

PRELIMINARY RESETTLEMENT ACTION PLAN

SUBIKA PROJECT AHAFO GHANA



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Glossary of Terms

Ahafo RAP: The Ahafo South Project Resettlement Action Plan, prepared in August 2005 by NGGL.

Community: A group of individuals broader than the household, who identify themselves as a common unit due to recognized social, religious, economic or traditional government ties, or through a shared locality.

Compensation: Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

Complete Structures: Buildings, including houses and institutional structures, which have enclosed walls, roofs and leveled earth or concrete floors.

Compound: A place of residence for one or more households which includes a number of clustered and interrelated buildings, usually with shared cooking facilities. Compounds are also referred to as Homesteads.

Control Area: That portion of the land around a Moratorium Area that requires controlled and regulated development such that the potential for nuisance, confrontation, speculation, is minimized as well as catering for the potential for mining operation expansion.

Crop Survey: A survey which was undertaken of all Eligible Crops within the Moratorium Area following the declaration of the Entitlement Cut-Off Date.

Displacement Assistance: Support provided to people who are physically displaced by a project. Assistance may include transportation, shelter, and services that are provided to affected people during their move. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with displacement and defray the expenses of a transition to a new locale, such as moving expenses.

Economic Displacement: Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) which results from the construction or operation of a project or its associated facilities.

Economically-Displaced Households: Households whose livelihoods are impacted by the Project, which can include both resident households and people living outside the Project Area but having land, crops, businesses or various usage rights there

Eligible Crops: Crops planted within the Moratorium Area by Project-Affected People before the Entitlement Cut-Off Date and that are eligible for compensation in accordance with this RAP.

Eligible Land: The land (cropped and fallow, agricultural and communal) within the Moratorium Area that is eligible for compensation in accordance with this RAP.

Eligible Structures: The buildings and structures constructed within the Moratorium Area before the Entitlement Cut-Off Date and that are eligible for compensation in accordance with this RAP.

Entitlements: The benefits set out in the RAP, including: financial compensation; the right to participate in livelihood restoration programs; housing, house sites and service provision; and, transport and other short-term assistance required to resettle or relocate.

Entitlement Cut-off Date: For structures and crops – 28th May 2009, being the date established by the Project as the deadline for entitlement to compensation, also known as the Moratorium Date. Persons occupying the Project Area after the Entitlement Cut-Off Date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the Entitlement Cut-Off Date (Moratorium Date) will not be compensated.

Environmental and Social Impact Assessment (ESIA): The ESIA developed for the Ahafo South Project as a whole, of which Subika Project is a component. The ESIA is an integrated study examining how the biophysical, social and health environments are likely to be impacted by the Project.

Farmer: A person who has acquired the right to use a piece of land for farming activities, either for cash generation or home consumption, and is engaged in such activities at the time of the Entitlement Cut-Off Date.

Farmstead: A structure located on a farm used as temporary accommodation while tending to crops. May be constructed in similar fashion to a homestead building, and include bedrooms and associated facilities, but is not the primary or sole residence.

Full Built Asset Survey: A detailed survey of all Buildings within the Moratorium Area following the Entitlement Cut-Off Date, recording ownership, constructional details, internal and external measurements, photographs and GPS positioning.

Full Replacement Cost: The market value of assets plus transaction costs, where depreciation of structures and assets is not taken into account.

Homestead: A place of residence for one or more households which includes a number of clustered and interrelated buildings, usually with shared cooking facilities. A homestead is also commonly referred to as a Compound.

Host Community: People living in or around areas to which people physically displaced by a project will be resettled to, who, in turn, may be affected by the resettlement, in this case the Ola resettlement community.

Household: A person, or group of persons living together, in an individual house or Compound, who share cooking and eating facilities, and form a basic socio-economic and decision-making unit.

IFC: International Finance Corporation, a division of the World Bank Group, which provides investment and advisory services to private sector projects in developing countries, with the goal of ensuring everyone benefits from economic growth.

Incomplete Structures: Buildings and structures missing any major construction elements such as walls, roofs, rammed earth or concrete floors, doors, and/or window openings.

Institutional Structures and Infrastructure: Buildings, structures and facilities for public, government and religious use, such as schools and churches, within the Moratorium Area, and being used for the purpose for which they were established at the Entitlement Cut-Off Date.

Involuntary Resettlement: Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.

Land Survey: All Eligible Land which was recorded in a survey of the Moratorium Area following the declaration of the Entitlement Cut-off Date.

Livelihood Programs: Programs intended to replace or restore quality of life indicators (education, health, nutrition, water and sanitation, income) and maintain or improve economic security for Project-Affected People through provision of economic and income-generating opportunities, including, but not limited to, activities such as training, agricultural production and processing and small and medium enterprises.

Millennium Development Goals: There are eight United Nations brokered Millennium Development Goals (MDGs), which range from halving extreme poverty to halting the spread of HIV/AIDS and providing universal primary education, all by a target date of 2015. They form a blueprint agreed to by all the world's countries and leading development institutions, and seek to galvanize efforts to meet the needs of the world's poorest.

Mining Area: The area declared by a mining entity and approved by the Minerals Commission of Ghana for mining operations, under the Minerals and Mining Act 2006.

Moratorium Area: The Area within the Mining Area identified by the Project, which is required as a zone for mining activities. All eligible buildings, crops and land within this area at the time of the Entitlement Cut-Off Date will be eligible for compensation, according to the terms of this RAP.

Moratorium Date: Another term for the Entitlement Cut-Off Date. For structures and crops this is 28th May 2009, being the date established by the Project as the deadline for entitlement to compensation, also known as the Moratorium Date. Persons moving into the Project Area after the Entitlement Cut-Off Date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the Entitlement Cut-Off Date will not be compensated.

Newmont: Newmont Mining Corporation, one of the World's leading gold companies.

NGGL: Newmont Ghana Gold Limited, a Ghanaian subsidiary of Newmont Mining Corporation, operating the Ahafo Mine in the Brong-Ahafo region of Ghana.

Non-resident Household: A household (or individual) that has an asset in the Moratorium Area, which existed on or before the Entitlement Cut-off Date, but who resides outside the Moratorium Area.

Occupied Structures: These are structures that have signs of regular and sustained human occupancy, for a period prior to the Entitlement Cut-Off Date.

Other Structures: Wells, toilets, kitchens, animal pens, etc, constructed within the Moratorium Area before the Entitlement Cut-Off Date.

Performance Standard 5: The International Finance Corporation's (IFC) Performance Standard on Involuntary Resettlement, which embodies the basic principles and procedures that underlie the IFC's approach to involuntary resettlement associated with its investment projects, and stands as the benchmark against which resettlements are measured.

Physical Displacement: Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.

Project: The Subika Project, which aims to expand the existing Subika Pit to develop gold deposits, in accordance with the envisaged development of the Ahafo Mine by Newmont Ghana Gold Limited (NGGL).

Project-affected Household: All members of a household, whether related or not, operating as a single socio-economic and decision-making unit, who are affected by a project.

Project-affected Person: Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land, annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

Project Area: The Subika Project Area as covered by the Moratorium Declaration which included primarily the pit and haul road areas.

Physically-displaced Household: Households who normally live in the Project Area and who will lose access to shelter and assets resulting from the acquisition of land associated with the Project that requires them to move to another location.

Project Sponsor: A corporate entity seeking IFC financing for a project either directly or through a financial intermediary supported by IFC.

Rapid Asset Survey: An initial asset survey of all buildings within the Moratorium Area at the Entitlement Cut-Off Date, recording basic information such as external measurements, photographs and GPS positions, with the aim of recording all buildings as rapidly as possible and minimizing post-moratorium speculation.

Relocation: A process through which physically displaced households are provided with a one-time lump sum compensation payment for their existing residential structures and move from the Project Area.

Replacement Cost: The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction costs. With regard to land and structures, IFC defines “replacement costs” as follows:

Agricultural Land: the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes.

Household and public structures: the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labor and contractors’ fees and any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Resettlement: A process through which physically displaced households are provided with replacement plots and residential structures at a designated site. Resettlement includes initiatives to restore and improve the living standards of those being resettled.

Resettlement Action Plan (RAP): The document in which a project proponent specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by a project.

Resident Household: A household (or individual) that is occupying a house in the Moratorium Area, built on or before the Entitlement Cut-off Date, as their primary or sole residence.

Sharecropper: A person who enters into an agreement with a landowner to farm a specified area of land for an agreed period, and pays a proportion of the income accrued to the landlord as payment.

Social License to Operate: The concept of a Social License to Operate exists when a mining project is seen as having the approval and broad acceptance of society to conduct its activities. It is not a license provided by civil authorities, or a product of an internal corporate process such as an audit of company practices. It comes from the acceptance of mine development and activities by neighboring communities.

Speculation: The erection of buildings or structures, or planting of crops within the Moratorium Area, with the sole aim of claiming compensation from the project proponent. Speculation may be pre-moratorium; occurring before the Entitlement Cut-Off Date has been declared, or post-moratorium; occurring after the Entitlement Cut-Off Date.

Stakeholders: Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

Stool: A chieftdom, in which traditional leaders are responsible for land allocation, along with broader responsibilities of ensuring order and spiritual continuity across generations.

Tenant: A person who lives in a structure belonging to another, regardless of whether they pay rent or not.

Tenant Farmer: A person who manages a farm on behalf of the landlord, for a specified fee or income.

Unoccupied Structures: Structures which have no signs of regular and sustained human occupancy.

Vulnerable Persons: People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

List of Abbreviations

AILAP:	Agricultural Improvement & Land Access Program
CRRC:	Crop Rate Review Committee
ESIA:	Environmental and Social Impact Assessment
FBAS:	Full Built Asset Survey
IFC:	International Finance Corporation
IMS:	Information Management System
LEEP:	Livelihood Enhancement & Community Empowerment Program
LVB:	Land Valuation Board (of Ghana)
Newmont:	Newmont Mining Corporation
NGGL:	Newmont Ghana Gold Limited
NGO:	Non-Governmental Organization
PAP:	Project-Affected Person
PCDP:	Public Consultation & Disclosure Plan
RAP:	Resettlement Action Plan
RAS:	Rapid Asset Survey
RNC:	Resettlement Negotiation Committee
SIA:	Social Impact Assessment

Summary

Introduction

This document represents the Resettlement Action Plan (RAP) for the Subika 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 Subika 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.

A final Resettlement Action Plan will also be prepared and disclosed when a final resettlement and compensation agreement has been fully developed and agreed with community representatives and key government stakeholders, as per IFC best practice.

Project Background

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 55 km south of the regional capital of Sunyani.

To date, the Ahafo Mine has impacted approximately 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, 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.

The Company constructed 402 houses with improved quality and associated facilities, than those impacted by the project, in two planned and permitted resettlement communities. The Company has since been working with these new communities to ensure that resettlement community infrastructure is maintained. The objective is to establish sustainable systems managed by the resettlement communities themselves and District Assembly.

An independent assessment team representing the International Finance Corporation (IFC) reviews the Ahafo RAP and its implementation periodically. The first review was undertaken in August 2005 and there have been eight reviews since, the latest in August 2008. The review reports are publicly available on the IFC and Newmont websites.

NGGL is currently planning to expand the Subika pit which is approximately 2km North East of Kenyasi to extend the life of mine of the Ahafo Project. It is necessary to take 69.9 hectares of land in the Subika East area for this expansion.

The Mining Area is required for:

- Open-cast mining (mine pit, waste rock disposal and environmental buffer areas)

The Subika Pit is permitted by the Ghana Environmental Protection Agency (EPA) under the Environmental Impact Statement-Final Report Ahafo Project (South), March 2005 and the Environmental Management Plan, Ahafo Project (South), December 2007.

Institutional & Legal Framework

In accordance with IFC best practice, the RAP identifies all laws of the host country that are applicable to land acquisition and involuntary resettlement, including relevant local customs and traditions that govern affected communities.

The legal framework lays the foundation for four key elements of the RAP:

- Approach to Land Access and Management
- Establishing rates of compensation
- Determining eligibility for compensation and resettlement assistance, including livelihood initiatives
- Establishing mechanisms to resolve grievances among affected persons related to compensation and eligibility

The legal context of resettlement in Ghana is complex. As in many parts of Africa, dual, customary and titled ownership exist, resulting in an often conflicting legal landscape.

Private sector land acquisition and resettlement related to mining activities is governed by the following:

- The 1992 Constitution of Ghana, which ensures protection of private property and establishes requirements for resettlement in the event of displacement from State acquisition
- The State Lands Act of 1963, which mandates compensation rates and sets procedures for public land acquisitions
- The Minerals and Mining Amendment Act of 2006, which allocates all mineral rights to the State and requires adequate compensation for loss of assets due to mineral operations

State agencies oversee various land policies relating to land acquisition, resettlement and compensation. The main agency in this Project is the Land Valuation Board (LVB), which oversees compensation regulations, and is the designated authority for settling disputes over property compensation in private sector projects.

The legal framework for mining in Ghana is the Minerals and Mining Act, 2006 (Act 703). Under Section 74 of the Act, a mineral right holder must compensate for any disturbance to the rights of owners or occupiers and for damage done to the surface of the land, buildings, works or improvements, or to livestock, crops or trees in the area of mineral operations and also compensate for the deprivation of the use or a particular use of the natural surface of the land or part of the land.

Other legislation and regulations relevant to the resettlement process include those pertaining to environmental protection and assessment, and architecture and planning, particularly The Town and Country Planning Ordinance of 1945 and the Local Government Act of 1993. These stipulate detailed planning requirements for urban

developments, consultations required, as well as mechanisms to ensure registration of land titles and allocation of plots with security of tenure.

Customary practice of land allocation by traditional authorities results in the provision of land to a variety of users through a range of mechanisms. Such customary land use rights are sometimes enshrined in writing, and sometimes left to the memory of responsible persons. The government has sought to formalize the process of land tenure, including the definition of land titling processes and the allocation of responsibility to a number of land administration institutions, including the Lands Commission, Land Title Registry, Survey Department, Land Valuation Board, Department of Town and Country Planning, and Office of the Administrator of Stool Lands. Despite this effort, systematic mapping, registration and titling does not occur in much of Ghana.

International best practice for private sector related resettlement is now guided by the IFC's Performance Standards on Social and Environmental Sustainability, and particularly defined by the IFC's Performance Standard 5: Land Acquisition & Involuntary Resettlement. A series of Performance Standards, designed to improve social and environmental outcomes, consist of the following:

- Performance Standard 1: Social and Environmental Assessment and Management System
- Performance Standard 2: Labor and Working Conditions
- Performance Standard 3: Pollution Prevention and Abatement
- Performance Standard 4: Community Health, Safety and Security
- Performance Standard 5: Land Acquisition and Involuntary Resettlement
- Performance Standard 6: Biodiversity Conservation and Sustainable Natural Resource Management
- Performance Standard 7: Indigenous Peoples
- Performance Standard 8: Cultural Heritage

Newmont has articulated a comprehensive Social Responsibility Policy, as well as accompanying Guidelines, and is a member of global organizations including the International Council on Mining and Metals (ICMM) and the Global Compact whose aims are to promote responsible business practices.

Newmont is listed on the DOW Jones Sustainability Index. Launched in 1999, the Dow Jones Sustainability Indexes are the first global indexes tracking the financial performance of the leading sustainability-driven companies worldwide.

The Company's commitment to meeting Ghanaian legislation and international best practice contributes to maintaining a Social License to Operate. The Company is committed to minimizing disruption to the community, sustaining existing livelihoods and supporting replacement of displaced livelihoods, and ensuring properly administered land transactions defined in consultation with stakeholders. Policies and programs have been put in place to ensure delivery of these commitments.

Baseline Data Collection & Analysis

The following primary data sources were consulted at the outset of the Project:

- National Census (2000)
- Ghana Poverty Reduction Strategy Paper (2003)
- Fourth Ghana Living Standards Survey (1999)
- Asutifi District Medium Term Development Plan (2006-2009)
- Ahafo South Project Resettlement Action Plan (2005)
- Amoma Project Resettlement Action Plan (2008)

The following surveys were developed to collect base data for the Project Area:

- Ahafo South Hamlets & Communities Mapping (Geomatrix 2007)
- Public Consultation (focus groups, key stakeholder interviews etc)
- Rapid Built Asset Survey (Immoveable Assets)
- Full Built Assets Survey
- Crops Survey
- Land Survey
- Socio-Economic Survey

A survey matrix was developed at the outset to ensure consolidation of data gathering efforts and minimize survey fatigue among the population. Duplication was avoided, and surveys were utilized in combination with other data gathering measures including community consultations, focus groups, secondary data and key informant interviews.

The data from all surveys is inputted into the NGGL Information Management System (IMS), which formed the Project Database, allowing linking of all information gathered on both an individual and household level.

Analysis of data collected serves three main purposes:

- It provides information needed to establish the entitlement matrix for household and community level compensation, and planning and design of resettlement sites
- It yields basic social and economic information needed to develop appropriate livelihood development packages
- It provides quantifiable baseline data for future monitoring and evaluation of RAP implementation

NGGL consultants undertook asset surveys in the Subika Project Area following the declaration on the Moratorium Date on May 28th 2009. These surveys recorded that approximately 1,031 structures were built in the Subika Project Area prior to the Moratorium Date and 3 structures after the Moratorium Date. Of the structures built before the Moratorium Date, approximately 72 were claimed to be normally occupied buildings by their owners, with 896 non-occupied buildings and 63 annexes (kitchens, toilets, sheds, wells, etc.).

The amount of speculative building recorded in the Subika Project Area is very significant. NGGL estimated that there were 70 buildings in the Subika Project Area in 2006. It is therefore estimated that up to 1,000 structures were constructed in the Subika Project Area between January 2007 and May 2009 with the majority of these being

constructed just prior to 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.

In addition, there was also significant speculative planting of crops in the Subika Project Area. The percentage of land covered by crops within the Project Area was estimated by NGGL in 2007 at 65% of total land area. Considerable speculative planting of crops took place, primarily immediately prior to and after the Moratorium, and in the crop surveys 87% of the total land area was recorded as cropped.

Information will also be assessed for all Project-Affected Households, at individual and household level, through a detailed socio-economic survey covering the following main topics:

- Demographic information
- Household Composition
- Education & Skills Base
- Economic Activities & Livelihoods
- Household Incomes
- Health & Welfare
- Access to Water & Sanitation

All those households who claim to reside in the Project Area will be included in the socio-economic survey, as well as a sample of those households farming there but living elsewhere.

A key outcome of the demographic and socio-economic analyses will be to determine the following:

The predominant livelihood activities and coping mechanisms of households in the Project Area, in order to determine and develop appropriate livelihood and community development packages

Identification of those households and individuals likely to be the most seriously adversely affected by the Project – Essentially those most vulnerable to the Project Impacts and who may require special assistance provided through Newmont's Vulnerable program

The Socio-Economic survey instruments were developed in close cooperation with NGGL's Evaluation and Monitoring Unit (NEAMU), in order to establish an effective baseline for monitoring and evaluation of project impacts and mitigation measures employed to address these.

The socio-economic survey commenced in August, and will inform the resettlement negotiations process, particularly discussion of livelihood supports. The surveys will be complemented by focus group sessions undertaken with key project-affected groups including women, farmers and youth. The full analysis of the socio-economic survey will be incorporated in the final Resettlement Action Plan which will be produced following conclusion of negotiations and final agreement on resettlement packages.

Identification of 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

For the purposes of designing the resettlement program, a distinction is drawn between Resident Households, Non-resident Households, and Economically-affected Households in the Project Area, defined as follows:

Physically displaced or resident households are those occupying a house in the Moratorium Area, built on or before the Entitlement Cut-off Date, as the primary or sole residence. These households will have to move from the Project Area (physical displacement), and will almost always have their livelihoods impacted by the Project (economic displacement).

Economically displaced households are those whose livelihoods are impacted by the Project. This can include both resident households, and people living outside the Project Area but having land, crops, non-resident structures, businesses or various usage rights there.

During Project development, consideration has been given to minimizing the scope of physical and economic displacement associated with the Subika Pit Project through:

Design of Project Infrastructure

Approaches to Land Access & Management

In terms of design of project infrastructure, careful attention has been given to the following:

- Minimizing the size of Project components and the distances between those components
- Minimizing buffers around Project components
- Locating components of the Project footprint when feasible in less populated areas
- Minimizing loss of access as a result of Project infrastructure

Public Participation

NGGL, as a subsidiary of Newmont Mining Corporation, endorses the concept that communication with project stakeholders is an essential component of any resettlement process. NGGL is committed to pro-active and ongoing communication with all agencies, organizations, and individuals with an interest in the development of the Project.

A Public Consultation & Disclosure Plan (PCDP) was developed at the outset of the project, in accordance with IFC guidelines. The PCDP outlines and documents

Newmont Ghana Gold Limited's (NGGL's) consultation and disclosure practices being implemented for the Subika Project.

The goal of the PCDP is to ensure adequate information is provided to project-affected people and other stakeholders in a clear and timely manner, and that these groups have sufficient opportunity to voice their concerns and opinions so that they can influence project decisions.

Key Objectives of the PCDP are:

- Inform stakeholders of NGGL activities
- Consult and educate stakeholders on all aspects of the Project
- Collect community inputs which can be incorporated into Project design and development
- Generate and document broad community support for the Project
- Improve communications between interested parties
- Document development of formal public consultation
- Describe formal complaint submittal and resolution mechanisms
- Disclosure of project documents

Key aspects of the consultation and disclosure process include:

- Regular release of Project-related information, including NGGL policies, Project details, periodic progress reports, answers to frequently asked questions, and rights and responsibilities of affected people, presented as required in a manner consistent with local cultural norms of the area and of Ghana
- Articulation and delivery of clear, consistent messages from key staff to the public and stakeholders, ensuring that community workers and staff are aware of NGGL's position regarding the project and are capable of responding to questions/comments appropriately
- Verbal communication to be undertaken in both Twi and English and key written communications such as selected posters and the final RNC agreements to be translated into both Twi and English
- Regular meetings and forums documented by NGGL community workers to present Project-related information, answer questions, and address concerns
- Development of the Ahafo South Resettlement Negotiations Committee (RNC), to include additional members acceptable to all parties, to discuss and make decisions regarding specific Project impacts and community concerns
- An open-door policy for interaction with Community Liaison Officers, such that stakeholders feel comfortable approaching them directly to ask questions, discuss matters, and raise concerns
- Management of a responsive grievance and complaints procedure for recording and responding to comments and concerns in a constructive and timely manner

The first edition of the PCDP covers consultation and information disclosure activities up to the end of December 2009. The PCDP will be updated and reviewed regularly at key points in the project development.

Compensation Framework

The RAP Compensation Framework will specify all forms of asset ownership or use rights among the population affected by the project and the project's strategy for compensating them for the partial or complete loss of those assets.

The proposed strategy will be finalized in consultation with representatives of the affected communities. This section therefore outlines the Compensation Framework proposed for the Project, which will be the basis for negotiation with the Resettlement Negotiation Committee, and will require consensus prior to finalization of a Resettlement Agreement.

The impacts identified as eligible for compensation are:

- Loss of Land
- Loss of Crops
- Loss of Livelihoods
- Loss of Structures

Project-affected households are eligible for compensation and other assistance if they have a "legitimate interest" in respect of "immoveable assets" in the Project Area that are in place (i.e. established, in the case of crops or constructed, in the case of buildings) at the time of the Entitlement Cut-Off Date, being 28th May 2009.

Note that "Legitimate Interest" is not synonymous with ownership. Even those project-affected persons/households/communities with no recognizable legal right or claim to the assets they are occupying or using are considered eligible for resettlement assistance.

Immoveable assets comprise:

- Land and Crops
- Immoveable Structures – Structures used for living, sleeping, cooking and storage, and other structures such as latrines and wells; institutional structures such as churches, mosques, schools; business structures such as restaurants, kiosks etc, other structures including fish ponds etc
- Roads – all government recognized roads

Immoveable Assets that are planted (in the case of crops) or constructed (in the case of buildings) *after the Entitlement Cut-Off Date* are not included in compensation calculations.

The Company has inventoried all immoveable assets located in the Project Area as of the Entitlement Cut-Off Date:

- Rapid Built Asset Survey: May 2009
- Full Built Asset Survey: June - July 2009
- Crop Survey: May – June 2009
- Land Survey: May – June 2009
- Socio-Economic Survey: August – September 2009

The inventory of immovable assets forms the basis for compensation of project-affected people/households. In conjunction with compensation rates, the inventory will determine the compensation entitlement for each project-affected person/household.

In tandem with development of the inventory of immovable assets and compensation rates, the Company is developing a broad range of mitigation measures in the form of appropriate and fair compensation and assistance for eligible impacts.

This information will be developed as an “Entitlement Matrix” that will identify the following:

- All categories of affected people
- All types of loss associated with each category
- All types of compensation and assistance to which each category is entitled

All of the proposed provisions will be discussed with the Resettlement Negotiation Committee, and as such will not be finalized until negotiations are concluded. A full Entitlement Matrix will therefore be included with the final Resettlement Action Plan.

