



GOVERNMENT OF SAINT LUCIA

DISASTER VULNERABILITY REDUCTION PROJECT



THE WORLD BANK

RESETTLEMENT POLICY FRAMEWORK



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Acronyms

ARP	Abbreviated Resettlement Plan
CALF	Climate Change Adaptation Loan Facility
DCA	Development Control Authority
DVRP	Disaster Vulnerability Reduction Project
MFEAPSS	Ministry of Finance Economic Affairs Planning and Social Security
MPDHUR	Ministry of Physical Development, Housing and Urban Renewal
MSDEST	Ministry of Sustainable Development Energy Science and Technology
PCU	Project Co-ordination Unit
PPCR	Pilot Programme for Climate Resilience
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SDES	Sustainable Development and Environment Section
WASCO	Water and Sewerage Company

1. Introduction and Objectives

The World Bank is providing a Credit/Loan/Grant to the Government of Saint Lucia in the amount of United States thirty-two million dollars (US\$32M) towards a Disaster Vulnerability Reduction Project (DVRP ó US\$15 million), and a Pilot Programme for Climate Resilience (PPCR ó US\$15 million). The DVRP/PPCR is expected to finance activities for institutional strengthening and regional collaboration for capacity and knowledge building around geo-spatial management, risk analysis and climate change adaptation planning, including developing and enforcing the use of harmonized infrastructure codes, standards and methods. The DVRP/PPCR is also expected to finance construction and rehabilitation activities in the health, education and infrastructure sectors throughout the island.

The purpose of this Resettlement Policy Framework (RPF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects to be prepared during project implementation (see [OP 4.12, paras. 26-28](#)). Sub-project resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see [OP4.12,para.29](#)).

The RPF will assist the PCU in i)screening all subprojects for land acquisition and physical and/or livelihood displacement resulting from such land acquisition; ii) identifying documentation and preparation requirements for compliance with World Bank Safeguards Policy. In the event that the project leads to land acquisition and/or resettlement, Abbreviated Resettlement Plans (ARPs) and/or Resettlement Action Plans (RAPs), as may be applicable, will be prepared for specific sub-projects in accordance with the project's RPF.

The RPF will form part of the project's Operations Manual and is referenced in the project's Legal Agreements.

2. Description of the Project

Project Objective

The Project Development Objective of the DVRP is to measurably reduce vulnerability to natural hazards and climate change impacts in Saint Lucia and in the Eastern Caribbean Region.

The Project Development Objective of the PPCR is to pilot and demonstrate ways to integrate climate risk and resilience into the core development planning of developing countries and provide incentives for scaled up action and transformational change.

Project Components

The DVRP/PPCR has 5 components as follows:

Component 1- Prevention and Adaptation Investment (US\$14 Million)

This component is designed to reduce physical vulnerability and pilot adaptive measures to build resilience to current and future climatic changes both at the national and regional levels. Activities put forth for financing include a suite of civil works activities that would have national and regional benefits.

Component 2 – Technical Assistance, Regional Collaboration Platforms for Hazard and Risk Evaluation, Geospatial Data Management, and Applications for Improved Decision- Making (US\$5Million)

This component would finance a series of capacity-building, knowledge-building and technical assistance interventions at the national and regional levels to support disaster risk management and climate change adaptation. There are specific areas that have been identified and proposed as high priorities for intervention. At the national level, activities would include, inter alia: i) enhancement of national hydro-meteorological monitoring networks; ii) development of an integrated watershed management plan for flood mitigation; iii) technical assistance for the establishment of maintenance monitoring systems for bridges and public buildings that would integrate natural hazards and extreme events considerations; iv) establishment of geo-spatial data sharing and management platform and related training activities; and v) climate change adaptation public education and awareness campaigns.

