Many concerns have been raised about the negative impacts from land-based investments in Ghana. In an effort to help address these concerns and mitigate future occurrence of these impacts, the Lands Commission developed the Guidelines for Large Scale Land Acquisition. The Lands Commission Guidelines were designed to provide guidance to investors, traditional leaders and inhabitants of project communities and the Lands Commission Officers, on what to do in order to facilitate land acquisition for commercial investments in a responsible manner. This is in recognition of the fact that under the current legislative and institutional framework for land governance in Ghana, each of these actors have a role to play in the arrangements for the acquisition, documentation and registration of land rights. Therefore, any attempt at addressing the negative impacts experienced from land acquisitions for investments purposes should involve all these actors. In addition to the Lands Commission Guidelines, COLANDEF and LANDESA also prepared Guidebooks for Socially Responsible Investments in Ghana. While the Lands Commission Guidelines provided the high-level information on what to pay attention to, the COLANDEF/LANDESA Guidebooks provided details on how to manage the process in achieving socially responsible investments. To equip community level actors to be in the position to use the guidance provided in these two documents to achieve socially responsible investments, the principles and guidance are consolidated and summarised in this document for ease of reference and application.
Guidance for facilitating socially responsible investments are presented and organized under the different phases of investments. This is because, in practice, every investment, irrespective of the type, goes through similar phases. The phases are:

1. Preparation for investment
2. Engagements and consultations with stakeholders for the land acquisition
3. Contracting
4. Implementation and monitoring of investment.

This Summarised Guidance document focuses on each of the phases in the investment cycle and provides the guidance on what community level actors can do in each phase to achieve socially responsible investments in their community. Government agencies and the investors also have roles and responsibilities under each phase to contribute to achieving socially responsible investments. However, these summarized guidance focus on the roles and responsibilities of the community level actors. (In the context of this document, the community actors refer to the Traditional Leaders, local community inhabitants, Civil Society Organizations, Community Based Organizations, Customary Land Secretariats, among others).

PHASE ONE - Preparing for Investment

This phase refers to the period before an investor approaches to express interest to acquire land to invest in a community. Before making this move, investors do a lot of preparation to position themselves for the best results from the decision to invest. In the same way, community actors who find themselves in areas where land is available for potential investments need to prepare themselves and be well positioned for engagement with any prospective investor. Below is the summarized guidance that Community Actors can use to prepare for investments;

- **Step 1:** BUILD COMMUNITY STRUCTURES AND CLEAR LEADERSHIP
  Evaluate and strengthen the effectiveness of community structures/groups; this is about the formation and/or strengthening of community groups to be adequately positioned for engagements, consultations and participatory decision making. When communities are organized, visible and well-structured for engagements, it makes it easier to have representation of the voice of all members of the community.

- **Step 2:** GET EDUCATED ON THE LAND RIGHTS OF COMMUNITIES AS ENSRHINED IN THE LAWS
  Leaders of the community structures/groups should obtain basic information on their land rights. When communities are organized, they can invite officers from the Lands Commission, Office of Administrator of Stool Lands or Non-Governmental Organisations (NGOs) knowledgeable in land rights, to come and educate them on their land rights and the protection the laws give to the different land rights holders.
- **Step 3: PREPARE INVENTORY OF ALL LAND PARCELS IN THE COMMUNITY AND THE CURRENT USES**
  The Leadership of the community and community groups should review all the land parcels in their jurisdiction, document the level of activities on each of the parcels and decide which part of the community land parcels that will be convenient to give out and they will be willing to actually give out for investments.

- **Step 4: PREPARE INVENTORY OF ALL FARMERS**
  Prepare a list of all farmers in the community, the location of their land and farms and the size of land they occupy.
  Also prepare a list of all other benefits, monetary and non-monetary, that the community obtains from the land. This will provide insights into how much will be lost if the land should be given out to an investor and therefore will guide the community leadership in negotiating with any investor.

