides food security and source of income for sustainability of APs”, “It has enhanced the lives of community members” and “I am a beneficiary and say so from experience.” The 38% who considered it as good stated: “APs have benefits in terms of inputs in the form of crops, animals and birds”, “The programme is simply good but should be improved in terms of the farm size” and “it has helped a lot of people to be self sufficient”. The 17% who said it was Not good according to Figure 4.4 below commented: “The breed of sheep supplied by OICI are foreign and do not thrive in our environment”, “Farm inputs for the livelihood programme are supplied too late in the season” and “looking at the large number of family members, no amount of livelihood benefit will suffice than for the company to employ members from affected family” amongst others.

Figure 4.4 Perceptions on Livelihood Re-establishment Program



Source: Field Survey, 2011

#### **4.3.11 Perception of the respondents on whether the Livelihood**

##### **Re-establishment Program, additional compensation?**

There was the need to ascertain the views of the respondents on whether the Livelihood Re-establishment Program was additional compensation or not; and these were their opinions as shown in Table 4.10, 67 or 61% of the community respondents of 109 felt it was an addition to the compensation and 39% said it was not additional compensation. Those who felt it was an addition to the compensation paid, explained, that once it is offered to only AP's and not any community member, it cannot, but be an addition to the compensation paid. This view is not very different from 61%'s view.

Table 4.10 Perception of the respondents on whether the Livelihood Re-establishment Program was additional compensation

Issue	No. Of Respondents	Percentage %
Additional Compensation	67	61%
Not Additional Compensation	42	39%

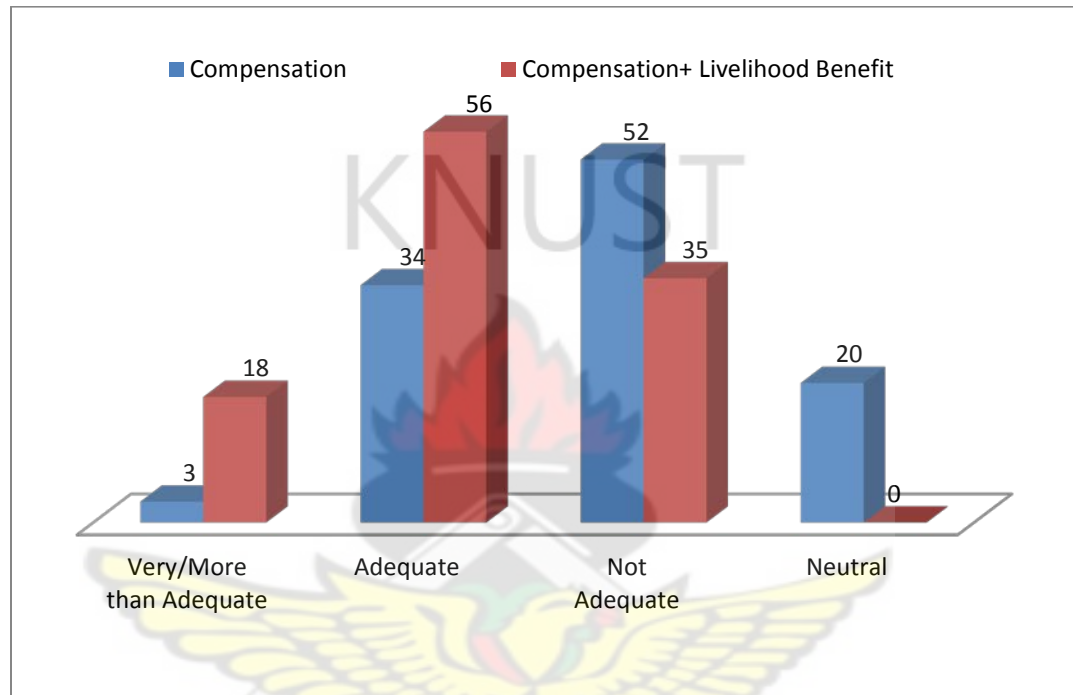
Source: Field Survey, 2011

#### **4.3.12 Compensation and when Livelihood benefit is considered additional compensation.**

As indicated in Figure 4.5, which makes a comparison between compensation and when livelihood programme is considered additional compensation; If Livelihood Re-establishment Programme is considered additional compensation, the number of the respondents who regarded compensation as Very good increased from 3 to 18, those who regarded it as good increasing from 34 to 56 and those who think compensation is not adequate dropped from initial 52 to 35. The Neutral stance was not asked in the second instance (series 2) and so not

possible to compare. In general there was general shift towards adequacy when livelihood program was considered additional compensation.

Figure 4.5 Comparison of compensation and when Livelihood benefit is considered additional compensation



Source: Field Survey, 2011

#### 4.3.13 Respondents' knowledge of Act 703 and source of knowledge

Table 4.11 Respondents with knowledge of Act 703

Issue	No. Of Respondents	Percentage %
Aware of Act 703	103	76%
Not aware of Act 703	32	24%

Source: Field Survey, 2011

Table 4.12 Source of knowledge

Issue	No. Of Respondents	Percentage %
Government	19	14%
Newmont	64	47%
others	20	15%
No Idea	32	24%

Source: Field Survey, 2011

Based on Table 4.11, 103 or 76% of the respondents had knowledge of the New Minerals and Mining Act 703 of 2006 whereas 24% knew nothing about it. And of those with knowledge about the Act, 19 or 14% of them heard it from Government sources, 47% claimed they got to know of it through Newmont's efforts and 15% heard it from other sources such as friends/ neighbours etc. This gives an indication that Newmont has made efforts to let the people in the catchment areas know of the Act. However with the figure being just 47% means there is still a lot of work to be done.

#### **4.3.14 Advantage(s) and or disadvantage(s) of the New Minerals and Mining Act of 2006 (Act 703)**

When inquired of the advantage(s) and or disadvantage(s) the New Mining and Mineral Act has brought to impacted persons in terms of compensation, the respondents had this to say; now there is payment of deprivation of use of land for both cropped and uncropped lands. For them, this was an advantage and improvement over the previous law. They however, quickly added that, "the Mining Area declaration was bad and should not be implemented by Newmont as it restricts them access to land when the area has not been paid for". They even suggested its possible removable from the Act 703.

#### **4.3.15 Is Newmont implementing the Act 703?**

To ascertain whether Newmont is implementing the Act 703, the question was posed: "as to whether the respondents or any person known to them had benefited (in terms of compensation) from the New Minerals and Mining Act 703"? The responds is as indicated in

the Table 4.13 with 65% of them either having benefited directly or aware of someone who has benefited from it (in this case having received deprivation of land use).

Table 4.13 Knowledge of benefit from Act 703

Issue	No. Of Respondents	Percentage %
Knowledge of benefit from Act 703	71	65%
No Knowledge of benefit from Act 703	38	35%

Source: Field Survey, 2011

#### 4.3.16 Knowledge of Mining Area and Moratorium declaration

Table 4.14 Knowledge of Mining Area declaration

Issue	No. Of Respondents	Percentage %
Mining Area	81	74%
No idea	28	26%

Source: Field Survey, 2011

Table 4.15 Knowledge of Entitlement Cutoff date declaration (Moratorium)

Issue	No. Of Respondents	Percentage %
Moratorium	92	84%
No idea	17	16%

Source: Field Survey, 2011

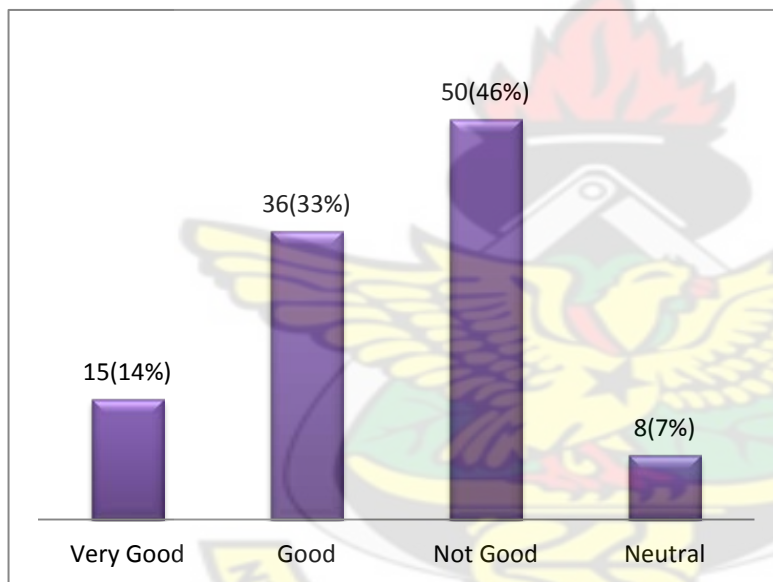
Tables 4.13 and 4.15 represent respondents who were knowledgeable in the Act 703 concerning the Mining Area declaration and Moratorium declaration. Accordingly 74% of the community respondents had knowledge in the Mining Area provision of the Act and 84% knowledgeable in the Moratorium or Entitlement Cutoff date. For the Mining Area concept which is relatively new, it is encouraging that 74% of the respondents were aware of it. This may be attributed to two factors: 1) that Newmont has Patrol and Monitoring Teams in the areas declared as “Mining Areas” who patrol daily and educate the community on the



concept. 2) It may also be as a result of the unpopular nature of the concept in the community. Moratorium or Entitlement Cutoff date determination and enforcement has been operational since the inception of Newmont's activities and ought to have scored a higher mark.

