

World Bank:

Unleashing the Blue Economy of the Caribbean (UBEC)

Resettlement and Process Framework (RPF)

Draft for Consultation

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## Table of Contents

|   |           |
|---|-----------|
| <b>Table of Contents</b> .....  | <b>1</b>  |
| <b>1.0 Introduction</b> .....   | <b>3</b>  |
| <b>2.0 Program Description</b> .....  | <b>4</b>  |
| <b>3.0 Justification for a Resettlement &amp; Process Framework</b> .....                               | <b>6</b>  |
| <b>4.0 Involuntary Resettlement Principles and Objectives</b> .....                                     | <b>7</b>  |
| <b>5.0 National Legal and Institutional Context for Resettlement</b> .....                              | <b>9</b>  |
| <b>5.1 Grenada</b> .....  | <b>9</b>  |
| 5.1.1 Legal Framework.....  | 9         |
| 5.1.2 Gap Analysis- National Laws and ESS5.....   | 10        |
| 5.1.3 Methods of Valuating Assets.....  | 12        |
| 5.1.4 Institutional Roles for Implementing the RPF.....   | 16        |
| <b>5.2 Saint Lucia</b> .....  | <b>16</b> |
| 5.2.1 Legal Framework.....  | 16        |
| 5.2.2 Gap Analysis- National Laws and ESS5.....   | 17        |
| 5.2.3 Methods of Valuating Assets.....  | 21        |
| 5.2.4 Institutional Roles for Implementing the RPF.....   | 23        |
| <b>5.3 Saint Vincent and the Grenadines</b> .....   | <b>24</b> |
| 5.3.1 Legal Framework.....  | 24        |
| 5.3.2 Gap Analysis- National Laws and ESS5.....   | 25        |
| 5.3.3 Methods of Valuating Assets.....  | 28        |
| 5.3.4 Institutional Roles for Implementing the RPF.....   | 30        |
| <b>6.0 Eligibility Criteria and Cut off Dates for Resettlement</b> .....                                | <b>31</b> |
| 6.1 Eligibility Criteria.....   | 31        |
| 6.2 Cut-off Dates.....  | 34        |
| <b>7.0 Stakeholder Consultation Procedures</b> .....  | <b>34</b> |
| 7.1 Notification Procedure.....   | 35        |
| 7.2 Public Consultation Mechanisms.....   | 35        |
| 7.3 Identifying Vulnerable Populations.....   | 37        |
| 7.4 Roles and Responsibilities for Implementing Stakeholder Consultation.....                           | 38        |
| <b>8.0 Procedures for Screening for Land Acquisition, Resettlement and Restrictions to Access</b> ..... | <b>39</b> |
| <b>10.0 Preparation of a Resettlement Plan</b> .....  | <b>40</b> |
| 10.1 Resettlement Plan.....   | 41        |
| 10.2 Compensation Activities.....   | 45        |

|             |   |           |
|-------------|---|-----------|
| 10.3        | Linking Resettlement to Civil Works-Compensation Payments .....                                     | 46        |
| <b>11.0</b> | <b><i>Measures to mitigate economic displacement due to restricted access to resources.....</i></b> | <b>47</b> |
| 11.1        | Livelihood Recovery and Sustainability Measures to Assist Project Affected Persons .....            | 47        |
| 11.2        | Eligibility Criteria for Access to Livelihoods recovery initiatives .....                           | 49        |
| 11.3        | Procedures for participating in a Livelihoods recovery initiative .....                             | 50        |
| <b>12.0</b> | <b><i>Arrangements for Funding Resettlement.....</i></b>  | <b>51</b> |
| 12.1        | Payments Made Prior to Development.....   | 52        |
| 12.2        | Source of Funds and Budget Items to be Included.....  | 52        |
| 12.3        | Resettlement and Related Assistance.....  | 53        |
| 12.4        | Delivering Payment .....  | 54        |
| <b>13.0</b> | <b><i>Grievance Redress Mechanism (RGM) .....</i></b>   | <b>54</b> |
| 13.1        | Purpose and Objectives of the GRM .....   | 54        |
| 13.2        | The Grievance Redress Process .....   | 54        |
| 13.3        | Available channels to submit grievances .....   | 56        |
| 13.4        | GRM Appeals.....  | 57        |
| 13.5        | Socialization or Publicization of the GRM .....   | 57        |
| 13.6        | Anonymity .....   | 57        |
| 13.7        | World Bank Grievance Redressal Service (GRS).....   | 58        |
| <b>14.0</b> | <b><i>Arrangements for Monitoring by the Implementing Agency .....</i></b>                          | <b>58</b> |
| 14.1        | Internal Monitoring .....   | 60        |
| 14.2        | External Monitoring and Evaluation .....  | 60        |

## 1.0 Introduction

This document serves as the Resettlement and Process Framework (RPF) to be used under the Unleashing the Blue Economy of the Caribbean (UBEC) program. The RPF has been developed in accordance with national legislation and criteria outlined in the World Bank's Environmental and Social Framework (ESF) Environmental and Social Standard 5 (ESS5) - Land Acquisition, Restrictions on Land Use and Involuntary Settlement<sup>1</sup>.

