



**CONSTRUCTION OF BLANCHAD COMMUNITY
ABBREVIATED RESETTLEMENT ACTION PLAN**

July 2020

**SAINT LUCIA
DISASTER VULNERABILITY REDUCTION PROJECT
ABBREVIATED RESETTLEMENT ACTION PLAN
WORKS: CONSTRUCTION OF BLANCHARD COMMUNITY
CENTRE**

1. PROJECT BACKGROUND

The objective of the subproject is to rehabilitate the present structure located at Blanchard to able to provide improved services to the people of Blanchard and its environs. The existing dilapidated centre has been no functional for the last six years, due to damages caused to the Community Centre by weather related phenomena such as storms, hurricanes and seismic events over the years. To provide access, the Department of Economic Development has engaged professional services for the rehabilitation and possible enhancements/upgrades to the Blanchard Community Centre. Through this consultancy the Department seeks to enable the reconstruction of the Community Centre, enabling the centre to function primarily as an emergency shelter capable of providing continuity of service to approximately 350 patrons.

2. RATIONALE

The Disaster Vulnerability Reduction Project (DVRP) was assessed and approved by the World Bank as a Category B Project. This indicates that works proposed under the Project, primarily rehabilitation works and any anticipated potential impacts are considered short term, not significant and readily preventable with standard measures. Although the Project was classified as a Category B Project, it was assessed as having triggered social safeguards, specifically World Bank's Operational Policy 4.12, Involuntary Resettlement, as planned works could lead to public acquisition of private property and subsequently impact beneficiary assets or access to assets.

In light of this, an updated Resettlement Policy Framework (revised in March 2016) was developed and published in March 2016 to serve as a guide for the Project. The purpose of an RPF is to clarify resettlement principles, organizational arrangements, and criteria to be applied to subprojects during project implementation. The RPF was also developed as potential impacts of sub-projects could not be determined at appraisal.

The building is located on one parcel of land dismembered from a bigger parcel belonging to a private individual. It is a multi-unit building of concrete masonry block walls and timber/Aluzinc roofing along with masonry rendered exterior walls and a chain-link perimeter fence The Lot on

which the building is located is lodged in the Land Registry as parcel No. 1426B parcel 98. On the same parcel of land on which the community center is located, is an adjoining concrete structure which is privately owned. The proposed designs will require use of the adjoining vacant concrete structure measuring 1,038 sq. ft. Therefore, there was need for acquisition of the structure, the parcel of land on which they both sit, and compensation paid to the owners.

3. OBJECTIVE

This Abbreviated Resettlement Action (ARAP) Plan provides details on the likely impacts resulting from the acquisition of privately owned structure for the implementation of the proposed works.

The proposed design requires providing shelter for 350 persons, however the first floor of the present structure poses a challenge as the existing space will have to increase 10 times in order to meet the guidelines of the established in the Emergency Shelter Plan. Too safely accommodate 350 persons an additional 35,000 sq. ft. or 3251.61 sq. m of land needed to be acquired. To satisfy the land requirements the existing concrete structure (privately owned) on the eastern side of the building also needed to be acquired and incorporated into the new layout so as to provide better functionality, safety and space for its intended use as an emergency shelter in times of need.

These acquisitions need to be done as per the requirements of the World Bank's Operational Policy 4.12, and mitigating measures implemented to address any potential adverse impacts.

Specifically, the objective of this Abbreviated ARAP is to:

- Provide details on the range of adverse impacts and entitlements
- Provide a framework for implementation of the stated strategies to ensure payment of compensation and delivery of other benefits to the project affected persons (PAP)
- Provide details on the public information, consultation and participation, and grievance redress mechanisms during project activity planning, design and implementation
- Provide identified sources and estimates of required resources for implementation of the ARAP
- Provide a framework for supervision, monitoring and evaluation of the implementation of the ARAP.

