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The Role of the Land Surveyor in Land Acquisition and Compensation – A Case Study of the Tarkwa Mining Communities, Ghana

Presented by

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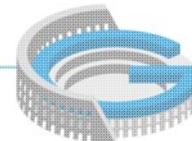


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Presentation Outline

- Introduction
- The Study Area
- Legislative Framework for Mining in Ghana
- Crop Compensation Procedure of AngloGold Ashanti Iduapriem Ltd
- The Role of the Land Surveyor in Crop Compensation Process
- Conclusions and Recommendations

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Introduction

- Land acquisition for mining activities often results in either displacing people economically (**Economic displacement**) or physically (Physical displacement) and in either way, compensation of affected persons is required.
- Major challenges faced by mining companies are to ensure peaceful negotiation for land acquisition and prompt payment of fair and adequate compensation in consonance with the Minerals and Mining Act and the Constitution of Ghana.
- The Land Surveyor has a vital role to ensure peaceful negotiation in the entire crop compensation procedure.

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The Study Area

- Located on latitude 5° N and longitude 2° W.
- Apart from mining, the major economic activity in Tarkwa and its environs is farming.
- Farmers cultivate both cash crops like cocoa and citrus and food crops like maize and cassava.



LEGEND

Tarkwa Mining Community ★

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The Study Area



Mixed cropping
Major Crop: Plantain



Mixed cropping
Major Crop: Maize



Mono cropping
Crop: Cocoa

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Legislative Framework for Mining in Ghana

Minerals and Mining Act

- A mineral rights holder must compensate for any disturbance to the rights of owners or lawful occupier for:
 - loss of earnings or sustenance suffered by the owner or lawful occupier, having due regard to the nature of their interest in the land,
 - loss of expected income, depending on the nature of crops on the land and their life expectancy.

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Legislative Framework for Mining in Ghana

Minerals and Mining Act

- The Act makes it clear that the amount of compensation payable shall be determined by agreement between the parties (affected farmers, representative of the affected farmer, mining company and local traditional and political leaders).
- The Act requires the owner of a mining lease, in the presence of the owner or lawful occupier and an officer of the Government agency responsible for land valuation carry out a survey of the crops and produce a crop identification map for the compensation process.

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Legislative Framework for Mining in Ghana

Constitution of Ghana

- The Constitution of Ghana guarantees prompt payment of fair and adequate compensation in events of compulsory land acquisition.

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Crop Compensation at AngloGold Ashanti Iduapriem Ltd

- Main Indicators for compensation are:
 - Crop rate and Crop Assessment method
- Crop rates are determined and reviewed annually or as and when needed by the Crop Compensation Committee.
- The Compensation Committee negotiates crops rates to reflect:
 - Biological and chemical factors including: maturity of the crop, state of the farm and life expectancy of the asset (e.g. matured crops, seedlings).
 - Current markets prices
 - Cost of production

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Crop Compensation at AngloGold Ashanti Iduapriem Ltd

- There are two main types of crop assessment methods:
 - Head Count Method/Tree Counting Method
 - Acreage Method
- In most cases, farmers as well as the mining companies prefer the Acreage method.

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Crop Compensation at AngloGold Ashanti Iduapriem Ltd

B. Acreage method

Strength

- Clarifies issues on planting density
- Encourages good planting method
- Fair negotiation
- Time saving

B. Head count Method

Risk

- Encourages unethical planting
- Difficulty in assessing farms where the planting density do not follow acceptable procedure
- Time consuming

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Crop Compensation Procedure - AngloGold Ashanti Iduapriem Ltd

Inform farmers and community to be affected

Compensation Committee formed to assist in determining crop rate

Farmers demarcate their farm boundaries

Farm survey and assessment

Farm chit issued to the farmer

Claim form prepared and farmers endorsed

Endorsed forms and processed

Cheques/Payment issued to farmers

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Crop Compensation Procedure

- Inform farmers and community to be affected
- Compensation Committee formed to assist in determining affected areas
- Farmers demarcate their farm boundaries
- Farm survey and assessment
- Farm chit issued to the farmer
- Claim form prepared and farmers endorsed
- Endorsed forms and processed
- Cheques/Payment issued to farmers

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PHASE XI - G

ANGLOGOLD ASHANTI IDUAPRIEM LIMITED

CROP COMPENSATION CLAIM/PAYMENT FORM

REPORT ON COMPENSATION ACTIVITIES AT BLOCK 3 WEST – OCT, 2011

1.1 The Purpose of This Document
The purpose of this report is to give a detailed account of compensation activities that took place at Block 3 West from 19th October – 1st November in the year 2011.

