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VOLTA REVIVAL FOUNDATION

To: Executive Director
Environmental Protection Agency
Accra Main Office

December 2, 2019

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Cc: District Chief Executive
Ada East District Assembly
Ada-Foah

Cc: The Chairman
Man and Biosphere Committee
Ada Songor

Cc: The Chairman
Man and Biosphere National Committee
Accra

Comments on Trasacco Estates Development Company's Environmental Impacts Statement for the proposed Hilton Resort & Spa and Turtle Bay Private Residences

The first communications TEDC ever had with Kewunor community was through a letter dated October 21, 2013 ATT: Torgbui Badju, this letter was a notice of eviction giving the community three days to vacate their homeland for generations. The way TEDC came into the community to commence this project shows us that safeguarding the community against the negative impacts the project will have on them was not a priority of TEDC but rather something that had to be forced. Kewunor community has been totally left in the dark, and if we the Volta Revival Foundation had not taken action to ensure community attendance at the stakeholder meeting in March 2018 and then the public hearing in February 2019 rest assured that no one from Kewunor community would have been made aware or attended any relevant meetings. In fact, we have been doing almost all the sensitization, and awareness raising in Kewunor community concerning this project even though such is the sole responsibility of TEDC. We are therefore very concerned about the human rights standing of the community and ask that TEDC and the EPA hear us and heed our advice concerning communications with Kewunor community.

Our position as Volta Revival Foundation is to protect and respect the fundamental human rights of the residents of Kewunor. We advocate for the prompt, just and fair compensation and resettlement of the people as the law demands and ask that the government of Ghana ensure the company complies. Due to TEDC's track record we are not convinced of their dedication to Corporate Social Responsibility and

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wish to make suggestions to their EIS submitted to the EPA, therefore we write the following comments, concerns, and petitions.

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We are also resubmitting the petition which we served to the EPA and board at the public hearing since there was no mention of any such petition in either the EIS main report or the scoping document. This petition is of the greatest importance to TEDC as they move forward in this project and we believe that it holds very clear guidelines for any resettlement plan to take place so that there will be no negative impacts or violence. We are here to help both the community and TEDC to move forward peacefully in the process of development, however, we fear that there has been a constant disregard for our and the community's communications in the past, and if TEDC would like to move forward amicably we appeal to them that they should listen well to all that we as well as other community partners are saying.

Additionally, we appeal to the government of Ghana that they should not give permits to this project until arrangements and agreements have been made with all relevant stakeholders including Midas Resort, Maranatha Beach camp, Kewunor community residents, and Maranatha DA Basic School.

1. TEDC's communication strategy up to now is totally ineffective and harmful

As far as we know there has been no communication with Kewunor community, therefore we are unclear as to what TEDC's communication plan is. However, as an organization which has been working in Kewunor community doing both development work and human rights advocacy for the last 4 years we have some recommendations to make concerning any future communication plan with Kewunor community.

The nature of the community must be understood before creating a communication plan, Kewunor is a fishing community which has worked very hard to develop itself, establishing beach camps, businesses, churches, associations, toilet facilities and most notable the basic school built in 2007. Many in the community do not have extensive education, but that should not be confused with stupidity, for the people of Kewunor are intelligent and shrewd. Most people in the community who are grown do not read and write, and some do not speak English. As an Ewe outlier in a Dangbe region the local radio station is also not always accessible, although it should be noted that most in the community do understand Dangbe.

Additionally, Kewunor community does not have good cell phone service, and most- except for the youth – are cut off from internet connection, which is for example the only way they could possibly download and read TEDC's EIS, however as it stands, most in the community do not even know the document exists and still fewer would be able to access and read it. As a response the Volta Revival Foundation has created a summary document for the key leaders and general public of Kewunor community, however we are disappointed that again we are doing the work of TEDC in order to inform and communicate with the community, otherwise, be assured Kewunor community will have no idea about what is going on concerning this report, and certainly have no way to respond to it.

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Without being informed of the EIS and other such documents and processes the community will be left in the dark, confused, afraid, and some will even become angry. This fact should be the primary focus of TEDC now because if they are not able to properly involve and inform Kewunor community this project may very well result in violence- which no party of stakeholder wishes to see.