4. CENSUS OF AFFECTED PEOPLE AND INVENTORY OF AFFECTED ASSETS

The acquisition does not entail physical relocation or displacement of the affected persons as the property referenced is vacant without any economic activity (informal / formal). Additionally, the lands do not constitute productive assets and cannot be assessed as agricultural lands.

The structure is a reinforced concrete structure built in 2018 measuring a total of 1,038 sq. ft. comprising of a main area and a bathroom. The walls are unpainted and the roof is a timber frames roof with galvanized roof sheeting. It contains a front metal door and windows are out of clay vent blocks. Electrical and plumbing works have not been done.

Ms. xxx is the sole proprietor of a minimart in Blanchard from 2010. The location where she presently operates is rented from the xxx Pentecostal Church. The church was the operator of the minimart which was then closed. Ms. xxx then purchased the stock and equipment for and assumed management of the operations; XCD\$1000.00 is paid to the church for rent monthly. In November 2012 she purchased a structure located on parcel No. 1426B parcel 55, with the intention of relocating her supermarket. The structure was partially in wood, and she obtained a loan to renovate the structure into a complete concrete building as it is today. She was unable to move into the renovated location because of the court dispute over the land. She was asked to discontinue the works by one of the claimants.

In addition, a portion of land measuring 11,354 sq. feet on which the Blanchard Community Center and the adjoining concrete structure sits, registered to Mr. xxx, needed to be acquired. On May 20, 2018 a High Court Order appointed Xxx as substitute for Mr. Xxx who is now deceased. The land owner was represented by Queen’s Council Mr. Xxx.

Table 1 provides details of the persons and assets being affected.

Table 1: Inventory of Affected Assets

Name of affected persons	Type of asset affected	Use of affected asset	Description of asset/size	Estimated Value	Purpose of acquisition	Type of Acquisition
Xxx	Concrete structure	Vacant	1,038 sq. ft.	\$125, 000.00	Rehabilitation/extension of the Blanchard Community Centre	Permanent

Xxx	land	Occupied by the existing Blanchard Community Center	11,354 sq ft	\$113,540.00	Rehabilitation/extension of the Blanchard Community Centre	Permanent
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5. CONSULTATIONS WITH PAP

As part of this Abbreviated Resettlement Action Plan, the PCU held meetings with the PAPS and Agencies of Government with a view to resolve any issues amicably and expeditiously. The purpose of the meetings was to: a) explain the requirements of OP4.12 as it relates to acquisition of assets (temporary and permanent), b) outline the roles of each agency involved with the implementation of the ARAP, c) determine the level of affected property, d) agree on the grievance mechanisms to be used and e) the method for consulting with the aggrieved parties. Copies of the Minutes of all meetings are appended.

In addition to the meetings with key agencies, individual meetings were held with the affected person. The purpose of these meetings are to: a) agree on the extent of acquisition, b) the type of acquisition, c) request the level of compensation anticipated by the aggrieved parties, d) inform them of the process for handling grievances, e) inform them of the process outlined in the OP4.12 as it relates to their rights and f) inform them of the next steps to be undertaken.

Table 2. Schedule of Meetings

Meeting Venue	Date	Purpose	Participants	Outcomes, Agreements, Next Steps
PCU	March 18, 2019	Outline of requirements under OP 4.12.	1.Xxx- PAP 2.Dahna Jn Charles- Social Planner 3.Deborah Hippolyte - SSO	Ms. xxx is to provide documentation relating to her ownership of the structure. This may include ay receipts/invoice relating to the purchase and renovations of the structure by

