

IPN REQUEST RQ07/06

August 22, 2007

NOTICE OF REGISTRATION

**Re: Request for Inspection
GHANA: Second Urban Environment Sanitation Project (UESP II)
(IDA Credit No. 3889-GH)**

On August 16, 2007 the Inspection Panel (the “Panel”) received a Request for Inspection (the “Request”), dated August 16, 2007, related to the GHANA: Second Urban Environment Sanitation Project (UESP II) (IDA Credit No. 3889-GH) (the “Project”) financed by the International Development Association (IDA).

The Centre on Housing Rights and Evictions (COHRE) submitted the Request on behalf of the Agyemankata Community, which lives in the area known as Kwabenya in Ga District, Ghana.

The Project’s objective, according to the Project Appraisal Document (PAD), is to *“improve urban living conditions in regard to environmental health, sanitation, drainage, vehicular access, and solid waste management in a sustainable fashion, with special emphasis on the poor.”* The Project’s third component - Solid Waste Management - includes the *“construction of new sanitary landfills for Accra and Tema and the completion of the one in Sekondi-Takoradi.”* The PAD describes this component’s intermediate objective as follows *“[i]ncrease the amount of refuse collected and disposed of in an environmentally sustainable manner.”*

The Requesters state that the sanitary Kwabenya Landfill, proposed under the Project and to be constructed in Accra, will adversely affect the Agyemankata Community because, if executed, it will cause the displacement of a big part of the community and leave the rest in living conditions detrimental to the health of the people. The Requesters state that many households living near the proposed site for the landfill *“were told that they will be displaced if and when the Project is implemented.”* However, they are concerned that people who live within proximity of the landfill but are not to be resettled will be exposed to *“grave risks to their health.”* According to the Requesters, the Project’s Integrated Safeguard Data Sheet recognizes that people living near the landfill will be negatively affected because *“surface and ground water pollution could extend 5 to 10km downstream”*.

The Requesters assert that the Kwabenya Landfill project builds on an early 1990 United Nation Development Program (UNDP) strategic plan for the Greater Accra metropolitan area, according to which landfill sites have to be located 1km away from residential areas. In the Requesters' view, the site for the Kwabenya Landfill met the 1km-requirement when the UNDP plan was drafted in the early 1990s, but it does not meet it now because of changed residential patterns that would bring the Agyemankata Community to live within 1km of the landfill.

The Requesters claim that the Agyemankata Community was “*not meaningfully consulted*” during the Project design stage. They also state that information about the Project is often given through local newspapers and radio announcements by the concerned government agency, the Accra Metropolitan Assembly (AMA). The Requesters consider these means of communication “*insufficient*” because they do not allow the community to provide any input. In addition, the Community learned about the World Bank involvement in the Project only through a newspaper article. Following this article, the Community wrote to the Bank requesting that the World Bank not support the construction of the landfill. According to the Requesters, the World Bank in turn responded by sending the Agyemankata Community a copy of the final Environmental and Social Assessment and of the Resettlement Policy Framework, which the Community had not seen before and was not consulted about.

The Requesters claim that not only has the Agyemankata Community not participated in the preparation of the Resettlement Action Plan, but also that the community has yet to see such a Plan. Nevertheless, they state that AMA communicated via two radio announcements and a newspaper article in July 2007 that the residents of the Agyemankata Community had to deposit all documents related to their properties at the Land Valuation Board. However, only the newspaper article specified that failure to deposit the documents by July 30, 2007, would result in forfeiting compensation. The Requesters also state that the Community sent several letters to AMA but has never received any answer. AMA communications have been only via radio or newspaper.

According to the Requesters, the facts they describe in their Request show that the World Bank has not complied with its Operational Policy and Bank Procedure on Involuntary Resettlement. In particular, the fact that the residents may risk forfeiting their compensation “*demonstrates either the inadequacy of or a threat to violate any resettlement plan's or resettlement policy framework's 'criteria for eligibility of displaced persons for compensation' as required by BP 4.12, para 5(c).*” The Requesters also claim that AMA's actions demonstrate its lack of commitment to implementing the resettlement plan.

The Requesters state that the Community has spoken “*on several occasions*” with World Bank officials in Accra but its concerns have not been dealt with satisfactorily. They request that the Inspection Panel recommend to the Board of Executive Directors that an investigation of these issues be carried out.

The above claims may, *inter alia*, constitute non-compliance by the Bank with various provisions of the following operational Policies and Procedures:

OP/BP 4.01	Environmental Assessment
OP/BP 4.12	Involuntary Resettlement
OMS 2.20	Project Appraisal

Until further notice, all communications with the Requesters in connection with the Request will be sent to Sylvia Noagbesenu and Bret Thiele, as the representatives of the Requesters.

Pursuant to paragraph 17 of the Panel's Operating Procedures (the 'Operating Procedures'), I am notifying you that I have, on August 22, 2007 registered this Request in the Inspection Panel Register.

In accordance with paragraph 18 of the IDA Resolution that established the Panel ('Resolution'), paragraphs 2 and 8 of the "*Conclusions of the Board's Second Review of the Inspection Panel*" (the '1999 Clarifications'), and paragraph 18 (d) of the Operating Procedures, Bank Management must provide the Panel, no later than September 21, 2007, with written evidence that it has complied, or intends to comply, with the Bank's relevant policies and procedures in relation to the above-referenced Project. The subject matter that Management must deal with in a response to the Request is set out in paragraphs 3 and 4 of the 1999 Clarifications.

After receiving the Management response, the Panel will, as outlined in the 1999 Clarifications and as provided by paragraph 19 of the Resolution, "*determine whether the Request meets the eligibility criteria set out in paragraphs 12 to 14 of the Resolution and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.*"

The Request has been assigned IPN Request Number RQ07/06

Yours sincerely,



Edith Brown Weiss
Chairperson

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

Bret Thiele
Centre on Housing Rights and Evictions
8 N.2nd Avenue East, Suite 208
Duluth, MN 55802, USA

Mr. Robert Zoellick
President
International Development Association

The Executive Directors and Alternates
International Development Association