- **Step 5: ADOPT COMMUNITY RESOLUTION**
  Based on the outcome from steps 1-4, adopt a community resolution on the community’s position on land-based investments and the agreed process for decision making on investments and proceeds from the investments

### PHASE TWO - Community Engagement, Consultation and Assessments

This phase refers to the period when an investor first approaches a community to express interest in acquiring their land to the point when the decision is made by the community to grant the land to the investor. It is important to note that the number of engagements will depend on a number of factors. This document therefore does not prescribe the number of meetings required to confirm there has been proper engagements. The guidance in this phase describes what community actors should do within this time period to ensure that; a) the decision is made based on an informed position by the leadership and members of the community, b) is participatory and inclusive, c) all discussions and commitments made by the investor in all the engagements are documented so that it will be binding once the land agreement is signed and; d) there is clarity on the land size to be acquired, the time of acquisition, the project implementation plan, different impacts expected and plan to mitigate and address them.

- **Step 1: CONDUCT DUE DILIGENCE ON PROSPECTIVE INVESTOR.**
  This step is important for the community to know the name of the investor, their origin, their legal status, their intended activity in the community, their track record in similar investments elsewhere. The leadership of the community need to confirm all these facts about the investor through independent sources. This should be done immediately after the investor has been introduced to the community.

- **Step 2: SHARE INFORMATION WITH ALL SEGMENTS OF COMMUNITY**
  Based on the outcome of the due diligence, organise a meeting to inform all land rights holders about the prospective investor, their proposed project and obtain a consensus on what the community decides to do.
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Based on the outcome of the due diligence, organise a meeting to inform all land rights holders about the prospective investor, their proposed project and obtain a consensus on what the community decides to do.

**Step 3:** **SEEK TECHNICAL GUIDANCE FOR NEGOTIATION**
Inform relevant state actors such as the Regional Lands Commission Office, the Office of Administrator of Stool Lands, the District Assembly, to provide assistance in managing the discussions toward the land acquisition for the investment. This is necessary because the investor is expected to comply with both national laws and international best practices regarding the acquisition of land for investments and commitments to project communities.

**Step 4:** **SPECIFY LAND SIZE REQUIRED AND WHAT CAN BE GIVEN**
Seek to clarify the specific land size that is needed by the investor and what is agreed to be given. This should be agreed both in the engagements and be followed through to get the parcel clearly identified on ground.

**Step 5:** **PARTICIPATE IN ALL ASSESSMENTS**
Actively mobilize and participate in the Environmental and Social Impact Assessment (ESIA) processes which is required to be done by the investor. The ESIA involves an analysis of potential positive and negative environmental, social, economic, and cultural impacts of the proposed project. The active involvement of the community provides opportunity to articulate concerns and needs that have to be addressed by the investor.

**Step 6:** **SHOW ACTIVE INTEREST IN THE OUTCOME OF ALL ASSESSMENTS**
Seek to obtain a copy of the full ESIA report and review it to determine whether it captures the full impact of the investment, particularly the livelihood impacts on the community. The ESIA report should have an impact mitigation plan. This mitigation plan needs to be discussed with, and agreed by, the community.

**Step 7:** **ENSURE A LIVELIHOOD PLAN IS DEVELOPED**
Following the ESIA, the investor is required to prepare a Livelihood Restoration Plan which explains how the investor will manage and restore all livelihoods that are affected by the project and; a Compensation Plan which explains the plan the investor has to compensate for the loss of crops and other items on the land as they take over and occupy the land. The Compensation Plan should be guided by both National Laws and International Standards.

**Step 8:** **PARTICIPATE IN THE SURVEYING OF THE DESIGNATED PROJECT LAND.** Supervise the conduct of surveying of designated project land.

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**PHASE THREE: Developing an Equitable and Inclusive Contract** *(lease agreement on all the agreements relating to the investment operation)*

The third phase of the investment cycle refers to period when the investor signs the land lease and all other contracts with the community. The guidance provided in this phase is to help community actors to manage contracting processes in a way that guarantees having a fair lease agreement as well as signed commitments to the community during the entire investment operation.