A resettlement framework is required where a risk exists of physical and/or economic displacement due to involuntary resettlement, but where the type or location of planned civil work activities has not yet been determined. For this reason, no resettlement plans are required at this stage of the project. As explained in the RPF, a more detailed resettlement plan may be required where more information is available. A process framework is required because the project will fund activities that may restrict access to livelihood-generating resources.

The RPF provides guidance to the Organisation of Eastern Caribbean States (OECS) and national governments expected to participate in the UBEC program regarding resettlement objectives, organizational arrangements and criteria for designing resettlement plans and livelihood recovery measures to be applied during program implementation<sup>2</sup>. The RPF will be implemented on a national scale and will rely on legal and institutional arrangements and mechanisms already in place within each of the three OECS states participating in the project.

The scope of this RPF is focused on compulsory land acquisition occurring within the framework of national Land Acquisition Acts and involuntary resettlement resulting from public purchase or use of lands for public good. This RPF does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project. Similarly, this RPF does not make provisions for compensation or resettlement associated with land acquired by private interests for private purposes. These other impacts on incomes or livelihoods, and the impact of resettlement occurring on privately owned lands developed for private benefit are expected to be addressed by means of an environmental and social impact assessment in accordance with ESS1 Assessment and Management of Environmental and Social Risks and Impact. Requirements associated with ESS1 are spelled out in the project's Environmental & Social Management Framework (ESMF).

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<sup>1</sup> See World Bank. 2018. Guidance Note for Borrowers. ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. <http://documents1.worldbank.org/curated/en/294331530217033360/ESF-Guidance-Note-5-Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement-English.pdf>

<sup>2</sup> See ESS5 paragraph 30.

## 2.0 Program Description

The Unleashing the Blue Economy of the Caribbean (UBEC) Program is to be implemented as a Series of Projects (SOP) over a five to fifteen-year period, with each project implemented over a five-year period as per projected country demand<sup>3</sup>. UBEC's Proposed Development Objective (PDO) is to strengthen the enabling environment for the blue economy and to enhance resilience of selected coastal infrastructure in and across participating countries. The PDO serves as an overall framework for strengthening the management and resilience of marine and coastal assets to stimulate select OECS economies at the regional, national and community levels. In particular, participating countries will benefit from improved competitiveness of their economies in three critical and interconnected sectors: tourism, fisheries & aquaculture and waste management.

While the UBEC program challenges are regional in nature, addressing these will require interventions and institution building at both the regional and national levels. Coordination among participating countries is critical for enhancing synergies given their economic dependence on tourism and their shared marine ecosystems and fishery resources, as well as mitigating coastal and marine pollution.

The SOP approach enables countries to join the program when they are ready, and to participate at different implementation levels within the same PDO framework. Investment projects to be initiated in FY2022 are to be led by the governments of Grenada, Saint Lucia, Saint Vincent and the Grenadines and the OECS Commission. A second phase comprising at least one additional country-level investment projects is expected to be initiated in FY2023-2025. These could involve Antigua and Barbuda and Dominica, among others. Other Caribbean countries may participate from FY2024 onwards. The design of the second and subsequent phase of projects will consider the capacity of institutions, technical competencies, and challenges, and will benefit from lessons learned from phase one.

The phase 1 project in the SOP is designed to stimulate economic recovery and support marine and coastal resilience in the three participating countries by strengthening the sustainability and competitiveness of two critical, interconnected sectors – tourism and fisheries – and one underlying enabling infrastructure service, waste management. These objectives are to be accomplished through four program components.

### **COMPONENT 1: STRENGTHENING GOVERNANCE, POLICIES AND CAPACITY BUILDING FOR KEY PRODUCTIVE SECTORS**

This component, through its two sub-components, targets national and regional policies, strategies, institutions, legal frameworks, and capacity building by the public sector necessary to support economic

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<sup>3</sup> The term "Program" in this document refers to a Series of Projects (SOP). The SOP approach provides flexibility for considerable economies of scale and facilitates positive spillovers that accommodate for financial constraints.

recovery and jobs and to improve the management of natural assets contributing to the regional marine environmental health and resilience.

**Subcomponent 1.1 Strengthening Regional Policies, Institutions and Coordination:** This subcomponent will support the harmonization of regulations and government procedures, while boosting regional cooperation to allow for stronger economies of scale in the region. With the OECS Commission playing a strategic role in strengthening regional integration and helping to manage shared economic resources in the interest of OECS countries, the regional approach will address potential transboundary issues and increase the impact of national interventions. The regional approach is essential to address transboundary issues such as fisheries, intra-regional tourism, and for phasing out single-use plastics. This subcomponent will support the update of regional policies on tourism, fisheries, and waste management and marine litter, as well as the development and management of regional knowledge and data systems and regional knowledge exchanges.

**Subcomponent 1.2 Strengthening National Policies, Institutions and Capacity Building:** This subcomponent is designed to strengthen governance and the regulatory framework of tourism, fisheries and aquaculture, and waste management at the national level in the three participating countries. This will be achieved through (i) support for sectoral standards, policies, and/or operational guidelines, (ii) policy measures aimed at increasing value added investments and reducing plastic pollution and enhancing domestic waste management, and (iii) capacity development to ensure the region has access to a skilled workforce.