#### 4.3.17 Perceptions of the implementation of the Mining Area and Entitlement Cut of Date (Moratorium) provisions in the Act 703 by Newmont

Figure 4.6 Perceptions of the implementation of the Mining Area and Entitlement Cut of Date (Moratorium) provisions in the Act 703 by Newmont



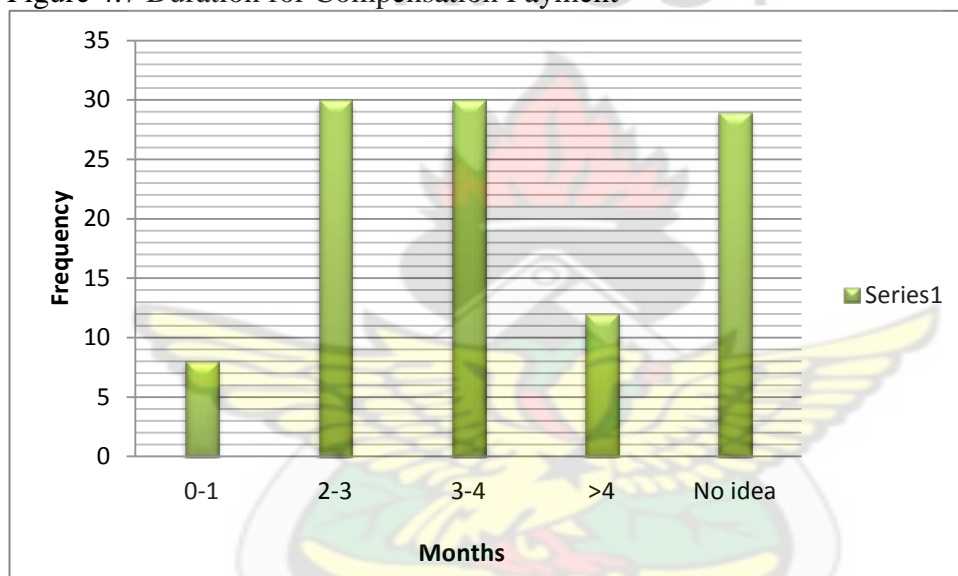
Source: Field Survey, 2011

When the opinions' of the respondents were sought about the implementation of the Mining Area and Moratorium concept of the Act, respondents were divided over the issue sighting various reasons for their choice of answers. For example those whose answered Very good stated that: "it creates awareness for the people to know the position of the company with respect to tracts of thereby avoiding conflict in the land use with the community" and "Any Land acquired is paid for". Typical reasons for those who answered Good are: "it prevents

speculative farming and building”, “The process is well understood and so I have to accept it”. The Not Good respondents gave reasons such as: “The Mining Area prevents us from the use of our own land for whatever purpose we want when it had not been acquired”, “If Newmont is not ready to pay, they should not place any restrictions, “Denial of planned use” and “It is only an advantage to Newmont” amongst others.

#### 4.3.18 Duration for Compensation Payment

Figure 4.7 Duration for Compensation Payment



Source: Field Survey, 2011

As depicted in the Figure above, only 8 or 7% claimed they received their compensation within a month. 30 of them claimed the duration was between 2-3 months and this represented 28% of the respondents. An equal number of 30 respondents put the duration between 3-4 months. 12 (11%) felt it takes more than 4 months whereas 29 (27%) had no idea of the duration. Newmont agrees hitherto, it took much longer time but has now reduced the duration to within a month upon the receipt of chit or assessment. Of those who claimed they received it within a month, said so with respect to current compensation payment. In the words of one of them: “Oh, nowadays it doesn’t take long for it to be paid, unlike at first”.

Indeed of those who cited two months and above they could hardly recall the duration but stated that it does keep long. These were those who had been impacted in the early days of the Mine's operations. It remains to be seen what future research will review.

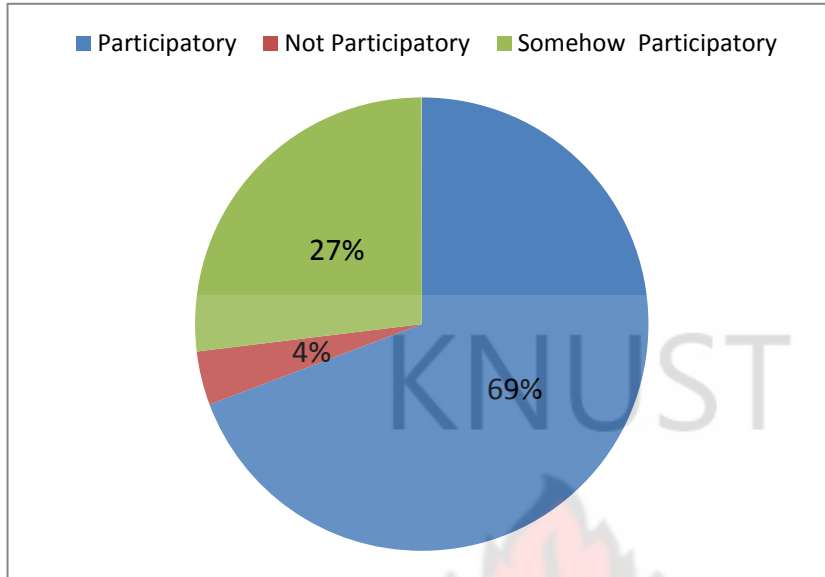
#### **4.3.19 Analysis of Organisational Responses**

This section continues with the analysis of the responses to the questionnaires prepared for organisations. Whereas some of the questions were common in both questionnaires and had been discussed already, the rest for the organisations are discussed below.

#### **4.3.20 Mining Area and Moratorium Concept of Newmont's Land Acquisition.**

When asked whether the Mining Area and Moratorium Concept of Newmont's Land Acquisition had been participatory? Figure 4.8 below highlights the responses. As high as 69% felt it was participatory citing reasons like: "Government Organisations are involved", "Moratorium dates are fixed by the company together with Resettlement Negotiating Committee (RNC)", "I have been involved in it for the past 4 years" says a rep from Land Valuations Division and "There is a cross-section dialogue involving all relevant parties before a moratorium is declared" amongst others. The 27% who felt it was somehow participatory had this to say: "There has always been misunderstanding between the 2 parties", "Because some of the stakeholders are not involve", "decisions of RNC are somehow respected". 4% representing 1 of the organisations specifically the District Office of the Administrator of Stool Lands (OASL) answered in the negative as they have not been part of any of Newmont's Activities at the district level.

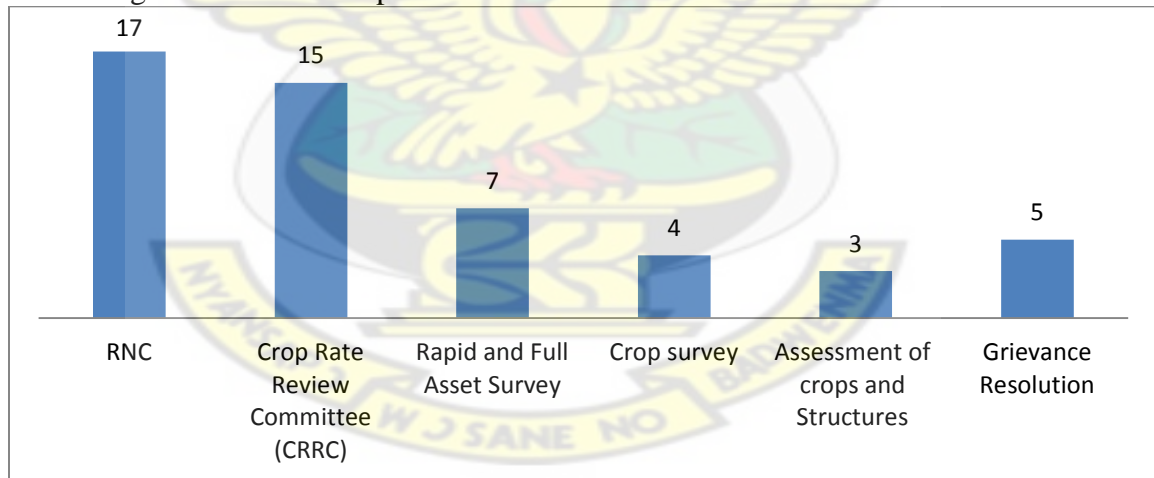
Figure 4.8. Mining Area and Moratorium Concept of Newmont's Land Acquisition participatory?