Resettlement Package

Owners of Eligible Structures who will be physically displaced may be eligible for resettlement in certain circumstances.

Eligible owners and their spouses will be entitled to choose a replacement residential structure (“resettlement house”) and plot within the resettlement community as compensation for the loss of residential structures that were in place as of the Entitlement Cut-off Date.

As part of the resettlement planning for the Ahafo South Area, two resettlement communities were constructed, Ntotroso and Ola. As the Ola Resettlement Community is close to the Subika Project Area, and located within the same Stool Lands, it is proposed as the resettlement site for households resettling as a result of the Project.

The Ola Resettlement Community was planned and designed so further plots could be added, thereby completing the community when further resettlement was required as part of the expansion of the Ahafo Mine. The Resettlement Negotiation Committee, the Asutifi District, the Brong-Ahafo Regional Town and Country Planning Department, and other government regulating agencies have approved the final subdivision plans for the resettlement community.

NGGL, in close consultation with regional and district town and country planners and the Site Selection Committee (a Sub-Committee of the RNC), designed resettlement community infrastructure to conform to Government of Ghana standards. The infrastructure plan has been approved by the responsible government regulating agencies.

The Project refined a range of house designs for selection by resettling households.

Objectives that have guided house design include:

- Legislative requirements – all design must adhere to the relevant planning legislation and building standards
- Familiarity and simplicity – materials, technology and design are familiar to local contractors and residents, meet socio-cultural requirements and are easy to maintain
- Availability – building materials and appropriate construction competence are available locally
- High performance – materials are carefully selected in terms of sustainability and performance, together with good design, providing for a good quality of life
- Flexibility – designs provide for residents to change uses over time (e.g. change in function of rooms)
- Potential for expansion – designs and plot layout provide the potential to add new rooms, as residents' needs and economic situation change.
- Affordability – construction costs are affordable for the Project, and maintenance costs are affordable for residents

Final house designs and the detailed eligibility criteria for each house size were discussed and agreed with the Resettlement Negotiation Committee.

Resettling households will select their own resettlement house from a series of standard designs, dependant on the size of their existing residence. All houses will be built with the same materials and finishes, with the exception of exterior and interior paint finishes, which can be custom selected by each household.

Relocation & Compensation Packages

Owners of structures that are physically displaced may be, subject to certain conditions, eligible for either relocation or cash compensation.

All assets within the Project Area will be surveyed and valued by an independent valuer, on the basis of full replacement rates, at market value, inclusive of labor costs, and exclusive of depreciation. The eligibility criteria for entitlement to relocation or cash compensation, and the methodology for valuation, will be the subject of discussion and agreement with the Resettlement Negotiation Committee.

Allowances made to relocating owners will include a transportation allowance, and a mobilization allowance. Details of these allowances will be the subject of discussion and agreement with the Resettlement Negotiation Committee.

Livelihood and Community Development Programs

NGGL has developed a comprehensive and well-established series of livelihood and community development measures associated with the initial Ahafo South Area development. These measures are aimed at enhancing livelihoods and economic well-being, particularly targeting those affected by land acquisition, and also contributing to general community-wide development. These programs undergo regular monitoring, evaluation and review.

The established NGGL livelihood programs will be refined as necessary, as part of the development of Entitlements for the Subika Project, necessarily involving consultation and discussion with the Resettlement Negotiation Committee.

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.

NGGL's community development NGO partner delivers a 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.

LEEP is an ongoing community development initiative, currently implemented by Opportunities Industrialization Centers International (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. The Program seeks to improve the livelihoods of households resettled or relocated due to the Company's operations, through enhancing households' capacities in the areas of health, nutrition and education, thereby improving their quality of life.

AILAP was developed to assist farmers affected by land acquisition and resettlement activities to establish new farms. NGGL currently partners with the Ministry of Food & Agriculture (MoFA), OICI, the Asutifi District Assembly, Community Chiefs, and Chief Farmers in implementing the Program. The goal of AILAP is to ensure no loss of access to agricultural land for farmers as a result of mine activities, and to increase levels of production, crop yields, and market access, as well as developing crop diversity. The program aims to effectively distribute agricultural assistance to compensated farmers directly impacted by land acquisition activities in the Mine Take Area.

Vulnerable Persons

Vulnerability may be viewed in the context of two stages:

- Pre-existing vulnerability
- Transitional hardship vulnerability, caused by project related physical and economic displacement

Pre-existing vulnerability is vulnerability that occurs, with or without the Project development, whilst transitional hardship vulnerability occurs as a result of those directly affected by the Project being unable to adjust to new conditions due to shock or stress related to project activities.

NGGL has a well established Vulnerable Program designed to address households experiencing transitional hardship vulnerability, in accordance with international best practice.

The most prominent categories of vulnerable persons in the Project Area are:

- Caretakers/sharecroppers with no buildings or fields of their own, or who are losing the land they work
- Poor female headed households without extended family support
- Elderly poor, especially those without extended family support

While general NGGL livelihood programs, particularly AILAP and LEEP, largely seek to address issues of landlessness, homelessness and joblessness as a result of resettlement activities, the Vulnerable Program has been developed to target those households identified as requiring additional supports.

The Vulnerable Program was established in January 2006, focused on directly-impacted households living within the mine area and particularly in the resettlement communities. The goal of NGGL's Vulnerable Program is to provide a safety net until identified transitionally vulnerable households can become self-sufficient and resilient to economic stresses. The objective is to identify, assess, support, remediate, and monitor project-affected households experiencing severe hardship. Each household should have a place to live, means of income, access to medical care, and ability to feed itself.

Protection of Cultural Heritage

NGGL recognizes the importance of preserving cultural heritage for current and future generations and, consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, aims to protect irreplaceable cultural heritage in the course of development and operation of projects.

To this end, NGGL has developed a Draft Cultural Resources Management Plan (February 2008), covering the entire Ahafo Project, consistent with IFC Performance Standard 8 on Cultural Heritage.

No sites of archaeological significance have been identified at Subika.

Organizational Framework

NGGL is responsible for the planning and implementation of the Resettlement Action Plan, in consultation with the Resettlement Negotiation Committee, and with the cooperation of government agencies at the district, regional and national levels.

The Project Resettlement Team consists of the following:

- Newmont Ghana Gold Limited
- rePlan Mining Consultants Ltd
- LandPro Consultants Ltd
- Borealis Inc
- Opportunities Industrialization Centers International (OICI)

There is close cooperation between community-level project stakeholders, Senior Company Management, Communications experts and planning and technical team members.

Grievance Procedures

NGGL has put in-place a Standard Operating Procedure (SOP) that seeks to manage complaints in a planned and systematic manner. 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.

A Grievance Office and Complaints and Grievances Committee (CGC) forms an integral part of the procedure for resolving all complaints and grievances reported by individuals, groups and other stakeholders who may have been adversely affected by mining activities.

Monitoring, Evaluation and Reporting

The Project will conduct monitoring and evaluation to track the Resettlement Action Plan Implementation. The monitoring and evaluation will give particular attention to the project-affected communities, especially vulnerable groups, female headed households, sharecroppers and caretakers. External monitoring will be carried out by both IFC and an independent consultant who will work closely with the project-affected persons. Monitoring will also be taken up internally by the Company to assess the success and identify potential difficulties and problem areas.

Monitoring and evaluation have the following general objectives:

- Monitoring specific situations or difficulties arising from the implementation and compliance with objectives and methods set out in the Resettlement Action Plan
- Evaluating emergent, mid-and long-term impacts of the Project on the welfare of impacted households, communities, and local government

Resettlement Budget & Implementation Schedule

A detailed budget and schedule can only be developed following the outcome of community negotiations and development of the final Entitlement Matrix for the Project. This will be presented in the final RAP, which will be prepared following conclusion of resettlement negotiations. An implementation schedule for initial project development, from project start through resettlement negotiations to end December 2009, has already been developed as part of the RAP.

Preamble

This Resettlement Action Plan (RAP) for the Subika Project has been prepared by rePlan Mining Consultants Ltd (rePlan), in close collaboration with and on behalf of Newmont Ghana Gold Limited (NGGL). The document contains a record of the procedures, actions and commitments being taken to resettle, relocate, and compensate the people and households impacted by the Project, consistent with the International Finance Corporation's applicable policy on Involuntary Resettlement (Performance Standard 5) and in compliance with the laws of Ghana.

Proponent's Commitment

NGGL endorses the RAP presented in this document, and commits to its complete, timely and effective implementation. The RAP will be made public, along with NGGL's stated commitment to implement the RAP.

1. Introduction

This document represents the Resettlement Action Plan (RAP) for the Subika Project development at Newmont Ghana Gold Limited's Ahafo mine, Brong-Ahafo Region, Ghana.

1.1 Purpose of the RAP

The purpose of developing a RAP at this stage of the Project cycle is to outline the framework for execution of the Subika 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.

A final Resettlement Action Plan will also be prepared and disclosed when the issues in this Resettlement Action Plan have been fully developed and agreed with community representatives and key government stakeholders, as per IFC best practice.

This initial RAP therefore outlines the approach to the Project and the framework for resettlement and compensation, while a final RAP, post-negotiations, will contain the final agreed compensation entitlements and implementation schedules, as agreed with the community and key stakeholders.

The main purpose of this RAP then is to illustrate the approach of the Project to:

- Community consultation, and how stakeholders are involved in decision making, resettlement planning, implementation and monitoring
- Data gathering, and how quantitative and qualitative data is being gathered and analyzed concerning demographic, socio-economic and land use matters
- Development of compensation frameworks and eligibility criteria
- Resettlement, relocation and compensation planning
- Development of livelihood restoration and development programs
- Budgeting and implementation of resettlement plans
- Organizational roles and responsibilities in implementation
- Grievance procedures
- Monitoring and evaluation of resettlement and land access impacts

1.2 Format of the RAP

In developing the RAP, close attention was paid to IFC requirements, particularly with reference to the IFC Handbook for Preparing a Resettlement Action Plan, 2002. The development of the RAP was also discussed with IFC advisors at regular meetings throughout the Project development, and through the production of progress reports.

The IFC Handbook notes the essential components of a RAP to be the following:

- Identification of project impacts and affected populations
- A framework for public consultation, participation, and development planning
- A legal framework for land acquisition and compensation
- A compensation framework

- A description of resettlement assistance and restoration of livelihood activities
- A description of organizational responsibilities
- An implementation schedule
- A description of provisions for redress of grievances
- A framework for monitoring, evaluation, and reporting
- A detailed budget

Accordingly, this RAP is broken down into the following sections:

1. Introduction
2. Institutional & Legal Framework
3. Baseline Data Collection & Analysis
4. Identification of Project Impacts
5. Public Participation
6. Compensation Framework
7. Resettlement Package
8. Relocation and Compensation Packages
9. Livelihood and Community Development Programs
10. Vulnerable Persons
11. Protection of Cultural Heritage
12. Organizational Framework
13. Grievance Procedures
14. Monitoring, Evaluation and Reporting
15. Resettlement Budget & Implementation Schedule

As noted by the IFC, the minimum requirement of a RAP is to ensure the livelihoods of project-affected people are restored to levels prevailing before inception of the Project, while the goal is to ensure that resettlement activities result in measurable improvements in the economic conditions and social well-being of affected people and communities.

The remainder of this introduction outlines the background to the Ahafo South Project to date and introduces the key components of the Subika Project itself.

1.3 The Ahafo Mine

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 55 km south of the regional capital of Sunyani, as shown on Figure 1.1.

Figure 1.1: Ahafo Project Location

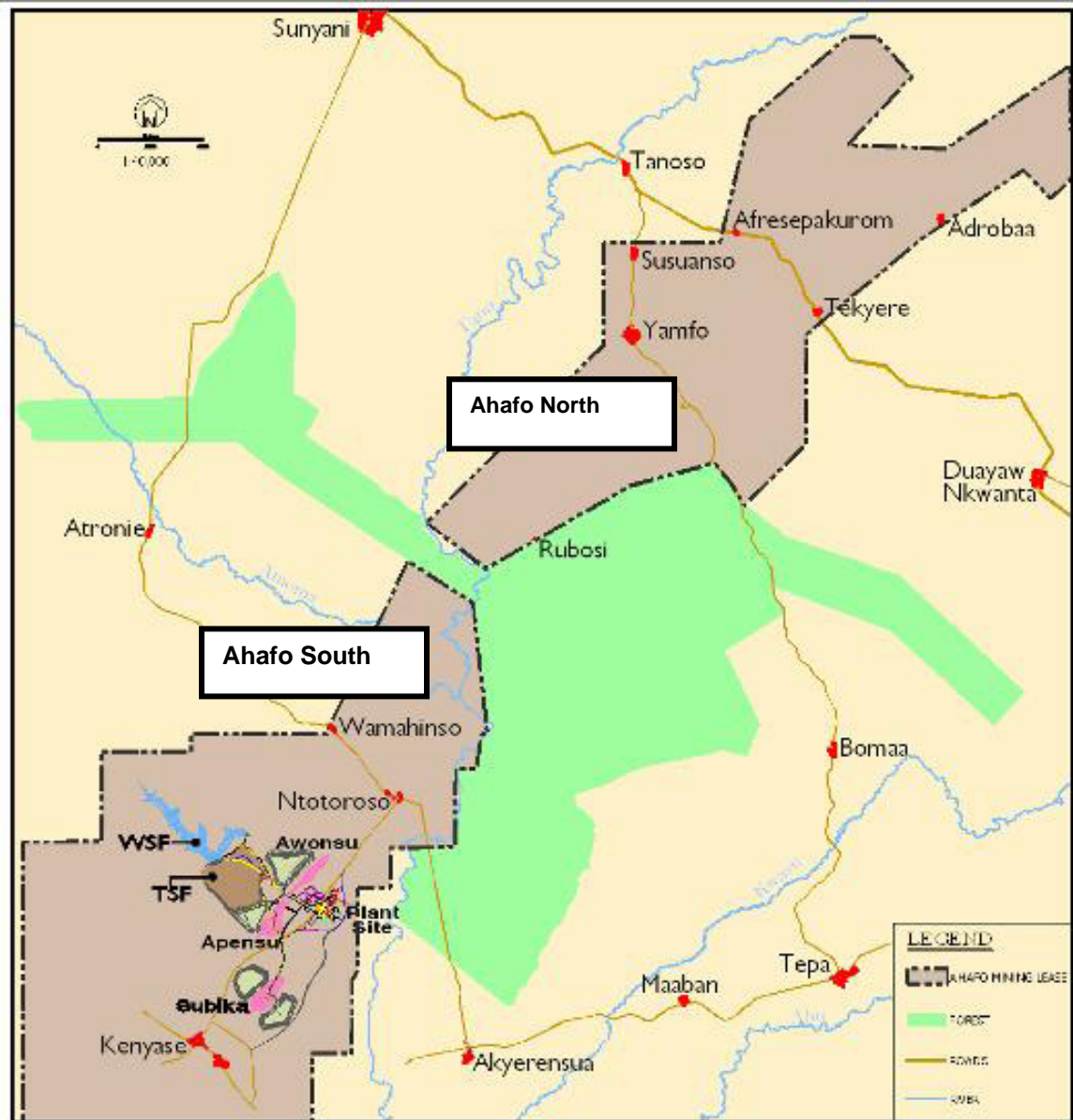


NGGL has separated the Ahafo Mine into two components: Ahafo South and Ahafo North.

The Ahafo South Area extends from the Subika Shelterbelt/Bosumkese Forest Reserve on the north and east; the communities of Kenyase 1 and 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 Subika Shelterbelt and Bosumkese Forest reserves north-easterly to the known extent of the Ahafo mineralized zone.

Figure 1.2: Ahafo Mine, showing North and South Areas



1.4 Ahafo South Area

The Ahafo South Area initial development involved approximately 2,994 hectares (ha) for construction and operation of the following facilities and mine components:

- Four open-cut mine pits (Subika, Amoma, Awonsu, and Apensu)
- Waste rock disposal facilities
- Mill and processing plant

- Water storage facility
- Tailing storage facility
- Environmental control dams and other stormwater and sediment control structures
- Ancillary facilities (buffer zones, resettlement sites, bypass and haul roads, accommodation camps, and mine services)

The Ahafo South Area obtained the necessary mining leases and permits from the Ghanaian Government (Minerals Commission) and Environmental Protection Agency (EPA) respectively to proceed with Project development, and the majority of the Project has been developed, including construction of the mill facility, tailing storage facility, water storage facility, construction camp, and access roadways. Two of the four open-cut pits, Subika, Apensu and Awonsu are in production, with Amoma in development. The first gold production occurred in July 2006.

1.5 Ahafo South Area: Impacts and Mitigation Measures to Date

The Ahafo South Project initially impacted approximately 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.

The Company constructed 402 replacement houses, with better materials and facilities than had previously been the case, in two 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.

An independent assessment team representing the International Finance Corporation (IFC) reviews the Ahafo RAP and its implementation periodically. The first review was undertaken in August 2005 and there have been eight reviews since, the latest in August 2008. The review reports are publicly available on the IFC and Newmont websites.

The Amoma Project was initiated in June 2008 to develop the fourth pit for the Ahafo South Project. The Amoma Project impacted 1892 households, 1538 households were compensated for loss of crops/land, 758 households were compensated for unoccupied structures at a replacement valuation rate, and 56 households are currently being resettled at the Ntotroso resettlement community. Given that the Subika Project follows closely after the Amoma Project NGGL are proposing to offer similar resettlement packages to both sets of impacted persons.

1.6 Subika

Subika Pit was the first pit to be developed at Ahafo and is now being expanded to develop additional gold reserves and extend the life of mine of the Ahafo Project. It lies approximately 2 km northeast of Kenyasi, as shown on Figure 1.3.

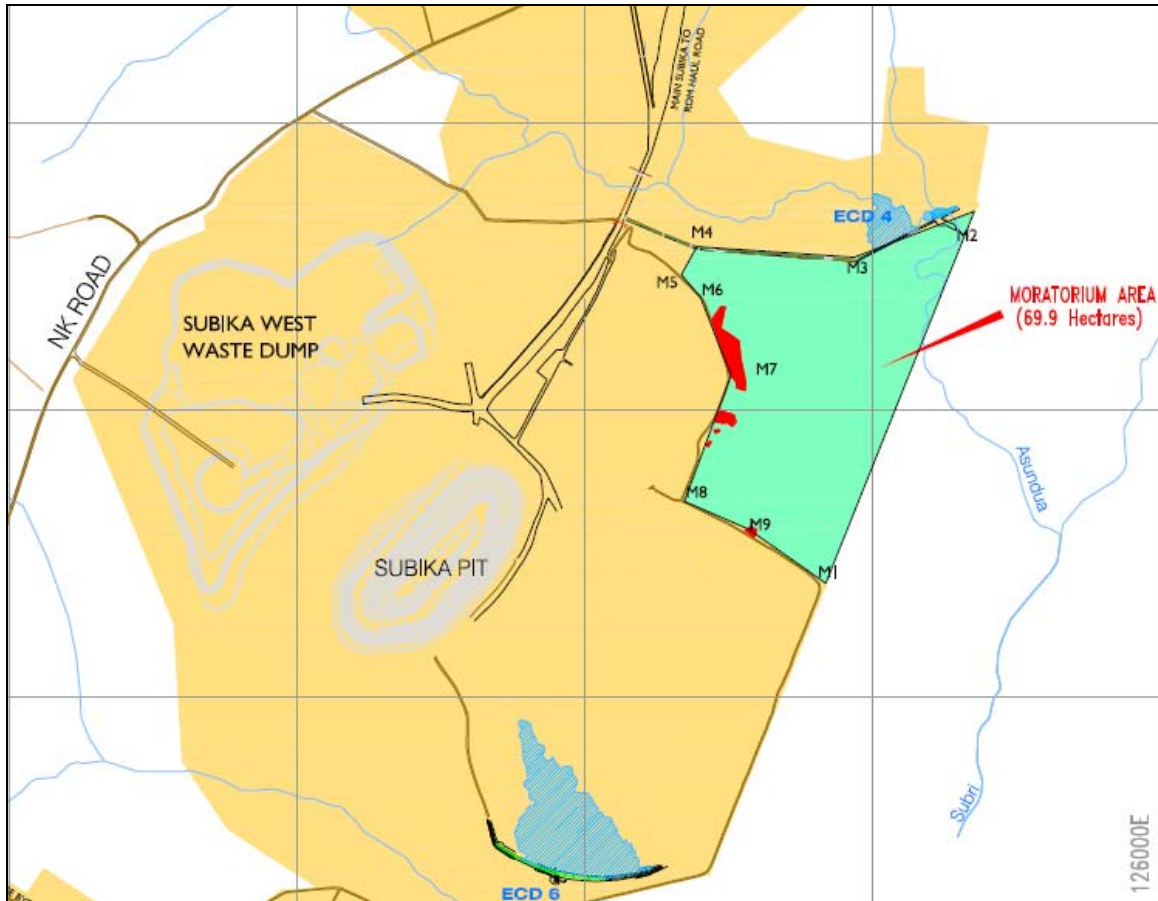
It is necessary to take 69.9 hectares of land in the Subika East area for this expansion.

The Mining Area is required for:

- Open-cast mining (mine pit, waste rock disposal and environmental buffer areas)

The Subika Pit is permitted by the Ghana Environmental Protection Agency (EPA) under the Environmental Impact Statement-Final Report Ahafo Project (South), March 2005 and the Environmental Management Plan, Ahafo Project (South), December 2007.

Figure 1.3: Subika Project Location



2. Institutional & Legal Framework

2.1 IFC Guidance

IFC best practice requires the project sponsor to identify all laws of the host country that are applicable to land acquisition and involuntary resettlement, including relevant local customs and traditions that govern affected communities.

Additionally, where national legislation falls short of meeting the conditions prescribed by IFC Performance Standards, the project sponsor will ensure the project meets the Performance Standards. The sponsor will identify gaps between local law and IFC policy and propose a strategy to address those gaps, without infringing on issues of national sovereignty.

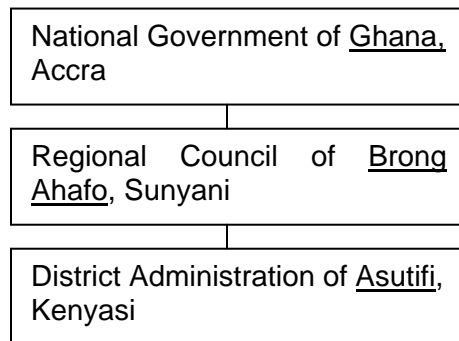
Accordingly, this section of the RAP outlines the following:

- 2.1 IFC Guidance
- 2.2 Ghana Institutional Framework
- 2.3 Ghana Legal Framework
- 2.4 Land Tenure & Transactions
- 2.5 International Standards & Guidance
- 2.6 Newmont Corporate Policies
- 2.7 Gap Analysis of National Law and IFC Standards

2.2 Ghana Institutional Framework

2.2.1 Government Structures

Ghana has a three-tier system of Government, consisting of National, Regional and District levels. However, there is also direct interaction between central and district levels of government in some decision-making processes, including the direct appointment of District Chief Executives by the President. In relation to those entities with oversight of the Project area, the various government entities are organized as follows:



The Brong-Ahafo Region has 19 administrative districts, with the Project located within the Asutifi District. The twin towns of Kenyase 1 and Kenyase 2 together form the administrative capital and commercial center of the District.

In addition, a level of sub-district administration exists, consisting of urban / town / area / zonal councils and unit committees. Urban / town / area / zonal councils are defined by population threshold. Unit Committees are the lowest level of administration. A unit covers a population of 500 -1,000 people in rural areas and 1,500 or so in urban areas.

2.2.2 Traditional Authorities

Traditional authorities possess deep institutional relevance, particularly in rural areas where they continue to command considerable respect. These authorities play a particularly important role in land allocation and management.

The Project is located within the Ashanti Kingdom, the seat of which is Kumasi. The Ashanti King, Otumfuo Osei-Tutu II, recognizes a number of Paramount Chiefs, each of whom administers a stool.

There are also Divisional, or Autonomous Chiefs within the District, including in Ntotroso, Gyedu and Wamahinso.

Paramount and divisional chiefs exert control over sub-chiefs, who represent major communities within their respective stools, and community chiefs, who represent smaller communities. At the community level, sub-chiefs or community chiefs, in consultation with elders, typically resolve disputes.

2.2.3 Household Organization

In the Brong-Ahafo Region, people typically have as their primary residence a homestead, which serves as the social and residential center of an extended family. The residents normally number some ten or more persons. Each extended family is typically composed of individuals from more than one related nuclear family, or household.

In rural areas near the Project, these extended family residences are termed “krom” in Akan languages and “village” in local English. In this document, such rural residences are termed “rural homesteads,” recognizing that a typical homestead is the home of more than one household. A single household may eat from a common pot or may combine food supply, preparation, and consumption with co-resident households within a compound.