PCU	June 7, 2019	Discussion with Ms. xxx to start the process towards compensation for the acquisition of the structure.	<ol style="list-style-type: none"> 1. Xxx - PAP 2. xxx – sister of PAP 3. Dahna Jn Charles – Social Planner 4. Deborah Hippolyte – Social Safeguards Officer 	<ol style="list-style-type: none"> a) Letter from the financial institution with respect to the loan taken to renovate the structure b) Schedule of disbursement of the loan funds from the credit union c) Loan approval letter d) Copy of receipts for materials purchased (she had indicated the disbursements were done based on her presenting open bills for required materials).
PCU	May 22, 2020	Negotiations with Ms. Xxx	<ol style="list-style-type: none"> 1. Xxx- PAP 2. Mr. Joseph – Friend of PAP 3. Cheryl Mathurin- PCU 4. Marilyn Morris – Project Manager 5. Claudius Emmanuel – PS 6. Deborah Hippolyte - SSO 	Negotiations were concluded with Ms. xxx formally accepting the payout amount of XCD\$125, 265.48 as compensation for her structure. A formal acceptance letter was signed by her in this regard
PCU	July 1, 2020	Negotiations with Mr. Xxx	<ol style="list-style-type: none"> 1. Xxx- Land owner 2. Xxx – Legal Counsel for Mr. Xxx 3. Cheryl Mathurin – DEDTCA 4. Marilyn Cuffy Morris – Project Manager 	Negotiations were successfully concluded with the agreed compensation amount being agreed to at XCD\$153,279.00

6. INSTITUTIONAL RESPONSIBILITIES FOR IMPLEMENTING THE ARAP

The PCU in the person of the Social Safeguards Officer is responsible for the implementation of the ARAP, and coordinating the process with all relevant parties.

The PCU will ensure that implementation of the ARAP is done in accordance with the requirements of the RPF. The payment of compensation to the PAPs is paid by the Department of Economic Development, Transport and Civil Aviation. The Project Coordination Unit, Social Safeguards Officer will work with the Department of Physical Planning, and the Department of Economic Development to ensure the ARAP is efficiently implemented and

will act as liaison for all relevant institutions and agencies responsible for the execution of the ARAP. The PCU will also be responsible for informing the World Bank on the progress of the implementation of the plan.

The agencies involved with implementation of the ARAP include the following:

Table 3. Relevant Institutions

Ministry/Agency	Department/Section	Responsibility
Department of Physical Development	Survey and Mapping Units	Valuation of the asset
Department of Physical Development	Registrar of Lands	Verification of Title (ownership) and the quantum of property
Department of Economic Development	Accounts Section	Payment of compensation
Department of Equity	Social Transformation Officer	To oversee, manage, monitor grievances arising during implementation of the ARAP
Project Coordination Unit (PCU)	Social Safeguards Officer	Develop and implement the ARAP, oversee, coordinate, manage and monitor grievances

The Agencies and Departments of Government responsible for the various aspects of executing these activities are as follows:

- The Department of Economic Development is responsible for the compensation to the affected persons.
- Department of Equity, Social Justice, Empowerment and Human Services is responsible for coordination at the local level and information dissemination.
- The Project Coordination Unit will develop the ARAP and work with the MOPD to ensure the ARAP is adequately implemented and will act as liaison for all relevant institutions and agencies responsible for the execution of the ARAP. The PCU will also be responsible for informing the World Bank on implementation progress of the Plan.

7. ARRANGEMENTS AND TIME TABLE FOR MONITORING IMPLEMENTATION OF THE ARAP

The PCU, Social Safeguards Officer is responsible for following up and ensuring that all activities are completed as outlined in Table 4 below. The PCU in to ensure that the affected persons are compensated satisfactorily, and in accordance with the ARAP. Minutes of all meetings and consultations is to be maintained by PCU, shared with all parties and added as an appendix to the ARAP.