Source: Field Survey, 2011

#### 4.3.21 Organisational Participation of Newmont's Land Access Activities

Figure 4.9 Organisational Participation of Newmont's Land Access Activities



Source: Field Survey, 2011

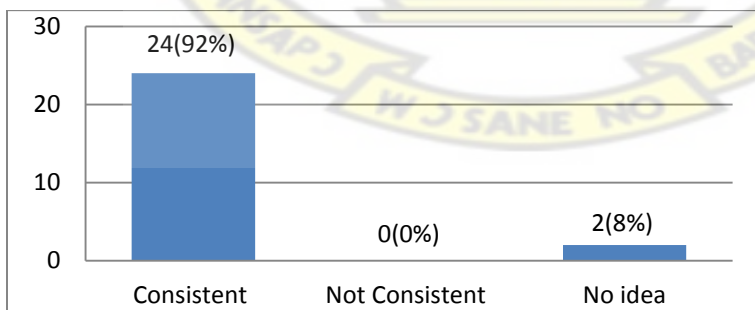
Figure 4.9 gives a picture of the participation of the various stakeholders in the land access activities. Undoubtedly, RNC has the highest score and this explains the broad base nature of the committee. It is the main decision making body with respect to land acquisition and relocation/resettlement. The Crop Rate Review Committee follows with 15 of the

respondents participating in it. Arguable, this is one of the sensitive committees whose decision goes a long way to determine the adequacy of compensation paid by Newmont. It is also broad based encompassing all relevant stakeholders. The rest, Rapid and Full-Built Asset Survey, Crop Survey, Assessment of Crops and Grievance Resolution are technical in nature and do require only the expertise of the relevant stakeholders therefore their respective figures of 7,4, 3 and 5.

#### 4.3.22 Consistency of Newmont's Process with Act 703

The opinions of 12 governmental and private organisations were also sought in respect of the consistency of Newmont's Land Access Processes with the Act 703 and the responses are represented in Figure 4.10 below. As high as 92% of the organisational respondents agreed that the process was consistent with the Act whereas a minority 8% had no idea about it. This response is highly significant in this study as is one of the overall aims. For the organisations to have scored Newmont 92% show that indeed Newmont is implementing the provisions in the Act. Responses to other questions in the Act attest to this. No one reported it was not consistent with the Act and this is also worth noting.

Figure 4.10 Consistency of Newmont's process with Act 703



Source: Field Survey, 2011

#### 4.3.23 Government's involvement in the Newmont's Acquisition Process

Table 4.16 Government's involvement in the Acquisition Process

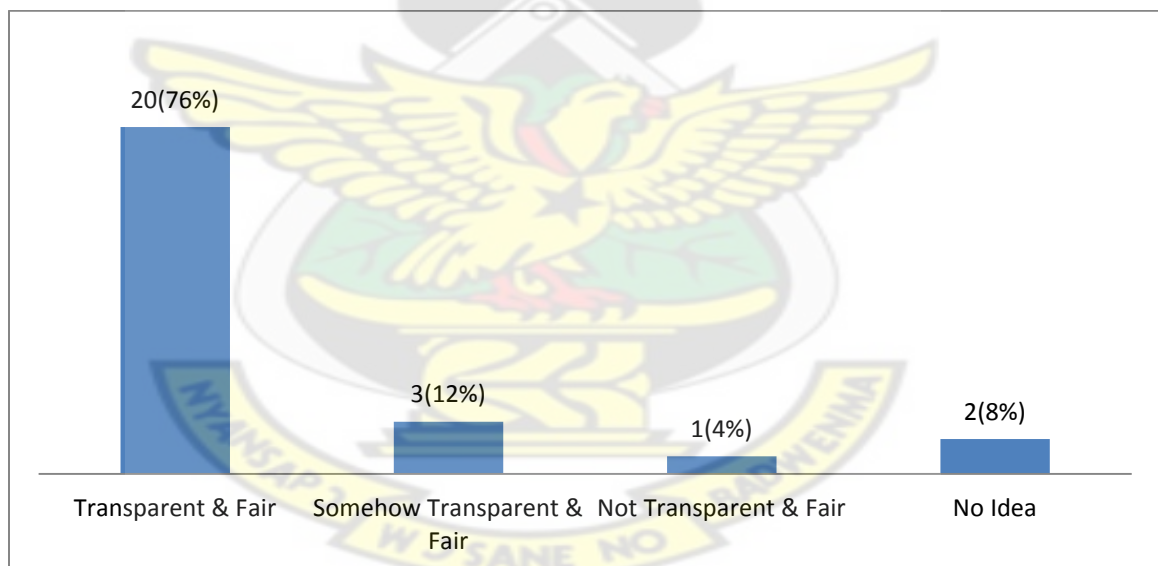
Issue	No. Of Respondents	Percentage %
Deeply involved	9	35%
Involved	15	57%
Not involved	2	8%

Source: Field Survey, 2011

Table 4.16 in a way, confirms the results of consistency with the Act 703 as above 90% think that government is either deeply involved or involved and only 8% think government is not involved.

#### 4.3.24 Opinions on the transparency and fairness of the Acquisition process

Figure 4.11 Opinions on the transparency and fairness of the Acquisition process.



Source: Field Survey, 2011

Based on feedback from the survey, 76% felt there is transparency and fairness in the acquisition process citing reasons such as: “There is a Crop Rate Review Committee that involves the farmers and other stakeholders”; “during crop surveys, the farmers are present to show their boundaries and also present are community reps, RNC members, the chief farmer



or his rep”. Others are that: ”the process is based on informed consent whereby the company even goes to the extent of building the capacity of community negotiators”; “The negotiation is between the company and representations from the various impacted communities” and that: “The views of the impacted individuals are taken in consideration”. 12% were of the opinion that to some extent there is transparency and fairness and stated that “the committees are always dominated by Newmont officials and that it is in part, all inclusive”. 4% felt there was no transparency and fairness as Newmont always takes an entrenched position. 8% had no idea about it.

#### **4.3.25 Opinions on speculative activities in the Concession**

Table 4.17 Opinions on speculative activities in the Concession

Issue	No. Of Respondents	Percentage %
Speculative Activities	25	96%
No Speculative Activities	0	0%
No idea	1	4%

Source: Field Survey, 2011

Respondents agreed with 96% consensus that there are speculative activities in the concession. This is in concordance with what has been reported in the RESETTLEMENT ACTION PLAN AMOMA PROJECT which accordingly states that:”The amount of speculative building recorded in the Amoma Project Area is very significant. NGGL conducted a survey of the Amoma Project Area in July 2007 which recorded only 209 buildings. The asset surveys in the Amoma Project area following the declaration of the Moratorium Date on June 16th 2008, recorded approximately 1,159 structures. These were built prior to and after Moratorium Date. It is therefore estimated that over 1,000 structures were constructed in the Amoma Project area between August 2007 and August 2008 with the

majority of these being constructed just prior to and after the Moratorium Date. Speculative housing in the Area typically is unoccupied, or only recently occupied, with very little land cleared around the buildings. The quality of the structures built in the area range from very rudimentary with plastic walls and roofs to substantial landcrete and wooden buildings.”

#### **4.3.26 Opinions on Speculative activities being cause of Controversies**

In finding out whether attempts by speculators to reap undue benefit from the Company could be the source of conflict? Respondents’ judgments are as indicated in Table 4.18 below. While 27% felt it was the source, 62% felt to some extent it may be the cause and only 11% thought it had nothing to do with the controversies that do arise in Newmont land acquisitions. It is worth noting that with only 11% suggesting that speculative activities has nothing to do with it implies that 91% think it is linked to it somehow. Together with this, it is evident that the way Newmont manages issues relating to speculative activities is paramount in the quest to eliminate community-mine conflict.