## **COMPONENT 2 - SCALE UP ACCESS TO FINANCE AND INFRASTRUCTURE INVESTMENTS IN THE BLUE ECONOMY**

Delivered through two subcomponents, this component includes an innovative financing mechanism to enable private sector-led growth and direct investments into economic activities that enhance ocean health and resilience leading to an increase in employment and greater GDP contribution from ocean assets.

**Subcomponent 2.1-Scale Up Access to Finance to Small and Medium Enterprises (SMEs) and Fisherfolk Communities:** The project will focus on two financing mechanisms under this subcomponent.

*The Regional SME matching grants program* is designed to finance business development services (BDS) and matching grants to increase the productivity, job creation, and upgrade the capabilities of SMEs and communities within the blue economy value chains for the region's tourism, fisheries and aquaculture, and waste management sectors. The matching grants will be provided both at the individual firm level (Window 1) and at the value chain group level (Window 2). Specific attention will be given to assisting youth and women-owned SMEs and those that work within regional supply chains to address and build business ideas out of critical regional problems such as plastics or sargassum. Eligibility criteria will ensure SMEs with commercial viability adopt an approach of building back better, respecting the integrity and resilience of the regional coastal ecosystems. The program will be managed at the regional level by the OECS Commission to foster greater regional collaboration..

*Expansion of the regional climate-risk insurance for fisheries* focuses on the Caribbean Ocean and Aquaculture Sustainability Facility (COAST) fisheries risk insurance scheme. The COAST insurance product supports governments' efforts to rapidly channel financial resources to those fishers most impacted by extreme weather events, by providing governments with funding to cover the most immediate needs of fishers following a natural disaster or extreme weather event. COAST enhances inclusiveness by covering, among others, fish vendors and processors, most of whom are women. Through formal registration in the scheme, these women, for the first time, will be insured to support their livelihoods. On a pilot basis, the Caribbean Catastrophe Insurance Facility (CCRIF) has made the COAST product available to Grenada and Saint Lucia, for the 2019/20, 2020/21 and 2021/22 policy years. This Project UBEC will now extend this risk insurance product to SVG and continue to support Grenada and Saint Lucia to scale up efforts in the application of this insurance product.

#### **Subcomponent 2.2 Scale Up Infrastructure Investments for Economic Resilience and Ocean Health:**

This subcomponent will support direct investments in resilient coastal infrastructure that generate jobs in the short-term and lay the foundation for long-term recovery through investments that help build a low-carbon, less polluting, more sustainable and resilient coastal economy that is adaptive to climate change. Public investments supported by this sub-component will serve to de-risk private investment by improving, restoring or preserving healthy and functioning marine ecosystems, and measures to prevent further degradation of key marine/coastal hotspots. This activity will also finance pre-feasibility studies, climate risk screening, cost-benefit analysis, environmental and social impacts, and public consultations.

#### **COMPONENT 3: CONTINGENT EMERGENCY RESPONSE COMPONENT (CERC)**

This component will support the capacity of the participating countries to rapidly respond in the event of a future eligible crisis or emergency defined as “an event that has caused, or is likely to imminently cause, a major adverse economic and/or social impact associated with natural or man-made crises or disasters.” Such events may include a disease outbreak such the COVID-19 pandemic. This component would draw from uncommitted loan resources from other project components to cover the emergency response.

#### **COMPONENT 4 - PROJECT MANAGEMENT, COMMUNICATION AND REGIONAL COORDINATION**

The objective of this component is to ensure effective project implementation, monitoring of activities and final project evaluation. The component will finance the expenditures of Project Implementation Unit (PIU) in each country related to project coordination and management; compliance with environmental and social safeguards; monitoring, evaluation, and impact assessment; data collection; fiduciary administration, accounting and financial/technical audits; stakeholder and citizens' engagement mechanism, including a grievance redress mechanism; communications; and regional coordination.

### **3.0 Justification for a Resettlement & Process Framework**

The purpose of the RPF is to clarify resettlement principles, organizational arrangements and design criteria which will be applied to project components and sub-components during project implementation. An RPF is required as the UBEC program includes a number of activities with the potential to adversely impact livelihoods and/or result in the need for resettlement.

Component 1.1 may fund “regulations for sensitive marine protected areas”. This may result in areas that are traditionally used for tourism or fishing activities becoming exclusion areas, thereby affecting the livelihood of tourism operators or fishers who visit the spots to earn a living.

Component 2.2 will fund direct investments in resilient coastal infrastructure supporting the three sectors areas of tourism, fisheries & aquaculture and waste management. The type and location of these civil work activities has not yet been determined. Therefore, it is not yet known whether the project will result in any land acquisition, involuntary resettlement or economic displacement as a result of these activities.

The project’s RPF anticipates the need to mitigate these potential risks. The RPF examines national legislation around involuntary land acquisition and resettlement as well as gaps with the Bank’s ESS5 and describes procedures, measures and steps to follow for land acquisition. The RPF includes both the types of impacts related to ESS5 as well as the proposed mitigation measures. Once the location of subprojects is determined and the specific information is available, resettlement plans will be prepared for those subprojects causing impacts covered under ESS5 and in line with the RPF. In response to the potential for loss of livelihoods, the RPF proposes livelihood recovery and sustainability measures to assist affected persons and defines eligibility criteria of affected persons. Finally, the RPF includes a grievance redress mechanism for project-affected individuals, households or businesses, identifies institutional mechanisms for implementation of the RPF, and presents a system for monitoring and reporting.