1.2 Purpose of Valuation
The rationale behind this farm survey and assessment at Block 3 West was due to numerous complaints received from farmers that during blasting hours, rocks fly into their farms which poses a threat to their lives. Series of investigations were conducted on the issue with AAAL mining safety officers, complaint and grievance management officer, mining representative and some farmers within the zone.

1.3 Location and Description of the Area
The area is located at Block 3 West within the AngloGold concession. It lies along the access road to Mile Six camp. The land use is purposely for agriculture and the dominant crops that thrive in the area are oil palm, cassava, pineapple and others. The topography of the area is undulated.

NO.	NAME	PICTURE	CROPS	FARM SIZE (ACRE)	FARM ID
1	Sample Farmer 1		Cassava, cocoa, plantain, papaw, timber	0.67	1
2	Sample Farmer 2		Cassava, cocoa, pineapple	0.34	2
3	Sample Farmer 3		Cassava, oil palm, cocoa, plantain	0.78	3
4	Sample Farmer 4		Cassava, plantain, maize, oil palm, rubber, pineapple	0.72	4
5	Sample Farmer 5		Cassava, cocoa, pineapple	0.29	5

1.4 CONCLUSION
Generally, the farm survey and assessment at Block 3 West was a peaceful one and no complaints have been received so far concerning the entire processes and procedures that were followed. The farmers were cooperative and this must be really encouraged in the other communities.



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The Role of The Land Surveyor in Crop Compensation

- In land acquisition and compensation activities, two things are critical and relevant:
 - Measurement of affected farm or area to be affected by Land Surveyors
 - Assessment of the property or area to be affected by Land Valuers



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The Role of The Land Surveyor in Crop Compensation

- The role of Land Surveyors in crop compensation include:
 - Accurately survey the farm
 - Plot the farm polygon
 - Generate an undisputable farm map (crop identification map)
 - Assist locate farms on the ground and translate that unto the concession map

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The Role of The Land Surveyor in Crop Compensation

- Activities of Land Surveyors that usually threatens the compensation activities particularly in the mining industry are:
 - Conniving with community members to farm ahead in areas planned for future explorations,
 - Falsifying the results of their surveys with regard to the area of the farms or the numbers of counted crop-trees,
 - Crucially, some Land Surveyors do not have an understanding of local customs and nuances.

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The Role of The Land Surveyor - Mitigation Plan

- In Ghana, the survey profession is governed by the Ghana Institution of Surveyors (GhIS). The Institution can mainly monitor the affairs of its members; hence the various mining companies have a duty to hire the services of a qualified Land Surveyors.
- The Institution ensures the organization of an annual Continuing Professional development (CPD) program for its members. This ensures that Land Surveyors work with utmost professionalism, accuracy and clarity.

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Conclusions and Recommendations

- In AngloGold Ashanti Iduapriem Limited, farmers are compensated an appropriate amount of cash for destruction of their crops. Crops compensation rates are calculated to reflect current markets prices, cost of production, maturity of the crop, state of the farm and life expectancy of the asset.
- The GhIS as part of their working visits to the mining companies, they should also encourage the mining companies to employ qualified Land Surveyors.
- Land Surveyors are entreated to work with utmost professionalism, accuracy and clarity.

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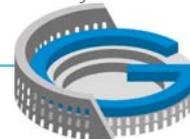




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Conclusions and Recommendations

- Land Surveyors are recommended to take advantage of the Continuing Professional Development (CPD) program organized by GhIS as it offers them the opportunity to educate themselves on both the statutory and customary tenure systems as well as improves their communication skills.
- Mining companies in Ghana have a key responsibility to hire the services of a qualified Land Surveyor to deal with compensation task.

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