Table 4.18 Opinions of speculative activities being cause of controversies

Issue	No. Of Respondents	Percentage %
Yes	7	27%
To some extent	16	62%
No	3	11%

Source: Field Survey, 2011

#### **4.3.27 Cause of Controversies in the Land Acquisition Process**

The respondents were also requested to give their opinions on what could be the cause(s) of controversies in the Land Acquisition Process. Their views ranged from inadequacy of Compensation paid; non transparent declaration of Mining and Moratorium Areas and lack of

understanding of the entire land access process by Affected Persons APs. Again, that, Newmont uses committees but decisions reached at meetings do not get effectively communicated to the APs; Sentimental attachment to land in that land belongs to the living and the unborn and should not be sold out for destruction by mining companies. Others cited speculative activities to reap undue benefit from Newmont as a cause. The rest were that, reps of APs do not normally meet with their constituents to brief them on outcomes of the meetings; and high and unrealistic expectations of APs.

#### **4.3.28 Roles Organisations can Play to eliminate controversies during Newmont land take/ or acquisition exercise.**

The responses to this question were many and varied depending on the organisation and are as follows: Help educate the farmers and ensure they undertake the Livelihood Re-establishment Programme. By continuously educating affected communities about the compensation process; Ensure prompt payment of compensation to compensates (Davicray, Firm aiding in processing of chits); help in resolving disputes before they degenerate into major conflicts (CHRAJ), Champion the education of the communities in general about the land access processes and the new minerals and Mining Act 703 (NCCE); Since it is a local organisation it should always be involved in all meeting relating to land access and its views considered (GEV- Local NGO); Ensure crop surveys are accurately carried out (A-M/Aaml. Surveys; Survey Company ). Ensure APs do undertake the Livelihood Re-establishment Programme by our continue supervision and also ensure the interest of farmers are advanced in all committees that have MOFA representations - Ministry of Food and Agriculture (MOFA).

#### **4.3.29 General comments for the improvement of land acquisition processes.**

In addition to the structured questions, the respondents were also encouraged to give their further comments on any other aspects regarding Newmont's land acquisition. Some respondents had given their comments which were summarized as follows:

- a) Ensure informed consent for all project affected persons as well as project affected communities. Continue to drive changes in the Mining Act to ensure common understanding at the National Level.
- b) Those people chosen to represent the affected persons at various discussions should have a certain level of understanding of the process so that they can provide appropriate feedback to the affected persons.
- c) By referring all aggrieved persons or grievances to the grievance unit for quick resolution to avoid it degenerating into conflicts.
- d) OASL at the district level should be involved to educate resettlers (lessees) about ground rents to avoid confrontations with OASL staff when it is due.
- e) Speculative activities should be carefully managed
- f) The process is good and should be adopted by other mining companies.
- g) The LI for the Act 703 should be developed to clarify the guidelines spelt out in the Act.

#### **4.4 Corporate Social Responsibilities of NGGL and Measures Taken to Mitigate the Impact on People**

The company in recognition of the impacts of its activities on the people in the Project catchment's areas and as part of its corporate social responsibilities towards community development has initiated some projects and taken some measures. This is aimed at mitigating the impact and thus ensures total development of the Project Area and beyond.

#### **4.4.1 Agricultural Improvement and Land Access Programme (AILAP)**

The goal of the Agriculture Improvement and Access Programme is to reestablish or exceed pre-project levels of crop productivity and ensure compensated farmers have access to land. The programme is confined to farmers who received crop or building compensation in the Mine Take Area. Assistance packages include agricultural inputs for up to 2 acres of land and broadly consist of land clearing and a menu of inputs of seeds, suckers, seedlings, fertilizers, and weeding, insecticide, weedicide and extension services. Crops packages are offered to farmers according to prefer combinations of food and cash crops. These include; Maize, Cassava, Plantain, Vegetables, Chilly pepper, Citrus, Oil palm, Hybrid Cocoa, Rice, Cowpea, and Soybeans.

NGGL is facilitating land access for every person compensated for cropped land or building and that, at present, does not have access to land for cropping. The farmers are given support to enter into a sharecropping agreement with landlords under the Abunu system. Land access fees are given to farmers as incentives. Sharecropping agreement duly entered by a farmer is supported with a land access fee per acre for a maximum of 2 acres. Further, the company has established Land Administration Office which is responsible for land registration and monitoring of farmers. The Ministry of Food and Agriculture (MOFA) and Opportunities Industrialization Centers International (OICI) are partners under the programme responsible for implementation and oversight. MOFA Extension Officers are providing services toward effective distribution of inputs and improved farming techniques. Some of the farmers interviewed, who, had acquired new lands did so under the programme. To date impacted



farmers all have benefited from the program with the exception of those who have just been impacted by new acquisition.

Famer Day is annually organized by NGGL under carefully chosen themes. Hard working famers in all facets of the programme are carefully selected and awarded often with farm inputs.

#### **4.4.2 Livelihood Enhancement and Community Empowerment Programme (LEEP)**

NGGL through OICI, has implemented LEEP which is an ongoing community development initiative, funded solely by NGGL. Partners in the implementation of LEEP include the Asutifi District Assembly, the District Office of the Ministry of Food and Agriculture, and the Asutifi District Water and Sanitation Office. The programme is intended to enhance the livelihood of people in the mine area. It targets households that are physically displaced and resettled or relocated by the project. Capacity building is given prominent attention under the programme. In line with that, NGGL has successfully established in 2004 a training center at Yamfo in partnership with National Vocational and Technical Training Institute. Yamfo training center is to equip the people most especially those who are economically displaced by the project with employable skills. According to NGGL, over 2,500 local people have participated in the training. The skills training include apprenticeship, soap making, construction i.e. masonry, joinery etc. On a similar line NGGL in conjunction with Opportunities Industrialization Centers International (OICI) has revamped the Gyedu Vocational /Technical Institute in Gyedu and has trained over 500 youth in the catchment area since 2006. The company is also developing social programmes and infrastructure to improve quality of life and promote community empowerment in those areas, which are experiencing secondary or indirect impacts from the development of the project.



#### **4.4.4 Money Management**

NGGL's NGO community development partner delivers comprehensive money management course to all project-affected persons/households. The course is designed to help impacted persons apply compensation payments appropriately in support of sustainable livelihoods. Series of money management and micro-enterprise development training courses have also been run in every one of the mine's catchment communities. NGGL offers a training allowance to ensure all project affected persons/households can participate in these courses, which is dependent on attendance.

#### **4.4.5 Grievance Procedures**

NGGL has put in-place a Standard Operating Procedure (SOP) that seeks to manage complaints in a planned systematic three order Mechanism. This is to facilitate the speedy resolution of disputes and grievances, and also to promote trust and build a positive rapport between NGGL and its external stakeholders.

#### **4.4.6 Employment**

The Company has a well-established proactive local recruitment policy, with a complementary skills training program. This policy is integral to the operation of the Company's Human Resources Department. A Local Supplier and Contractor Development Unit has been established, as part of NGGL's Ahafo Linkages Program, which seeks to increase services and contracts sourced from local suppliers. The Program provides training and mentoring support to local entrepreneurs and vendors. The company's activities have offered a lot of employment opportunities to the local people particularly during the construction stage. NGGL at its construction stage engaged over 3,000 people. Over 1,500 people from among all the 18 communities and hamlets in Ahafo where the mining

concession is located were engaged by the company at the construction stage. It worth noting, that with construction stage over now, most of the unskilled people have been laid off. Essentially, the influx of people to Kenyasi to exploit the opportunities has remarkably resulted in the booming of business activities. Again most of the unskilled people are now engaged in *Glamsey* activities in the company's concession. The company also purchases vegetables and other foods, and wood products such as furniture and other items through the Ahafo Linkages Program. This has consequently offered employment opportunities to the local people through small scale businesses as sales are flourishing.

#### **4.4.7 Royalties**

Since late 2006 to date, Newmont Ghana has paid royalties totaling US\$70,199,390.73 (GHC 90,222.262.00), in addition to other direct financial benefit paid directly to the government and to the Ahafo communities. Newmont Ghana's presence also brings other economic benefits through salary payments to over 5,000 employees and contractors, purchase of goods from local and national suppliers and community development programmes. This includes an amount of US\$341m paid to Ghanaians and Ghana owned companies in 2010 and a total, thus far, of almost US\$7.5m paid to the Newmont Ahafo Development foundation for community development. Newmont Ghana Gold Limited on the 29<sup>th</sup> April 2011, the company paid \$7,649,44.83 (GHC11,428,276.55) to the Ghana Government's Internal Revenue's Large Tax Payer Unit in Osu in Accra. This amount represents royalty on 183,287.47 total ounces gold sold by the Ahafo Operations for the First Quarter of 2011. (Daily Graphic May, 2011)

The Asutifi District Assembly, the state and appropriate traditional authorities in the concession area all have a stake in the royalties. The royalties, corporate tax and property tax would enhance tremendously the revenue base of both the central and local government for the overall development of the country.