Component 3 – Climate Adaptation Loan Facility (US\$ 5 Million)

This component would assist in the creation of Climate Adaptation Loan Facility (CALF) to provide readily accessible concessional loans to private sector entities, including firms, enterprises, community groups and households for investments and / or livelihood activities that support climate adaptation and/or disaster vulnerability reduction. Consultations conducted during the preparatory phase of the PPCR (phase 1 PPCR) with private sector and civil society highlighted the need/demand for financing options for private business, community groups and individuals to build resilience to climate change.

A feasibility study will be conducted to assess the market conditions, including demand and supply side analysis to determine current needs and financing constraints in Saint Lucia. The study will provide the main inputs to decide on the most suitable design of the CALF (i.e. credit line, matching grant) the Saint Lucia Development Bank (SLDB) has been proposed as the financial intermediary to implement the on-lending component.

Component 4 – Natural Disaster responsive Investments (US\$0 Million)

Due to the high risk of a catastrophic event in Saint Lucia, a provisional component would be added under this project designed as a mechanism that would allow for rapid response in the event of an emergency.

Component 5- Project Management and Implementation Support (US\$2 Million)

This component would finance the provision of support to the Project Coordination Unit (PCU) under the Ministry of Finance, Economic Affairs, Planning and Social Security (MFEAPSS) and the Implementing Agency to conduct overall Project coordination, evaluation, supervision and implementation.

Project Implementation

The Ministry of Sustainable Development, Energy, Science and Technology (MSDEST) through the Sustainable Development and Environment Section (SDES) would be the lead technical entity for the DVRP/PPCR. Fiduciary and project management support (procurement, financial management and disbursement, and monitoring and supervision) would be provided by the PCU

in the Department of Planning and National Development (DPND) of the Ministry of Finance, Economic Affairs, Planning and Social Security (MFEAPSS). The PCU would be collaborating with the various beneficiary line ministries and agencies on technical matters. These ministries and agencies would provide technical support to the PCU as needed, including the preparation and review of technical terms of reference, provision of technical specifications for consultancies and goods to be purchased, and other required inputs.

3. Estimated Population Displacement

Sub-Project	Permanent Land Acquisition	Temporary Land Acquisition	Asset Compensation	Encroachment on Public Land	Resettlement
Retrofitting of Piaye Community Centre				1 Shop	1 Shop
Reconstruction of Choc Bridge	(Option) Based on design concept	(Option) Based on design concept	Crops		
Civil works for Monitoring Networks	TBD		TBD		
Marchand River Wall	TBD Based on designs				
Land Stabilization. Various small projects	TBD Based on designs		TBD Based on designs		

4. World Bank Land/Asset Acquisition Policy (OP 4.12): Guiding Principles

The World Bank's Policy, 4.12 Involuntary Resettlement, will guide the social safeguards (land acquisition and involuntary resettlement) planning and compliance during implementation of sub-projects. As sub-projects are identified and proposed for financing both prior to and during the project implementation period, screening for potential land acquisition/resettlement will be conducted and the necessary mitigation and management measures in keeping with the agreed RFP will be developed.

In the event that a sub-project resulting from Bank-assisted investment projects to address direct economic and social impacts entails land acquisition, and are caused by the involuntary taking of land resulting in the loss of assets, the Borrower must implement measures to ensure that the affected persons are:

- (i) informed about their options and rights pertaining to resettlement;
- (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
- (iii) provided prompt and effective compensation at full replacement cost for losses of assets

attributable directly to the project.

“Full replacement cost” is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structure and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g. access to public services, customers and supplies; or to fishing grazing or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.

Should the laws of Saint Lucia not be in keeping with the World Bank’s standards of compensation for full replacement cost, then compensation under domestic law would be supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided.

5. Saint Lucia’s Legal Framework: Land Acquisition, Compensation, Evaluation

The Laws of Saint Lucia include a Land Acquisition Act established in 1946. The mentioned Act provides a very detailed account of the procedures enforced by the Government of Saint Lucia in matters pertaining to the acquisition of land for public purposes.