Development of the UBEC RPF relies on the following documents:

- World Bank. 2018 Guidance note for borrowers on ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.  
<https://documents1.worldbank.org/curated/en/294331530217033360/ESF-Guidance-Note-5-Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement-English.pdf>
- World Bank. 2016. Environmental and Social Framework.  
<http://documents1.worldbank.org/curated/en/383011492423734099/pdf/The-World-Bank-Environmental-and-Social-Framework.pdf>
- World Bank. 2020 ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects
- OECS. 2020. Caribbean Regional Oceanscape Project Involuntary Resettlement Policy Framework.
- OECS. 2019. Caribbean Regional Oceanscape Project Process Framework.

#### 4.0 Involuntary Resettlement Principles and Objectives

ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. These actions may result in physical displacement (relocation, loss



of residential land or loss of shelter) or economic displacement (loss of land, assets or access to assets) , leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

The objectives and associated principles of the RPF as laid out in ESS5 are to:

1. Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
2. Avoid forced eviction;
3. Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by a) providing timely compensation for loss of assets at replacement cost, and b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
4. Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;
5. Conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and,
6. Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

In short, involuntary resettlement should be treated as a measure of last resort due to the upheaval and disruption it causes. Where involuntary resettlement is unavoidable, measures taken to mitigate its adverse impacts should be designed and implemented through meaningful stakeholder consultation in order to ensure that affected persons, households and business owners share in the wider economic benefits of the project.

#### **BOX 1 Designing a Meaningful Consultation Process**

Consultation is meaningful when it is designed to accomplish these objectives:

- **Begins early in the project planning process** to gather initial views on the project proposal and inform project design;
- **Encourages stakeholder feedback**, particularly as a way of informing project design and engagement by stakeholders in the identification and mitigation of environmental and social risks and impacts;
- Continues on an **ongoing** basis, as risks and impacts arise;

- Is based on the **prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information** in a timeframe that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and is understandable to stakeholders;
- **Considers and responds to feedback;**
- Supports **active and inclusive engagement** with project-affected parties;
- Is **free of external manipulation, interference, coercion, discrimination, and intimidation; and,**
- Is **documented and disclosed** by the Borrower.

## 5.0 National Legal and Institutional Context for Resettlement

Grenada, Saint Lucia and Saint Vincent and the Grenadines are expected to participate in phase 1 projects of the UBEC program. This section describes the legal and institutional context for addressing involuntary resettlement at a national scale in each of these three countries, and identifies gaps between national legislation and the World Bank's ESF to be filled.

### 5.1 Grenada

#### 5.1.1 Legal Framework

Provisions governing compensation to individuals for losses associated with compulsory acquisition of land for public purposes, and for losses associated with resettlement are contained in the Constitution and the Land Acquisition Act. Land acquisition legislation is similar across the OECS Territories, allowing national governments to exercise rights of compulsory purchase of property in the absence of successful negotiations with private landowners.

Additional guidance to prepare resettlement and compensation programs associated with the purchase and development of land for public or private benefit may be offered through national legislation enabling environmental impact assessments (EIAs).

National legislation relevant to land acquisition and resettlement in Grenada is summarised in Table 1.

Table 1: Laws of Grenada governing land acquisition and resettlement

| Legislation  | Description  |
|--|--|
| Constitution Order 1973  | All compensation for compulsory land or other asset acquisition originates from Grenada's Constitution. Compensation is established as a fundamental right of every citizen whose property is compulsorily acquired by the state for public purposes. Every person, regardless of race, place of origin, political opinion, colour, creed or sex is entitled to: "Protection for the privacy of his home and other property and from deprivation of property without compensation" (Chapter 1, No. 1 (c) and for "...prompt payment of full compensation" (No. 6 (1)). |
| Land Acquisition Act (CAP 159), 1945 and Land Acquisition (Amendment) Act 16, 1991 | Provides for the acquisition of land by the State for public benefit. Projects requiring resettlement are under the provision of this Act. See Appendix 3 for a detailed outline of the process of acquisition and other pertinent details of this Act.  |
| The Land Settlement Act (CAP 161) of 1933  | The Act states that the Governor may acquire land from private parties, voluntarily or compulsorily in compliance with the Land Acquisition Act, to create a land settlement area, used to establish smallholdings. The act lays out regulations for the tenants of a land settlement area. The Act Provides for the absolute proprietorship over land (exclusive rights). Such land can be acquired by the State under the Land Acquisition Act.  |
| Physical Planning and Development Control Act, No 25, 2002                         | The Act requires that all lands intended for any development (resettlement or other) must first obtain planning and development approval.  |
| Environmental Impact Assessment (EIA) Legislation                                  | Provision for EIA is contained within the Physical Planning and Development Control Act, Part 4. Section 25(1) states that the Physical Planning and Development Control Authority must not grant permission for the development of land pursuant to an application to which this section applies unless it has first taken the EIA report into account. Schedule 2 lists 18 matters for which an EIA are normally required.   |

There is no existing legislation or official policy document that specifically supports resettlement initiatives in Grenada. Similarly, no prescribed legislation or formal policy for relocation of squatters exists in Grenada. Guidance on establishing procedures for resettlement may rely on established practice but must comply with the principles and requirements laid out in this RPF.