#### **4.4.8 Community Development Fund**

The Company has established a Community Development Fund based on \$1 per ounce of Gold sold and 1% of gross profits.



## **CHAPTER FIVE**

### **SUMMARY OF ANALYSIS, RECOMMENDATIONS AND CONCLUSIONS**

#### **5.1 Introduction**

This chapter presents a summary of findings, recommendations and conclusions on the effects of implementation of the Land Acquisition Provision of the Minerals and Mining Act 2006, on the communities in which they operate. Data gathered have been discussed in the preceding chapter, summary of findings, recommendations and conclusions are presented below.

#### **5.2 Summary of Findings**

##### **5.2.1 Gaps in the Minerals and Mining Act 703**

From the analysis, it was released that that the Minerals and Mining Act 703 had no provisions for a number of issues bordering on compulsory acquisition and Compensation which the IFC standard 5 had stressed. These issues are as follows:

- (a) Squatters Rights: IFC recognizes squatters' rights before entitlement cut- off regardless of legal tenure whereas no provisions are spelt out in the Act for squatters.
- (b) Livelihood and Resettlement Assistance: The Act 703 is silent on Livelihood and Resettlement Assistance to Affected Persons whereas IFC makes provision for additional targeted assistance (e.g. credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income earning capacity, production levels and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected.
- (c) Vulnerable Groups: No provision in Act 703 for Vulnerable Groups however IFC requires focused measures for the vulnerable groups.

(d) Consultation and Information Disclosure. No specific provisions meanwhile IFC ensure that resettlement activities are implemented with appropriate disclosure of information, consultation and the informed participation of those affected.

(e) Monitoring and Evaluation; Again the Act 703 makes no provision for the Monitoring and Evaluation of resettlement action plan but IFC requires effective monitoring and evaluation of the effectiveness of Resettlement Action Plan implementation

### **5.2.2 General findings**

Newmont's practice of Land Access was found to be consistent with Act 703 and other International best practices Provisions. It was generally judged to be transparent and fair. Adequacy of compensations paid was thought of as fairly good by respondents as it was given a score of a little above 50%. The Mining Area concept in the Act 703 received strong criticisms with some calling for it to be repelled. Last but not least, respondents generally agreed that speculative activities in the concession could be the major cause of conflicts during land acquisitions.

### **5.3 Recommendations**

Base on the discussions in the previous chapter the following recommendations:

(a) Newmont should intensify education via community durbars / fora, community consultations and other innovative ways to get the communities to understand land acquisition issues. Eg, the use of Local FM stations in the Affected Communities to inform the communities of important land Access issues.

- (b) Newmont should ensure informed consent for all project affected persons as well as project affected communities. Continue to drive changes in the Mining Act to ensure common understanding at the National Level
- (c) The Livelihood – Reestablishment Programme should be continued in an enhanced way.
- (d) That all aggrieved persons or grievances be referred to the grievance unit for quick resolution to avoid it degenerating into conflicts.
- (e) That important decisions reached at RNC meetings gets effectively communicated to Affected Persons and the community at large.
- (f) That the Office of Administrator of Stool Lands (OASL) at the district level should be involved to educate resettlers (lessees) about ground rents to avoid confrontations with OASL staff when it due.
- (g) Speculative activities be carefully managed as it is central to the cause of conflicts
- (h) The LI for the Act 703 should be developed to clarify the guidelines spelt out in it and to incorporate the Gaps indentified in the Act 703 in this research.
- (i) It is also recommended that district National Commission for Civic Education be resourced by Newmont to enable them educate the community on all relevant community issues.

#### **5.4 Conclusion**

In spite of the important contributions of the mining industry in Ghana, it has been a source of worry for the communities in which mining is undertaken due to the compulsory nature of the acquisition of land on which it is conducted. Although the Constitution recognizes the customary system of tenure (allodial title, freehold title, leasehold, and lesser interests, including the *abunu* and *abusa* ) held by the community, ie surface right, these rights are



subject to the right of the state to compulsorily acquire lands for purposes deemed to be in the public interest on the basis of prompt, adequate and effective compensation with the right to resettlement for displaced persons. The implementation of these provisions under both the repealed PNDC Law 153, 1986 and the New Mineral and Mining Act of 2006 gave rise to conflicts in the past and continue to be a source of disagreements.

This study thus was conducted to identify the causes of these conflicts between the mining companies and the communities in which they operate using Newmont Ahafo Mine as case study. The practice of Newmont Land Access has critically been assessed within the framework of Act 703 and also compared with Two International Best Practices provisions. Gaps in the Act 703 compared with the International Best practices have been identified.

Newmont's Land Access practice has been found to be consistent with both the Minerals and Mining Act of 2006, (Act 703) and the IFC Performance Standard 5 and Asian Development Bank Standards in Land Acquisition and Involuntary Resettlement. However there are still areas the Land Access process can be enhanced to reduce conflicts in the Mining Area and ensure conducive and peaceful coexistence of mining firms and their host communities.

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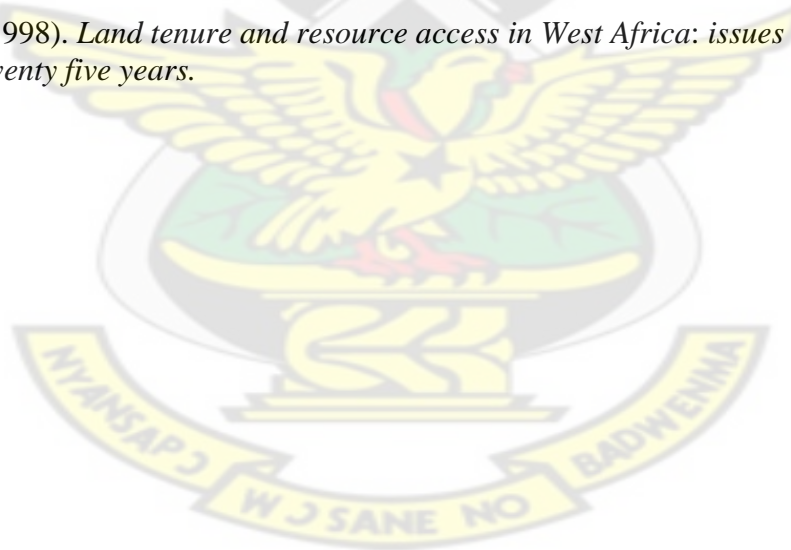
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### **LIST OF ACTS AND LAWS**

1. Environmental Assessment Regulations, 1999 (LI 1652)
2. Environmental Protection Agency Act, 1994 (Act 490)
3. Mineral and Mining Act, 2006 (Act 703)
4. The 1992 Constitution of the Republic of Ghana

KNUST



## APPENDIXES

### APPENDIX I- Comparison between Act 703 and IFC Standard 5 and NGGL's Strategy

	Resettlement Topic	Ghanaian Legislative Requirements	IFC Policy	Gap	Strategy By Newmont Ghana Gold (NGGL)
1	Timing of compensation payment	Prompt	Compensation must be transparent and consistent	IFC does not stipulate prompt payment of compensation	Compensation payments will be prompt, transparent, and consistent, through compensation policies developed and agreed with stakeholders
2	Calculation of compensation	Fair and adequate. The Act requires that the amount of compensation, subject to approval of the Land Valuation Board, be determined by agreement between the parties concerned	Cash compensation should be sufficient to replace the lost land and other assets at full replacement cost in local markets	National law requires approval of Government valuers. IFC Standards stress full market replacement costs	Compensation rates will be determined by independent valuer at market rates, approved by LVB, and agreed through negotiations
3	Squatters	No provisions. Are deemed ineligible.	Establish a cutoff-date for eligibility for inhabitants regardless of tenure	IFC recognizes squatters rights before cut-off regardless of legal tenure	All eligible owners of pre-cut off date assets (buildings, crops, etc.) will be considered for some level of compensation and treated equally regardless of legal tenure

	Resettlement Topic	Ghanaian Legislative Requirements	IFC Policy	Gap	Strategy By Newmont Ghana Gold (NGGL)
4	Resettlement	Displaced persons are to be resettled on suitable land with due regard for their economic well-being and social and cultural values	Physically displaced persons will be offered a choice of replacement properties of equal or higher value, equivalent or better characteristics and advantages of location. Compensation in kind is preferred option but cash compensation at full replacement value where appropriate	IFC specifies that replacement properties must be equal or higher value, and that their must be both a choice of properties, replacement in kind being the preferred option, and a cash alternative where appropriate	Resettlement, relocation and compensation framework will meet both national and IFC standards
5	Livelihoods & Resettlement Assistance	No provision	Provide additional targeted assistance (e.g. credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income earning capacity, production levels and standards of living to economically displaced persons whose livelihoods or income levels are versely affected.	National Law does not specify assistance, but IFC requires targeted assistance in terms of livelihood supports	Resettlement assistance in terms of moving allowances, loss of earnings etc will form part of compensation framework, in addition to longer term livelihood development programs