Notification and Due Procedure:

Acquisition of Land

- (1) If the Governor General considers that any land should be acquired for a public purpose he or she may cause a declaration to that effect to be made in the manner provided by this section and the declaration shall be conclusive evidence that the land to which it relates is required for a public purpose.

- (2) Every declaration shall be published in 2 ordinary issues of the Gazette and copies thereof shall be posted on one of the building (if any) on the land or exhibited at suitable places in the locality in which the land is situated, and in the declaration shall be specified the following particulars in relation to the land which is to be acquired-
 - (a) the parish or district in which the land is situated;
 - (b) a description of the land, giving the approximate area and such other particulars as are necessary to identify the land;
 - (c) in cases where a plan has been prepared, the place where, and the time when, a plan of the land can be inspected;
 - (d) the public purpose for which the land is required.

- (3) Upon the second publication of the declaration in the Gazette as aforesaid the land shall vest absolutely in the Crown.
- (4) This section does not prevent the acquisition of lands for public purposes by private treaty.

Negotiations with Landowners:

Authorised Officer to Treat with Land Owner:

- (1) As soon as any declaration has been published in accordance with the provisions of section 3, the authorized officer shall without delay, enter into negotiations (or further negotiations) for the purchase of the land to which the declaration relates upon reasonable terms and conditions, and by voluntary agreement with the owner of the land.
- (2) It is not necessary for the Authorized Officer to await the publication of the declaration before he or she endeavors to ascertain from the owner the terms and conditions on which he or she is willing to sell his or her land, but no negotiations or agreement is considered to be concluded unless and until the conditions of sale and acquisition have been approved in writing by the Governor General.

Compensation Evaluation:

Rules for Assessment of Compensation.

Subject to the provisions of this Act the following rules shall apply to the assessment and award of compensation by a Board for the compulsory acquisition of land-

- (1) The value of the land shall, subject as hereinafter provided, be taken to be the amount which the land, in its condition at the time of acquisition, if sold in the open market by a willing seller, might have been expected to have realized at a date 12 months prior to the date of the second publication in the Gazette of the declaration under Section 3.
- (2) However, this rule shall not affect the assessment of compensation for any damage sustained by the person interested by reason of severance, or by reason of the acquisition injuriously affecting his or her other property or his or her earnings, or for disturbance, or any other matter not directly based on the value of the land;

Interest:

The Board, in awarding compensation may add thereto interest at the rate of 6% per year calculated from the date upon which the authorized officer entered into possession of the land acquired until the date of the payment of the compensation awarded by the Board.

The following are of particular pertinence to the purpose of understanding the practice of land acquisition in Saint Lucia, and therefore its degree of compliance with World Bank policy:

- § Market Value - Calculation of compensation is based on market value. In determining market value the sale of property of similar characteristics with up to one year is used.
- § Valuation System ó Property valuations are very flexible and are always in favor the land owner. In determining the valuation of property, location, and size of land are taken into consideration.
- § Interest - Should the payment to the affected land owner be delayed (see note on interest above) 6% interest is paid. This is substantially above interest rates paid by commercial banks.
- § Procedural delays óThere may be delays in undertaking the procedures outlined in the legislation, for example, after the general elections as the decisions have to be approved by the Cabinet of Ministers. Notifications of the intent to acquire private property can only be published after approval of the Cabinet of Ministers. Payment is delivered upon completion of works - Advanced payment has exceptionally been paid through private treaty if strongly requested. However, it is not very common.

6. Saint Lucia's Procedures for Relocation of Squatters

The GOSL does not have prescribed legislation/policy for relocation of squatters. However, considering that the land belongs to the Crown (GOSL), the procedures to be employed for relocation of the squatters would be done based on previous and similar situations dealt with by the Commissioner of Crown Lands (the authorized representative of the GoSL). Based on precedence, the Commissioner of Crown Lands of the Ministry of Physical Development, Housing and Urban Renewal (MPDHUR) has done the following:

- a) Provided an alternative relocation site with state approved sub-division to the squatters. Where required a relocation allowance of EC\$10,000 maximum was provided to the squatters.
- b) In the case of indigent persons, the state provided them with a lifetime interest in the developed property.