**Step 1:** **NEGOTIATE THE LEASE TERMS WITH THE INVESTOR**
The negotiation should not be just for the amount to be paid. The terms should also clearly state the rights and obligations of the investor during the entire lease period and the obligations of Traditional Leaders, especially, in granting alternative land to affected farmers.
- **Step 2: AGREE ON RESPONSIBILITIES FOR THE DRAFTING OF THE LEASE**
  Based on the negotiated agreement in Step 1, prepare a draft lease. Because most investors work with various professionals, they may already have a legal advisor who will be made to draft the lease. If this happens to be the case, it is important for the community actors to have opportunity to review the draft lease, make inputs as needed, get the lease finalised and ensure the final lease captures all that was agreed on. It would be helpful to seek legal advice at this stage.

- **Step 3: SIGN FINAL LEASE**
  Facilitate the signing of the final lease, ensuring that all relevant Elders of the land-owning group are involved and understand what they are signing.

- **Step 4: SENSITIZATION ON THE LEASE**
  Sensitise all land rights holders on key components of the final agreed document regarding the rights and obligations of the investor and the community leaders.

- **Step 5: MAINTAIN A FOLDER OF COPIES OF ALL SIGNED DOCUMENTS**
  Ensure to keep copies and records of all signed documentation properly, for reference during the entire investment period. This should be available to the leadership of all community actors.

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**PHASE FOUR: Implementing and Monitoring Investment**

This phase refers to the period when the investor actually goes into occupation of the land acquired and begins implementing the investment. The guidance provided in this phase is to ensure that the project is being implemented in accordance with the agreed terms of the lease, the Environmental and Social Impact Assessment as well as the Livelihood Restoration and Compensation Plan. This phase is the time when the commitments made in all these documents are to be operationalized. It is therefore important for Community Actors to monitor compliance to all the commitments and work with the investor to address all emerging issues. It is important to note that the Community Actors have an equal convening power just as the investor has.

- **Step 1: MONITOR IMPLEMENTATION OF PROJECT ACTIVITIES.**
  The community has a responsibility to monitor and ensure that the implementation of the project is being done as agreed with the investor.

- **Step 2: CONTINUOUS SENSITISATION AND ENGAGEMENT WITH PROJECT AFFECTED PERSONS.**
  Facilitate the mobilization and sensitization of all affected land users on the compensation process and verify whether land rights holders have all been compensated as outlined in the agreement. Check that land rights holders have received an alternative means of livelihood due to the loss of land as stated in the livelihood restoration plan.
Step 3: ESTABLISH GRIEVANCE REDRESS MECHANISM.
Support the establishment and operationalization of a Grievance Redress Mechanism All Project Affected Communities (PACs) and Project Affected People (PAPs) should be aware of the grievance redress process.

Step 4: PARTICIPATE IN THE SETTING UP AND GOVERNANCE OF CORPORATE SOCIAL RESPONSIBILITY
Collaborate with the investor and other stakeholders such as the District Assembly, to select, discuss, decide on and implement all Corporate Social Responsibility (CSR) projects.

Step 5: ESTABLISH THE MANDATE FOR CONVENING ON ALL EMERGING ISSUES
Request to have joint review of the project implementation and all the commitments and seek revise terms of that agreement that have emerged unfavourable or unworkable in the course of implementation of the project by the investor.

Important Reminders

a. While the phases described in this summarized guidance are clearly defined and are applicable to all investments, in practice they are interconnected and so may not be cleanly defined. Activities under one phase may run into the next or in some cases, activities under different phases may run concurrently. This should not be a problem as long as the key principles are upheld, and the community actors are involved.

b. Community participation and inclusion in decision making on an investment proposal is a right and not a privilege. The rights of the community to participate and decide on an investment proposal is enshrined in; a) Guiding Principles on Large Scale Land Investments in Africa, prepared and approved by the African Union, the African Development Bank and the United Nations Economic Commission for Africa and; b) the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security prepared by the Committee of Food Security (CFS) and the Food and Agriculture Organization of the United Nations (FAO)

c. In managing each step under the phases, it is important to give attention to Gender Equality and Social Inclusion (GESI) considerations. The appendices contain some tools adopted from the RIPL Guidebooks that can be used to facilitate some of the steps.
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**Appendix 1: Community Capacity Assessment - Phase 1**