Table 4: Timetable for implementation of the ARAP

Activity	Date	Budget	Responsible Institution
Outline Process in the OP4.12 to PAPs	December 2018	0	Safeguards Officer
Valuation of Structure	January 25, 2019	XCD \$1,500.00	Independent Surveyor
Survey of Lands	March 23, 2020	XCD\$6,075.00	Independent Surveyor
Valuations of Lands	May 13, 2020	XCD\$4,875.00	Independent Valuator
Negotiations with Owner of the Structure	May 22, 2020	0	Department of Economic Development
Negotiations with Land owner	July 1, 2020	0	Department of Economic Development
Payment of compensation		XCD\$278,279.00	Department of Economic Development

This ARAP will be shared with concerned communities, non-governmental organizations and the Bank. Stakeholders will be periodically consulted and kept informed about any acquisition-related information during implementation stages.

The final ARAP will be published on the GOSL Website once it has been approved by the World Bank.

8. COMPENSATION

In the context of the Disaster Vulnerability Reduction Project, an Environmental Assessment and Environmental Management Report on Social Assessments and Resettlement Policy Framework was prepared in December 2013 (updated in March 2016). The RPF prepared for the DVRP serves as a guide with regards to the procedures to be followed as it relates to acquisition of property/assets.

The term PAPs refers to “all those people who lose land/asset or the right to use land/asset or who lose access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods”. The term “displaced persons” is synonymous with “project-affected persons” and is not limited to those subjected to physical displacement.

For the purposes of this Project, the PAPs refers to Ms. Xxx, the owner of the concrete structure which adjoins the Blanchard Community Centre, and Mr. Xxx the registered owner of the lands. The intention is to have the structure form part of the new Blanchard Community

Center facility. The structure was originally intended for the relocation of her mini mart which she presently operates out of a rented location. Ms. xxx however was unable to complete renovations and relocation to the structure because of a court matter relating to the land. Ms. xxx is not the land owner. The lands owned by Mr. xxx is where the Blanchard Community Center and the structure belonging to Ms. xxx is situated.

The said structure was evaluated by two independent surveyors both providing a market value of approximately XCD\$125,000.00. In a meeting convened on June 7, 2019, the compensation amount of \$125,000.00 was agreed to by both parties. In this instance **compensation was based on the replacement cost of the tangible asset only**, because valuation cannot be established for intangibles, such as sentimental attachments, proximity to neighbors or relatives, spiritual sites, or aesthetic qualities such as view.

The service of a private Valuations Surveyor was engaged to determine the Market Value of the Land proposed for acquisition. The scope of his assignment involved the inspection, and considering market characteristics and trends, develop a conclusion of the property's market value. The Comparative Approach Valuation concept was used, which is an internationally accepted best practice methodology. This process allows for an equitable determination of a value that can be applied to Freehold properties. Market Value assessments utilizing the Comparative Approach takes into account the highest and best use of the Property and comparable historical sales.

In a Valuations Report submitted by a private Valuations Surveyor engaged by the DEDTCA, dated May 13, 2020, the lands were reported to have a market value of XCD\$113,500.00. In negotiations held with the land owner and his legal counsel, the negotiated amount for payment to Mr. Xxx was Eastern Caribbean one hundred and fifty-three thousand, two hundred and seventy-nine dollars (XCD\$153,279.00).

8.1 Eligibility Criteria

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.
 - ✓ (a) and (b) are provided compensation for the land they lose, and other assistance.

- ✓ (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 para. (a), (b), or (c) are provided compensation for loss of assets other than land.

If the involuntary taking of land results in “loss of income sources or means of livelihood, whether or not the affected persons must move to another location”, in those instances, “displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher”.

8.2 Assessment of Compensation

8.2.1 Land Acquisition

Subject to the provisions of the Land Acquisition Act of Saint Lucia established in 1946. 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 International Valuation Standards (IVS) is applicable.

- *Valuation System* – Property valuations are very flexible and are always in favor the land owner. In determining the valuation of property location, number of dependencies and size of land are taken into consideration.
- *Interest* - Should the payment to the affected landowner be delayed 6% interest is paid. This is substantially above interest rates paid by commercial banks.
- *Procedural delays* – There may be delays of undertaking the procedural 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 by 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. A land owner has the option to negotiate payment via private treaty negotiations this is typically a quicker payment settlement opportunity.
- Depreciation of structures and assets will not be taken into account. In case, the project will use an escrow account, give the rational for this choice and explain the procedure, including communication previous and post opening of the escrow account.