This happened in the case of the Tete Chemin to Belair Relocation to facilitate the construction of the John Compton Dam in the mid-1990s.

Land belonging to Crown can be declared "Special Enforcement Area" according to Section 43 (1) of the Physical Planning Act #29 of 2001. In such a case, the Physical Planning Section of the MPDHUR submits a proposal to the Cabinet of Ministers to have a particular area declared a "Special Enforcement Area". The proposal for declaration shall contain details on the parcels to be so declared utilizing the Land Registry Maps for the area.

As soon as the declaration is published in the Saint Lucia Gazette, the Special Enforcement comes into effect. All developments within the "Special Enforcement Area" must be carried out with the specific guidance of the Development Control Authority (DCA). A plan showing the extent of the boundaries of the Special Enforcement Area is prepared and copies of the plan are posted at conspicuous sites within the subject community.

7. Eligibility Criteria

Upon identification of the need for involuntary resettlement in a project, the GoSL carries out a census to identify the persons who will be affected by the project to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

Bank policy states that displaced persons may be classified in one of the following three groups:
(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets, provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;

(c) those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) are provided compensation for the land they lose, and other assistance.

Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b), or (c) are provided compensation for loss of assets other than land (see OP 4.12 paras. 14 -16).

8. Fit Between the World Bank and Borrowers Laws

Saint Lucian compliance with OP 4.12 has not been met. The national legal frame work provides the Government of Saint Lucia with instruments that entitle bearers of assets with rights of notification and fair compensation, which are compatible with the Bank's involuntary resettlement policy. A court case precedent as well as interviews with different persons involved in the process (in the context of the Saint Lucia Disaster Management Project II), also offer some evidence to the fact that the customary application of this legal framework has usually favored land owners (in terms of negotiated compensation) vis-à-vis the State. Nevertheless, the laws of Saint Lucia do not comply with OP 4.12 for two reasons.

First, the chronology of events permitted under the Land Acquisition Act does not correspond with the timing of activities accepted by the Bank. According to World Bank policy, the land owners/occupants must be compensated ***before*** the works take place, while the Land Acquisition Act of Saint Lucia allows this payment to take place after the completion of the works. It is therefore fundamentally important that this order be reversed in order to proceed. ***Hence, affected landowners must be compensated before any works can commence.***

Second, a project's reliance on the State's authority and ability to acquire land as long as it is in accordance with the Land Acquisition Ordinance has apparently resulted in the responsible parties neglecting to engage with the affected land owners as legitimate stakeholders through a transparent communication strategy. Therefore, compliance with Bank policy will depend on (i) the Government's commitment to a transparent communication strategy based on the information and validation processes set out in Section 4 and including a clear grievance mechanism for the affected persons to voice their concerns.

Squatters (persons who have no recognizable legal right or claim to the land they are occupying) are considered displaced persons and therefore are provided compensation for loss of assets other than land (see OP 4.12 paras. 14 - 16).

In addition, Bank policy requires that, displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups (see OP 4.12 para. 13).

The GoSL shall establish and implement public information campaigns and consultations. The specific objectives of the campaigns and consultations would be to:

- (a) fully share information about the proposed project, its components and its activities;
- (b) solicit the community's inputs in the resettlement process;
- (c) ensure transparency in all activities related to the relocation of the squatters.

The following mechanisms shall be employed:

- (d) Community or town hall meetings to disseminate information on resettlement plans and

receive feedback (ideas, concerns, and alternative suggestions) from affected persons on resettlement alternatives.

(b) Meetings with affected households to disseminate information on resettlement plans and receive feedback (ideas, concerns, and alternative suggestions) from affected persons on resettlement alternatives. This will provide an opportunity to assess women headed households and their particular concerns. Gender issues may occur in the titling of property to women and their access to resources.