In urban areas near the Project, these extended family residences are termed “efihyia.” In this document, such urban residences are termed “urban homesteads,” also recognizing that a typical homestead contains more than one household. As with rural homesteads, a single household may eat from a common pot or may combine food supply, preparation, and consumption with co-resident households within a compound.

Residents of urban homesteads will often possess farm fields in the surrounding rural areas. Sometimes, such persons also have farm houses (“akuraa”), which they use seasonally and from time-to-time, for storage, to rest during the heat of midday, or for extended periods of “camping” at the farm. Individuals of a nuclear family or household typically use these farmhouses. Habitual users normally number about five persons.

2.3 Ghana Legal Framework

The legal framework lays the foundation for four key elements of the RAP:

- Approach to Land Access and Management
- Establishing rates of compensation
- Determining eligibility for compensation and resettlement assistance, including livelihood initiatives
- Establishing mechanisms to resolve grievances among affected persons related to compensation and eligibility.

The legal context of resettlement in Ghana is complex. As in many parts of Africa, dual, customary and titled ownership exist. The State has attempted to curtail customary ownership and regulate land administration by legislation, resulting in an often conflicting legal landscape.

Private sector land acquisition and resettlement related to mining activities is governed by the following:

- The 1992 Constitution of Ghana, which ensures protection of private property and establishes requirements for resettlement in the event of displacement from State acquisition
- The State Lands Act of 1963, which mandates compensation rates and sets procedures for public land acquisitions
- The Minerals and Mining Act of 2006, which allocates all mineral rights to the State and requires adequate compensation for loss of assets due to mineral operations

State agencies oversee various land policies relating to land acquisition, resettlement and compensation. The main agency in this Project is the Land Valuation Board (LVB), which oversees compensation regulations, and is the designated authority for settling disputes over property compensation in private sector projects.

2.3.1 The Constitution of Ghana (1992)

The Constitution of Ghana (1992) specifically requires resettlement (and not just cash compensation) where land is acquired in the public interest.

The Constitution also recognizes the right to private property and to its protection by the State.

2.3.2 State Lands Act (1963)

Section 6(1) of the State Lands Act of 1963 provides that any person whose property is affected by a public project is entitled to compensation, and provides a mechanism by which people not satisfied with compensation may seek redress by notifying the Minister, who refers the case to a tribunal made up of three persons appointed by the President.

2.3.3 Minerals and Mining Act (2006)

The legal framework for mining in Ghana is the Minerals and Mining Act, 2006 (Act 703). Regardless of who owns the land in which minerals are situated, exercise of any mineral right requires a license granted by the Minister for Mines, as the agent of the State for exercise of powers relating to minerals. The powers of the Minister must be exercised

with the advice of the Minerals Commission. This commission has constitutional authority to regulate and manage the utilization of mineral resources and to co-ordinate policies in relation to minerals.

The Minerals and Mining Act requires mineral right holders to affect as little as possible the interest of any lawful occupier of the land. All mining leases state that the lease holder shall not hinder or prevent members of the local population from exercising certain customary rights and privileges such as hunting, gathering firewood for domestic purposes, collecting snails, grazing livestock, cultivating farms, and observing rites in respect of graves or other sacred areas. Lawful occupants retain these rights if use does not interfere with mining operations.

In accordance with Section 111 of the Act a "Mining Area" may be designated from time to time by the holder of a mining lease, with the approval of the Minerals Commission.

Occupants within a Mining Area must ask permission from the leaseholder to erect any building or upgrade crops.

Specifically, Section 72 (4) states:

"In the case of a mining area, the owner or lawful occupier of the land within the mining area shall not erect a building or a structure without the consent of the holder of the mining lease, or if the consent is unreasonably withheld, without the consent of the Minister".

Section 72 (6) states:

"An owner or lawful occupier of land shall not upgrade to a higher value crop without the written consent of the holder of the mining lease, or if the consent is unreasonably withheld, without the consent of the Minister".

Under Section 74 of the Act, a mineral right holder must compensate for any disturbance to the rights of owners or occupiers and for damage done to the surface of the land, buildings, works or improvements, or to livestock, crops or trees in the area of mineral operations and also compensate for the deprivation of the use or a particular use of the natural surface of the land or part of the land.

In accordance with Section 73, the Act requires that the amount of compensation be determined by agreement between the parties concerned, with the approval of the Land Valuation Board. In practice, this agreement involves a broad cross-section of stakeholders, including affected farmers, and local traditional and political leaders. If an agreement cannot be reached, the Minister of Mines arbitrates.

2.3.4 Additional Legislation and Regulations

Other legislation and regulations relevant to the resettlement process include those pertaining to environmental protection and assessment, and architecture and planning, particularly the Town and Country Planning Ordinance of 1945, the Local Government Act of 1993 and the National Building Regulations 1996 (L.I. 1630). These stipulate detailed planning requirements for urban developments, consultations required, as well as mechanisms to ensure registration of land titles and allocation of plots with security of tenure.

The Mining and Environmental Guidelines (1986) also provide for resettlement:

“Any pre-existing settlement located close to mining operations where the pre-existing inhabitant’s public safety is at risk, or where the inhabitants are subjected to unreasonable nuisance, shall be resettled at a more distant site with at least an equal standard of accommodation and services at the cost of the company”

2.4 Land Tenure and Transactions

Broadly two types of land ownership exist in Ghana. These are:

- State or Public Lands
- Private Lands

State or Public Lands refer to lands acquired by the State for public use through compulsory acquisition under relevant legislation. These are managed by the Lands Commission.

Private Lands are largely under customary ownership by stools, families/clans and individuals. They usually connote some form of communal ownership.

In between these two broad categories of land ownership are Vested Lands, in which there is a split in ownership between the State (through management of the lands) and the beneficiary, usually stool/skin.

In the Ahafo area customary ownership of Private Lands predominates. Within this type of ownership, the main categories of interests and rights identified are:

Stool Lands or Allodial Interest: This is where the overall interest is vested in the chief, as occupant of the stool for and on behalf of the community. The Chief may allocate land to members of the land owning community (indigene) and stranger/migrants for all land use purposes, including farming and building.

Family Land or Right of Usufruct: This refers to the interest acquired by the indigene of the stool land area by virtue of being a member of the family/clan. It is inheritable and can be passed from generation to generation without consent from the custodian of stool.

Freehold Land or Alienation Holder: This interest arises where a person has purchased land outright from the stool or family; in which case he possesses the allodial title in land and thus holds that paramount interest in land. This is usually held by migrant/settler farmers who came to live in the community many years ago. An alienation holder can use or allocate land (subject only to relevant national laws) without the consent of any authority.

Customary Law Leasehold or Tenancy/Sharecropping Interests (for agricultural purposes): These are interests in land in which land owners and farmers agree to share proceeds of a crop in a predetermined ratio. ‘Abunu’ involves crop sharing into two (2) equal parts, while ‘Abusa’ is sharing into three (3) equal parts. In both cases, the farmer may continue to crop on the land for the life of the crop, or if fire engulfs the farm and the crops are destroyed; then the land reverts to the land owner. There could be a renegotiation for a fresh start or the farmer could leave without any obligation on both

parties. However, where the farmer crops till the end of the life of the crop the land reverts to the land owner. Customary land transactions involving farm sharing does not transfer ownership in the land. When an agreement is made between a landlord and a farmer with respect to sharing a farm, without explicitly indicating an intention to transfer ownership it simple means to own and cultivate the land for the life of the crops (common with cash crops). Unless certain customary rites are performed to signify an actual transfer or gift of the land to another party, the sharing does not intend to transfer ownership rights on the land.

Customary Law Leasehold (for non-agricultural purposes): These are interests acquired for other non-farm activities, e.g. for buildings. These may be acquired from stool, family or freehold lands. It is usually for a pre-determined number of years, and for a specific use.

In addition to the above which occur on customary lands, there are a few other land arrangements on State Managed Customary lands.

State Leasehold: These lands were originally part of stool lands which were rented out to individual farmers. Payments of rent on these lands were required through subsequent policies of past governments; to be paid into stool lands accounts managed by the Office of the Administrator of Stool Lands (OASL). The OASL still collects rent on these lands into the respective stools accounts and disburses it in line with the formula established by the 1992 Constitution.

2.4.1 Land Tenure Issues

Customary practice of land allocation by traditional authorities results in the provision of land to a variety of users through a range of mechanisms. Very often, being communal lands, other members of the wider community has lesser rights such as rights of access, right to collect mushrooms, snails and medicinal plants which have grown naturally. Some customary land use rights are sometimes enshrined in writing, and sometimes left to the memory of responsible persons.

The Government of Ghana has at various times sought to formalize the process of land tenure, including the definition of land titling processes and the allocation of responsibility to a number of land administration institutions, including the Lands Commission, Land Title Registry, Survey Department, Land Valuation Board, Department of Town and Country Planning, and Office of the Administrator of Stool Lands.

The government is planning to streamline land administration in the country by amalgamating the various land institutions (Lands Commission, Survey Department, Land Title Registry and Land Valuation Board) into a single umbrella body called Lands Commission.

2.5 International Standards & Guidance

2.5.1 IFC Performance Standards

International best practice for private sector related resettlement is now guided by the IFC's Performance Standards on Social and Environmental Sustainability, and particularly defined by the IFC's Performance Standard 5: Land Acquisition & Involuntary

Resettlement. A series of Performance Standards, designed to improve social and environmental outcomes, consist of the following:

- Performance Standard 1: Social and Environmental Assessment and Management System
- Performance Standard 2: Labor and Working Conditions
- Performance Standard 3: Pollution Prevention and Abatement
- Performance Standard 4: Community Health, Safety and Security
- Performance Standard 5: Land Acquisition and Involuntary Resettlement
- Performance Standard 6: Biodiversity Conservation and Sustainable Natural Resource Management
- Performance Standard 7: Indigenous Peoples
- Performance Standard 8: Cultural Heritage

2.5.2 Performance Standard 1: Social and Environmental Assessment and Management System

Performance Standard 1 structures the way in which environmental and social issues are to be handled and serves as the core around which the other Standards are framed. Performance Standard 1 requires that affected communities be appropriately engaged on issues that could potentially affect them. Key pre-requisites include:

Ensuring free, prior and informed consultation, and facilitating informed participation
Obtaining broad community support
Focusing on risks and adverse impacts, and proposed measures and actions to address these
Undertaking consultation in an inclusive and culturally appropriate manner
Tailoring the process to address the needs of disadvantaged or vulnerable groups

2.5.3 Performance Standard 5: Land Acquisition & Involuntary Resettlement

The Objectives of Performance Standard 5 are:

To avoid or at least minimize involuntary resettlement wherever feasible by exploring alternative project designs

To mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of land by: (i) providing compensation for loss of assets at replacement cost; and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected

To improve or at least restore the livelihoods and standards of living of displaced persons

To improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites

In particular, PS 5 notes that there should be consultation and informed participation of affected persons and communities in decision-making processes related to resettlement. A grievance mechanism should also be established to receive and address specific concerns about compensation and relocation.

2.5.4 Equator Principles

The Equator Principles are a financial industry benchmark for determining, assessing and managing social & environmental risk in project financing. The Principles were adopted in June 2003 by ten of the world's leading financial institutions. As of May 2008 60 of the world's leading financial institutions have adopted the Principles.

The Principles were updated in 2006 to align them with the IFC Performance Standards. Adopting institutions undertake not to loan to projects in which the borrower will not, or is unable to, comply with the environmental and social policies and processes outlined in the Principles.

2.6 Newmont Mining Corporation Policies

Newmont has articulated a comprehensive Social Responsibility Policy, as well as accompanying Guidelines, and is a member of global organizations including the International Council on Mining and Metals (ICMM) and the Global Compact whose aims are to promote responsible business practices.

Newmont is listed on the DOW Jones Sustainability Index. Launched in 1999, the Dow Jones Sustainability Indexes are the first global indexes tracking the financial performance of the leading sustainability-driven companies worldwide.

The Company's commitment to meeting Ghanaian legislation and international best practice contributes to maintaining a Social License to Operate.

The Company is committed to minimizing disruption to the community, sustaining existing and supporting replacement of displaced livelihoods, and ensuring properly administered land transactions defined in consultation with stakeholders. Policies and programs have been put in place to ensure delivery of these commitments.

2.7 Gap Analysis of National Law and IFC Standards

IFC guidelines dictate that project proponents demonstrate how they will address gaps between domestic requirements and international standards and requirements. The table below displays both domestic and international requirements, and where required states how the gap will be addressed.

Table 2.1: Gap Analysis of National and IFC Requirements for Resettlement

Resettlement Topic	Ghanaian Legislative Requirements	IFC Policy	Gap	Strategy
Timing of compensation payment	Prompt	Compensation must be transparent and consistent	National law does not stipulate transparency or consistency as requirement in payments	Compensation payments will be prompt, transparent, and consistent, through compensation policies developed and agreed with stakeholders
Calculation of compensation	Fair and adequate. The Act requires that the amount of	Cash compensation should be	National law requires approval of	Compensation rates will be determined by

Resettlement Topic	Ghanaian Legislative Requirements	IFC Policy	Gap	Strategy
	compensation, subject to approval of the Land Valuation Board, be determined by agreement between the parties concerned	sufficient to replace the lost land and other assets at full replacement cost in local markets	Government valuers. IFC Standards stress full market replacement costs	independent valuer at market rates, approved by LVB, and agreed through negotiations
Squatters	No provisions. Are deemed ineligible.	Establish a cut-off-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	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 there 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
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	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
		whose livelihoods or income levels are adversely affected.		
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
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
Grievances	If an agreement cannot be reached, the Minister of Mines arbitrates through the courts.	Must establish a grievance mechanism to receive and address specific concerns about compensation and relocation, 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
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

3. Baseline Data Collection & Analysis

3.1 IFC Guidance

The IFC Guidelines on preparing a Resettlement Action Plan outline the following important aspects of data collection which are required to inform a successful RAP.

Mapping

The area from which people will be moved as well as the area to which people will be resettled will be mapped in detail, with individual affected households demarcated (identified with registration numbers derived from the built asset and socio-economic surveys).

Land Surveys & Thematic Maps

From the land surveys different types of land will be mapped according to use and potential (for instance, crop suitability assessments and natural vegetation).

From these survey maps, resettlement planners can prepare various thematic maps that identify the location and extent of important types of land use. Additional thematic maps can be prepared that identify:

- Land use categories
- The location of common property resources
- Cultural property (for example, places of ritual significance, graveyards, and monuments)
- Road and transportation networks
- The location of farms, employment and services

In addition to its usefulness for planning, mapping of the project area, affected households, natural resources, fixed assets and infrastructure provides the sponsor with a spatial reference or baseline with which to protect the project from claims by people who build or plant in the Project Area after the Entitlement Cut-Off Date.

Demographic Data

The census of people affected by the project is a key initial stage in the preparation of the RAP. The Project demographic data can serve four important and interrelated functions:

- Enumerating and collecting basic information on the affected population
- Registering the affected population by residence or locality
- Establishing a list of legitimate beneficiaries before the project's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits
- Laying a framework for subsequent socioeconomic research needed

Socioeconomic Studies

In addition to basic demographic data (age, sex, family size), social and economic information (ethnicity, health, education, occupation, income sources) should also be gathered from among the affected people. This information can provide resettlement planners with a general understanding of the communities affected by the project, and the scope of compensation and resettlement assistance necessary to mitigate adverse effects.

Resettlement planners must give particular attention to vulnerable groups living in the project area. These groups may include households headed by women or children, people with disabilities and the extremely poor.

Baseline Data for Monitoring and Evaluation

Information gathered can be used to establish indicators not only for resettlement implementation, but also for monitoring and evaluation of income restoration and sustainable development initiatives associated with a RAP.

Surveys Consolidation

Resettlement planners should consolidate data gathering efforts both to economize on project resources and to minimize survey fatigue among the affected population.

Inventory of Affected Assets

The Project Proponent must undertake a detailed survey of all losses that will result for each household, enterprise, or community affected by the project. The survey should account for land acquisition and loss of physical assets as well as loss of income. Assets held collectively, such as water sources, forest resources, and community structures should be recorded separately. It is essential for resettlement planners to consult with affected people during this step to develop a reasonable consensus on the methods and formulas for assigning value to lost assets and income forgone during resettlement.

3.2 Baseline Data Collection at Subika

The following secondary data sources were consulted at the outset of the Project:

- National Census (2000)
- Ghana Poverty Reduction Strategy Paper (2003)
- Fourth Ghana Living Standards Survey (1999)
- Asutifi District Medium Term Development Plan (2006-2009)
- Ahafo South Project Resettlement Action Plan (2005)

The following surveys were developed to collect base data for the Project Area:

- Ahafo Hamlets & Communities Mapping (Geomatrix 2007)
- Public Consultation (focus groups, key stakeholder interviews etc)
- Rapid Asset Survey (Immoveable Assets)
- Full Built Asset Survey
- Crops Survey
- Land Survey
- Socio-Economic Survey

A survey matrix was developed at the outset to ensure consolidation of data gathering efforts and minimize survey fatigue among the population. Duplication was avoided, and surveys were utilized in combination with other data gathering measures including community consultations.

The data from all surveys were inputted into the NGGL Information Management System (IMS), which formed the Project Database, allowing linking of all information gathered on both an individual and household level.

From this base data a series of thematic maps can be produced through the IMS, including land use, built assets, and common and cultural property, to inform the resettlement planning process.

3.3 Rapid Asset Survey (RAS)

The purpose of the Rapid Asset Survey (RAS) was to record all structures which were in the Subika Project Area on the date that the moratorium was declared. The purpose was not to assess structures for valuation, but quickly record basic data, to prove which structures were pre-moratorium, and limit speculation by those who sought to build in the Project Area in anticipation of benefits. All buildings built subsequent to this survey were considered post moratorium and are not eligible for compensation.

The following information was gathered through the Rapid Asset Survey:

- Only immovable structures were recorded
- Basic owner/occupier information (where present)
- Basic structural observations
- Photographs of building number and structure owner (if present)
- GPS coordinates of building
- External measurement and basic layout sketch
- Issuance of notice regarding moratorium, including verbal explanation
- Sign-off by relevant owners and witnesses

Each Survey Team included an NGGL Community Liaison Officer, to communicate the implications of the Mining Area date and survey and compensation processes, and a Community Task Force member, employed by NGGL and drawn from local communities to guide team to the site.

Training was provided to Community Liaison Officers and surveyors prior to mobilization.

The survey process was also overseen by the following key people:

- Resettlement Negotiation Committee (RNC) representatives, to witness that the survey was carried out in a fair and transparent manner
- Land Valuation Board (LVB) representatives, to verify that the survey was undertaken according to government regulations

The Project Moratorium Area was divided into zones as shown at Figure 3.1.

Figure 3.1: Project Area Survey Zoning Plan



3.4 Full Built Asset Survey

As soon as the Rapid Asset Survey was completed, the Full Built Asset Survey (FBAS) commenced.

The FBAS collected the following information:

- Collection of basic demographic data (Number of persons per household)
- Structure survey (internal & external measurements, recording of all materials)
- Reconfirmation of GPS coordinates
- Detailed structure sketches
- Photographic records
- Sign-off by relevant owners and witnesses

The central purpose of the FBAS was to confirm the results of the Rapid Asset Survey, determine if any additional speculative building had occurred since the initial Rapid Survey, and to collect detailed measurements and construction details for the purposes of asset valuation. The basic demographic data survey was also included in this process.

As with the RAS, each Survey Team included a Community Liaison Officer, to communicate the implications of the survey and compensation processes, and a Community Task Force member, employed by NGGL and drawn from local communities to guide team to the site.

The survey process was also overseen by Resettlement Negotiation Committee representatives, and LVB representatives to verify that the survey was undertaken according to government regulations.

3.5 Crops Survey

The purpose of the Crop Survey is to record all crops which are in the Subika Project Area prior to the declaration of the moratorium and to assess all these pre-moratorium crops for compensation. All crops planted subsequent to this survey are considered post moratorium and are not eligible for compensation.

The following information was gathered by the Crop Survey team:

- Basic Owner/Occupier information
- Farm boundaries
- Basic crop information
- Ownership interests in the land
- Dated photographs of farmer and GPS coordinates and photos of the farm
- Sign-off by relevant farmers/owners and witnesses

Each Crop Survey Team included a Community Liaison Officer and Community Task Force member.

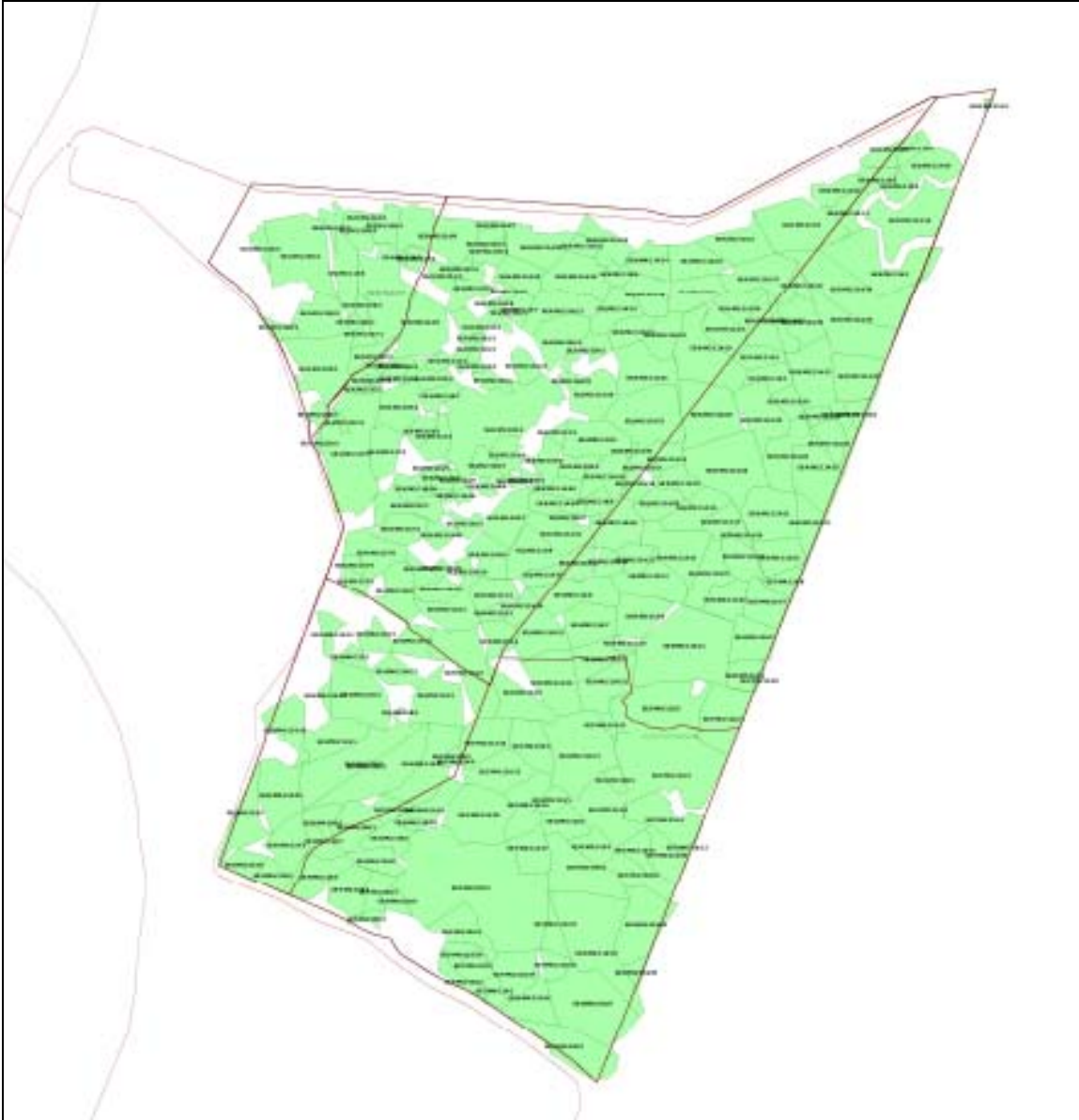
The survey process is overseen by the following key people:

- A senior community representative, usually the Chief Farmer, to witness that the survey was carried out in a fair and transparent manner

- An LVB representative to verify that the survey was undertaken according to government regulations

Details of all the fields surveyed within the project area are shown in Figure 3.2.

Figure 3.2: Subika Field Survey



3.6 Crop Assessment

An NGGL crop assessor visits the farm once the survey information is checked and processed, to survey and verify the crops eligible for compensation and issue a compensation chit to the owner. This process is overseen by the Land Valuation Board (LVB).

An independent certified valuer also reviews NGGL's crop valuation procedures and processes to ensure quality control and sign off by a qualified valuer.

Rates of crop compensation are agreed annually by the Crop Rate Review Committee (CRRC), comprising elected representatives of all mine affected communities, relevant regional and district government representatives, Ministry of Food & Agriculture directors, local NGOs, and NGGL. The most recent review and agreement on rates for the coming year concluded in September 2008.