<table>
<thead>
<tr>
<th>ASPECTS TO BE ASSESSED</th>
<th>GOAL OF ASSESSMENT</th>
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<tbody>
<tr>
<td>Community Leadership</td>
<td>Ensure effective representation of interests across all community members in investment activities.</td>
</tr>
<tr>
<td>Economic Stability</td>
<td>Mitigate the possibility of community decisions being unduly influenced by consideration of short-term economic needs.</td>
</tr>
<tr>
<td>Level of Knowledge and Awareness</td>
<td>Community members understand their rights, can participate meaningfully in assessment and negotiation activities, and are positioned to make informed decisions.</td>
</tr>
<tr>
<td>Opportunities for Participation and Representation</td>
<td>Investment activities will include the full participation of all land holders and land users, Strategies for mitigating any potential for exclusion.</td>
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</table>

**Appendix 2: Land Rights Assessment Tool**

This tool kit provides guidance on supplementing an ESIA with a deeper assessment of impacts to land rights, uses, and livelihoods under phase 2.

**Scope of the ESIA**

- Any ESIA or Human Rights Impact Assessment (HRIA) that a company conducts to comply with widely-accepted human rights standards, domestic laws, and policies should also assess investment impacts on land rights, uses, and livelihoods. The ESIA should be supplemented by analyses of the following:

  - How the potential acquisition would affect the amount of land available for food crop and other livelihoods production. The analysis must go beyond the obvious agricultural and other land uses to include such things as gathered resources (including craft and production materials and medicinal and other resources obtained from the land), along with the economic benefits of naturally occurring and planted trees.

  - Identification and importance of agricultural use and infrastructure. This could include commodity crops; food crops; non-agricultural livelihood strategies; water sources; agricultural inputs like seeds, fertilizers, and pesticides; market access; roads and transportation; and other infrastructure.

  - Existing and prospective spatial uses and boundaries. This includes formally documented rights to the land or any other identified and documented boundaries or governance rules. Overlapping rights and uses. Groups and individual land holders and users within the community may have overlapping rights and uses on the same parcels of land, including seasonal work or different crops grown by women and men. While assessing overlapping uses, any conflicts or disputes over land should be examined as well because they will probably have to be resolved to come to an agreement with community members.
• Extent to which women and men have different perspectives on all issues discussed and examined during the assessment. For example, women's land uses may not be recognized by men and the broader community, and women may be more knowledgeable than men about plants grown or gathered for food or medicinal purposes and may be able to provide more detailed information on sources and uses of water.

• The full market and non-market value of the land, which would include assessing livelihoods as well as social, cultural, religious, spiritual, and environmental values. The goal is to ensure that all land holders and users receive full and equitable compensation for relinquishing their land rights.

• The cost or value of any additional resources needed to supplant or remedy the loss of livelihoods, including the reduction in food cropping. Resources could include new land, money, and alternative livelihoods opportunities (employment, household vocations, business enterprises, and other options).

Appendix 3: Final Contract Checklist

<table>
<thead>
<tr>
<th>Final Contract Checklist</th>
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<tbody>
<tr>
<td>Does the contract clearly state the commitments and agreements that the company has made regarding its social and environmental obligations to address the ESIA results and subsequent engagement?</td>
</tr>
<tr>
<td>Does the contract include a provision for annual reporting on the implementation of the impact mitigation plan?</td>
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<tr>
<td>If so, are these reports made public and accessible to local communities?</td>
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<tr>
<td>Do the final contract terms reflect consensus agreements reached through negotiations and consultations with rights holders?</td>
</tr>
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<tr>
<td>Does the contract include clauses ensuring an efficient and sustainable use of natural resources, in particular water?</td>
</tr>
<tr>
<td>Did the company take reasonable steps to determine whether those representing the community in negotiations and consultations seek to protect the best interests of the whole community?</td>
</tr>
<tr>
<td>Did the company hold negotiations with identified land rights holders and users before contracting?</td>
</tr>
<tr>
<td>Did negotiations address the interests and rights of women and other vulnerable groups?</td>
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<tr>
<td>Did such negotiations occur after the company shared all relevant information relating to the land transfer or land use change?</td>
</tr>
<tr>
<td>Did the company help communities gain sufficient capacity to engage in fair negotiations?</td>
</tr>
<tr>
<td>Did the company establish monitoring and evaluation procedures for identifying noncompliance with contract terms?</td>
</tr>
<tr>
<td>Did the company provide communities with sufficient time and resources to review the contract before signing it? Sufficient time and resources would include time and means to consult third-party experts.</td>
</tr>
<tr>
<td>Did identified land rights holders and users have the freedom to say that, “yes” they agreed to the terms of the land transfer or project, or that, “no” they did not agree to the terms of the land transfer or project?</td>
</tr>
<tr>
<td>Did the business enterprise obtain the Free, Prior, and Informed Consent (FPIC) of affected indigenous peoples?</td>
</tr>
<tr>
<td>Do affected communities have access to the final contract?</td>
</tr>
<tr>
<td>Under law and customary rules, did the contract signatories have the authority to agree to the land transfer or land use change?</td>
</tr>
</tbody>
</table>