(c) Public information campaigns to sensitize the members of the communities where the various sub-projects will be implemented.

(d) Meetings with the Parliamentary Representatives, representatives of Village and Town Councils, Development Committees/Rural Councils, Youth and Sports Groups, Faith-Based Organizations, and the Private Sector, and in the various sub-project areas.

(e) Key Informant Interviews and Focus Groups.

(f) Stakeholder participation in Committees established during the planning and implementation of the sub-project.

9. Land Acquisition Screening Procedures

Screening for land acquisition will be done in accordance with the following steps:

1. Sponsoring agency screens the preliminary selected sub-projects for potential social safeguard impacts (land acquisition) and determination of safeguards documents required according to Saint Lucia legislation (Acts and Regulations) and the World Bank policies.

2. If land acquisition is required then sub-project resettlement plans consistent with the policy framework are developed and submitted to the Bank for approval after specific planning information becomes available (see [OP 4.12, para.29](#)).

3. Review of safeguards screening by World Bank.

4. Preparation of safeguard documents (resettlement plan), consultation and disclosure;

5. Review and clearance of the safeguard documents within the Government and the Bank;

6. Implementation of agreed actions; and supervision, monitoring and evaluation.

10. Sources of Funding and Estimated Cost

The cost of land acquisition and associated administrative and logistical costs will be provided for by the Ministry of Physical Development in its Budget since Land Acquisition forms part of the Planning Programme of the Ministry. The exact costs will be determined according to the Land Acquisition Act, and payments must be made *before* the works begin.

11. Institutional Arrangements

The PCU shall serve as the co-ordinating agency for the approval of all sub-project activities to be completed under this project. Prior to the submission of works activities for funding consideration, the issuing agency (agency requesting the work) shall screen the sub-projects to assess whether or not land acquisition is entailed. The PCU shall forward these findings to the Ministry of Physical Development (Head of the Physical Planning Section) for review and concurrence.

Once this review is completed, the PCU shall then incorporate these findings and requirements into the final approval document for submission and review by appropriate programme managers. The results of this process shall become a permanent part of the works approval package and the sub-projects' resettlement action plan (RAP) shall be incorporated in any tender produced by the programme. The PCU shall be responsible for the development of the RAPs.

Supervision for compliance with the terms of the contract shall rest with the issuing agency.

In the event that a Resettlement Action Plan is required the following institutions will be responsible for its implementation and monitoring.

Table 1: Institutions responsible for monitoring Resettlement Action Plan

Ministry/Agency	Department/Section
Ministry of Physical Development	Survey and Mapping Units, Physical Planning Section, Commissioner of Crown Lands, Registrar of Lands.
Ministry of Social Transformation	Social Transformation Officer
Project Co-ordination Unit (PCU)	Project Co-ordinator
Ministry of Education	Technical / Planning Unit
Ministry of Health	Technical / Planning Unit
Ministry of Infrastructure	Technical / Planning Unit
WASCO	Technical / Planning Unit
Other...	Technical / Planning Unit

The PCU will ensure that all project activities adhere to the requirements of the RPF, and that designated social specialists/community officers are appointed for overseeing the implementation and monitoring of the framework. A focal person will be appointed for oversight on required clearances and studies. The World Bank Task Team will include a Social Specialist to provide periodic supervision of the RPF and to approve resettlement/studies/plans requiring clearance by the World Bank.

12. Monitoring and Follow-up Activities

The following (land acquisition time table) table should be completed to specify the necessary activities, dates by which they should be accomplished, allotted budget and entity responsible for implementation. Activities will include: stakeholder consultations, identification of land/asset acquisition impacts, surveys of lands, calculation of payment compensation, disclosure of relevant information, definition of compensation and payment etc.

Table 2: Land Acquisition Time Table

Activities	Dates	Budget	Responsible institution/human resources assigned

The PCU will be responsible for following up and ensuring that all activities are completed. Minutes will be kept of all meetings held and will be sent to all parties via e- mail.