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For there to be any communication with Kewunor so that the project is properly understood we as Volta Revival Foundation an actor and advocate for Kewunor community advocate the following based on our expertise about the community:

- (i) TEDC must hold meetings regularly in Kewunor community: because most of the residents of the island are effectively cut off from the internet, and other forms of access to information. Without meetings in Kewunor, there can be no effective communication strategy with the community in a way which can resolve the current conflict.
- (ii) In addition to meeting in Kewunor community to speak with the residents TEDC must bring a translator or otherwise appoint a community translator so that everything that is said may be translated into both Ewe and English
- (iii) TEDC may be advised to employ a mediator who can help to bring the heads of Kewunor community together including: the chief, the head fisherman, the senior lady from the women's association, the assembly man, the president of the youth association, the heads of both Maranatha and Midas, the head of Kewunor Maranatha DA Basic School, pastors of all churches and any other principle members of the community; in order to come to amicable agreement
- (iv) There should be regular updates made via radio announcements at Radio Ada the local radio station
- (v) A summary of the EIs and any future important documents compiled into few pages should be given out to Kewunor community members. Volta Revival Foundation has done this as a service to the community, but again it does not speak well to the communication methods of TEDC with Kewunor community residents.

Without such communication measures we warn TEDC that the community is ready to resist them as is stated from the scoping report in many areas, and that such resistance may lead to violence which will cause community wide, national and international protest, disturbance, and general resistance.

We would also like to ask TEDC why there must be hostility when members of the community approach TEDC personnel on the island? Or when they go to the unmarked construction site and are met with unmarked guards who are hostile and yelling threats (we have video evidence of this if necessary). If this is a legitimate project, then there must be legitimate avenues for communication with the community whose lives may be uprooted to make way for such a project. It seems contrary, but the

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project and movements of TEDC have remained secretive and we believe that is not a mistake but rather an intentional strategy for removing the vulnerable community as an obstacle, after all, if those most harmed by this project are also uninformed and made to look illegitimate, impoverished and unintelligent then it will be much easier for the company to trample on their rights and push them out of their way in the name of tourism yes, but also in the name of capital gains and profits over the autonomy and lives of the people who may very well suffer for the sake of the project.

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2. The resettlement plan and policy are invalid based on human rights and resettlement policy frameworks and there is a lack of integration of alternatives based on scoping report and petition

The Resettlement Action Plan submitted to the EPA is not valid under TEDC's policy frameworks since no part of the resettlement plan was accepted by Kewunor community itself and no one in the community has been privy to the plan in detail. Additionally, there was great protest concerning the known aspects of the plan at the public hearing in February 2019. Therefore, TEDC must not consider pushing through with such a plan, it would be unwise and will cause great agitation in both Kewunor and Ada Foah as well as nationally and internationally.

Out of social responsibility to Kewunor community and because the government seeks to safeguard vulnerable peoples we expect that the resettlement will be the first phase of the project, if it is not, then the community is put in the path of a development plan which could take away their rights to life and subsistence. Therefore, we believe TEDC must construct (with the community's input) the resettlement community first and then resettle the people all before continuing with the construction of their private estates and hotel.

Based on our knowledge of the community we made clear our advice concerning the resettlement in our petition delivered to the committee of the public hearing in February 2019.

3. The Current proposed resettlement site and plan is unacceptable for the following reasons:

- I. The site is land locked and therefore will never be the location where the residents who subsist on fishing will ever agree to, the land must be agreed to by Kewunor community.
- II. The ownership of the land is disputed as partly being family lands
- III. Shared toilet and shower facilities are unacceptable
- IV. Semi-detached housing is unacceptable
- V. Land size must match the amount of land being taken by TEDC from the residents

Contrary to what TEDC proposes about Kewunor community, most in Kewunor are not living in total poverty, their lifestyle is at one with nature and reflects the style and manner in which they wish to live—resettlement therefore should not automatically be considered a 'better option/opportunity' for

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the community but rather as a forced dislocation from their home to a situation so different and so detached from their way of life so as to potentially render the resettlement a failure if diligence is not taken and community input is not considered. Such a scheme may even end up like one of the resettlement communities from the Volta dam where we see almost all the young migrating out of the community to seek a better and more compatible way of life. We contend that the idea that the community is living in poverty and therefore anything TEDC offers them will be better than what they already have is a fallacy and anyone from Kewunor community will tell you as much. Kewunor deserves to be treated with respect, autonomy, and diligence, none of which we have seen in TEDC's dealings with the community.