Farmers are notified by NGGL when compensation will be paid, and payment is issued by check, accompanied by optional money management training.

3.7 Land Survey

The Land Survey gathered information on the non-cropped areas in the Moratorium Area for the determination of compensation for the deprivation of use of land.

The following information was gathered by the Land Survey team:

- Basic owner/occupier information (if applicable)
- Farm boundaries (if applicable)
- Ownership interest in the land (if applicable)
- Basic description of the area (grassland, secondary forest, marshland, etc)
- Photographs of owners and details of the general land type and GPS coordinates
- Sign-off by relevant owners and witnesses

The Land Survey involved the same teams as the Crop Survey. As nearly all land in the Project Area is under crops, the Land Survey was very limited. The process was, as for the Crop Survey, overseen by a senior community representative and LVB representative.

3.8 Socio-Economic Survey

The Socio-Economic survey was undertaken in August and September 2009, when all building and crop surveys and assessments were completed. This survey gathered detailed data at the household and individual level. The survey also gathered information on current living standards, income, and livelihoods, to identify potential adverse impacts and potentially vulnerable people; refine livelihood supports; and also as a baseline to measure effectiveness of resettlement plans and mitigation measures.

3.9 Analysis of Baseline Data

Analysis of data collected serves three main purposes:

1. It provides information needed to establish the entitlement matrix for household and community level compensation, and planning and design of resettlement sites
2. It yields basic social and economic information needed to develop appropriate livelihood development packages
3. It provides quantifiable baseline data for future monitoring and evaluation of RAP implementation

3.10 Analysis of Secondary Data Sources

Several sources of secondary data relevant to the project were available, as outlined at Section 3.2 above. However, the most up-to-date source is the Asutifi District Medium

Term Development Plan 2006-2009, and this was used to provide an overview of the District and salient socio-economic characteristics, as outlined below.

3.10.1 Brong-Ahafo Regional Characteristics

The Brong-Ahafo region is the second largest in Ghana, covering an area of 39,577,008 square kilometers. The Region has a tropical climate with temperatures averaging 24°C.

The region has a population of 1.8 million indicating an intercensal growth rate of 2.5%. It is comprised primarily of Brongs and Ahafos of Akan descent. The major languages spoken are Brong and Asante Twi.

The region is predominantly rural in character, with 70% of the regions' population engaged in agriculture and related livelihoods. Brong Ahafo Region is identified as the "Breadbasket" of Ghana since it supplies approximately 30% of the Nations' food.

3.10.2 Asutifi District Overview

The district covers an area of 1,500km² 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, located 6km south of the Ahafo Mine Site and approximately 50km from the regional Capital of Sunyani.

3.10.3 District Demography

In 2000, Asutifi District had a population of 84,475 people, projected to grow up to 108,682 in 2009.

The main ethnic groups in the district are the Ahafos, the Ashantis and the Bonos. The Asutifi District Development Plan comments that in recent times, due to the presence of mining, job seekers, mostly from the Central and Western Region of the country, have migrated to the mining communities in the district in search of employment.

The district population, in keeping with the trend regionally, is largely rural, and is classified as deprived by the Ministry of Local Government. According to the 2000 Population Census, only two communities (Kenyasi No.2 and Hwediem) can be classified as urban since they have a population of over 5,000.

While there are ethnic and religious minorities, no caste system operates in the district and there is no prejudiced community. The prevailing systems of kinship, marriage, inheritance, and residence are principled but flexible and open to outsiders.

3.10.4 District Services & Infrastructure

Education: According to the District Development Plan 2006-2009, only 10.8% of the district population have had no formal education, with 71.5% having received basic education. There has been an increase in the percentage of people receiving Senior High School education, from 8.6% in 2002 to 11.7% in 2006.

There are 286 primary schools, 309 Junior High Schools and 99 Senior High Schools. In addition, there are 28 Teacher/Nursing training schools, and 31 Tertiary level schools.

Health: The Asutifi District has one major health facility, Saint Elizabeth Hospital, located at Hwidiem, owned and managed by the Roman Catholic Church. It has one Medical Officer with a bed capacity of 130, with surgical, medical and obstetric service.

There are five health centers managed by the Ministry of Health, seven community clinics, three private maternity homes, three homeopathic clinics and 60 trained midwives. The predominant disease in the district, like Ghana as a whole, is malaria.

The District lags behind the Country generally in certain aspects of health coverage, with a Doctor-Patient ratio of 1: 42,237 as against a national figure of 1:7,813.

Water and Sanitation: With the exception of Kenyasi, Acherensua and Hwidiem, communities do not have access to pipe borne water. According to the District Development Plan (2006-2009), only 17% have access to piped water systems, with 57% utilizing hand-dug wells, 21% having access to boreholes, and the remainder using unhygienic water sources.

In terms of solid waste disposal, 98.2% of people dump their refuse openly at temporary or permanent waste sites created by their communities; these sanitary areas may be occasionally cleaned by the community.

Energy: The main source of fuel is wood which accounts for about 46.3% of the total household energy consumption. The other sources are charcoal 10.4%, kerosene 26%, electricity 13.5%, and LPG 3.8%.

3.10.5 District Economy

The District Development Plan (2006-2009) reports an average household income per month of GH¢26.00 (twenty six Ghana Cedis). Table 3.1 depicts different income sources and their distribution in percentage terms.

Table 3.1: Source of Income of Asutifi District Households

Income Source	Percentage
Crop Farming	51.1%
Livestock Farming	2.3%
Small Scale Industry	4.5%
Business & Trading	17.0%
Salaried Employment including Mine Workers	19.0%
Pensions, Rents and Remittances	4.1%
Others	2.0%

77% of the employed working-age population is involved in the agricultural sector. This compares to 70% regionally and 57% nationally.

The major food crops produced in the area are maize, cassava, plantain, cocoyam and rice. Cocoa is the primary cash crop with oil palm, cola and cashew produced to a far lesser extent. The major vegetables grown include garden eggs, tomatoes, okra and pepper.

3.10.6 District Land Use

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

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

Farming: Farming households typically practice swidden-fallow agro-forestry, a sophisticated agricultural system that mimics natural forest cycles. The system begins with clearing and burning a fallow thicket or secondary forest. The newly opened field is planted with a mix of food and cash crops that mature at different rates. Typically, production begins with one or more years of mixed food crop production (e.g. Cassava and cocoyam) and then proceeds through a number of years of cash crop production (e.g. Pineapple and plantain). Farmers can “fallow” their fields, or part of a field, at any time, but often prefer to move into tree crop production, such as cocoa, oil palm, citrus and teak.

Fallowing: Fallow land, which is uncropped land left to recover from previous farming activities, forms an integral part of the agro-forestry system. Fallows are often managed, such that the ensuing fallow forbs, thicket and secondary forest provide useful products, including building materials, fuel, food and medicine. Fallows also allow the soil to rebuild fertility lost during the years of cultivation. Historically fallows used to be 15 years or more in duration, but today fallows tend to be shorter (less than 5 years).

Settlements: Settlements includes rural and urban homesteads, communities, roads and schools.

While some sizeable communities and nucleated settlements are found on secondary roads and local distributors, extended family residences predominate in the District. In rural areas, these residences are termed ‘rural homesteads’ and sometimes contain more than one household. A single household may eat from a common pot, or may combine food supply, preparation and consumption with co-residents within the homestead.

Rural homesteads typically constitute a brushed area that separates ‘living space’ from ‘working space’ (e.g. farms, plantations etc), and includes a number of structures, and fruit and shade trees. In urban areas, extended family residences are termed ‘urban homesteads’, and may also contain more than one household.

3.11 Thematic Mapping

The following maps are being produced:

- Project Area Map (Planning & Existing Infrastructure)
Source: Primary Data, Mine Plans
- Land Use and Access Analysis Map
Source: Crop and Land Surveys, land access surveys
- Immoveable Assets Map
Source: GPS Information

3.12 Building Survey Analyses

The information from the rapid and full building surveys is being used to analyze the number, characteristics and valuation of buildings within the Project Area.

Newmont acquired the land for the Subika Pit in 2005. The boundaries for the land take were determined by a 500m buffer for blasting as agreed with the Ghana EPA. Prior to the acquisition of the land for the Subika Pit there were only a few farm homesteads in the Subika East mining area as outlined in Figure 3.4.

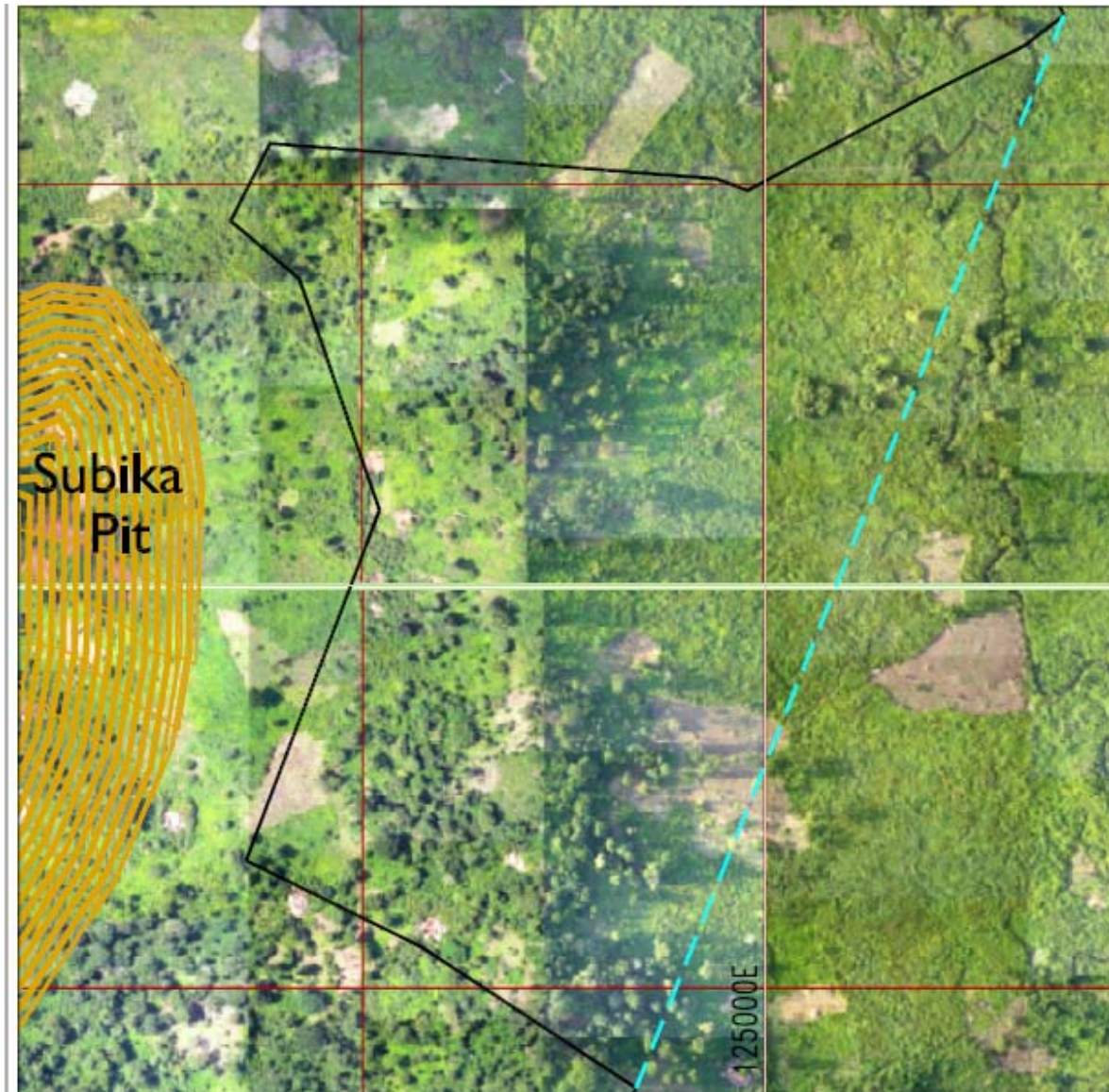


Figure 3.3: Map Outlining the Subika Expansion Area in 2004

However, after Newmont acquired the land for the Ahafo South Project and demarcated the boundaries, some people moved to build houses just outside the mining area boundary. The number of structures was still less than 70 by the end of 2006 as presented in Figure 3.5.

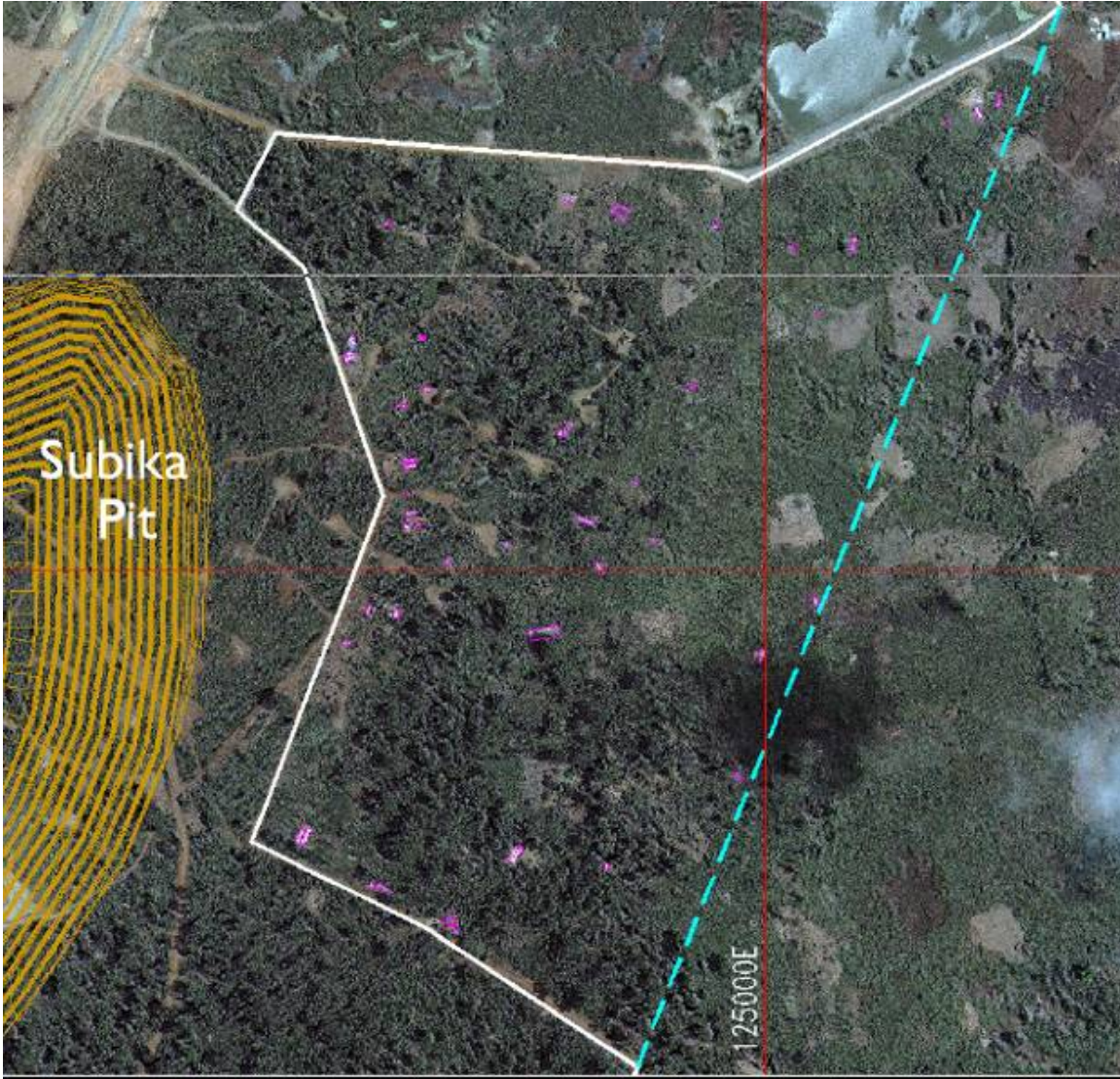


Figure 3.4: Map Outlining the Subika Expansion Area in 2006

As Newmont excavated the Subika Pit they undertook infill drilling to estimate whether there was a business case for expanding the pit. These drilling activities in the Subika East area further accelerated the speculative building in the area as people felt it was a signal that Newmont was coming to take the land there.

The increase in the number of structures can be seen from satellite imagery taken in late 2008, as shown at Figure 3.6 overleaf.



Figure 3.5: Map Outlining the Subika Expansion Area in 2008

It was not until early 2009 that Newmont established that there was a business case for expanding the Subika Pit and Newmont then made plans for land acquisition and resettlement. This information leaked out of the company and hundreds of people rushed to build in the area.

Newmont declared a Mining Area and a moratorium on development in the Subika East area on May 28th 2009. On that day Newmont engaged a contractor to fly an aerial photograph of the moratorium area. Newmont also began a Rapid Asset Survey to record all the structures present in the area. The Rapid Asset Survey, which was completed on Monday June 1st, 2009, recorded 1,034 structures. One of the aerial photographs is presented in Figure 3.7 which clearly illustrates the extent of speculative building from the earlier aerial photography presented in Figures 3.4 and 3.5.

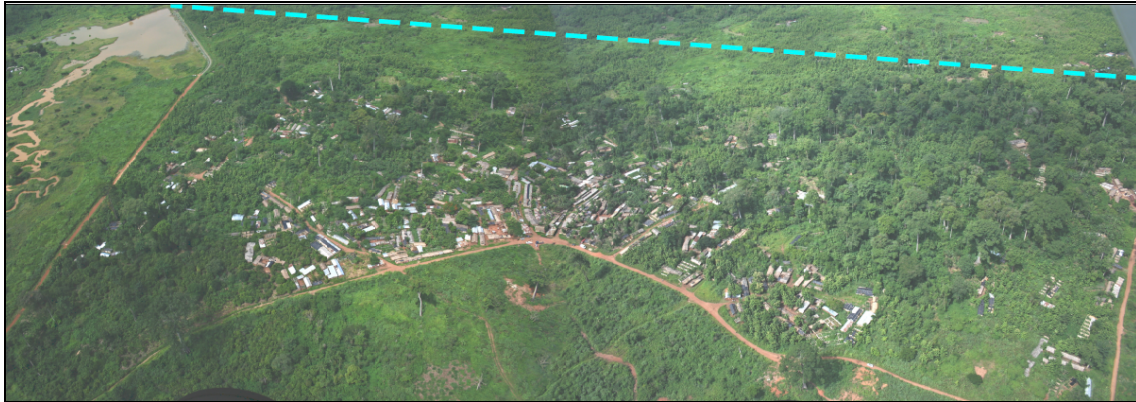


Figure 3.6: Photograph Illustrating the Subika Expansion Area in 2009

NGGL consultants undertook asset surveys in the Subika Project Area following the declaration on the Moratorium Date on May 28th 2009. These surveys recorded that approximately 1,031 structures were built in the Subika Project Area prior to the Moratorium Date and 3 structures after the Moratorium Date. Of the structures built before the Moratorium Date, approximately 72 were claimed to be normally occupied primary residential buildings by their owners, with 906 non-occupied buildings and 53 annexes (kitchens, toilets, sheds, wells, etc.).

The amount of speculative building recorded in the Subika Project Area is very significant. NGGL estimated that there were 70 buildings in the Subika Project Area in 2006. It is therefore estimated that up to 1,000 structures were constructed in the Subika Project Area between January 2007 and May 2009 with the majority of these being constructed just prior to 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.

Table 3.2: Construction and Occupation Status of Structures at Subika

Category	Pre-Moratorium	Post-Moratorium
Occupied Structures*	72	0
Unoccupied Structures	906	3
Annexes (Sheds, kitchens, toilets, wells etc)	53	0
Total	1031	3

*Claimed by owner to be occupied – this will be verified by RNC Sub-Committee

The above is indicative of the very high number of speculative structures built at Subika where structures were built with no intention of occupation.

The level of speculative building is further highlighted by an analysis of the building materials which predominate at Subika. Each structure is analyzed block by block, as one structure can contain a number of individual blocks constructed of differing building materials, often built at different times.

A typical building analysis, where one structure contains two different ‘blocks’ of different wall materials, is shown in Figure 3.4. In this case, Block 1 of the structure has corrugated iron walls, and Block 2 of the same building has wattle and daub walls.

Figure 3.7: Building Analysis Sketch Showing Different Blocks of a Single Structure

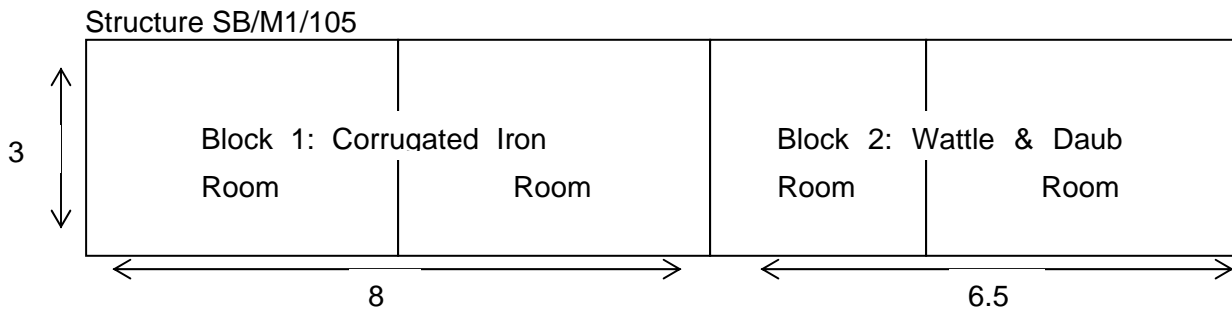


Table 3.3 illustrates from the analysis to date the predominant wall materials, showing that over 88% of buildings were of either wattle and daub or wooden board. While these are employed as building materials in traditional construction, the standard of construction of these buildings was very low in many cases. Framework and stick structures were also in evidence, typical of some very rudimentary speculative structures. Over 8% of buildings were nothing more than sticks or a basic framework.

Table 3.3: Wall Material used in Structures

Wall Material	% of Total Structure Blocks
Wattle & Daub	50.97%
Wooden Board	37.37%
Sticks	4.33%
Framework	3.74%
Timber	0.45%
Wooden Batten	0.15%
Sandcrete Block	0%
Veneer	0.60%
Plywood	0.60%
Bamboo	0.15%
Mud Brick	1.20%
Other	0.44%

In terms of roofing materials, a significant proportion of structures, 16%, used polythene, a non-typical roofing material illustrative of speculative building. Over 15% of structures

had no roofing material, typical of incomplete speculative buildings. The full breakdown of roofing materials employed is shown at Table 3.4 overleaf.

Table 3.4: Roofing Material used in Structures

Roofing Material	% of Total Structure Blocks
Corrugated Iron Sheets	31.97%
Thatch	20.75%
Polythene	16.46%
Palm Fronds	4.82%
Veneer	4.87%
Raffia	1.81%
Wooden Board	1.43%
Plastic	0.95%
Felt	0.38%
Framework	0.24%
Oil Palm	0.10%
Zana Mat	0.05%
Asbestos Sheets	0.24%
Sticks	0.10%
Bamboo	0.14%
None	15.55%

Of the 978 residential structures at Subika, only 2.3% have a toilet, and only 2.5% have a kitchen. None of these are found inside the houses but as out buildings.

Table 3.5: Toilets and Kitchens Present (Percentage of Structures)

Status	Present	None
Toilet	2.3%	97.7%
Kitchen	2.5%	97.5%

In terms of the typical number of rooms per structure, the majority of houses (37%) were three-room structures. The number of one room structures represented 7%, with 16% being two-room. 15% of structures were four-rooms. Eighteen structures were found which were over 10 rooms and typical of some speculative building projects. The vast majority of structures where occupation is claimed are between 1 and 5 bedrooms.

Table 3.6 illustrates the range of external floorspaces found at Subika for residential structures.