#### 5.1.2 Gap Analysis- National Laws and ESS5

Generally, the relevant national laws of Grenada are consistent with ESS5. One noted inconsistency is the fact that ESS5 requires that land acquisition may only occur after compensation has been paid. Where resettlement is required, ESS5 also requires that resettlement sites and moving allowances be paid prior to the commencement of any development. By contrast, the National Land Acquisition Act

allows the government to take possession of any needed land and development proceed prior to compensation being paid. In order to ensure compliance with ESS5, eligible PAPs must be compensated before any development is initiated (Table 2). The timeframe for finalisation of resettlement arrangements before the actual start of a project will vary on a case-by-case basis. However, failure to reach settlement could result in expropriation or other compulsory procedures.

Table 2: Grenada- Land acquisition procedures based on Land Acquisition Act

| Activity                                  | Description/Task   |
|---|--|
| 1. Land Identification                    | <ul style="list-style-type: none"> <li>Identify properties to be acquired, with relevant details</li> <li>List property owners under Entitlement Categories A, B or C.</li> <li>Contact property owners to inform them of the need to acquire their property, reason and the amount required.</li> <li>Collection of legal documents to prove ownership of land.</li> <li>Collection of personal identification and banking information from property owners to facilitate transfer of funds.</li> </ul> |
| 2. Survey & Valuation of Properties       | <ul style="list-style-type: none"> <li>Survey affected property.</li> <li>Valuation of land to be acquired to determine replacement cost.</li> </ul>   |
| 3. Negotiation                            | <ul style="list-style-type: none"> <li>Negotiate price with property owners and prepare report with complete list of properties and final agreed price.</li> <li>Where an agreement on the value is not reached, the owner may provide a private assessment value for further negotiation.</li> </ul>  |
| 4. Approval of Acquisition                | <ul style="list-style-type: none"> <li>Prepare and submit Cabinet Paper for approval of acquisition of property.</li> </ul>  |
| 5. Approval of Payment of Compensation    | <ul style="list-style-type: none"> <li>Prepare and submit Cabinet Paper to approve payments to property owners.</li> </ul>   |
| 6. Transfer of Approved Payment           | <ul style="list-style-type: none"> <li>Approved payment amount transferred to the Treasury Division or bank accounts of affected property owners.</li> </ul>   |
| 7. Declaration & Publication              | <ul style="list-style-type: none"> <li>Declare acquisition served to landowners and publish in the Official Gazette.</li> </ul>  |
| 8. Compensation                           | <ul style="list-style-type: none"> <li>Pay compensation to affected property owners.</li> </ul>  |
| 9. Filing of Receipts                     | <ul style="list-style-type: none"> <li>Copies of receipts of payment to be filed at the Project Implementation Unit.</li> </ul>  |
| 10. Trust Account                         | <ul style="list-style-type: none"> <li>Establish trust account to hold any funds for compensation that do not get resolved in the timeframe needed to start the works.</li> </ul>  |
| 11. Acquisition and Commencement of Works | <ul style="list-style-type: none"> <li>Under the Land Acquisition Act, the State is entitled to initiate work once Compulsory Acquisition has been Gazetted. <i>Non-compliant with ESS5-compliance would require that compensation be paid before development</i></li> </ul>   |

Table 3 identifies gaps between national legislation and ESS5 and offers measures to address these gaps. Of particular importance is accounting for land acquisition and the timing of compensation as a specific output of any future activities resulting from implementation of the UBEC in order to satisfy the requirements of the World Bank ESF. It must be noted that in a case where there is non-agreement between the national legislature and World Bank ESF, the more stringent condition is applied.

### 5.1.3 Methods of Valuating Assets

Sections 19, 20 and 21 of Grenada’s Land Acquisition Act provide detailed methods of valuing affected assets. The overall land acquisition and valuation process is led by the Chief of the Land Surveying Department, following formal appointment by the Governor General.

Table 3: Grenada: Gaps between national legislation and ESS5

| Conflict/Gap   | World Bank Requirements  | National Laws  | Measures to Address Gap  |
|--|--|--|--|
| 1. Timing for payment of compensation and taking possession of acquired land       | ESS5 Paragraph 15: Taking of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.  | The Land Acquisition Act permits government to take possession of acquired land and to commence development before compensation is paid. | The implementing agency is required to submit an early request for land acquisition to the responsible authority to ensure this task is included in the annual work programme and that the relevant budgetary allocation is made; A representative of this authority is to be included on any PSC; the project budget may provide for acquisition costs. |
| 2. Restoration of livelihoods and living standards to pre-project levels or higher | ESS 5, Paragraph 2: 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. | There is no existing legislation or official policy document that specifically supports resettlement initiatives.                        | All PAPs should be eligible for full compensation benefits per World Bank ESF requirements.  |