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4. GTA handling of the Kewunor resettlement plan is unacceptable

Why is GTA in charge of the community's resettlement, and why is the community unable to access the resettlement plan, this is a direct violation of world bank, international, and national law/recommendation (reference petition). Indeed, any resettlement guidelines state clearly that the community must be involved in any resettlement plans, which they have not been.

Perhaps this information is partially available online, but one must look at the community in question to see if this method is really going to reach them, the English literacy rate in the community among adults is low and people are very afraid as well as some feeling anger about how they have been totally ignored at every step of the proceedings. Except for the advocacy of Volta Revival Foundation and community associations, Kewunor community members would never have come to the meeting in March 2018, nor the public hearing in February 2019—this level of failure to include the community is a violation to their autonomy.

Instead of GTA we propose that the correct body to handle the community's resettlement is the district Assembly of Ada and specifically the Office of Social Welfare and the Commission on Human Rights and Administrative Justice. Such offices will be much more sensitive to the needs of the community we believe, as well as offer good communication strategies in working with the community going forward.

5. Lack of understanding as to what parts of the estuary will be public/private

After reading the EIS report and noting that TEDC intended to incorporate both private and public spaces into the hotel and estates scheme, we are still very unsure as to what areas will be earmarked as private or public. We seek clarification as to what parts of the plan will be public or private.

We believe that Ghana holds the Volta river estuary in trust for all of posterity and regret that any part of it would be sold out to a private developer. Yet it is so, and therefore we ask that the farthest tip of the estuary as well as sites both along the river and the ocean be made available to the public without pressure to buy something or harassment for staff or personnel of the hotel/estates.

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Additionally, we will like to know whether TEDC plans to restrict the fishing access at the estuary. Fishing activities usually take place at dawn (3am-6am) and dusk (5pm-8pm) and are sometimes carried out all night. We would like to know that based on the exclusivity of the hotel if TEDC intends to try to alter fishing habits which are natural to Ada since the people settled here. Fishing is the right to life for many people because it provides them with the necessary income to live, support their families, and send their kids to school, will TEDC try to keep fishermen out of the estuary?

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6. Difficulty in understanding the land portion size and insufficient and then inaccurate census data

In reading the EIS we have difficulty defining the exact area and boundaries which will be taken by TEDC. For example, is the school included? If so, that will be of even greater detriment to the community as well as contingent communities who rely on the school to provide their children with basic education. Therefore, we wish to understand better the exact parameters of the 29 acres of land which are to be used for the resort/chalets.

Based on the land size states by TEDC (29 acres) it seems they wish to take everything from the estuary until just before the school. That means TEDC will be splitting up an indigenous community, causing even more disruption to their lives, as well as possibly causing other issues such as over population in the space the community will be left with. We would also like to know how TEDC will split the community, if they will build a wall, or a fence, between the community and their resort and whether local people will be allowed to cross such a barrier?

Additionally, mention was made that new census data would be collected in September of 2019, and we are asking why such data was not added to the completed EIS as it is of the greatest importance concerning the community of Kewunor. Additionally, we implore TEDC not to come into the community to collect the data in the way they did in 2014. The method they formerly used was intrusive, marking houses and poorly explaining their project and goals, therefore the community is still left wondering why the people had come to mark their houses, take pictures and then leave without full explanation. This time we hope they will meet with the heads of the community in advance and then be taken around the community by someone who is from Kewunor or at least someone who speaks fluent Ewe, they should also provide a document to each person who they mark as part of the resettlement plan explaining the resettlement as well as explaining the census exercise.

7. Risk of the project being permitted by government without agreements made with key stakeholders will cause conflict and community wide vulnerability

Phases 2,3, and 4 include unaccounted for and future agreements, so we ask what would happen if TEDC cannot make an agreement with Midas, Maranatha, or the community but the EPA and other government bodies have given permit to the project, that means that the community and other stakeholders will become vulnerable to the force and coercion of the company which we have seen can

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be unbearably intimidating due to their status as a transnational corporation and massive developer in Ghana.