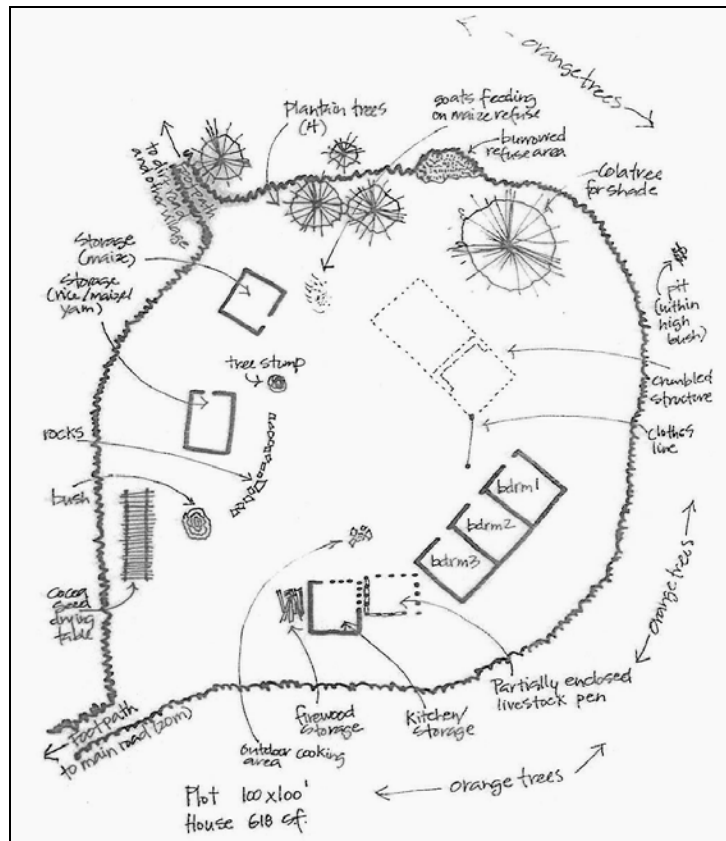
Table 3.6: Range of External Floorspace of Residential Structures

External Area (sq. ft)	% of Structures
0 – 255	17%
256 – 410	32%
411 – 610	26%
611 – 780	10%
781 – 915	6%
916 – 1155	4%
> 1155	6%

True residences at Subika are complete, traditional buildings, with enclosed walls, roofs, and leveled rammed earth or concrete floors. In the Subika area they are typically thick-walled wattle and daub structures with thatch roofs, or very occasionally landcrete buildings. These traditional building types are typical of those outside the Subika Project Area which demonstrates that the speculative building types are not the normal practice in the Asutifi District.

These buildings are occupied, and have signs of regular and sustained human occupancy. This includes furniture and personal belongings in the house, a cleared area around the buildings, and other signs of activity such as food preparation, firewood storage, food storage and drying, and livestock. A typical layout is shown at Figure 3.9.

Figure 3.8: Typical Rural Homestead Layout



A typical traditional homestead within the Project Area is shown at Figure 3.9.

Figure 3.9: Traditional Homestead at Subika



Speculative housing in the Subika Area is typically unoccupied, or only recently occupied, with very little land cleared around the buildings. These structures are not typical of those found throughout the District, as discussed at Section 3.10.6. These structures have been constructed solely for the purpose of seeking compensation from NGGL.

The quality of the structures built in the area range from very rudimentary structures with plastic walls and roofs to substantial wattle and daub and wooden buildings.

A selection of speculative structures in the Project Area is shown below.

Figure 3.10: Unoccupied Speculative Structures at Subika



Figure 3.11: Photograph of a Speculative Structure at Subika



Figure 3.12: Photograph of a Speculative Structure at Subika



3.13 Valuation of Built Assets

The detailed asset survey has been used to prepare valuations for all structures in the Project Area. These valuations have been undertaken by an independent valuer, and overseen by the Land Valuation Board.

The valuations take into account, in addition to building materials used, the quality of structure, including for example, the thickness of walls when constructed of wattle and daub if different from the traditional norm. The process follows the IFC standards in that the values are not reduced for depreciation, despite the age of the materials and labor costs are included in the valuations.

The valuations and the process involved will be discussed in detail as part of resettlement negotiations, with the aim of agreeing a transparent and fair approach to the valuation of buildings and payment of compensation where appropriate.

3.14 Crop Survey Analysis

The percentage of land covered by crops within the Project Area was estimated by NGGL in September 2007 as 65% of total land area. Considerable speculative planting of crops has taken place, primarily immediately prior to and after the Moratorium. It is now known that 87% of the land area is cropped. This additional cropping largely involved the planting of seedlings in anticipation of compensation.

Table 3.7 below illustrates the number of farms, their average size, and acreage for each of the main crop types.

Table 3.7: Subika Project Area Farms Analysis

Farm Type	No. of Farms	Total Acres	Average Size (Acres)	% of Total Area
Banana	2	0.26	0.13	0.17 %
Cedrella	6	4.94	0.82	3.29 %
Cocoa	37	25.77	0.7	17.15 %
Cocoyam	1	0.2	0.2	0.13 %
Few crops	15	6.61	0.44	4.40 %
Mixed crops	4	0.97	0.24	0.64 %
Oil Palm (Agric)	4	0.79	0.2	0.53 %
Orange	4	1.75	0.44	1.16 %
Pineapple	2	0.48	0.24	0.32 %
Plantain	11	2.86	0.26	1.90 %
Teak	171	105.66	0.62	70.30 %
Totals	257	150.28		

From the above it can be seen that the majority of farms are teak, followed by cocoa, representing 87% of total cropped area between them. Table 3.8 also illustrates a very small average farm size, with over 50% below 0.5 acres, and 27 fields below 0.1 acres, which indicates the practice which has occurred at Subika of subdividing fields in the anticipation of benefits related to livelihood supports.

Table 3.8: Breakdown of Field Sizes at Subika

Field Size (Acre)	No. of Fields	Area (Acre)	% of Area	% of all Fields
0.0 – 0.1 Acres	27	1.65	1.10	10.51
0.1 – 0.25 Acres	47	8.55	5.69	18.29
0.25 – 0.5 Acres	68	23.95	15.95	26.46
0.5 – 1.0 Acres	75	53.36	35.53	29.18
1.0 – 1.5 Acres	25	30.19	20.10	9.73
1.5 – 2.0 Acres	9	15.4	10.26	3.50
> 2.0 Acres	6	17.07	11.37	2.33

The average field size in the Ahafo South Project Area was estimated at 0.8 acres in 2005 and it was estimated that the average farm size was 3.56 acres. The average field size surveyed in the Subika Project Area was 0.58 acres and there are 257 fields. Each farmer holds on average just 0.77 acres. It is thought that the decrease in average field sizes is partly due to farmers dividing their fields among family members to increase access to NGGL livelihood programs as entitlements to date have been based on receiving compensation for crops and other assets.

3.15 Demographic & Socio-Economic Survey Analyses

Information will be assessed for all Project-Affected Households, at individual and household level, through a detailed questionnaire covering the following main topics:

- Demographic information
- Household Composition
- Education & Skills Base
- Economic Activities & Livelihoods
- Household Incomes
- Health & Welfare
- Access to Water & Sanitation

All resident households in the Project Area will be included in the socio-economic survey, as well as a sample of those households with crops or structures in the Project Area but residing elsewhere.

A key outcome of the demographic and socio-economic analyses will be to determine the following:

- The predominant livelihood activities and coping mechanisms of households in the Project Area, in order to determine and develop appropriate livelihood and community development packages
- Identification of those households and individuals likely to be the most seriously adversely affected by the Project – essentially those most vulnerable to the Project Impacts and who may require special assistance provided through Newmont's Vulnerable program
- The Socio-Economic survey instruments are being developed in close cooperation with NGGL's Evaluation and Monitoring Unit (NEAMU), in order to

establish an effective baseline for monitoring and evaluation of project impacts and mitigation measures employed to address these.

The socio-economic survey was undertaken in August and September 2009 and will inform the resettlement negotiations process, particularly the discussion of livelihood supports. The surveys were complemented by focus group sessions undertaken with key project-affected groups including women, farmers and youth.

The full analysis of the socio-economic survey will be incorporated in the final Resettlement Action Plan which will be produced following conclusion of negotiations and final agreement on resettlement packages.

4. Identification of Project Impacts

4.1 IFC Guidance

IFC Guidance notes that “resettlement planning involves more than simple cadastral surveys or inventories of affected assets”. A key initial task in planning resettlement is to “identify a project’s adverse impacts and the populations that will be affected”.

4.2 Physical Impact of the Subika Project

As outlined in Section 1, the Subika Project consists of an open-cast mining (mine pit, waste rock disposal and environmental buffer areas)

The Subika pit is approximately 2km North East of Kenyasi to extend the life of mine of the Ahafo Project. The total take will be 69.9 hectares in the Subika East area for this expansion.

4.3 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

The baseline surveys estimated that the Project Area contained the following:

- Number of Buildings 1,034
- Percent Cropped Land 87%
- Number of Fields 257

Full analysis of socio-economic surveys will confirm actual numbers of households and individuals normally resident or farming there, providing detailed information on project-affected people and primary impacts. Based on analysis of building, crop and land surveys, together with field observations, current estimates are as follows:

- Number of Resident Households Approximately 60
- Number of Unoccupied Structures Approximately 970

While the final version of the RAP will assess the level of identified impacts through analysis of data gathered and discussions with the RNC, the central purpose of this version of the RAP is to outline the methodologies through which impacts and impacted persons will be identified, and the measures being employed to mitigate such impacts.

Table 4.1 overleaf shows where in the RAP various methodologies for identifying impacted persons and assessing impacts are detailed and discussed.

Table 4.1 Impact Assessment Methodologies in RAP

Methodology for Assessing Impacts	Location in RAP
Mapping and Photography	Section 3: Baseline Data Gathering & Analysis
Building and Infrastructure Surveys	
Socio-Economic Surveys	
Analysis of Surveys	
Consultation with Affected Populations	Section 5: Public Participation

4.4 Project-Affected Persons

For the purposes of designing the resettlement program, a distinction is drawn between physically displaced households and economically displaced households in the Project Area, defined as follows:

Physically displaced or resident households are those occupying a house in the Moratorium Area, built on or before the Entitlement Cut-off Date, as the primary or sole residence. These households will have to move from the Project Area (physical displacement), and will almost always have their livelihoods impacted by the Project (economic displacement).

Economically displaced households are those whose livelihoods are impacted by the Project. This can include both resident households, and people living outside the Project Area but having land, crops, non-resident structures, businesses or various usage rights there.

From initial analysis of primary and secondary data, it is estimated that there are approximately 60 Resident Households in the Project Area and the owners of over approximately 970 unoccupied structures and 257 surveyed farm fields.

4.5 Efforts to Minimize Resettlement

During Project development, consideration has been given to minimizing the scope of physical and economic displacement associated with the Subika Pit Project through:

- Design of Project Infrastructure
- Approaches to Land Access & Management

4.5.1 Design of Project Infrastructure

In terms of design of project infrastructure, careful attention has been given to the following:

- Minimizing the size of Project components and the distances between those components
- Minimizing buffers around Project components
- Locating components of the Project footprint when feasible in less populated areas

- Minimizing loss of access as a result of Project infrastructure

4.5.2 Land Access and Management

The reduction of direct and indirect impacts on Project-affected Persons, particularly with regard to livelihoods, has been given concerted attention in the development of a comprehensive Land Access Framework for the Project, involving the detailed design of environmental and development buffers around the Subika Pit.

In its application to the Minerals Commission for the approval of a Mining Area for the Subika Pit Project NGGL proposed to divide the Mining Area submitted for approval to the Minerals Commission into 2 distinct zones (see Figure 4.1).

Moratorium Area - that portion of the land which the Lease holder (mining company) requires for the actual mining operation as well as adequate safety and environmental buffer zones around various components of the mining operational infrastructure

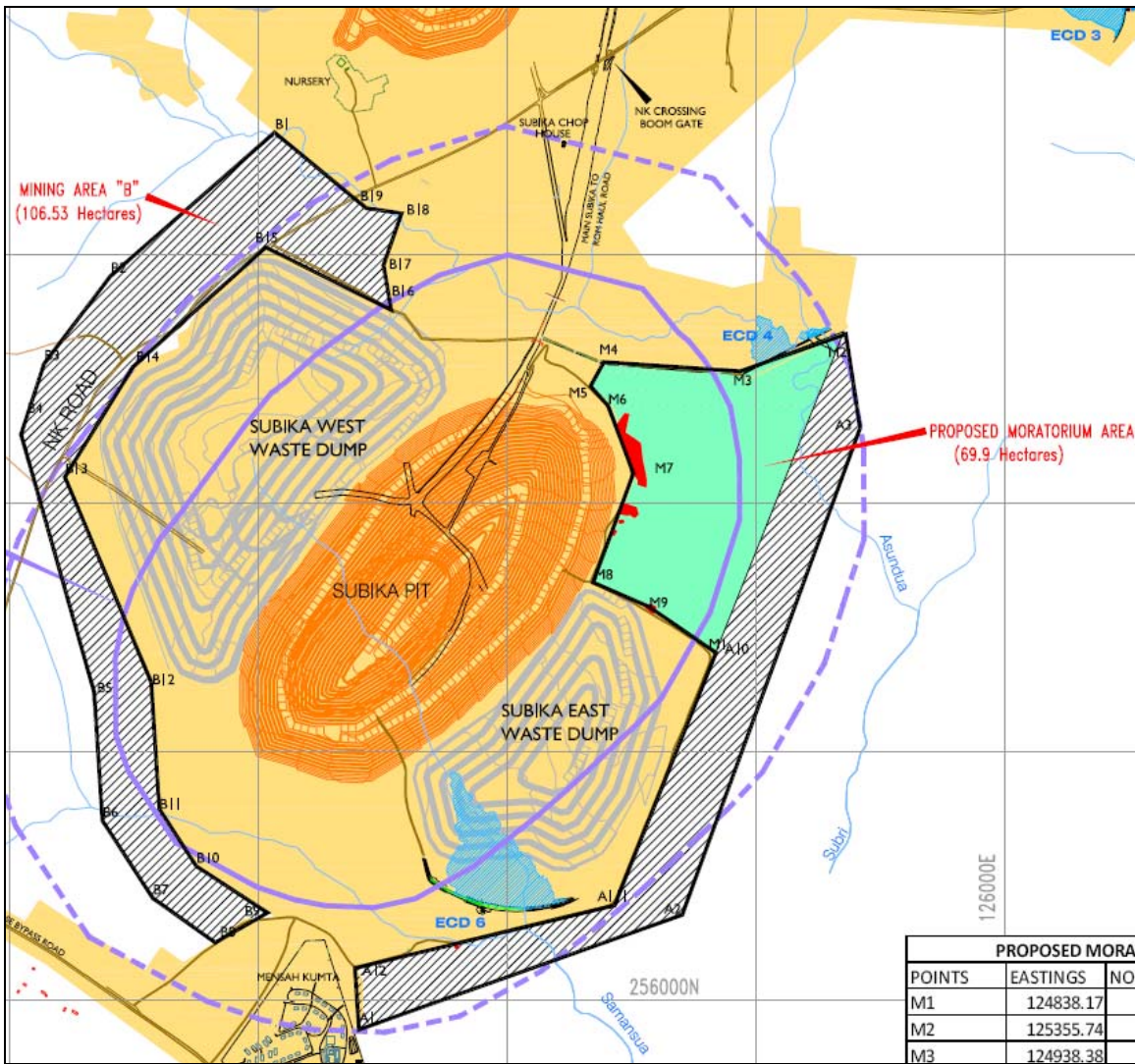
Control Area – that portion of the land around a moratorium area that requires controlled and regulated development such that the potential for nuisance, confrontation, speculation, is minimized as well as catering for the potential for mining operation expansion

The Control Area was proposed as there has been considerable building speculation just outside the Moratorium Area in the Ahafo South Area. Some individuals have sought to put pressure on the Company to compensate and resettle them by threatening staff and blocking the road access.

The Control Area is a concept that is designed to partner with local communities to enable controlled development in mining areas while compensating for restrictions on land use where required.

This means that development can be controlled around key Project infrastructure to avoid encroachment on the Moratorium boundary as has happened previously, while still keeping the Moratorium Area to the minimum area needed, reducing resettlement requirements, and keeping impact on households and farms to minimum necessary levels.

Figure 4.1: Subika Moratorium & Control Areas



5. Public Participation

5.1 IFC Guidance

The IFC Guidelines state that “Effective resettlement planning requires regular consultation with a wide range of Project stakeholders. Early consultation helps to manage public expectations concerning impacts of a project and expected benefits. Subsequent consultations provide opportunities for the Project proponent and representatives of affected populations to negotiate compensation packages and eligibility requirements, resettlement assistance, and the timing of resettlement activities”.

NGGL, as a subsidiary of Newmont Mining Corporation, endorses the concept that communication with project stakeholders is an essential component of any resettlement process.

NGGL is committed to pro-active and ongoing communication with all agencies, organizations, and individuals with an interest in the development of the Project.

5.2 Public Consultation and Disclosure Plan (PCDP)

A Public Consultation & Disclosure Plan (PCDP) was developed at the outset of the project, in accordance with IFC guidelines. The PCDP outlines and documents Newmont Ghana Gold Limited’s (NGGL’s) consultation and disclosure practices being implemented for the Subika Project. The PCDP includes details of public involvement activities with Subika communities including the following:

During the feasibility assessment stages of the Subika Pit expansion and resettlement
During development of the Project
Continuing throughout the life of the Project

The PCDP was developed from the Public Consultation and Disclosure Plan developed and utilized for Ahafo South Area in August 2005 and the Public Consultation & Disclosure Plan (1st Edition) developed and used for Ahafo Project Stage 2 in November 2006.

The goal of the PCDP is to ensure adequate information is provided to project-affected people and other stakeholders in a clear and timely manner, and that these groups have sufficient opportunity to voice their concerns and opinions so that they can influence project decisions.

The first edition of the PCDP covers consultation and information disclosure activities up to the end December 2009. The PCDP will be updated and reviewed regularly at key points in the project development.

5.3 Key Public Consultation and Disclosure Objectives

The PCDP aims to improve and facilitate decision-making and create an atmosphere of understanding that actively involves individuals, groups, and organizations that can affect, or be affected by, development of the Project.

Emphasis of the PCDP is to allow implementation of a formal program of communication in an objective, simple manner, to focus efforts on improving communications between NGGL and interested parties.

Monitoring and evaluation of program results and behavior of the respected parties will enable constant development and improvements to the program over time.

Key Objectives of the PCDP are:

- Inform stakeholders of NGGL activities
- Consult and educate stakeholders on all aspects of the Project
- Collect community inputs which can be incorporated into Project design and development
- Generate and document broad community support for the Project
- Improve communications between interested parties
- Document development of formal public consultation
- Describe formal complaint submittal and resolution mechanisms
- Disclosure of project documents

Key aspects of the consultation and disclosure process include:

- Regular release of Project-related information, including NGGL policies, Project details, periodic progress reports, answers to frequently asked questions, and rights and responsibilities of affected people, presented as required in a manner consistent with local cultural norms of the area and of Ghana
- Articulation and delivery of clear, consistent messages from key staff to the public and stakeholders, ensuring that community workers and staff are aware of NGGL's position regarding the project and are capable of responding to questions/comments appropriately
- Verbal communication to be undertaken in both Twi and English with key written documents such as information posters and resettlement agreements translated into Twi
- Regular meetings and forums documented by NGGL community workers to present Project-related information, answer questions, and address concerns
- Development of the Ahafo South Resettlement Negotiations Committee (RNC), to include additional members acceptable to all parties, to discuss and make decisions regarding specific Project impacts and community concerns
- An open-door policy for interaction with Community Liaison Officers, such that stakeholders feel comfortable approaching them directly to ask questions, discuss matters, and raise concerns
- Management of a responsive grievance and complaints procedure for recording and responding to comments and concerns in a constructive and timely manner

5.4 Identification of Stakeholders for Subika Project

The Subika Project has a wide variety of stakeholders, people, agencies, and organizations that could be directly or indirectly affected (positively or negatively) by the Project or that could influence the Project (positively or negatively). In order to develop effective stakeholder involvement programs, it is necessary to identify the various stakeholder groups, as different outreach methods may be required for different groups. In addition, primary concerns will likely differ between various stakeholder groups.

For the Subika Project, stakeholders are identified through a variety of methodologies including:

- Reference to the NGGL Stakeholder Database
- Formal discussions with government agencies
- Community meetings and forums
- Focus groups with key groups such as leaders, women, youth, religious, and farmers

The IFC Guidance Notes define stakeholder identification as the process of:

- Identifying individuals, groups or local communities that may be affected by the project, positively or negatively, and directly or indirectly, making special effort to identify those who are directly affected, including the disadvantaged or vulnerable (Project Affected Persons (PAPs))
- Identifying broader stakeholders who may be able to influence the outcome of the project because of their knowledge about the affected communities or political influence over them
- Identifying legitimate stakeholder representatives, including elected officials, non-elected community leaders, leaders of informal or traditional community institutions, and elders within the affected community

This process corresponds with the *social scan* referred to in the Newmont SIA Best Practice Guidelines. Stakeholders (including PAPs and other interested parties) will be identified by means of networking, referral and advertisement, starting with the existing Newmont database.

Stakeholders in the local communities will also be identified through the comprehensive socio-economic survey, which will also gather concerns and issues surrounding the project development.

Stakeholders' contact details are incorporated in the existing NGGL Stakeholder Database.

5.5 Stakeholder Groups

A list of Stakeholders for the Subika Project is continually reviewed and updated. Current key stakeholder groups identified are summarized below.

Government Agencies

Departments and Agencies of the Ghanaian Government such as Lands Forestry and Mines, and the EPA, influence the Project through a regulatory process of monitoring for compliance, issuing licenses and permits. Agencies of Brong Ahafo Region and the

Asutifi District provide regulation and services to local residents and are responsible for future planning of the area.

Traditional Authorities

Paramount and Divisional Chieftaincy areas (or Autonomous Chieftaincies) are located within the area of Ahafo Stage 1. These are the Paramount Chieftaincies of Kenyase No. 1 and No. 2 and the Ahafo North Divisional Council, which is made up of the Traditional areas and authorities of Ntotroso, Gyedu and Wamahinso. The Subika Project area falls completely within the Ahafo Traditional Area of the Ahafo North Divisional Council.

Paramount and Divisional chiefs exert control over various sub-chiefs, who represent communities within their respective stools (chiefdoms), and community chiefs, who represent smaller communities. At the settlement level, sub-chiefs or community chiefs, in consultation with elders, typically resolve disputes. Chiefs also play an important role in allocating land within their stool.

Local Communities

There is estimated to be 60 resident households in the Subika Mining Area. These are primarily scattered throughout the Project Area in compounds, although clusters of housing also occur in a number of small hamlets.

Special Interest Groups

Farmers are the primary special interest group in the Project area. Youth groups will be particularly interested in additional employment opportunities. There is reluctance among Ghanaian women, particularly in rural communities, to involve themselves in both political and communal activities. This is due partly to the nature of the Ghanaian society where men dominate almost every facet of social life.

A Women's Consultative Committee has been put in place since November 2006, as part of NGGL's Gender Plan. The Committee provides a platform for women to freely express their views about NGGL operations. Representatives from the Subika area will have representation on the Women's Consultative Committee.

Non-Governmental Organizations

Mining projects throughout the world are under increasing scrutiny due to the large scale and potential impacts to mostly rural groups of people. NGGL actively engages with NGOs within the Project area, as well as within the Region and Nationally.

Newmont Employees and Contractors

There are a large number of local community members employed at Ahafo Mine, some of whom are from the Subika Project Area. In addition, many NGGL employees have contact with project-affected persons over the life of the Project. Regular briefings, by notice and email, are given to employees, outlining project progress, and ensuring consistent messages and information disclosure regarding the project, so as to avoid misinformation or any subsequent anxiety caused.

5.6 Community Representation

The Ahafo South Area RNC and NGGL introduced the concept during 2005 that stakeholder groups should elect individuals as their representatives to assure

stakeholders of a consultative and collaborative approach to conflict resolution free from coercion and based on informed consent.

Representatives of various stakeholder committees were elected during community gatherings and group meetings, and subject to community verification. NGGL and other community leaders observed these meetings to ensure election of representatives were conducted in a fair and transparent, and informed manner, and the election process had widespread public support. After selection and presentation of representatives, NGGL requested that the stakeholder groups confirm that their representatives are genuine advocates of the views of their members. NGGL issued and received signed forms (Authorization for Representation Forms), which members of each group signed and submitted to NGGL.

5.7 The Resettlement Negotiation Committee (RNC)

A Resettlement Negotiation Committee (RNC) had already been established for the initial Ahafo South Area development and consisted of community representatives from the Ahafo South Area. The existing RNC currently acts as an ongoing consultative committee for issues surrounding the Stage 1 resettlement and particularly handover issues.

In introducing the Subika project to the existing RNC, the issue of adequate representation for Subika residents was discussed, and whether expansion of the current Committee was required. Four additional Subika area representatives were subsequently welcomed onto the RNC, elected through public forums within the communities in the Subika Project Area.

The RNC will be the primary conduit and representative body for communities affected by the Subika Pit project. The RNC will negotiate on all aspects of the Subika resettlement. Details of the issues discussed to date concerning the Subika Project at the RNC are presented in Table 5.1.