| Conflict/Gap   | World Bank Requirements   | National Laws  | Measures to Address Gap  |
|--|---|--|--|
|  | Support after displacement for a transition period necessary to restore their livelihood and standards of living.   |  |  |
| 3. Opportunity to derive development benefits from project | ESS 5, Paragraph 14: The borrower will provide opportunities to displaced communities and persons to derive appropriate development benefits from the project.  | Opportunities to derive development benefits are not generally part of local resettlement projects.                                      | Government should seek to enter into agreements with contractors to give priority to the employment of workers originating from the targeted communities. Provisions should consider gender-based equality of opportunity/access to local jobs, with explicit reference to non-discrimination clauses based on gender race, ethnicity, and sexual orientation. |
| 4. Duty to consult in preparation of resettlement plans    | ESS5 requires the preparation of “resettlement plans” to include stakeholder consultation in the design of measures to address physical/ economic displacement. | National legislation is silent on the requirements for consultation in the design of plans to mitigate the impacts of loss of livelihood | National governments are to be guided by the RPF regarding procedures for the preparation of resettlement plans  |

The Land Acquisition Act describes the methods of valuating lands acquired for public use for the purpose of assessment of compensation. The two valuation methods supported by ESS5 that can be applied to conducting the valuation of property and associated assets for PAPs are Replacement Cost and Compensation Value.

- **Replacement Cost:** This approach is based on the premise that the cost of replacing productive assets that have been lost or damaged because of project operations are taken as a minimum estimate of the value of measures that will reduce the damage or improve on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, net depreciation, moving expenses and other transaction costs.

- Compensation Value: Defined as an amount that is above the gross current replacement cost, including the costs for the inconvenience caused to the PAP by relocation, and enables the same PAP to build slightly better houses than what they currently occupy.

The replacement cost is usually applied in the case of loss of property or assets. Where property is leased from the state, the valuation considers the physical investment, plus the expected income streams up to the end of the life of the lease.

Methods for undertaking compulsory acquisitions for compulsory acquisition may also be guided by the codes of ethics and standards of the Royal Institute of Chartered Surveyors (RICS), International Valuations Standards Council, or national institutes of surveyors.<sup>7</sup>

To ensure transparency of procedures, the Project Implementation Unit representative, PAPs and a trusted community member (selected by PAPs) shall be present in all meetings to discuss the value of compensation, negotiation of final amount and final payment. Special arrangements should be made for vulnerable populations, for example, the elderly and special needs individuals. Private owners are given the right to provide their own assessments. Negotiations are allowed where there are differences in value. In the event there is a significant difference between a private valuation and a government valuation, and middle ground cannot be reached through negotiation, ESS5 anticipates the use of expropriation or other compulsory procedures<sup>4</sup>.

#### *Valuation of Land*

The use of the open market value of land as the means of determining the value of compensation is consistent with ESS5. Methodologies used to determine open market value include the market approach, income approach and the investment method. The method most predominantly utilised is the market approach. Key factors informing all open market valuation methodologies include location, topography, size, available services, tenure, land use and the presence or absence of natural hazards. Private owners are also given the right to provide their own assessments. Negotiations are allowed where there are differences in value.

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<sup>4</sup>ESS5 Guidance Note Paragraph 16. *In certain cases there may be significant difficulties related to the payment of compensation to particular affected persons, for example, where repeated efforts to contact absentee owners have failed, where project-affected persons have rejected compensation that has been offered to them in accordance with the approved plan, or where competing claims to the ownership of lands or assets are subject to lengthy legal proceedings. On an exceptional basis, with prior agreement of the Bank, and where the Borrower demonstrates that all reasonable efforts to resolve such matters have been taken, the Borrower may deposit compensation funds as required by the plan (plus a reasonable additional amount for contingencies) into an interest-bearing escrow or other deposit account and proceed with the relevant project activities. Compensation placed in escrow will be made available to eligible persons in a timely manner as issues are resolved. At the same time, ESS5 encourages the Borrower to seek negotiated settlements with affected persons in a manner meeting the requirements of this ESS in order to help avoid administrative or judicial delays associated with formal expropriation, and to the extent possible to reduce the impacts on affected persons associated with formal expropriation.*

### *Valuation of Crops and Economic Trees*

Crop values may be prepared as a range set by a committee of technical experts and based on factors such as species, location, production cost, market value, climate and environmental influences. In addition to the replacement cost of crops and economic trees, a determination should be made on the potential losses during the period of transition. The replacement cost that can be applied for agricultural land is the pre-project or pre-displacement (whichever is higher) market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of land preparation to levels similar to those of the affected land, any registration and transfer taxes.

### *Valuation of Structures*

In the absence of legislation to guide the valuation of buildings or structures such as foundations, fences, latrines, storage sheds or water storage tank platforms, methods for undertaking these valuations are guided by codes of ethics and standards of the Royal Institute of Chartered Surveyors (RICS) or national professional institutes of surveyors and valuers<sup>5</sup>.

### *Relocation of Businesses*

If relocation of business becomes necessary, access to customers and suppliers will be taken into account. In addition, workers losing employment in the process of relocating should be entitled to transitional income support. In the case of temporary relocation, business owners should provide records of their income over a period of 6 months, in order to provide a standard for determining rate of compensation.