	Resettlement Topic	Ghanaian Legislative Requirements	IFC Policy	Gap	Strategy By Newmont Ghana Gold (NGGL)
6	Vulnerable Groups	No provision	Must develop RAP with particular attention being paid to the needs of the poor and the vulnerable.	IFC requires focused measures for vulnerable groups	Specific efforts will be made to identify vulnerable, or potentially vulnerable, households at time of baseline surveys, and a specific NGGL Vulnerable program has been developed
7	Consultation & Information Disclosure	No specific provisions	Must ensure that resettlement activities are implemented with appropriate disclosure of information, consultation and the informed participation of those affected	IFC requires active participation of those affected	Detailed Public Consultation Plan and Communications Strategy will ensure informed participation through life of project, from inception to completion
8	Grievances	If an agreement cannot be reached, the Minister of Mines arbitrates if not settled then through the courts.	Must establish a grievance mechanism to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.	IFC requires specific grievance mechanism to be in place	Detailed grievance mechanism in place and articulated through Public Consultation and Disclosure Plan, with recourse to the Minister if required
9	Monitoring & Evaluation	No provision	Requires monitoring and reporting on effectiveness of RAP implementation	IFC requires effective monitoring and evaluation of the effectiveness of RAP implementation	Detailed monitoring, evaluation and monitoring program built into the overall project management process

**Newmont Ahafo Resettlement Action Plan 2009**

## APPENDIX 5

### Relevant portion of the Minerals and Mining Act 703

#### Power Of Minister to grant minerals right.

“5.(1) Subject to subsections (4) and (5), the Minister on behalf of the president on the recommendation of the Commission may negotiate, grant, revoke, suspend or renew mineral rights in accordance with this Act. “ Thus, various licenses are granted to holders of concession(s) to access land for mining related activities and these licenses confer onto the holders a level of authority to the land. Below are extract of the main licenses in the land access process.

#### Reconnaissance Licence

##### Right of holder

(1) Subject to this Act and the Regulations made under this Act, a reconnaissance licence confers on the holder and a person authorised, in accordance with this Act by the holder of the reconnaissance licence, the exclusive right to carry on reconnaissance in the reconnaissance area for the mineral to which the reconnaissance licence relates and to conduct other ancillary or incidental activity.

(2) For the purpose of exercising the right conferred under subsection (1), a holder of a reconnaissance licence and a person authorised in accordance with this Act by the holder of reconnaissance licence, may enter the reconnaissance area and erect camps or temporary buildings.

(3) A holder of a reconnaissance licence shall not engage in a drilling or excavation.”

#### Prospecting Licence

##### Right of holder

“37. (1) The holder of a prospecting licence may in the exercise of the rights under the licence, enter up on land to which the licence relates to

- (a) prospect for the mineral in respect of which the licence is granted
- (b) make boreholes and excavations that may be necessary for the prospecting purposes,
- (c) erect camps and put up temporary buildings necessary for the prospecting operations, and
- (d) conduct other activity ancillary or incidental to the prospecting.

##### (2)The holder of a prospecting shall

- (a) commence prospecting operation within three months after the date of the issues of the licence, or at the time specified by the Minister,
- (b) demarcate and keep demarcated the prospecting area in the prescribed manner,
- (c) carry on prospecting operation in accordance with the programme of prospecting operations,

(f) fill back or otherwise make safe to the satisfaction of the commission a borehole or excavation , made during the course of prospecting operations,

(g) unless the commission otherwise stipulates, remove within sixty days from the date of the expiration of the licence a camp, temporary building or machinery

erected or installed and make good to the satisfaction of the commission damage to the surface of the ground occasioned by the removal,

### **Mining Licence**

#### **Right of holder**

Subject to this Act and Regulations made under this Act, a mining lease authorizes the holder, in accordance with this Act, to enter upon the land the subject of the mining lease, to

- (a) Conduct mineral operations including, without limitation , to mine for the specified mineral of the mining lease, Erect equipment, plant and buildings for the purposes of mining, transporting dressing, treating , smelting or refining the specified minerals recovered during the operation's,
- (b) Take and remove from the land the specified mineral and them in accordance holder's approved marketing plan,
- (c) Stack or dump a mineral or waste product as approved in the holder Environmental Impact Statement, and
- (d) Conduct other incidental or ancillary

### **Compulsory Acquisition of Land**

2. Where land is required to secure the development or utilization of a mineral resource, the President may acquire the land or authorise its occupation and use under an applicable enactment for the time being in force.

Compensation for use of land

94. Where a licence is granted in a designated area to a person other than the owner of the land, the licensee shall pay compensation for the use of the land and destruction of crops to the owner of the land that the Minister in consultation with the Commission and the Government agency with responsibility for valuation of public lands may prescribe.

### **Compensation for Disturbance of Owner's Rights**

73. (1) The owner or lawful occupier of any land subject to a mineral right is entitle to and may claim from the holder of the mineral right compensation for the disturbance of the rights of the owner or occupier , in accordance with section (74.)

(2) A claim for compensation under subsection (1) shall be copied to the Minister and Government agency responsible for land valuation.

(3) The amount of compensation payable under subsection (1) shall be determined by agreement between the parties but if the parties are unable to reach an agreement as to the amount of compensation, the matter shall be referred by either party to the Minister who shall, in consultation with the Government agency payable by the holder of the minerals right.

(4) The Minister shall ensure those inhabitants who prefer to be compensated by way of resettlement as a result of being displaced by a proposed mineral operation and social and cultural value, and the resettlement is carried out in accordance with the relevant town planning laws.

(5) the cost of resettlement under subsection (4) shall be borne by the holder of the mineral right

- (a) as agreed by the holder and the owner or occupier as provided under subsection (3) or by separate agreement with the Minister, or
- (b) in accordance with a determination by the Minister, except that where the holder elects to delay or abandon the proposed mineral operation which will necessitate resettlement, the obligation to bear the cost of resettlement shall only arise upon the holder actually proceeding with the mineral operation.
- (6) Subject to this section, the Minister and a person authorised by the Minister may take the necessary action to give effect to a resettlement agreement or determination.

## **COMPENSATION PRINCIPLES**

74 (1) The compensation to which an owner or lawful occupier may be entitled, may include compensation for,

- (a) deprivation of the use or a particular use of the natural surface of the land or part of the land,
- (b) loss of or damage to immovable properties,
- (c) in the case of land under cultivation, loss of earnings or sustenance suffered by the owner or lawful occupier, having due regard to the nature of interest in the land,
- (d) loss of expected income, depending on the nature of crops on the land and their life expectancy, but no claim for compensation lies, whether under this Act or otherwise
- (e) in consideration for permitting entry to the land for minerals operations,
- (f) in respect of the value of a mineral in, on or under the surface of the land, or
- (g) for loss or damage for which compensation cannot be assessed according to legal principles in monetary terms.

(2) In making a determination under section 73(3), the Minister shall observe the provisions of article 20(2)(a) of the Constitution which states that, in the case of compulsory acquisition, of property, prompt payment of fair and adequate compensation shall be made.

(3) An agreement or determination in respect of a compensation to which an owner or lawful occupier is entitled, shall take account of payments and the value of benefit made or given to the owner or occupier in the past or under taken to be made or given in the future by or on behalf of the holder and which are in the nature of compensation, including without limitation,

- (a) the cost of resettlement,
- (b) the annual ground rent, and
- (c) work that the holder has carried out or undertakes to carry out to make good damage to the land and improvements.

In the exercise of section 2 and 94 of the Act 703, a number of International Best Practices exist and these serve as benchmarks for Land Acquisition and Involuntary Resettlement. In this study, the IFC Performance Standard 5 and Asian Development Bank's Guide to Good Practice on involuntary resettlement are the benchmarks used.



## APPENDIX 6

### IFC Performance Standard 5

Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. 1 Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that results in displacement. This occurs in cases of: (i) lawful expropriation or restrictions on land use based on eminent domain; 2 and ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

#### **General Requirements**

##### *1. Project Design*

The client will consider feasible alternative project designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social, and financial costs and benefits.

##### *2. Compensation and Benefits for Displaced Persons*

When displacement cannot be avoided, the client will offer displaced persons and communities compensation for loss of assets at full replacement cost and other assistance to help them improve or at least restore their standards of living or livelihoods, as provided in this Performance Standard.