Table 5.1: Details of RNC Meetings and Issues Discussed to Date

Date	Venue	Subjects Discussed	Attendance	Outcome
28/5/09	Asutifi District Assembly Hall	Reading and review of agreement on Housing, Declaration of moratorium at Subika, RNC visit Subika East moratorium area	56	Declaration of Moratorium at Subika East
5/6/09	Asutifi District Assembly Hall	Signing of Housing agreement, Report on Resettlement eligibility sub-committee, Subika land access program	53	Signing of Amoma Housing agreement
11/6/09	Asutifi District Assembly Hall	Feedback on Community Valuer, Report on Sub-committee on eligibility, Update on election and presentation of new reps from Subika, Update on Subika East Crops & asset survey	56	Introduction of community new members from Subika East

17/6/09	Asutifi District Assembly Hall	Update on Resettlement Entitlement processing, Formation of Sub-committee to induct new members from Subika East Area into the committee; Subika East crops and full built assets survey	52	
25/6/09	Asutifi District Assembly Hall	Update on Subika surveys	54	
8/7/09	Asutifi District Assembly Hall	Update on Resettlement Entitlement processing, Update induction of new members from Subika East Area into the RNC; Subika East crops and full built assets survey	58	
24/7/09	Asutifi District Assembly Hall	Update on Deprivation of Land use Subika East crops and assets survey	54	
31/7/09	Asutifi District Assembly Hall	Presentations by both company and community valuers on deprivation of land use Update on Subika East crops and assets survey	58	
8/8/09	Asutifi District Assembly Hall	Signing of reconciled land valuation by both valuers on deprivation of land use Presentation on Subika resettlement housing	58	Agreement signed on reconciled values
13/8/09	Asutifi District Assembly Hall	Signing of Subika Housing Design Agreement Update on deprivation of land use Update on Subika Resettlement Eligibility and Entitlement	55	Signing of Subika Housing Design Agreement

5.8 The Land Access and Control Unit

Land Access and Control Teams are being formed for the Project. These teams will consist of Officers from NGGL and community workers chosen directly from the affected communities. The roles of the teams are three-fold and listed below.

Ensure ongoing information disclosure regarding the project, and education of project affected persons regarding building and cropping rights in the mining area, and where they can go for additional information or to address grievances.

Accompany any technical personnel in the Project Area, such as survey contractors, to ensure a smooth interface with communities and consistent messages are conveyed regarding project progress and purpose.

Monitor for any unauthorized building or crop speculation in the mining area, and educate persons appropriately about their rights, and the procedures for ensuring building and cropping is compliant.

5.9 Informal Stakeholder Consultations

Informal stakeholder interactions occur when NGGL representatives undertake their daily tasks. Informal consultations take place with Community Liaison Officers, but also other members of the Project team, such as surveyors and technical personnel.

All NGGL employees and contractors are regularly updated on the project, to ensure consistent messaging and disclosure of information. All technical personnel working directly on the Project are briefed on community relations, and accompanied in the field by Community Liaison Officers. Any instance of informal consultation where a concern has been raised is recorded and presented to the Community Relations Supervisors for appropriate action.

5.10 Formal Stakeholder Consultations and Information Disclosure

Consultation and information disclosure related to all resettlement related issues are undertaken with the following stakeholders.

5.10.1 Formal Consultations – Key Stakeholders

Information and briefings on the project are regularly provided to the following:

- Member of Parliament

- National Ministries/agencies
- Environment
- Lands, Forestry & Mines
- Lands Commission
- Land Valuation Board
- Local Government and Rural Development
- Education

- International, national and local environmental and human rights non-governmental organizations
- Opportunities Industrialization Centers International (OICI)
- WACAM – Wassa Association of Communities Affected by Mining
- Livelihood & Environment Ghana (LEG)
- Guards of the Earth and the Vulnerable (GEV)
- Conservation International
- Third World Network
- Oxfam America
- FIAN

- International, national, regional and local media

- Regional & District officials and agencies
- Brong Ahafo Regional Directorate of Health
- Brong Ahafo Regional Coordinating Council
- Brong Ahafo Regional Town and Country Planning
- Brong Ahafo Lands Commission
- Brong Ahafo Regional Office of the Administrator of Stool Land
- Brong Ahafo Regional Office of Land Valuation Board

- Brong Ahafo Regional Youth Council
 - Brong Ahafo Social Welfare Directorate
 - Asutifi District Assembly
 - Asutifi District Directorate of Health
 - Asutifi District Coordinating Council
 - Asutifi District Town and Country Planning
 - Asutifi District Youth Council
 - Asutifi District Social Welfare Directorate
 - Asutifi District Education Service
 - District Commission of Human Right and Administrative Justice (CHRAJ)
-
- Local Leaders & Groups
 - Chiefs and elders, including authorities on traditional religion
 - Chief Farmers
 - Farmers Associations
 - Youth Associations
 - Women's Consultative Committee
 - Assembly Members Association

As interaction occurs, briefings will also be given to the following stakeholder groups:

- International, national and local environmental and human rights organizations
- International, national, regional and local media

Copies of formal briefings are also available in the Public Information Centers.

5.10.2 Formal Consultation Mechanisms

Public Meetings

A series of Public meetings have been held, open to all members of the public, Traditional Authorities, Assemblymen and local opinion leaders.

The purpose of these public meetings is to:

- Introduce the resettlement project and key personnel
- Explain the land access and control process
- Gain trust and support for the process
- Outline the moratorium and surveying procedures
- Outline Project Progress and RNC discussions

Focus Groups

Relevant focus groups are being formed, for open discussion of concerns relevant to the specific groups. The following types of focus group will be consulted with:

- Key Informants/Opinion Leaders
- Traditional Authorities
- Religious leaders
- Young Men
- Women

- Youth
- Farmers

Interviews with Key Informants

Key influential people identified in the Subika area are interviewed on a regular basis in order to ascertain the support for the Project, and any concerns that may not have been openly raised in other forums.

Demographic, Socio-Economic & Asset Surveys

Comprehensive surveys are being undertaken as part of the resettlement planning process, particularly comprehensive socio-economic survey and immovable assets survey, as referred to in Section 3.

Questionnaire results inform the information-gathering process, providing detailed individual feedback on stakeholder comments and concerns, outside of the group format.

Information Centers and Noticeboards

The NGGL InfoCenters at Ntotroso, Gyedu and Wamahinso are the central points concerning community interaction on the Subika Pit Project, and provide Project Affected Persons ease of access to community liaison officers and Project and Company information, facilitating an open-door approach for information disclosure and consultation.

The InfoCenters also provide an access point for logging of complaints and concerns with the NGGL Grievance Procedure, and public files on community meetings and stakeholder updates are also held there together with public records of EPA and EIA correspondence and reports, and posters informing the community on aspects of the resettlement process.

Company Noticeboards are also used to disseminate information and advertise consultation activities. Additional noticeboards have been erected at strategic locations throughout the Subika Project Area.

As mentioned above, Newmont Employees also receive regular project information through Company Noticeboards on site.

Media Broadcasts

Messages are broadcast on local radio stations and community public address systems to inform project affected persons and key stakeholders of planned community meetings and outlining key project dates such as surveys, moratorium etc, and will also be used to educate and inform on mitigation programs and resettlement plans.

Site Visits

Selected Project-affected people, together with the RNC, have been invited to tour the existing resettlement site at Ntotroso and the Subika Project Area, in order to understand the resettlement process and planning, and meet with residents and community leaders there.

5.11 Public Consultation and Disclosure Plan Schedule

Table 5.2 outlines the initial consultations that have taken place concerning the project. This stage includes the introduction of the project, pre and post-moratorium, including execution of surveys and resettlement planning.

The Consultation Schedule, and PCDP, is being updated as the project progresses to include the consultation schedule: a) During Negotiations b) During Implementation and c) Post-Relocation/Resettlement Monitoring.

Table 5.2 Public Consultation Activities (Since 28th May, 2009)

Date	Subject	Format	Categories of stakeholder
28/05/09	Discussion on moratorium notice with Community Relations staff (NGGL)	Meeting	Community Relations Staff
28/05/09	Moratorium declaration	RNC Meeting	RNC members
28/05/09	Information regarding moratorium notice and cut-off date, discussion on Control Area concept	RNC Meeting	RNC Members
28/05/09	Field visits and education on moratorium	Site Visit	RNC Members visited Kentika and Moro Villages and discussion with residents and farmers
28/05/09	Aerial photographs of the whole moratorium area taken and posted on notice boards	Notice boards	Farmers and residents in Subika East area
28/05/09	Education on moratorium at Subika East area	Public meetings	Kentika and Moro villages
28/05/09 to date	Notice of moratorium at Subika east area	Notice board	Farmers and residents in Subika East area
1/06/09	Notice on Asset surveys	Notice board	Farmers and residents in Subika East area Kenyase 1&2,
1/06/09	Briefing on moratorium declaration and surveys at Subika East area	Focus group Meeting	UYMAC
2/06/09	Briefing on moratorium declaration and surveys at Subika East area	Meeting	Chiefs and Elders of Kenyase No. 2
2/06/09	Briefing on moratorium	Meeting	Chiefs and Elders of

Date	Subject	Format	Categories of stakeholder
	declaration and surveys at Subika East area		Kenyase No.1
3/06/09	Briefing on moratorium declaration and surveys at Subika East area	Focus group meetings	Religious Leaders in Kenyase No.1 &2
9/06/09	Briefing on moratorium declaration and surveys at Subika East area	WCC meeting	Women Consultative Committee(WCC)
9/06/09	Briefing on moratorium declaration and surveys at Subika East area	Public meeting	Youth and structure owners
10/06/09	Election of community representatives to the RNC	Community Durbar	Residents, farmers and landowners of the Subika East area
11/06/09	Briefing on moratorium declaration and surveys at Subika East area	Site Visit	Regional Security Council

5.12 Implementation of the PCDP

5.12.1 Resources & Responsibilities

NGGL has overall responsibility for stakeholder consultation and involvement which will be conducted using the External Affairs function of the Ahafo Mine ESR Department with the assistance of the Project Team from rePlan Mining Consultants Ltd, for implementing the PCDP.

Key NGGL Responsibilities

- Responding to the concerns and issues expressed during public consultations
- Effective disclosure of information
- Allocating sufficient funds to implement a viable PCDP
- Effective consultation with all stakeholders
- Ensuring that all public consultation and information disclosed is documented
- Incorporating results of consultations in project planning
- Maintaining an effective grievance procedure
- Disclosure of key project documents

5.12.2 Reporting and Evaluation

NGGL maintains an active file regarding all public consultation and disclosure documentation collected throughout the Project, which is available for public review upon request.

NGGL maintain progress reports summarizing PCDP results which are regularly reviewed by external independent monitoring teams. The report provides a summary of all public consultation issues, grievances, and resolutions. The report will also provide a summary of relevant public consultation findings from informal meetings held at the community level.

Evaluation of the PCDP will be qualitative as well as quantitative, and evaluation will take place as part of overall project evaluations on a regular basis as well as at project milestones (See Section 13 Monitoring Reporting and Evaluation).

5.12.3 Record Keeping

Record keeping will take the following form:

- Maintaining an electronic and hard copy filing system for all external relations activities
- Recording issues raised at meetings and distributing the report to attendees for verification at regular intervals (an IFC requirement as well as a good-practice principle)
- Attendance registers completed at all meetings, and as far as possible taking digital photographs and/or video recordings at all meetings
- Keeping a comprehensive record for reporting purposes of:
 - All meetings (dates, venues, attendees, objectives, etc.)
 - All events such as launches, open days etc (dates, venues, attendees, objectives, outcomes)
 - All comments, compliments, grievances and responses to these
 - Times and content of media advertisements, radio broadcasts

5.13 Future Consultation Activities

The current edition of the Subika Project PCDP covers consultation and disclosure activities to the end of December 2009.

Public consultation is an ongoing process which will continue throughout construction, operations, and closure phases of the project.

The Subika PCDP will be updated regularly throughout the Project development, to document consultation and disclosure activities and outputs, as well as outlining additional consultation programs as required.

6. Compensation Framework

6.1 IFC Guidance

The RAP Compensation Framework, according to the IFC, should specify “all forms of asset ownership or use rights among the population affected by the project and the project’s strategy for compensating them for the partial or complete loss of those assets.”

This section therefore outlines the Compensation Framework proposed for the Project, which will be the basis for negotiation with the Resettlement Negotiation Committee, and will require consensus prior to finalization of a Resettlement Agreement.

It consists of the following main sections:

- Objectives with respect to the Project and resettlement measures
- Compensation and Assistance Eligibility – i.e. the types of impacts that will be eligible for compensation and assistance under the RAP
- Compensation and Assistance Entitlements – i.e. the form of compensation and assistance available for eligible impacts

6.2 Compensation Framework Objectives

Objectives for the Mine Project as a whole are to:

- Profitably operate an open pit gold mine
- Provide income to the Government of Ghana through royalties and taxes
- Create employment and training opportunities, with an emphasis on communities within the immediate vicinity of the mine
- Promote sustainable livelihoods and enterprise in local communities, which will remain after mine closure
- Develop a tripartite working relationship between the Asutifi District Assembly, local communities and the Company

Project objectives specifically related to the resettlement include:

- Conduct discussions and negotiations in an open and transparent manner consistent with Ghanaian law and international best practice
- Define compensation policies and procedures in a comprehensive manner, combining social, economic and environmental considerations
- Define compensation procedures through discussion and negotiation with representatives of impacted peoples, households and communities
- Provide project-affected people and households with a choice between acceptable, fair and equitable alternatives for compensation
- Provide fair and timely compensation
- Restore and improve the livelihood and welfare of project-affected peoples, households and communities such that they are equal to, or better off than before the Project impact
- Reward self-reliance, encourage self-help and respect, and build upon the socio-economic strategies of the District.

6.3 Eligibility

This section outlines the Eligibility Framework which will be the basis of compensation discussion and negotiation with the Resettlement Negotiation Committee.

The impacts identified as eligible for compensation are:

- Loss of Land
- Loss of Crops
- Loss of Livelihoods
- Loss of Structures

6.3.1 Eligibility for Compensation and Assistance

Project-affected households are eligible for compensation and other assistance if they have a “legitimate interest” in respect of “immoveable assets” in the Project Area that are in place (i.e. established, in the case of crops or constructed, in the case of buildings) at the time of the Entitlement Cut-Off Date, being 28th May 2009.

“Legitimate Interest” in immoveable assets at the household level is usually held by a single member: the household head. Through traditional and family practice, the household head is typically the most senior male member of the household. In some instances the legitimate interest may be held jointly, i.e. by the household head and his/her spouse, or with other members of the extended family. When the household head dies, the Company requires that other household members identify the inheritor through a court order before compensation will be paid.

Note that “Legitimate Interest” is not synonymous with ownership. Even those project-affected persons/households/communities with no recognizable legal right or claim to the assets they are occupying or using are considered eligible for resettlement assistance.

Immoveable assets comprise:

- Land and Crops
- Immoveable Structures – Structures used for living, sleeping, cooking and storage, and other structures such as latrines and wells; institutional structures such as churches, mosques, schools; business structures such as restaurants, kiosks etc, other structures including fish ponds etc
- Roads – all government recognized roads

Immoveable assets that are in place as of the Entitlement Cut-Off Date comprise:

- Complete Immoveable Assets – Assets that are fully established (in the case of crops) or fully constructed (in the case of buildings), at the Entitlement Cut-Off Date
- Incomplete Immoveable Assets – Assets that are only partially established: newly planted (in the case of crops) or partially constructed (in the case of buildings), at the Entitlement Cut-Off Date
- Immoveable Assets that are planted (in the case of crops) or constructed (in the case of buildings) *after the Entitlement Cut-Off Date* are not included in compensation calculations.

Determination of Eligible Assets

The Company has inventoried all immovable assets located in the Project Area as of the Entitlement Cut-Off Date:

- Rapid Built Asset Survey: May 2009
- Full Built Asset Survey: June - July 2009
- Crop Survey: May – June 2009
- Land Survey: May – June 2009
- Socio-Economic Survey: August – September 2009

As discussed in Section 3, surveys were verified by the Resettlement Negotiation Committee, community witnesses, and government officials, as appropriate.

The inventory of immovable assets forms the basis for compensation of project-affected people/households. In conjunction with compensation rates, the inventory will determine the compensation entitlement for each project-affected person/household.

6.4 Entitlements

In tandem with development of the inventory of immovable assets and compensation rates, the Company is developing a broad range of mitigation measures in the form of appropriate and fair compensation and assistance for eligible impacts.

This information will be developed as an “Entitlement Matrix” that will identify the following:

- All categories of affected people
- All types of loss associated with each category
- All types of compensation and assistance to which each category is entitled

All of the proposed provisions will be discussed with the Resettlement Negotiation Committee, and as such will not be finalized until negotiations are concluded. A full Entitlement Matrix will therefore be included with the final Resettlement Action Plan.

With respect to compensation in cash, all compensation rates, compensation calculations, and compensation payments will be in the legal currency of Ghana (The Cedi).

7. Resettlement Package

7.1 IFC Guidance

The IFC recommends that project sponsors undertake the following actions on behalf of Project-Affected People:

“Inform affected people of their options and rights concerning resettlement; provide technically and economically feasible options for resettlement based on consultation with affected people; provide assistance with relocation expenses, transitional financial support; and provide affected people with development assistance”.

7.2 Resettlement Policy

NGGL’s resettlement policy indicates that, in the case of residential structures which are deemed to be primary or principal residences, compensation must include the provision of a replacement residential structure, where possible, in a resettlement community located within the jurisdictional area of their traditional authority. Owners of Eligible Structures who will be physically displaced may be eligible for resettlement in certain circumstances.

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.

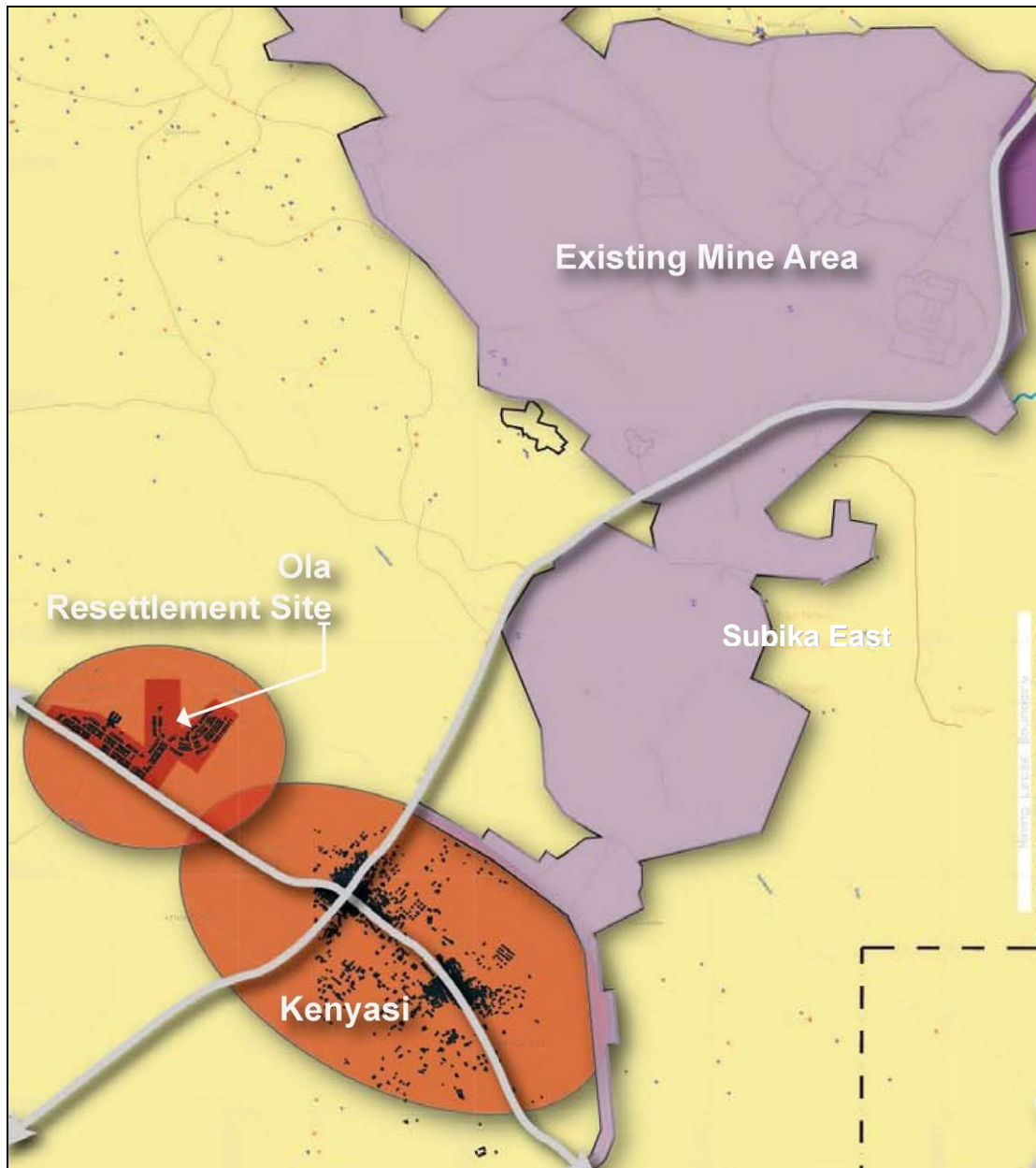
7.3 Resettlement Community and Infrastructure

As part of the resettlement planning for the Ahafo South Area, two resettlement communities were constructed, referred to as Ntotroso and Ola. As the Ola Resettlement Community is south of the Subika Project Area, and located within the same Stool Lands, it is proposed as the resettlement site for households resettling as a result of the Project. Figure 7.1 below illustrates a view of the Ola resettlement community. The location of the resettlement in relation to Kenyase and the existing mine area, is shown at Figure 7.2 overleaf.

Figure 7.1: View of Ola Resettlement Community



Figure 7.2: Ola Resettlement Community Location Plan



The Ola Resettlement Community was planned and designed so further plots could be added, thereby completing the community when further resettlement was required as part of the expansion of the Ahafo Mine. The resettlement community layout is shown at Figure 7.3.

The Ola Resettlement Community site covers 51.5 hectares, and is located immediately west of the Kenyasi 2 community.

At present, 313 plots are occupied as a result of Ahafo South Area resettlement. A further 39 residential plots are available. Existing infrastructure, in terms of roads, street

lighting and water supply will be extended to newly developed areas as part of the resettlement implementation.

Figure 7.3: Ola Resettlement Community Layout Plan



As required by Ghanaian Planning Standards, the subdivision plan for each resettlement community includes adequate physical space for non-residential land uses, including community, institutional, commercial and industrial uses.

Specifically, the following non-residential structures have already been built as part of the Ahafo South Area resettlement:

- 1 market, located in the south east part of the site
- 3 commercial, retail and light industrial structures
- 1 school with sport field and KVIP (replacing the Kwakyekrom Primary School)
- Sanitary areas for solid waste collection and management

- A central water pumping and storage facility and 24 standpipes distributed throughout the area

The Resettlement Negotiation Committee, the Asutifi District, the Brong-Ahafo Regional Town and Country Planning Department, and other government regulating agencies have approved the final subdivision plans for the resettlement communities.

NGGL, in close consultation with regional and district town and country planners and the Site Selection Committee (a Sub-Committee of the RNC), designed resettlement community infrastructure to conform to Government of Ghana and international standards. The infrastructure plan has been approved by the responsible government regulating agencies.

The level of service adopted was based on:

- Existing level of service in host community (i.e. Kenyase)
- Standards and guidelines of various Ghanaian government agencies
- IFC and other applicable international standards / guidelines

The level of service exceeds that available to rural homesteads and communities in the Mine Area.

Roads and Stormwater Drainage

The design of roads and the stormwater drainage system was based on Ghana Planning Standards and the Road Design Guide from the Ghana Highway Authority (March 1991 Edition).

Road standards for resettlement communities specify two types of gravel road including:

Local distributors – The principal road passing through the resettlement community will experience regular traffic, including occasional heavy vehicles. The design includes:

- 40m right-of-way, 11.3 meter wide single-carriageway including shoulders
- Well defined drainage ditches on both sides of the road
- Compacted gravel surface with adequate camber to ensure dry driving surface

Local access roads – These minor roads within the community experience lower traffic volumes. The design includes:

- 15m right-of-way, 8 meter wide single-carriageway including shoulders
- Well defined drainage ditches on either side of road
- Compacted gravel surface with adequate camber to ensure dry driving surface

To control erosion, grasses / shrubs are planted as and where required.

Potable Water Supply System

The design of the potable water supply system is based on Ghana Planning Standards, Community Water and Sanitation Agency guidelines and World Bank guidelines.

The potable water supply system consists of:

- Boreholes equipped with electric submersible pumps

- Water storage reservoirs
- Communal standpipes
- Pipes connecting the above

The resettlement community water supply system is designed for future integration into the Kenyase Small Towns Water Supply System.

Communal standpipes are distributed throughout the resettlement communities to achieve a maximum walking distance of 125 meters for any household. The maximum walking distances recommended by the Community Water and Sanitation Agency in Ghana and the World Bank is between 250 meters and 500 meters.