### *Loss due to Interruptions of Income Generating Activity*

PAPs whose livelihoods activities occur in project areas who are forced to relocate as a result of project activities will be compensated for the amount of income which they are likely to lose for the duration. Proof of income for similar periods should include receipts, financial statements or other forms of accounting records. Income loss relating to crop loss is integrated into the compensation formula by the responsible ministry.

### *Valuation of Lands Characterised by Semi-formal ownership.*

Where the interest in the land is undefined or in dispute, the state facilitates the appointment of an administrator. A settlement is made based on the current estimated value, placed in trust until the beneficiaries have resolved their interest.

### *Valuation of Lands Occupied/Used Informally*

Lands where no legal claim to ownership relies on a valuation of the existing development, minus the land. Compensation is paid based on derived value including loss of income in case of business activity. As the goal of compensation is to ensure that PAPs end up in positions equal to or better than they were before project intervention, valuation should cover all elements adversely impacted.

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<sup>5</sup> The RICS Red Book contains mandatory rules and best practice guidance for undertaking asset valuations. See <https://www.rics.org/north-america/upholding-professional-standards/sector-standards/valuation/red-book/>



#### 5.1.4 Institutional Roles for Implementing the RPF

This section describes organisational responsibilities for preparing land acquisition and resettlement activities related to the implementation of the UBEC. Administrative responsibility for coordinating implementation of the Resettlement & Process Framework during the life cycle of the project rests with the national level PIU. The PIU will be responsible for coordinating the development, implementation and monitoring of any resettlement plans, with technical inputs from relevant government ministries as needed. The Environmental & Social Specialists will be required to approve any resettlement plans.

A number of national departments and agencies are expected to participate in the preparation of resettlement plans. The efforts of these national agencies/departments will be aligned with the RPF, with overall responsibility for coordinating and monitoring adherence to the RPF assumed by the Project Manager and supported by the Environmental & Social Specialists attached to the PIU.

The PIU in association with relevant ministries will provide the general direction for the planning of the relocation/compensation process; ensure coordination between various stakeholders concerned with the Project including those directly connected with resettlement and monitor the implementation. At launching of each sub-project approved for bank financing, stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the project's activities. Baseline surveys, valuation of properties and payment of compensation will be affected ahead of the commencement of works. All PAPs will be consulted in the process with respect to the matter requiring compensation; whether in the context of resettlement or in the context of mitigating other project-related impacts.

The PIU will be expected to make arrangements and incorporate the relevant line ministries such as Ministry Planning, Economic Development and Physical Development, Ministry of Legal Affairs, Ministry of Social Development, Housing and Community Empowerment or other private entity or NGO to conduct the survey and registration of PAPs and properties at Project sites, establish compensation arrangements in accordance with legal framework for doing so.

## 5.2 Saint Lucia

### 5.2.1 Legal Framework

Provisions governing compensation to individuals for losses associated with compulsory acquisition of land for public purposes, and for losses associated with resettlement are contained in the Constitution and the Land Acquisition Act. Land acquisition legislation is similar across the OECS Territories, allowing national governments to exercise rights of compulsory purchase of property in the absence of successful negotiations with private landowners.

Additional guidance to prepare resettlement and compensation programs associated with the purchase and development of land for public or private benefit may be offered through national legislation enabling environmental impact assessments (EIAs).

National legislation relevant to land acquisition and resettlement is summarized in Table 4.

Table 4: National legislation of Saint Lucia governing land acquisition and resettlement

| Legislation                                       | Description   |
|---|---|
| Constitution of Saint Lucia, Cap 1.01, 1979       | Chapter 1, Section 6 provides protection from deprivation of property rights and makes provision for the prompt payment of compensation, in cases of compulsory acquisition of property.  |
| Land Acquisition Act, Cap 5.04, 1946              | Contains guidelines and protocols pertaining to the acquisition of private land for public benefit. The Act provides detailed procedures enforced by the Government of Saint Lucia in matters pertaining to the acquisition of land for public purposes, including powers of access to the land, negotiations with landowners; established of an assessment board; and rules for assessment of compensation.          |
| Physical Planning and Development Act, 2005       | The Act states that all land intended for any development (resettlement or other) requires planning and development permission.   |
| Environmental Impact Assessment (EIA) Legislation | The Planning Act makes the provision of undertaking EIA for specific projects, which may likely affect the environment. Depending on the nature of the proposed development work and likely negative impact on the environment, an EIA report has to be submitted in order to evaluate the application and make decisions. The EIA has to be undertaken on agreed terms of reference and by a qualified professional. |

There is no existing legislation or official policy document that specifically supports resettlement initiatives in Saint Lucia. Similarly, the Government of Saint Lucia does not have prescribed legislation or a formal policy for relocation of squatters. Guidance on establishing procedures for resettlement may rely on established practice but must comply with the principles and requirements laid out in this RPF.