This checklist accompanies Phase 3 of the Guidebook and should be used when preparing the final contract, before signing.
Appendix 4: Designing a Stakeholder Engagement Plan

This resource provides (1) a template for designing a strategy for ongoing community engagement, and (2) checklists for evaluating the community engagement plan based on established standards for stakeholder communication.

Contents of a Model Community Engagement Strategy:

1. Description of Investment Project
   - Include a general background of the project, as well as reference to key documents and events in the development process.

2. Applicable Regulations and Requirements
   - Document the regulations and requirements that apply to the investment and surrounding consultations. Include information both from initial desk research and from contract negotiations.

3. Prior Community Engagement Activities
   - List engagement and consultation activities that occurred in the pre-negotiation and negotiation phases, as well as any meetings and events that have occurred so far in the investment implementation.

4. List of Stakeholders
   - Ensure that the list covers groups representing the interests of the entire community; overlap is expected, and gaps are unacceptable.

5. Description of Stakeholder/Community Engagement Strategy
   - This is the main substance of the strategy document and should include as exhaustive a list as possible of engagement activities to be undertaken.
   - The strategy description should include the specific activities that will be taken for each stakeholder group in consideration of the particular needs of subgroups.

6. Timetable for Community Engagement Activities
   - This timetable should include meetings and consultations, as well as monitoring and reporting functions and regular reviews of the investment and its accompanying processes.

7. Resources and Responsibilities Involved in Ongoing Community Engagement
   - This should include the resources that the investor will put towards ongoing community engagement, as well as any outside funding and/or activities from civil society partners, government agencies, and other groups.
   - There should be clear integration of engagement responsibilities into the investor’s ongoing operations.
## Checklist for an Ongoing Community Engagement Plan

<table>
<thead>
<tr>
<th>Question</th>
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<tbody>
<tr>
<td>Does the plan describe the requirements and expectations for consultation and communication?</td>
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<tr>
<td>Does the plan ensure that communication involves avenues for two-way dialogue, including adequate time for expression and listening on both sides?</td>
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<tr>
<td>Does the plan provide a strategy and timetable for meetings and information sharing with each identified stakeholder group?</td>
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</tr>
<tr>
<td>Does the plan describe the resources and responsibilities involved in implementing community engagement activities?</td>
</tr>
<tr>
<td>Does the timetable include regular reviews of the lease by land holders and users in order to ensure that the project is implemented in accordance with the mutual promises, expectations, mitigation strategies, and conditions contained within the lease?</td>
</tr>
<tr>
<td>Does the plan describe how community engagement activities will be incorporated into the investor's ongoing operations?</td>
</tr>
<tr>
<td>Does the plan include a mechanism for incorporating community feedback about engagement and consultation processes?</td>
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## Checklist on Principles to Be Found in an Ongoing Community Engagement

<table>
<thead>
<tr>
<th>Question</th>
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<tbody>
<tr>
<td>Is the investor providing meaningful information in appropriate formats and languages?</td>
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<tr>
<td>Is the investor tailoring communication to the needs of key stakeholder groups?</td>
</tr>
<tr>
<td>Is information disseminated in ways and locations that ensure access by the community?</td>
</tr>
<tr>
<td>Does engagement respect local traditions, languages, timeframes, and decision-making processes?</td>
</tr>
<tr>
<td>Are the processes for engagement and consultation free of coercion, intimidation or other unfair bargaining dynamics?</td>
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</tbody>
</table>