8.3 Negotiations with Affected Persons

As soon as any declaration has been published in accordance with the provisions of section 3 of the Land Acquisition Act, 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.

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.

For the purposes of this ARAP the property owners were advised to conduct their own valuation of the land/asset to be acquired, while the Department of Economic Development engaged the services of independent valuers to do valuations as well. The valuations were presented to the Permanent Secretary of the DEDTCA who negotiated with the affected persons using private treaty.

A **private treaty sale** occurs when a property is listed for **sale** with an asking price, the buyer makes an offer to the agent, who then presents the offer to the seller, who can then decide whether or not to accept the offer. For the purposes of this ARAP, the DEDTCA is the buyer and the two affected persons, Ms. xxx and Mr. Xxx are the sellers.

Table 5 Summary of Compensation Options

PAP	Resettlement Solution	Comments
Xxx	Compensation	Negotiations held on May 22, 2020. Compensation amount was agreed to and accepted by Ms. xxx in the amount of XCD\$125,265.48
Xxx	Compensation	On July 1, 2020, the agreed negotiated amount for payment to Mr. Xxx is Eastern Caribbean one hundred and fifty-three thousand, two hundred and seventy-nine dollars (XCD\$153,279.00).

9. SOURCES OF FUNDING AND ESTIMATED COST

The cost of acquisition and associated administrative and logistical costs will be provided for by the Department of Economic Development, Transport and Civil Aviation in its approved budget for 2018/19, as Land Acquisitions and Resettlement cost under the DVRP forms part of budget for the Department.

10. PROCEDURES FOR GRIEVANCE REDRESS

A grievance redress mechanism managed by the Social Safeguards Officer is necessary for addressing legitimate concerns of affected individuals and groups that may consider themselves deprived of appropriate treatment under the Project. The mechanism includes: (i) a recording and reporting system, including grievances filed both verbally and in writing, (ii) designated staff with responsibility at various levels of Government, and (iii) a time frame to address the filed grievances. The functioning of the grievance redress mechanism for the Remedial Abbreviated Resettlement Action Plan will be monitored and evaluated by the PCU during its implementation. The PAP must be informed of the process.

The steps undertaken are as follows:

Table 6: Grievance Address Procedures

Grievance Log	<ul style="list-style-type: none"> • Grievances can be made verbally to the PCU and accurately documented and verified as a true account by a third party. • Grievances can be made in writing, addressed to the PCU and copied to the relevant authority as defined in the Land Acquisition Act. • All grievance must be signed and dated by the aggrieved persons.
Assessment	<ul style="list-style-type: none"> • The grievances should be categorized by type. • The first assessment of the grievance will be conducted by a Grievance Committee comprising persons drawn from the PCU and technical officers from other relevant ministries • A Letter acknowledging the grievance relating to the resettlement is issued by the PCU to the aggrieved persons within five days of receipt of the grievance. • The Social Transformation Officer will provide assistance with dealing with conflict resolution and grievance. • Should a dispute arise, the applicable Laws of Saint Lucia will prevail.
Resolution and Follow-up	<ul style="list-style-type: none"> • An Implementation Plan should be developed for the resolution of grievances, and the data shared with the World Bank. • On the spot resolution should be encouraged. However the process and results should be documented.
Appeal Process	<p>If the aggrieved person is not satisfied with the outcome, he/she can appeal, and refer the matter to the court of law for redress</p>

Anyone with a grievance is ask to contact the Social Safeguards Officer, Deborah Hippolyte at 468-5582 /285-7245 or via email at Deborah.hippolyte@govt.lc. This information is shared with the PAPS and at all community consultations.