13. Capacity Building and Monitoring of Safeguard Implementation

As part of the capacity-building to be provided for implementation of the proposed project, the Safeguards Focal Point, the PCU, and relevant staff of the concerned Ministries will also receive training in the RPF’s application.

During supervision of this project the World Bank will assess the implementation of the RPF and recommend additional strengthening if required.

14. Information and Disclosure

This RPF will be shared with concerned communities, non-governmental organizations and development partners. It will be disclosed in-country by the Project Coordination Unit and will also be made available at the World Bank’s Info Shop. Relevant subproject- specific safeguard documents/mitigation plans prepared subsequently will also be disclosed. Stakeholders should be periodically consulted and kept informed about any land acquisition-related information during design and implementation stages.

Any feasibility and detailed design studies financed by this operation will also adhere to World Bank safeguards policies relating to consultation and disclosure.

15. Grievance Redress

A grievance redress mechanism for the project is necessary for addressing legitimate concerns of affected individuals and groups who may consider themselves deprived of appropriate treatment under the project. The mechanism will be developed by the PCU and would include:

- (i) a recording and reporting system, including grievances filed both verbally and in writing;
- (ii) designated staff with responsibility at various levels of governments, and;
- (iii) a timeframe to address the filed grievances.

This mechanism will be detailed in the sub-project safeguards documents. The functioning of the grievance redress mechanism will be regularly monitored and evaluated by the PCU during project implementation (see Annex 1).

Annex 1

Table 3: Grievance Address Procedures

Grievance Address Procedures	
Access Point ¹	<ul style="list-style-type: none"> The Project Co-ordination Unit shall be the access point for grievances.
Grievance Log ²	<ul style="list-style-type: none"> Grievances can be made verbally to the Project Co-ordinator and/or the designated representative of the Project Co-ordinator. In this case, the grievance shall be accurately documented and verified as a true account by a third party. Grievances can be made in writing addressed to the Project Coordinator and copied to the relevant authority as defined in the Land Acquisition Act. All grievances must be signed and dated by the aggrieved person. All grievance records shall be copied to the relevant authority as defined in the Land Acquisition Act.
Assessment and Timeframe	<ul style="list-style-type: none"> The Project Co-ordination Unit should acknowledge within 5 working days, receipt of the complaint and should include notification of the period necessary to address the grievance to the aggrieved person. If the aggrieved person does not receive a response within the agreed time or is not satisfied with the outcome, he/she can refer the matter to the Board for redress. The Board should acknowledge within 10 working days, receipt of the letter of appeal and should include notification of the period necessary to address the appeal. If the aggrieved person does not receive a response within the agreed time, or is not satisfied with the outcome he/she can refer the matter to the responsible Minister for redress. If the aggrieved person is not satisfied with the outcome he/she can refer the matter to the Court of Law for redress. The grievances should be categorized by type (compensation, resettlement etc). The first assessment of the grievance should be conducted by a Grievance Committee comprising persons drawn from the PCU, technocrats from the relevant departments in the Ministry of Physical Development and the Ministry of Legal Affairs, and representatives of Civil Society. Where agreement is not reached at the level of the Grievance Committee, the steps outline above should be followed. The Social Transformation Officer (STO) will provide assistance in dealing with conflict resolution and grievance.
Resolution and Follow-up	<ul style="list-style-type: none"> An Implementation Plan should be developed for resolution of grievances. Data should be shared with the World Bank (raw grievance and/or monthly reports). On the spot resolution should be encouraged. However, the process and results should be documented.

¹ The access point will be well advertised and accessible (telephone, email, web page, social media, verbal, newspapers, radio, and television). The access point should also provide project cycle information through the means identified above such as roadmap for time line and milestones.

² This log should constitute a data base containing the origin of the grievances and associated issues, number of complaints received, resolved, and gone to mediation. This document should be publicly accessible.