Standards for compensation will be transparent and consistent within the project. Where livelihoods of displaced persons are land-based, or where land is collectively owned, the client will offer landbased compensation, where feasible. The client will provide opportunities to displaced persons and communities to derive appropriate development benefits from the project.

##### *3. Consultation*

Following disclosure of all relevant information, the client will consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to resettlement. Consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to achieve outcomes that are consistent with the objectives of this Performance Standard.

##### *4. Grievance Mechanism*

The client will establish a grievance mechanism consistent with Performance Standard 1 to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.

##### *5. Resettlement Planning and Implementation*

Where involuntary resettlement is unavoidable, the client will carry out a census with appropriate socio-economic baseline data to identify the persons who will be displaced by the project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. In the absence of host government procedures, the client will establish a cut-off date for

eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area.

#### *6. Consultation*

Following disclosure of all relevant information, the client will consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to resettlement. Consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to achieve outcomes that are consistent with the objectives of this Performance Standard.

#### *7. Grievance Mechanism*

The client will establish a grievance mechanism consistent with Performance Standard 1 to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.





## APPENDIX 7

### Asian Development Bank (ADB) Standards in Involuntary Resettlement

#### Key Elements of Good Practice

Good practice in resettlement planning and implementation mirrors the Bank's policy objectives for involuntary resettlement. The key elements of good practice are:

1. Take all steps to minimize or eliminate involuntary resettlement where feasible by exploring viable alternative design options.
2. Define the parameters of likely resettlement at the Initial social assessment stage, and include appropriate Terms of References in the Project preparatory technical assistance Feasibility Study.
3. Conceptualize and implement resettlement measures as development programs, to be part of all projects, including sector, private sector and co-financed projects, and loans to development finance institutions.
4. Complete socioeconomic surveys and census of people affected early in the project preparation to identify all losses from land acquisition and all affected persons, and to avoid an influx of outsiders or speculators.
5. Involve all stakeholders in a consultative process, especially all affected persons, including vulnerable groups.
6. Compensate all affected persons, including those without title to land, for all their losses at replacement rates.
7. Where relocation of housing is required, develop relocation options in consultation with affected persons and host communities, in order to restore living standards.
8. Where people will lose income and livelihoods, establish appropriate income restoration programs with objectives to improve, or at least restore, their productive base.
9. Provide a social preparation process for people affected when they are vulnerable, or when there is social tension associated with displacement.
10. Prepare a time-bound Resettlement plan with appropriate provisions and sources of funding before appraisal, with a summary Resettlement plan before Management Review Meeting. Include a summary resettlement plan in the draft Report and Recommendation of the President to the Board.
11. Involve specialists in resettlement and social sciences, and people affected, in the planning, implementation, and monitoring of the Resettlement plan. (ADB, 1998)

## APPENDIX 8

### Newmont Ghana Gold Limited's Approach to Land Access/Acquisition

#### **Background**

- Newmont Ghana Gold Limited, (NGGL) received approval to proceed with the development of the Ahafo Mine in the Brong Ahafo Region in early 2004
- The development of the Ahafo Mine has been planned through the life of the mine to be undertaken in phases
- Normally at each phase a mining area is declared as required by the Minerals and Mining Law 703 (2006)
- This involves a comprehensive land access program
- The presentation looks at land access processes used by Newmont

#### **Amoma Project Chronology of events**

- Declaration of Moratorium – 18th June 2008 at RNC. RNC members moved to the Moratorium area to educate farmers about Moratorium and Control Areas
- Aerial Photograph Could not come on as planned. Cutting line of Moratorium boundary started the same day
- Rapid Built Asset Surveys commence 20th June, to record all structures,
- Full Building Surveys started immediately after RAS
- Crop and Land surveys commenced on 20th June
- Public meetings, loudspeaker and radio announcements, and information through the Information Centers and Village Notice boards was carried out throughout the period
- Nearest Information centers well resourced to handle community complaints and grievances

#### **Land access processes -Details**

1. In accordance with the Minerals and Mining law of Ghana, NGGL applies to the Minerals Commission for a mining area permit

- The application is guided by the following principles;

Minimize the surface area of the land that is put under a moratorium and which take control of and restrict access.

- Minimize the number of people to be relocated

2. After an approval has been granted and received by NGGL

Moratorium is declared on the area at RNC and then Public Consultations starts

- Engage with external stakeholders about Moratorium and associated activities

- Notices are mounted to inform and educate farmers about boundaries and Survey process

3. Aerial photograph is taken and picture mounted on notice boards

4. General Survey

- Rapid Asset Survey
- Full Built Asset Survey
- Crops and Land Surveys
- Socio-economic Survey

#### **Survey process/teams**

- Survey Teams included
  - NGGL Community Liaison Officers
  - Community Task Force members (Youth Ass)
  - Chief farmers and farmers reps
  - Process overseen by following key people:
  - RNC Reps
  - Land Valuation Board (LVB) Reps

On each survey team

#### **Rapid Asset Survey**

The RAS takes a quick swoop of the whole moratorium area and records;

- GPS coordinates or structures
- Photographic of structures (inside & outsides)
- Sketch of structure
- Initial numbers are given to each structure eg. SE/M1/2/1 (Subika East/Zone M1/Structure No./Block No.)

#### **Full Built Asset Survey**

Here surveyors come back with RAS forms which have structure numbers to do detailed valuation of each structure. Data collected include;

- Dimensions of the structure
- Wall type, Roof type, floor make etc.
- Details of structure owner including basic demographic data
- Interests in the structure

- Pictures of Structure owners with numbers
- Forms are Sign-off by relevant owners and witness by RNC members, Task Force, NGGL etc

### **Crops and Land Surveys**

- Crop survey starts the same day Moratorium is declared. But their first task is to cut and mark the boundaries. Here;
- The survey team invites farm owners for their crops to be surveyed and boundary issues are solved by Chief Farmers/Landowners but facilitated by CLOs
- Shape files are then created for each farm/land

### **Socio-economic Survey**

- This is conducted immediately the Full built asserts ends
- The data is use to complements information gathered in the earlier surveys in determining livelihood restoration packages and also who qualifies for Resettlement

### **Crop Assessment**

- The shape files and the forms field by the crop/land surveyors are used by the crop Assessment team to assess individual farms for crop compensation.
- The farmers are then give CHITs which will be used to make cash calls for payment at a later date.

### **Negotiations for crops and structures**

- Crops negotiation- Crop Rates review Committee (CRRC)
- Structures/Buildings – Resettlement Negotiations Committee (RNC)

### **Crops negotiation- Crop Rates review Committee (CRRC)**

- Crop Rates are reviewed annually at the Crop rate Review Committee which composes of;
  - Elected and mandated Community representatives (operations & exploration)
  - Newmont Representatives
  - Local and Regional government representatives (MOFA, DA, LVB etc)
  - NGO's representatives

### **Resettlement Negotiation**

- Packages for Resettlement are discussed at Resettlement Negotiations Committee (RNC) which comprises of;
  - Elected and mandated Community representatives
  - Newmont Representatives

- Local and Regional government representatives
- NGO's representatives

**Issues discussed at RNC include;**

- Resettlement site/location
- Structure valuation Rates – (replacement cost)
- Housing designs and options
- Resettlement Eligibility and entitlement criteria
- Payment of deprivation of use
- Livelihood programs'
- Payment of compensation

**Financial/Money management training are conducted by OICI before crop compensations are paid - it is however not compulsory**

- Checks are use to pay crop/structure compensations
- Construction of Resettlement \-Houses
- Movement of farmers
- Implementation of livelihood packages
- All the processes are participatory

*Source: Newmont Ghana Gold Mine*



APPENDIX 2  
INSTITUTE OF DISTANCE LEARNING - KNUST

*AN APPRAISAL OF THE LAND ACCESS PROCESSES IN THE MINING INDUSTRY:  
THE CASE OF NEWMONT GHANA GOLD LIMITED (NGGL) AHAFO MINE*

**RESEARCH QUESTIONNAIRE FOR THE AFFECTED COMMUNITIES:**

**RESPONDENT'S PERSONAL DATA**

*Kindly tick or check your answers with X. Thank you*

1. Sex: Male ☐ Female ☐
2. Age of respondent: Below 18yrs ☐ Between 18 & 45yrs ☐ Between 45 & 60yrs ☐ above 60yrs ☐
3. Educational Background. Literate ☐ Illiterate ☐
4. If literate, specify the level of education Up to JHS/ Form 4 ☐ SHS/ secondary ☐ School Tertiary ☐
5. Marital status Single ☐ Married ☐ Divorce ☐
6. Which of the following is applicable to you? Indigene ☐ migrant ☐

**DATA ON THE EFFECTS OF LAND ACCESS ACTIVITIES**

7. Which town do you live in: Kenyasi 1 ☐ Kenyasi 2 ☐ Ntotroso ☐ Gyedu ☐ others ☐
8. How long have you lived in the town indicated above? 0-2yrs ☐ 2-5 yrs ☐ above ☐
9. Do you have your farm/land or structure acquired by NGGL? Yes ☐ No ☐
10. Have you received any compensation due? Yes ☐ No ☐
11. If yes from the above, what kind of compensation did you receive? Monetary ☐ Monetary and resettlement ☐ Others (specify). ☐ .....