The systems are designed to meet a per capita daily demand of 40 liters at the communal standpipes. The minimum per capita daily water demand recommended by the Community Water and Sanitation Agency for communal standpipes is 20 liters.

No individual household connections are provided within the resettlement communities. The system has been designed to facilitate household connection, with the application of individual house owners to the Water and Sanitation Committee within each community. Accordingly, the system has also been designed to meet per capita daily demands of 80 liters for individual household connections. The minimum per capita daily water demand recommended by the Community Water and Sanitation Agency for household connections is 60 liters.

During construction, the Company invited / hosted the Community Water and Sanitation Agency for periodic inspection of the potable water supply system.

Solid Waste Management System

The design of the solid waste management system is based on Ghana Planning Standards and Ghana National Building Regulations (1996, L.I. 1630).

Refuse collection stations (i.e. transfer stations) are provided at central points for onward collection and transportation by skip vehicle(s) to a final disposal site. Location of transfer stations in each resettled community is such that the walking distance to each station does not exceed the recommended 200 meters.

Electrical System

The design of the electricity system is based on Volta River Authority and Ghana Planning Regulations.

The 34.5kV overhead power lines in the host community of Kenyase has been extended to the resettlement community and stepped down to a 415V AC 3-phase overhead system with appropriate pole-mounted step-down transformers. The low voltage electrical network extends throughout the community, and a number of pole-mounted street lights are provided for safety and security.

Individual household connections are not provided within the resettlement community. The system is designed to facilitate household connection, with the application of individual house owners to the Volta River Authority. Connection of all households can be completed without the addition of new poles.

During construction, the Company invited / hosted the Volta River Authority for periodic inspection of the electrical system.

7.4 Resettlement Housing

The Project has refined a range of house designs for selection by resettling households.

Objectives that have guided house design include:

- Affordability – construction costs are affordable for the Project, and maintenance costs are affordable for residents
- Familiarity and simplicity – materials, technology and design are familiar to local contractors and residents, meet socio-cultural requirements and are easy to maintain
- Availability – building materials and appropriate construction competence are available locally
- High performance – materials are carefully selected in terms of sustainability and performance, together with good design, providing for a good quality of life
- Flexibility – designs provide for residents to change uses over time (e.g. change in function of rooms)
- Potential for expansion – designs and plot layout provide the potential to add new rooms, as residents' needs and economic situation change

In addition, all designs adhere to relevant legislation and building regulations, as highlighted in Table 7.1.

Table 7.1: Relevant Building Standards

Room	Relevant Section of National Building Regulations (1996, L.I 1630)
Hallway	Section 19(8): "The width of a hallway within a dwelling unit shall be at least 900mm".
Living Areas	Section 19(11): "Living areas within dwelling units, either as separate rooms or in combination with other spaces, shall have at least 13.47 square meters of floor area and shall have no dimension of one side being less than 3 meters within the required areas. Where the area of a living space is combined with a kitchen and dining area, the living area alone in the dwelling unit shall be at least 11.15 square meters".
Dining Area	Section 19(12): "A dining space in combination with other space shall have a minimum floor area of 3.25 square meters. Dining rooms not combined with other spaces shall have a minimum area of 6.50 square meters
Kitchen	Section 19(15): "Kitchen areas within dwelling units either separate or in combination with other space shall have at least 7.43 square meters of floor area including the area occupied by base cabinets, except that where a dining area is also

	provided in the kitchen, the minimum floor area shall be 3.72 square meters”.
Bedroom	Section 19(17): “Except as provided in subregulation 19 of this regulation at least one bedroom in every dwelling unit shall have at least 11.15 square meters of floor area where built-in cabinets are provided. The minimum dimension of one side within the required area shall be 2.7 meters”.

An example of a typical resettlement house, recently completed as part of the Amoma resettlement, is shown in Figure 7.4.

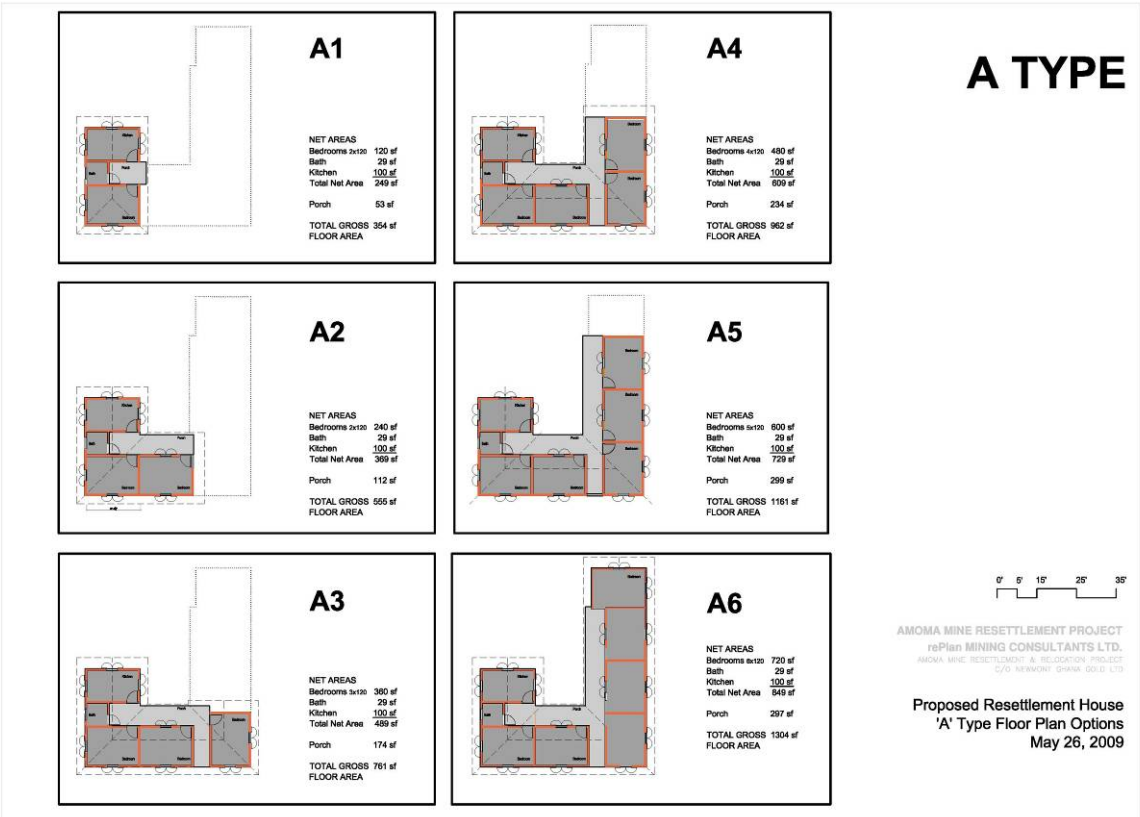
Figure 7.4: Typical Resettlement House



Resettling households will select their own resettlement house from a series of standard designs, shown at Figure 7.5, dependant on the size of their existing residence. All houses will be built with the same materials and finishes, with the exception of exterior and interior paint finishes, which can be custom selected by each household.

The resettlement house and KVIP specifications are outlined in Table 7.2.

Figure 7.5: Resettlement House Designs



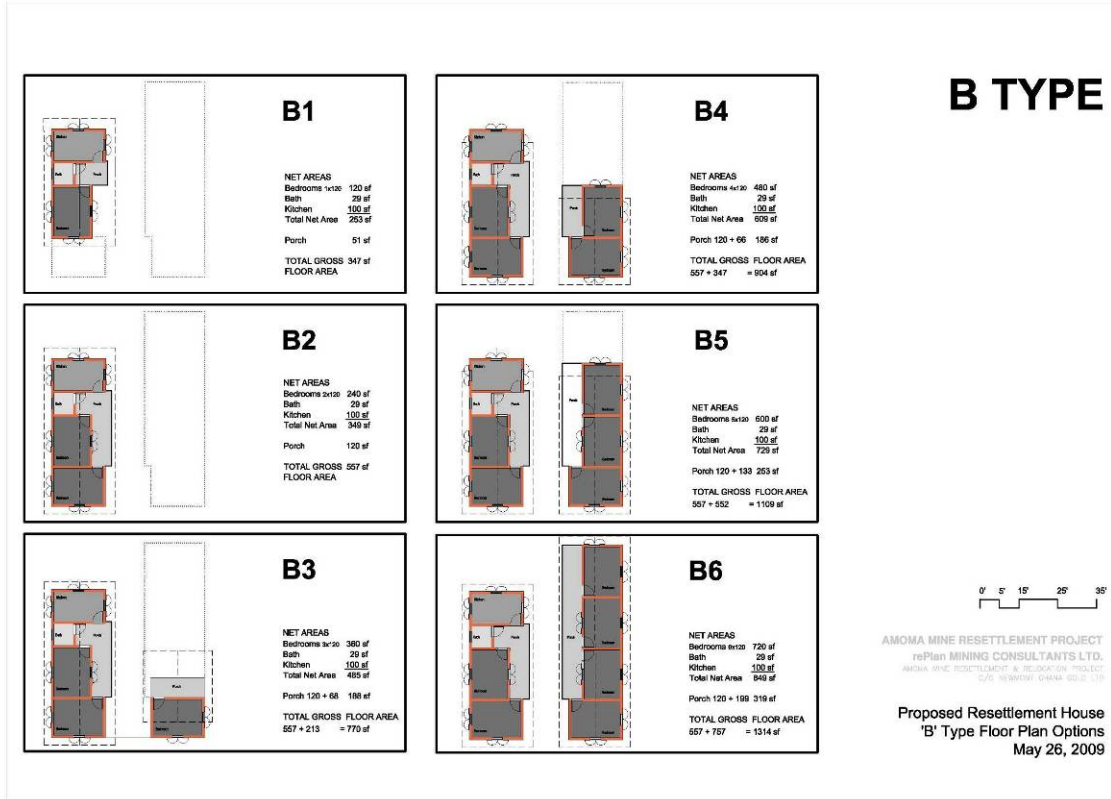




Table 7.2: Resettlement House and KVIP Latrine Specifications

Structure	Building Material
Walls	5" solid sandcrete substructure and superstructure blockwalls
Footings	17" x 19" plain in-situ concrete (1:2:4) poured against faces of excavation
Floor	4" plain in-situ concrete (1:2:4) laid on compacted hardcore with monolithic trowel finish
Roof	0.35 mm gauge Industrial Deep Trough (IDT) aluzinc roofing sheets
Ceiling	¼" redcore plywood painted ceiling in the bedrooms and kitchens only
Windows	Fixed louvered wooden windows provided with framed, hinged mosquito netting
Doors	Wooden panel doors with mortise lock
Baths	Same wall finishing as the rest of the building Non-slip monolithic trowel finish to in-situ concrete All baths are to have a 48" x 48" deep lined soakaway at the back
KVIP Latrine	Double-pit on-plot KVIP latrine with 5" solid sandcrete substructure and superstructure blockwalls Superstructure wall plastered and painted on both sides Metal roof covering

Resettlement houses do not include any plumbing, electrical or kitchen fixtures, given that there are none in existing buildings. However, infrastructure is provided to the resettlement community such that resettling households can easily connect in the future, as outlined in Section 7.3.

7.5 Resettlement Plots

Residential plots within the Ola Resettlement Community will be allocated to resettling households by lottery. Families, neighbors and social networks can request to be kept together. The use of a lottery to achieve fairness has previously been endorsed by the Resettlement Negotiation Committee as part of the Ahafo South negotiations. Plot titles are awarded through the Lands Commission based on a 99 year lease.

Design objectives that guided resettlement plot design are:

- Plots should conform to planning standards
- Plots should be large enough to provide for a kitchen garden
- Plots should provide space for future expansion of the house
- Plots should conform to the typical size of rural homestead compounds

The Company defined two plot sizes as follows:

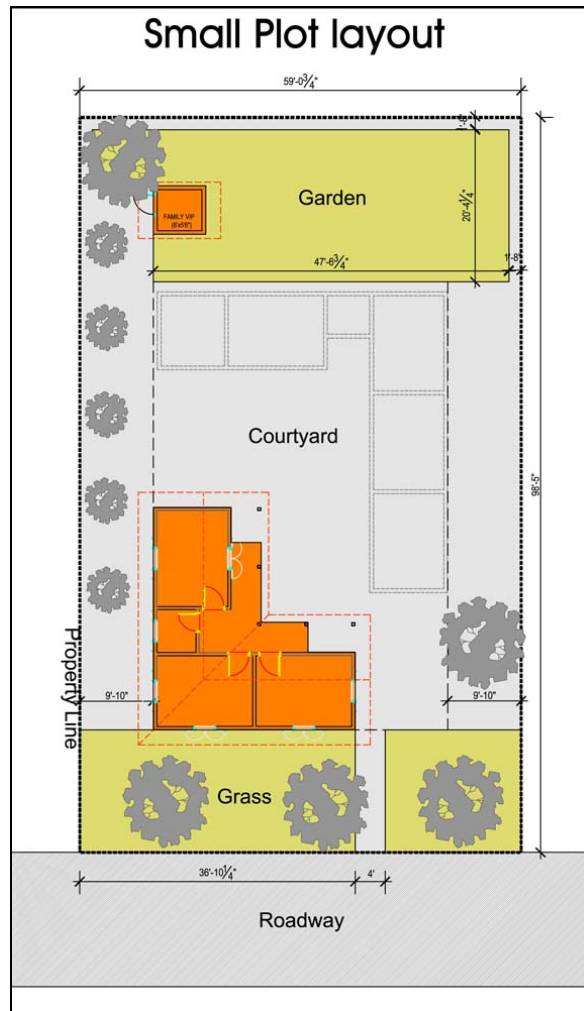
- 18 meters x 30 meters (540 square meters)
- 27 meters x 30 meters (810 square meters)

Resettlement houses with up to three bedrooms are assigned a 540 square meter plot, which also allows space for extension of the building to accommodate up to six bedrooms. Resettlement houses with four to six bedrooms are assigned the larger plot size, allowing extensions up to nine bedrooms.

Each plot will accommodate a latrine (KVIP), garden, as well as the space for future building expansion, and will be landscaped with fruit and shade trees. An example of a plot layout is shown in Figure 7.5.

Building setbacks are five meters from the front plotline and three meters from side plotlines.

Figure 7.6: Typical Resettlement Plot Layout



7.6 Handover and Maintenance

Proposed approaches to handover and maintenance of the resettlement houses and sites will be confirmed and agreed as part of resettlement negotiations. A Resettlement Community Handover & Technical Committee (HOTC) has been in operation since May 2007. The HOTC membership includes representatives from the statutory management bodies, Resettlement Negotiation Committee (RNC), traditional leadership, local government, NGGL, rePlan, OICI, and Guards of the Earth and Vulnerable (GEV). The role of the HOTC is to oversee the handover of resettlement infrastructure to the community and responsible authorities.

Resettlers will be provided with a Handover Document, which will include title to their individual resettlement plot, and guidance on responsibilities in terms of maintenance of private and public infrastructure.

Resettlers will be responsible for maintenance of their individual houses and plots. In terms of public infrastructure, roads, drainage and solid waste disposal will be adopted and managed by the District Administration.

The resettlement site water supply system is in the process of being handed over to the Resettlement Community Water and Sanitation Committee (WATSAN) who will be responsible for charging and revenue collection and maintenance of the system.

A draft Memorandum of Understanding is currently being prepared to facilitate formal handover of the Resettlement Community.

8. Relocation and Compensation Packages

8.1 IFC Guidance

IFC Guidelines emphasizes that the preferred approach is compensation in kind, but that cash compensation is permissible under certain circumstances.

8.2 Eligibility for Relocation

Owners of residential structures that are physically displaced and that are eligible for resettlement may be, subject to certain conditions, eligible for relocation.

The eligibility criteria for entitlement to relocation, and the rate of relocation compensation, will be the subject of detailed discussion and agreement with the Resettlement Negotiation Committee. However, the criteria will include the requirement on the Project-affected Person to prove that a suitable alternative residence is available, if relocation is preferred to provision of a resettlement house.

8.3 Eligibility for Cash Compensation

Owners of residential structures that are physically displaced but are not eligible for resettlement or relocation, may be, subject to certain conditions, eligible for cash compensation for existing structures.

All assets within the Project Area have been surveyed and valued by an independent valuer, on the basis of full replacement rates, at market value, inclusive of labor costs, and exclusive of depreciation.

The eligibility criteria for entitlement to cash compensation, and the methodology for valuation, will be the subject of discussion and agreement with the Resettlement Negotiation Committee.

8.4 Miscellaneous Rights and Allowances

Allowances made to relocating owners will include a transportation allowance, mobilization allowance, and a training allowance.

Details of these allowances will be the subject of discussion and agreement with the Resettlement Negotiation Committee.

9. Livelihood and Community Development Programs

9.1 IFC Guidance

IFC Guidance notes that “simple restoration of livelihood may be insufficient to protect affected populations from adverse project impacts, especially *induced* effects such as competition for resources and employment, inflation, and the breakdown of social support networks. For this reason, IFC seeks to promote the *improvement* of the living standards of people affected by the project”.

9.2 NGGL Approach

NGGL has developed a comprehensive and well-established series of livelihood and community development measures associated with the initial Ahafo South Area development. These measures are aimed at enhancing livelihoods and economic well-being, particularly targeting those affected by land acquisition, and also contributing to general community-wide development. These programs undergo regular monitoring, evaluation and review.

The established NGGL livelihood programs will be refined as necessary, as part of the development of Entitlements for the Subika Project, necessarily involving consultation and discussion with the Resettlement Negotiation Committee. The key summaries of the current programs are discussed below.

9.3 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.

9.4 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 dependant on attendance.

9.5 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.

Program Goal

The goal of LEEP is to improve the livelihood, security and quality of life of all project-affected households in the Ahafo project area.

Program Objectives

The Program seeks to improve the livelihoods of households resettled or relocated due to the Company's operations, through enhancing households' capacities in the areas of health, nutrition and education, thereby improving quality of life of household members.

Current Components

Agricultural Training in crop and animal production, post harvest loss reduction and inputs support.

Micro Enterprise Development Training: including: entrepreneurship development skills; business management; marketing; technical skill training in appropriate technologies (including gari processing, baking, batik, tie and dye, soap and pomade, mushroom production); and, input support.

Vocational & Technical Skill Training: in carpentry; masonry; welding; electrical installation; catering; and dress making.

Micro Credit Training: Program beneficiaries are trained in credit access and establishing linkages with financial institutions.

Community Resilience Development: involving building the capacities of community members, particularly the youth in service provision.

The LEEP is currently being evaluated by external evaluators and recommendations will incorporate a revision of the program for future Project Affected People.

9.6 Agricultural Improvement and Land Access Program (AILAP)

AILAP was established to assist farmers affected by land acquisition and resettlement activities. NGGL partners with the Ministry of Food & Agriculture (MoFA), OICI, the Asutifi District Assembly, Community Chiefs, and Chief Farmers in implementing the Program.

Program Goal

The goal of AILAP is to facilitate and incentivize access to agricultural land for farmers as a result of mine activities, and to increase levels of production, crop yields, and market access, as well as developing crop diversity.

Program Objective

To effectively distribute agricultural assistance to compensated farmers directly impacted by land acquisition activities in the Mine Take Area.

Process

- Compensated farmers are registered and receive business training
- Farmers receive cash inputs for land acquisition and clearance
- Farming inputs are distributed with extension support from MoFA agricultural extension officers

- Further cash assistance is provided for weeding
- Farms are monitored regularly

10. Vulnerable Persons

10.1 IFC Guidance

IFC defines vulnerable persons as those who, “by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits”.

The RAP documents the rehabilitation measures that will be put in place for vulnerable groups during the physical relocation and rehabilitation of affected communities.

10.2 Vulnerability

Vulnerability may be viewed in the context of two stages:

- Pre-existing vulnerability
- Transitional hardship vulnerability, caused by project related physical and economic displacement

Pre-existing vulnerability is vulnerability that occurs, with or without the Project development, whilst transitional hardship vulnerability occurs as a result of those directly affected by the Project being unable to adjust to new conditions due to shock or stress related to project activities.

NGGL has a well established Vulnerable Program designed to address households experiencing transitional hardship vulnerability, in accordance with international best practice.

10.3 Vulnerability in the Project Area

Involuntary resettlement, if not managed well, may increase impoverishment, vulnerable households being particularly susceptible to the adverse affects of land acquisition and resettlement activities. The main hazards leading to impoverishment as a direct result of the resettlement process are:

- Landlessness – irreplaceable loss of land assets, including common property
- Joblessness – loss of workplaces
- Homelessness – loss of shelter
- General economic set-back
- Increased rates of crime, disease and mortality
- Food insecurity and malnutrition
- Loss of access to common assets
- Social disorganization

In resettlement projects several of these hazards, such as loss of land, employment and housing, are often realized simultaneously. This may further exacerbate vulnerability of households.

According to the Fourth Ghana Living Standards Survey (GLSS 4), the Asutifi District is poor by Ghanaian standards. The area has a high proportion of migrant food producers and a high proportion of unskilled persons seeking employment.

The most prominent categories of vulnerable persons in the Project Area are:

- Caretakers/sharecroppers with no buildings or fields of their own, or who are losing the land they work
- Poor female headed households without extended family support
- Elderly poor, especially those without extended family support

While general NGGL livelihood programs, particularly AILAP and LEEP, largely seek to address issues of landlessness, homelessness and joblessness as a result of resettlement activities, the Vulnerable Program has been developed to target those households identified as requiring additional supports.

10.4 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.

Program Goal

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.

Program Objective

The objective is to identify, assess, support, remediate, and monitor project-affected households experiencing severe hardship. Each household should have a place to live, means of income, access to medical care, and ability to feed itself.

Process

NGGL sponsors a local NGO, Guards of the Earth and the Vulnerable (GEV), together with OICI, to implement the Vulnerable Program. Other partners include Traditional Authorities, Regional & District Social Welfare Representatives, the Asutifi District Assembly, and the Asutifi District Health Directorate, and members of the affected-households.

A Vulnerables Committee made up of the above partners meets regularly to determine vulnerable households, as defined by the Program.

For the purposes of the Vulnerable Program, the identification of vulnerable households is determined having regard to the following factors:

- Predisposition to economic vulnerability
- Proportion of household who are aged, disabled, single mothers, or infirm
- No regular source of income generation, arable land or food security
- Lacks social support

Program Assistance

For each vulnerable household, this can include the following as appropriate:

- Household food basket
- Finance and money management training
- Agricultural improvement training
- Vocational training in trades at local college
- Alternative livelihoods training
- Registration in the Ghana National Health Insurance Scheme
- Educational scholarships
- Local training with master tradesmen in various fields
- Counseling services

11. Protection of Cultural Heritage

11.1 IFC Guidance

IFC Guidance states that “the RAP should document all necessary efforts to protect, move and restore the cultural property of all affected people”.

11.2 Cultural Resources Management Plan

NGGL recognizes the importance of preserving cultural heritage for current and future generations and, consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, aims to protect irreplaceable cultural heritage in the course of development and operation of projects.

NGGL has developed a Draft Cultural Resources Management Plan (February 2008), covering the entire Ahafo Project, consistent with IFC Performance Standard 8 on Cultural Heritage.

The Draft Cultural Resources Management Plan (CRMP) has been guided by archaeological surveys undertaken in 2005 (Ahafo South area), 2007 (Ahafo North area) and 2008 (entire project area).

The CRMP also outlines the following protocols to ensure protection of cultural heritage:

- Prior to any ground-disturbing activities, an inventory of all cultural heritage sites will be taken, supported by GPS positioning and photography, and recorded in a database
- If a cultural resource cannot be avoided, a plan will be developed to mitigate any adverse effects, in consultation with traditional authorities, local communities and local or national cultural resource experts
- If excavation in the course of the project cannot be avoided, cultural heritage and archaeological professionals will be consulted to conduct excavations, relocations or other activities in line with internationally recognized practices
- In the event of an inadvertent discovery, work will stop immediately, the site protected, and appropriate measures implemented

11.3 Significant Sites at Subika

A Level 1 Archaeological investigation covering the Ahafo site has already been undertaken, and no sites of archaeological significance have been identified at Subika.

12. Organizational Framework

12.1 IFC Guidance

IFC notes that “resettlement and development planning require specialized expertise. It is essential that the project sponsor engage the services of qualified and experienced personnel to design and implement resettlement action plans. However, it is equally important that sponsors engage themselves in the RAP design process. Sponsor participation in the process is instrumental to coordinating resettlement activities with the project implementation schedule. IFC experience indicates that the success of a RAP is related directly to the level of sponsor involvement in its implementation”.

12.2 Subika Project Organization

NGGL is responsible for the planning and implementation of the Resettlement Action Plan, in consultation with the Resettlement Negotiation Committee, and with the cooperation of government agencies at the district, regional and national levels.