Therefore, in the interest of prudence, we ask that all agreements be made final before the remaining permits are issued for the safety and concern of the vulnerable stakeholders and public concerning this project.

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8. This project may affect future of developments in Ghana

This project is massive in scale and has many impacts whether social, environmental or economical, it is of our view that such a project could set precedent for future developments especially when involving foreign companies. Especially where it concerns the negative impacts, it may be easier or harder for future development companies to disregard human and environmental rights depending on the outcomes of this project. Because of this we also believe that it is of greatest importance to ensure that the environment is totally safeguarded, and the community is treated with respect, autonomy, and diligence, and that their resettlement is carried out the extent of improving their everyday lives. We believe that Ghana fails unless all of Ghana succeeds and it is with this motivation that we share our concern. The project has now become a question of whether this kind of development can be done justly and for the true good of the people, we do not wish for modern developments which benefit the most wealthy to become the only concept of development, but rather to include the most vulnerable, the most down trodden and the most isolated of the Ghana community.

There are plenty of examples of developments in Ghana and abroad which have significantly negatively impacted the communities where they were carried out, we bring to attention the Manet Paradise hotel development in Azizanya, and internationally the tragic case of Paga Hill in Papua New Guinea (<https://youtu.be/Fn8P2i4Byro>).

TEDC's EIS makes mention of World Bank 8 times, is this project partially funded by world bank? If so then they also have strict guidelines concerning human rights and resettlement, and we will point out their 'Resettlement policy framework' which specifically stipulates the methods companies must use for issues such as land acquisition, restrictions on land use and involuntary resettlement, and inclusion of affected peoples in the drafting of resettlement plans (please see: World Bank Environmental and Social Framework <http://documents.worldbank.org/curated/en/672551551098424901/pdf/Resettlement-Policy-Framework.pdf>).

9. Alternative site plan

We still believe it would be a good idea for TEDC to seriously consider and alternative site plan for this development project. We recommend this because the resettlement of the people and the lack of communication TEDC has had with the community is very worrying in terms of heightened tension. Such tensions may lead to violence if provoked, and if TEDC is not able to make 180 degree turn in the way

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they are communicating with the community, then we are very worried not only for the viability of the project but also because of the possibility of violence, protest, and even loss of lives. We trust the no one wishes to see such outcomes.

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We believe that because the hotel is to be serviced by boat TEDC is still able to relocate the project to a more protected and less inhabited estuary island of similar or equal size.

10. Timeline inaccurate and calls for the relocation of the community December 2019

In the EIS TEDC states that the relocation of Kewunor community will take place in December 2019, however, no part of the resettlement scheme has been agreed to by the community as of November 29, 2019 and therefore we cannot see how such as resettlement timetable could ever take place. We are upset by this statement because this kind of inexact statement will cause chaos and confusion among stakeholders as well as the community which is already in the throgs of confusion. TEDC must be very careful in how it dates its future activities, especially in relation to any resettlement activities, which is very grave business.

11. The NGO TEDC proposes should include a section to work with Kewunor towards developments

In the EIS TEDC claims that the NGO they wish to set up called Ada Foah Eco-Foundation will help carry out part of their social corporate responsibilities, however the NGO only caters to their responsibilities towards the environment and does not include their responsibilities to the community most impacted by this project. We are therefore asking that they expand the activities of the proposed NGO to include funding for development projects in Kewunor community. This will provide the community with greater assurance that the company is dedicated to their Corporate Social Responsibility as pertaining to human rights.

The Volta Revival Foundation has compiled this document of questions, comments, and concerns based on our experiences with both TEDC, various stakeholders, and Kewunor community. As an organization we stand behind development as a bastion of hope, and we believe that truly sustainable development must center human and environmental rights. It is with this motivation that we advocate for the inclusion of Kewunor as an autonomous community in all aspects of their resettlement. We also ask that the government come to the aid of the vulnerable by ensuring all agreements are made without coercion and force, so that human and environmental rights can truly prevail, showing Ghana a better way to develop: where everyone wins.

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