12. Were you or a representative from your community involved in the determination of the compensation? Yes ☐ No ☐

13. How would you describe the compensation? Very Adequate ☐ adequate ☐  
Not adequate ☐ Neutral ☐ others (specify).....

Any reason for your answer .....

14. Would payment of compensation by itself be sufficient recompense? Yes ☐ No ☐

Would you be willing to give your farm to NGGL in future land take? Yes ☐ No ☐

reasons for your answer.....

16. Have you benefited from any of the NGGL Livelihood Re-establishment Program?

Yes ☐ No ☐

17. How do you consider the Livelihood Reestablishment Program? Very Good ☐

Good ☐ Not Good ☐

Give reasons for your answer.....

18. Is the Livelihood Enhancement Program an addition to the compensation paid?

Yes ☐ No ☐

19. If Livelihood Re-establishment Program is considered additional compensation, then compensation paid is: More than adequate. ☐ Adequate ☐ Not Adequate ☐

20. Are you aware of the New Mining Act? Yes ☐ No ☐

21. If Yes, how did get to know of it? Through NGGL Staff ☐ Government Source ☐

Other(s) specify:.....

22. What advantage(s) and or disadvantage(s) has the New Mining and Mineral Act brought to impacted persons in terms compensation?.....

23. Have you or any person known to you benefited from the New Mining and Mineral Act? Yes ☐ No ☐

24. Do you know of Mining Area declaration? Yes ☐ No ☐

25. Do you know of Moratorium declaration? Yes ☐ No ☐

26. If Yes (from 24 and 25), what is your opinion about this provision of the Law being implemented by NGGL in the land acquisition process. Very good ☐ Good ☐  
Not Good ☐

Give reasons for your answer .....

27. If you have ever received compensation from NGGL, how long did it take you to receive your compensation upon the declaration of Moratorium Area? 0-1 months ☐  
2-3 months ☐ 3-4months ☐ 4 months and above ☐

28. What suggestions would you make to help address any of the issues discussed above to improve the land acquisition process of NGGL?

.....  
.....

*Thank you for your time and contribution towards this exercise.*

**APPENDIX 3**  
**INSTITUTE OF DISTANCE LEARNING - KNUST**

*AN APPRAISAL OF THE LAND ACCESS PROCESSES IN THE GHANAIAN MINING INDUSTRY: THE CASE  
OF NEWMONT GHANA GOLD LIMITED (NGGL) AHAFO MINE*

**RESEARCH QUESTIONNAIRES FOR RELEVANT GOVERNMENT AND OTHER  
ORGANIZATIONS**

***Kindly tick or check your answers with X. Thank you***

1. Kindly state your organization name: .....
2. Kindly indicate your level in the organization; Management ☐ Senior Staff ☐ Staff ☐
3. How long have you followed Newmont Ghana Gold Limited's (NGGL) Land acquisition activities? 0-2yrs ☐ 2-5yrs ☐ above 5 ☐
4. Do you know of the New Minerals and Mining Act Of 2006? Yes ☐ No ☐
5. How did you get to know of it? Government source ☐ NGGL ☐ Other(s) ☐
6. Do you know of the Mining Area and Moratorium Concept of NGGL Land Acquisition? Yes ☐ No ☐
7. Has the process been participatory? Yes ☐ No ☐ Some how ☐  
Kindly give reasons for your answer?.....
8. Has your outfit been involved in any of the following land acquisition Processes by NGGL? RNC Resettlement Negotiation Committee meetings ☐ Crop Rate review meeting ☐ Rapid and Full Asset Survey ☐ Crop survey ☐ Grievance Resolution ☐  
Assessment of crop and Structures
9. Has it been transparent and fair? Yes ☐ No ☐ Somehow ☐  
Kindly give reasons for your answer,  
.....

10. Is the declaration of Mining Area and entitlement cut-off (moratorium) date process fair? Yes ☐ No ☐
11. Is NGGL's land acquisitions process consistent with the Minerals and Mining Act of 2006? Yes ☐ No ☐
12. Are affected persons or their representatives involved in the determination of compensation rates and relocation processes? Yes ☐ No ☐
13. Would payment of compensation by itself be sufficient recompense? Yes ☐ No ☐
14. To what extent are relevant government institutions involved in the determination of compensation rate and relocation/resettlement process? Deeply involved. ☐  
Involved. ☐ Not involved ☐
15. There are often controversies in the acquisition process between affected persons and NGGL, what do you think is usually the cause?.....
16. Are you aware of speculative activities in the concession? Yes ☐ No ☐
17. Could attempts by speculative farmers to reap higher compensation from the company be the source of the controversy? Yes ☐ No ☐ To some extent ☐
18. What role do you think your organization can play to eliminate controversies during Newmont land take/ or acquisition exercise? .....
19. What measures should be taken to ensure there are no confrontations during land acquisition by Newmont on the Ahafo concession?  
.....

*Thank you for your time and contribution towards this exercise.*

**APPENDIX 4**  
**INSTITUTE OF DISTANCE LEARNING - KNUST**

*AN APPRAISAL OF THE LAND ACCESS PROCESSES IN THE GHANAIAN MINING INDUSTRY:*

*THE CASE OF NEWMONT GHANA GOLD LIMITED (NGGL) AHAFO MINE*

RESEARCH QUESTIONNAIRE FOR NEWMONT GHANA GOLD LIMITED, AHAFO MINE, KENYASI.

1. What stage has the mining operations reached? .....
2. Is there going to be mine expansion requiring more mine land take?.....
3. Is the practice of land access based solely on the Mining and Minerals Act 2006?  
Yes ☐ No ☐
4. If no which other Best Practices is NGGL applying? .....
5. Is NGGL benefiting from project Financing? Yes ☐ No ☐
6. Which Organization(s)?.....
7. Are the provisions of the Act 703 in respect of Mining Area and Moratorium declaration being enforced by NGGL? Yes ☐ No ☐
8. What is the duration between Mining Area declaration and Moratorium declaration?  
0-2mon. ☐ 2-4mon ☐ 4-7mon ☐ 7-12mon ☐ After 1yr. ☐ Not Certain ☐
9. Would payment of compensation by itself be sufficient recompense? Yes ☐ No ☐
10. Would NGGL have undertaken AILAP had it not been project financing?  
Yes ☐ No ☐
11. Is the provision of the Law in respect of Livelihood Restoration Adequate?  
Very Adequate ☐ Adequate ☐ Not Adequate ☐
12. To what extent are the government institutions involved in the land access process?  
Deeply involved. ☐ Involved ☐ Somehow involved ☐
13. To what extent is the community involved in the land access process? Deeply involved. ☐ Involved ☐ Somehow involved ☐ Not involved ☐
14. Are there confrontations or disagreements any stage(s) of the process?

Yes ☐ No ☐

15. At which stage(s) does it happen? Declaration of Mining Area ☐ Declaration of moratorium ☐ RAS ☐ FBAS ☐ Crop Survey ☐ Assessment Stage ☐ Payment of compensation ☐ Relocation /Resettlement ☐ Others ☐

16. What are some of the reasons for the above answers given

.....

17. What is the procedure for addressing grievances/complains?

18. What is the duration for grievances/complains resolution?

19. Have all grievances/complains been resolved? Yes ☐ No ☐

20. Has compensation been paid to all affected persons? Yes ☐ No ☐

21. What is the nature of compensation paid? Monetary ☐ Resettlement ☐

monetary and resettlement ☐ other(s) (specify).....

22. Are the communities aware of the new Mining and Minerals Act? Yes ☐ No ☐

23. If Yes from above, through which means? NGGL's efforts ☐ Government sources  
Other(s) ☐ ☐

24. To what extent is their knowledge on the Act703. Very good ☐ Good ☐ Bad ☐

25. What measures in your option can be put in place to eliminate any confrontations and improve the entire land acquisition process by NGGL?

.....

*Thank you for your time and contribution towards this exercise.*