12.3 Project Resettlement Team

The Project Resettlement Team consists of the following:

- Newmont Ghana Gold Limited
- rePlan Mining Consultants Ltd
- LandPro Consultants Ltd
- Borealis Inc
- Opportunities Industrialization Centers International (OICI)

There is close cooperation between community-level project stakeholders, Senior Company Management, Communications experts and planning and technical team members.

12.3.1 Newmont Ghana Gold Limited (NGGL)

The Company has assembled a large, experienced team of professionals and field/office workers to prepare and implement the Resettlement Action Plan.

Company Senior Management is responsible for providing strategic direction to the External Affairs team and for reviewing draft policies, procedures and rates proposed for the Resettlement Action Plan. Senior Management are particularly concerned with ensuring that the Resettlement Action Plan helps meet the Company’s project objectives, including the Company’s Social License to Operate and the overall Project schedule and budget.

The NGGL External Affairs team is responsible for all stakeholder communication, consultation and information disclosure concerning project development and implementation. The Team is responsible, with the assistance of the Project Team from rePlan Mining Consultants Ltd, for implementing the Public Consultation and Disclosure Plan (PCDP).

The NGGL Vice-President for Environment and Social Responsibility is responsible for communicating with international stakeholders.

NGGL's Community Relations and Communications teams undertake the formal and informal stakeholder engagement exercises, maintenance of the Grievance Log, Stakeholder Engagement Register, contact reports and feedback systems. NGGL consistently track issues of concern among community constituents including the media, regulatory agencies, government, traditional authorities, youth groups, various social groups and NGO's in relation to the project. Also, NGGL employees are presented with consistent key messages, speaking points, and Frequently Asked Questions on various issues related to Project.

The External Affairs team employs a variety of innovative communication techniques and tactics for the Project, including interactive use of traditional channels of communication, and local media. These approaches are focused on ensuring that audiences at varying literacy levels can understand and participate in discourse about project-related activities.

Community Liaison Officers (CLOs) accompany Project team members into the Project area, introduce them to community leaders and members, and assist them to behave in a culturally appropriate way. CLOs in addition maintain an ongoing liaison in their respective communities, and ensure that Newmont is aware of and can act upon community concerns. They also assist in arranging meetings locally, in presenting project details to their communities, and in maintaining the Newmont notice boards.

12.3.2 rePlan Mining Consultants Ltd

rePlan Mining Consultants Ltd (rePlan) is an independent, Ghanaian registered, consulting firm specializing in resettlement planning, and is responsible for preparing and implementing this Resettlement Action Plan in consultation with NGGL. rePlan Mining Consultants Ltd is part of the international rePlan Group, headquartered in Canada.

rePlan is the lead consultant responsible for coordinating and managing all aspects of the land acquisition and resettlement planning and implementation.

rePlan prepared and implemented the RAP for the Ahafo Stage 1, in cooperation with NGGL.

12.3.3 LandPro Consultants Ltd

LandPro is a Ghanaian Land Access, Surveying and Valuation Specialist, and is responsible for management and execution of structure surveys and the structure and land valuation process at Subika.

12.3.4 Borealis Inc

Borealis is a Canadian-based Information Management System Consulting Firm, and is responsible for ongoing development and maintenance of Newmont's information management system. Borealis is responsible for development of the Project database and, in cooperation with rePlan, development and supervision of data collection and survey execution.

12.3.5 Opportunities Industrialization Centers International (OICI)

Opportunities Industrialization Centers International (OICI) is a non-profit, non-governmental organization (NGO) headquartered in the United States. OICI currently manage the Livelihood Enhancement and Community Empowerment Program (LEEP) and also provide support to NGGL's Vulnerable Program.

12.4 Government Involvement

Many government agencies, at the district, regional and national levels, are involved in preparation and implementation of the Resettlement Action Plan, including:

- Ministry of Mines
- Minerals Commission
- Asutifi District Assembly
- Brong Ahafo Regional Minister
- Environmental Protection Agency
- Lands Commission
- Ministry of Food and Agriculture
- Land Valuation Board
- Town & Country Planning
- Stool Lands Administration
- Social Welfare

The role of these agencies includes:

- Oversight of the resettlement planning and implementation process
- Participation as observers in the Resettlement Negotiation Committee
- Advising the Company and impacted peoples' representatives on relevant government policy and practice
- Enforcement of regulations and laws
- Participation in the permitting and approvals process

12.5 Resettlement Negotiation Committee (RNC)

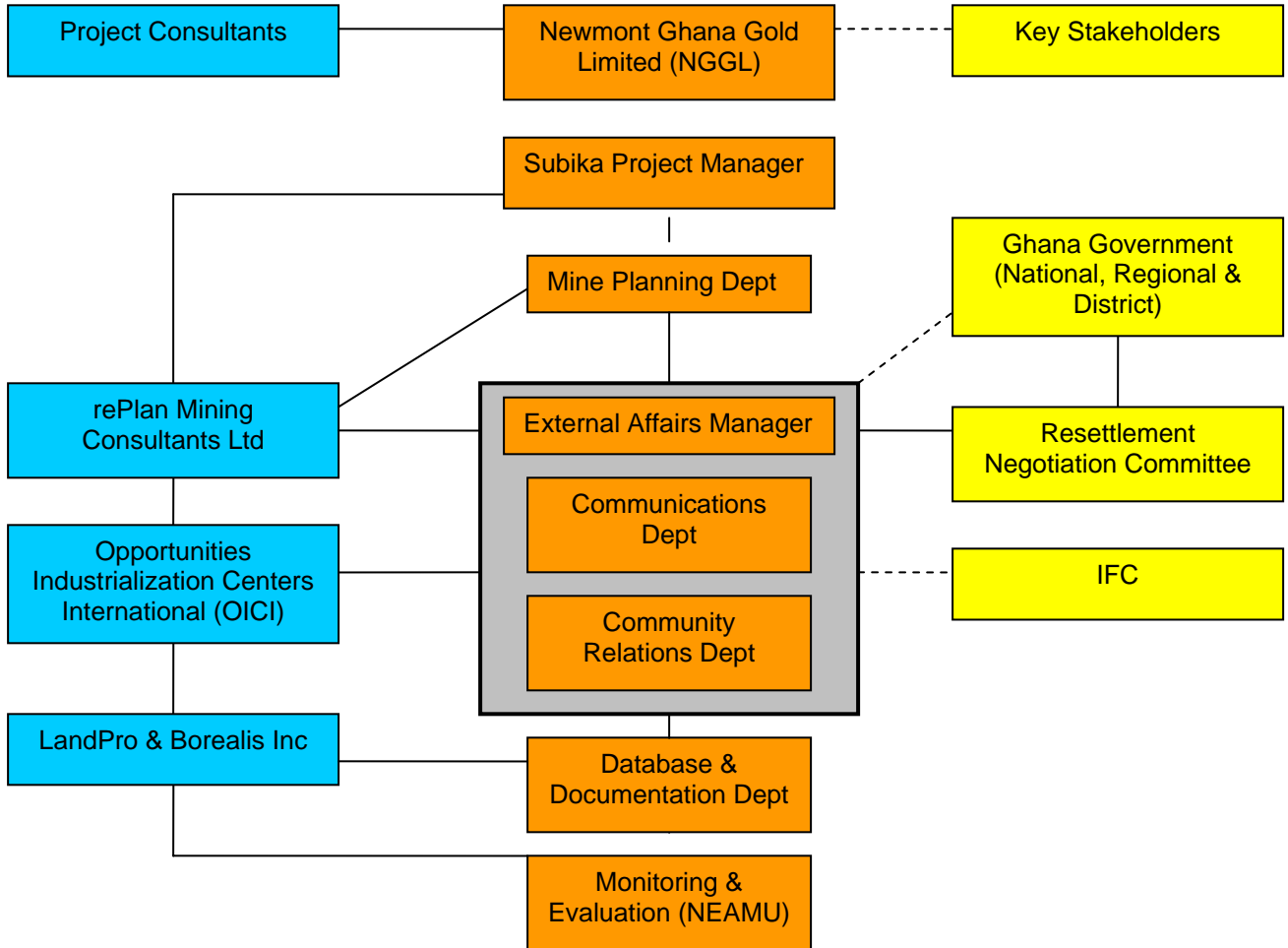
The mandate of the Resettlement Negotiation Committee is to negotiate fair and just compensation for project-affected persons.

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 outset of the Subika Project, the issue of adequate representation for the Subika area was discussed with the RNC; four additional Subika 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 May 2009 which marked the beginning of the negotiation process for the Resettlement Project.

The Resettlement Negotiation Committee also has four representatives from the Company, including the Company’s Manager of External Affairs, and three representatives from the External Affairs Team. These representatives are advised by rePlan and other members of the Resettlement Project Team as required. An independent moderator chairs the Committee.

Figure 12.1: Project Organizational Chart



13. Grievance Procedures

13.1 IFC Guidance

IFC Guidance notes that “regardless of scale and level of planning, involuntary resettlement inevitably gives rise to grievances among the affected population. Timely redress of such grievances is vital to the satisfactory implementation of resettlement and to completion of the project on schedule”.

13.2 NGGL Grievance Procedure

NGGL has put in-place a Standard Operating Procedure (SOP) that seeks to manage complaints in a planned and systematic manner. 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.

A Grievance Office and Complaints and Grievances Committee (CGC) forms an integral part of the procedure for resolving all complaints and grievances reported by individuals, groups and other stakeholders who may have been adversely affected by mining activities.

First Order Mechanism: The first order mechanism is a face-to-face discussion with a Complaints & Grievance Officer. Most grievances are heard and resolved in the presence of family members or other witnesses. Agreement is normally reached or ‘proved’ without the complainant continuing into another forum.

Except in complex cases where additional investigation or involvement of third parties is required NGGL responds to written grievances within thirty days. Responses generally include a settlement proposal.

NGGL staff routinely seek advice and, where appropriate, intervention of traditional authorities and members of the RNC, to assist in resolving disputes. Grievances of a legal nature are forwarded to NGGL’s Legal Department in Accra for redress. Responses/settlements are coordinated through the on-site management team. If unable to resolve the complaint in a face-to face discussion the Complaint and Grievance Officer will refer the case to a Resolving Officer. A Resolving Officer is a staff member from the External Affairs or Human Resources department at Ahafo, or from the Legal Department in Accra assigned to respond to a grievance or complaint.

Second Order Mechanism: Where complaints and grievances cannot be resolved by Officers, the complaint is referred to the Complaints & Grievances Committee.

The committee is mandated to:

- Take over complaints that Resolving Officers are not able to resolve
- Manage new complaints that are above the precedent and authority level of Resolving Officers
- Play an advisory role to the Complaints & Grievance Officers

The committee is expected to:

- Determine the way forward in resolving complaints considered to be an issue (if the same complaint keeps reoccurring by at least ten [10] complainants) within a period of 1 Month
- Manage all new complaints considered to be above the precedent and authority levels of Resolving Officers
- Review the resolution procedures adopted by the Resolving Officer(s) in all appealed Complaints, to see its merits and come out with alternative resolution
- Seek to resolve all outstanding unresolved complaints received over a year
- Examine other alternatives to resolve complaints considered to be resolved (by Resolving Officer(s)) of which the complainant(s) refuse to sign the Terms of Resolution because of dissatisfaction with the resolution
- Ensure that decisions or recommendations taken/made in the resolution process conform to NGGL's Complaints & Grievances Standard Operation Procedures and explain deviations
- Refer all unresolved complaints that are above the precedent and authority level of the Committee to the External Affairs Management for review
- Document Committee's resolution procedures to serve as a guide to future resolutions

The composition of the Complaints & Grievances Committee is as follows:

- Community Relations Superintendents
- Senior Communication Officer
- Community Development Superintendent
- Assistant Monitoring & Evaluation Unit Manager
- Administrator
- Grievance Officers
- Monitoring & Evaluation Officers responsible for the Complaints & Grievances Domain

Independent third party organizations/groups such as NGOs, Commission on Human Rights & Administrative Justice (CHRAJ), Traditional Authorities, and the District Assembly shall be involved in the work of the Complaints & Grievances Committee to resolve complaints and grievances where applicable.

The committee meets bi-weekly or less frequently according to demand from the Grievance Officers. The duration for a sitting is a maximum of four (4) hours.

For appealed cases, two-thirds of the Committee members may sit but for new cases any four of the members, in addition to Grievance Officers, may sit.

The Committee shall not spend more than two (2) weeks on any complaint (both appealed and new) that goes before it for resolution. In a situation where an independent third party is involved in the resolution process the case may last for three (3) weeks. All complaints that go before the Committee shall be resolved in a maximum of two sittings.

In instances where the Committee is not able to resolve complaint within the stated sittings, it shall record the reasons for its inability to do so.

Third Order Mechanism: Court Action: Ghanaian citizens and legal entities have access to court recourse in conformance with applicable laws

14. Monitoring, Evaluation and Reporting

14.1 IFC Guidance

The IFC requires project sponsors to “monitor and report on the effectiveness of RAP implementation. The objective should be to provide the Company with feedback and to identify problems and successes as early as possible to allow timely adjustment to implementation arrangements”.

Monitoring and evaluation activities should be “integrated into the overall project management process, and the RAP must provide a coherent monitoring plan that identifies the organizational responsibilities, methodology, and the schedule for monitoring and reporting”.

14.2 Project Approach

The Project will conduct monitoring and evaluation to track the Resettlement Action Plan Implementation.

The monitoring and evaluation will give particular attention to the project-affected communities, especially vulnerable groups, female headed households, sharecroppers and caretakers. External monitoring will be carried out by both IFC and an independent consultant who will work closely with the project-affected persons. Monitoring will also be taken up internally by the Company to assess the success and identify potential difficulties and problem areas.

Monitoring and evaluation have the following general objectives:

- Monitoring specific situations or difficulties arising from the implementation, and of the compliance of the implementation with objectives and methods set out in the Resettlement Action Plan
- Evaluating emergent, mid-and long-term impacts of the Project on the welfare of impacted households, communities, and local government

14.3 Monitoring

14.3.1 Purpose

The purpose of monitoring is to provide Project Management, and directly affected persons, households and communities, with timely, concise, indicative information on whether compensation, resettlement and other impact mitigation measures are on track to achieve sustainable restoration and improvement in the welfare of the affected people, or that adjustments are needed.

Monitoring verifies that:

- Actions and commitments for compensation, resettlement, land access, and development in the RAP are implemented fully and on time
- Entitled persons receive their compensation and replacement housing on time
- Compensation and livelihood investments are achieving sustainable restoration and improvement in the welfare of Project-Affected Persons, households and communities

- Complaints and grievances are followed up with appropriate corrective action
- Vulnerable persons are tracked and assisted as necessary

In brief, monitoring answers the question: Are Project compensation, resettlement and other impact mitigation measures on time and having the intended effects?

14.3.2 Framework

Monitoring will consist of (a) internal monitoring by the Company as an integral part of the Company management, and (b) external monitoring by the Company appointed consultants, working with the impacted communities.

Monitoring will be done by:

- Audit
- Conventional sample surveys
- Community participation

Internal Monitoring

Internal monitoring of RAP implementation will be undertaken by NGGL. Regular progress reports will be prepared and submitted to NGGL management.

The internal monitoring will look at inputs, processes, and outcomes of compensation/resettlement/other impact mitigation measures.

Input monitoring will establish if staff, organization, finance, equipment, supplies and other inputs are on schedule, in the requisite quantity and quality.

Process monitoring will:

- Assess program implementation strategies and methodologies and the capacity and capability of program management personnel to effectively implement and manage the programs
- Document lessons learned and best practices and provide recommendations to strengthen the design and implementation of RAP

Output monitoring will establish if agreed outputs are realized on time for:

- Communication with the affected communities
- Agreed resettlement and compensation policy, procedures, and rates
- Compensation for crops, buildings, and lost business
- Construction and occupation of infrastructure and housing
- LEEP delivery and uptake
- Grievance resolution
- Attention to vulnerable people

Outcome (or effectiveness) monitoring will determine the degree to which the program objectives and performance targets have been achieved.

External Monitoring/Evaluation

(a) Compliance Monitoring

The Company will appoint a consultant to work closely with the project-affected communities to track the progress of RAP Implementation. The consultant(s) will be a person(s) with; deep experience in the conduct of resettlement, hands on experience in monitoring and evaluation, no previous involvement in this project, and proven ability to identify actions that improve implementation and mitigate negative impacts of resettlement.

Compliance monitoring will determine:

- Compliance of RAP implementation with RAP objectives and procedures
- Compliance of RAP implementation with the laws, regulations and applicable international best practice
- RAP impact on standard of living, with a focus on the “no worse-off if not better-off” objective

Compliance Monitoring will:

- Verify results of internal monitoring
- Assess whether resettlement objectives have been met: specifically, whether Livelihood Programs have restored the livelihoods of the project-affected persons and their living conditions have improved
- Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation process
- Ascertain whether the resettlement entitlements are appropriate to meet the objectives, and whether the objectives are suitable to project-affected persons conditions
- Assess grievance records, to identify implementation problems and status of grievance resolution
- Ensure RAP implementation is in compliance with IFC Standards

Vulnerable persons will be put into specific focus, and the methods for assisting them will be assessed.

(b) Impact Monitoring

Resettlement implementation will be evaluated against a number of key performance criteria, which will be identified by the Company in consultation with the Resettlement Negotiation Committee. These criteria will likely include access to employment and farm land, livelihood restoration and enterprise, health and nutrition, community cohesion, plus durability, maintenance costs and convenience of housing and infrastructure.

Impact monitoring will determine if:

- Resettlement objectives and goals are being met
- Resettlement communities are functioning as intended
- Resettlers and relocatees have an equal or better quality of life as a result of the Project
- Unintended impacts are identified and addressed

Impact monitoring will cover:

- Social structures - traditional authorities, formal social groups e.g. churches, neighborhood networks for reciprocal help, family
- Economic status of resettlers and relocatees, including employment, arable land and livestock holdings, employment, non-agricultural enterprise, household assets
- Land use - cropland availability, opening of new cropland, fallow use
- Availability of natural resources - e.g. wood, bush foods and medicines
- Cost of a market basket of essentials, including rental accommodation
- Access and use of public facilities - water supply, sanitation, health and education services
- Employment - on the Project and in the impact area
- Health of Project-affected persons and host communities - mortality, morbidity of prominent diseases, status of vulnerable, and nutrition of children specifically
- Crime rates
- Public perception of the Project - judgments on the Company and Project, prospects for place and community

14.3.3 Indicators

A number of indicators will be monitored to track the progress of RAP implementation:

- Process indicators: This will indicate project inputs, expenditures, staff deployment etc
- Output indicators: This will indicate results in terms of number of affected people compensated and resettled, training held etc
- Outcome indicators: This will measure the level of achievement of the immediate project objective, the overall observable changes in performance, behavior or resource status that should occur as a result of RAP implementation
- Impact indicators: This will relate to the long-term effect, change of state or improved living conditions of PAPs towards which the project is making a contribution
- Assumption indicators: This will measure the fundamental circumstances which may counteract, or at least delay the attainment of results

The first three types of indicators are related to process, immediate outputs and results.

The final two longer-term impact indicators will focus on assessing whether the overall objectives of the project are being met, and will use the defined impact indicators as a basis for their evaluation. Data collected for the baseline socio-economic surveys will serve as the benchmark for measuring and evaluating the success of RAP implementation.

Indicators that will be monitored include:

- Delivery of compensation
- Resolution of grievances
- Land access
- Increase or decrease in household assets
- Social stability
- Health
- Rehabilitation of infrastructure and public facilities
- Level of satisfaction of project affected people
- Number of project affected persons that benefited from the livelihood restoration programs

Indicator selection for the purpose of monitoring and evaluation would be guided by the following principles:

- Preference for fewer indicators that have significant validity over more indicators of less significant value
- Preference for indicators used by national institutions in order to be able to compare results with control groups in other parts of Ghana, and avoid reinventing the wheel
- Putting in place monitoring and evaluation (M&E) efforts that are more strategically linked with existing efforts (Ghana Living Standards Survey/GLSS – Population Census, Demographic Health Survey/DHS). This is to ensure cost effectiveness, credibility of the survey outcomes, and sustainability of M&E efforts
- Measuring outcome and impacts on the following three levels:
 - Monetary measuring of livelihoods through a quantitative income or expenditure survey
 - Measurements on the five different types of capital to determine livelihood sustainability
 - Qualitative indicators measuring perception of Project-Affected Persons

14.3.4 Information Management

The External Affairs Department has a well established database to capture compensation entitlements and compensation payments, resettlement entitlements, delivery of resettlement infrastructure and housing. The database also tracks and manages grievance handling and management of livelihood and vulnerable program.

14.4 Evaluation

The schedule for the independent evaluation of the RAP implementation will be discussed and agreed in consultation with the IFC.

15. Resettlement Budget and Implementation Schedule

15.1 IFC Guidance

IFC Guidance states that “It is essential that all costs be estimated carefully and included in a detailed RAP budget. The sponsor should itemize resettlement costs by categories of impact, entitlement and other resettlement expenditures including training, project management and monitoring”.

“The RAP budget should be linked with a detailed implementation schedule for all key resettlement and rehabilitation activities”.

15.2 Project Approach

A detailed budget and schedule can only be developed following the outcome of community negotiations and development of the final Entitlement Matrix for the Project. This will be presented in the final RAP, which will be prepared following conclusion of resettlement negotiations.

15.3 Implementation Schedule

An implementation schedule for initial project development, from project start to end December 2009, has been developed and is shown overleaf as Table 15.1.

Table 15.1: RAP Preliminary Implementation Schedule (to December 2009)

No	Activity	2009								
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		1	2	3	4	5	6	7	8	9
1	Preparation									
1.1	Secure Resettlement Consultant									
2	Stakeholder Consultation									
2.1	Prepare & Update PCDP									
2.2	Ongoing community consultations									
2.3	Consultation relating to land control & surveys									
2.4	Communications									
3	Land Control & Asset Surveys									
3.1	Submission of Mining Area application to Min Comm									
3.2	Approval of Mining Area by Minerals Commission									
3.3	Tender & Contract Award for Survey Consultants									
3.4	Establish Land Access & Control Teams									
3.5	Declare & Explain Mining, Control & Moratorium Areas									
3.6	Moratorium Area Boundary Demarcation									
3.7	Carry Out Aerial Photography									
3.8	Mobilize Survey Supervisor and Teams (incl LVB)									
3.9	Rapid Building Survey									
3.1	Full Building Survey									
3.1	RNC Meetings (Weekly)									
3.1	Crop Survey									
3.1	Land Survey									
3.1	Data Entry									
3.2	Building Valuation									
3.2	LVB formal approval of surveys and valuations									
4	Other Surveys & Studies									
4.1	Conduct Socio-economic Surveys & Stakeholder Analysis									
4.2	Cultural Heritage and Communal Resources Survey									
5	RAP									
5.1	Prepare Draft									
5.2	NGGL Reviews									
5.3	Approval									
5.4	Public Disclosure of RAP									
6	Negotiations with RNC									

Appendix 1: Chronology of Stakeholder Engagement for the Subika Project

Date	Subject	Format	Categories of stakeholder
28/05/09	Discussion on moratorium notice with Community Relations staff (NGGL)	Meeting	Community Relations Staff
28/05/09	Moratorium declaration	RNC Meeting	RNC members
28/05/09	Information regarding moratorium notice and cut-off date, discussion on Control Area concept	RNC Meeting	RNC Members
28/05/09	Field visits and education on moratorium	Site Visit	RNC Members visited Kentika and Moro Villages and discussion with residents and farmers
28/05/09	Aerial photographs of the whole moratorium area taken and posted on notice boards	Notice boards	Farmers and residents in Subika East area
28/05/09	Education on moratorium at Subika East area	Public meetings	Kentika and Moro villages
28/05/09 to date	Notice of moratorium at Subika east area	Notice board	Farmers and residents in Subika East area
1/06/09	Notice on Asset surveys	Notice board	Farmers and residents in Subika East area Kenyase 1&2,
1/06/09	Briefing on moratorium declaration and surveys at Subika East area	Focus group Meeting	UYMAC
2/06/09	Briefing on moratorium declaration and surveys at Subika East area	Meeting	Chiefs and Elders of Kenyase No. 2
2/06/09	Briefing on moratorium declaration and surveys at Subika East area	Meeting	Chiefs and Elders of Kenyase No.1
3/06/09	Briefing on moratorium declaration and surveys at Subika East area	Focus group meetings	Religious Leaders in Kenyase No.1 &2
9/06/09	Briefing on moratorium declaration and surveys at Subika East area	WCC meeting	Women Consultative Committee(WCC)
9/06/09	Briefing on moratorium	Public	Youth and structure

Date	Subject	Format	Categories of stakeholder
	declaration and surveys at Subika East area	meeting	owners
10/06/09	Election of community representatives to the RNC	Community Durbar	Residents, farmers and landowners of the Subika East area
11/06/09	Briefing on moratorium declaration and surveys at Subika East area	Site Visit	Regional Security Council