#### 5.2.2 Gap Analysis- National Laws and ESS5

Generally, the relevant national laws of Saint Lucia are consistent with ESS5. One inconsistency noted to date is the fact that ESS5 requires that land acquisition may only occur after compensation has been paid. Where resettlement is required, ESS5 also requires that resettlement sites and moving allowances be paid prior to the commencement of any development. By contrast, the National Land Acquisition Act allows the government to take possession of any needed land and development proceed prior to compensation being paid. In order to ensure compliance with ESS5, eligible PAPs must be compensated before any development is initiated. The timeframe for finalisation of resettlement arrangements

before the actual start of a project will vary on a case-by-case basis. However, failure to reach settlement could result in expropriation or other compulsory procedures.

Table 5: Saint Lucia- Land acquisition procedures based on Land Acquisition Act

| Activity                                  | Description/Task   |
|---|--|
| 1. Land Identification                    | <ul style="list-style-type: none"> <li>Identify properties to be acquired, with relevant details</li> <li>List property owners under Entitlement Categories A, B or C.</li> <li>Contact property owners to inform them of the need to acquire their property, reason and the amount required.</li> <li>Collection of legal documents to prove ownership of land.</li> <li>Collection of personal identification and banking information from property owners to facilitate transfer of funds.</li> </ul> |
| 2. Survey & Valuation of Properties       | <ul style="list-style-type: none"> <li>Survey affected property.</li> <li>Valuation of land to be acquired to determine replacement cost.</li> </ul>   |
| 3. Negotiation                            | <ul style="list-style-type: none"> <li>Negotiate price with property owners and prepare report with complete list of properties and final agreed price.</li> <li>Where an agreement on the value is not reached, the owner may provide a private assessment value for further negotiation</li> </ul>   |
| 4. Approval of Acquisition                | <ul style="list-style-type: none"> <li>Prepare and submit Cabinet Paper for approval of acquisition of property.</li> </ul>  |
| 5. Approval of Payment of Compensation    | <ul style="list-style-type: none"> <li>Prepare and submit Cabinet Paper to approve payments to property owners.</li> </ul>   |
| 6. Transfer of Approved Payment           | <ul style="list-style-type: none"> <li>Approved payment amount transferred to the Treasury Division or bank accounts of affected property owners.</li> </ul>   |
| 7. Declaration & Publication              | <ul style="list-style-type: none"> <li>Declare acquisition served to landowners and publish in the Official Gazette</li> </ul>   |
| 8. Compensation                           | <ul style="list-style-type: none"> <li>Pay compensation to affected property owners.</li> </ul>  |
| 9. Filing of Receipts                     | <ul style="list-style-type: none"> <li>Copies of receipts of payment to be filed at the PIU.</li> </ul>  |
| 10. Trust Account                         | <ul style="list-style-type: none"> <li>Establish trust/escrow accounts to hold any funds for compensation that do not get resolved in the timeframe needed to start the works.</li> </ul>  |
| 11. Acquisition and Commencement of Works | <ul style="list-style-type: none"> <li>Under the Land Acquisition Act, the State is entitled to initiate work once Compulsory Acquisition has been Gazetted. <i>To become compliant with ESS5, compensation would have to be paid before commencement of civil works.</i></li> </ul>   |

Table 6 identifies gaps between national legislation and ESS5 and offers measures to address these gaps. Of particular importance is accounting for land acquisition and the timing of compensation as a specific

output of any future activities resulting from implementation of the UBEC in order to satisfy the requirements of the World Bank ESF. It must be noted that in a case where there is non-agreement between the national legislature and World Bank ESF, the more stringent condition is applied.

Table 6: Saint Lucia: Gaps between national legislation and ESS5

| Conflict/Gap   | World Bank Requirements   | National Laws  | Measures to Address Gap   |
|--|---|--|---|
| 1. Timing for payment of compensation and taking possession of acquired land       | ESS5, Paragraph 15: Taking of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.  | The Land Acquisition Act permits government to take possession of acquired land and to commence development before compensation is paid. | The implementing agency is required to submit an early request for land acquisition to the responsible authority to ensure this task is included in the annual work programme and that the relevant budgetary allocation is made; A representative of this authority is to be included on any Project Steering Committee; the project budget may provide for acquisition costs. |
| 2. Restoration of livelihoods and living standards to pre-project levels or higher | ESS5, Paragraph 2: 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.<br>ESS 5, Paragraph 36: Compensation should include measures to ensure that displaced persons are offered support after displacement for a transition period | There is no existing legislation or official policy document that specifically supports resettlement initiatives.                        | All PAPs should be eligible for full compensation benefits per World Bank ESF requirements.   |

| Conflict/Gap   | World Bank Requirements  | National Laws  | Measures to Address Gap  |
|--|--|--|--|
|  | necessary to restore their livelihood and standards of living.   |  |  |
| 3. Opportunity to derive development benefits from project | ESS 5, Paragraph 14: The borrower will provide opportunities to displaced communities and persons to derive appropriate development benefits from the project. | Opportunities to derive development benefits are not generally part of local resettlement projects.                                      | Government should seek to enter into agreements with contractors to give priority to the employment of workers originating from the target communities. Provisions should consider gender-based equality of opportunity/access to local jobs, with explicit reference to non-discrimination clauses based on gender race, ethnicity, and sexual orientation. |
| 4. Duty to consult in preparation of resettlement plans    | ESS5 requires the preparation of “resettlement plans” to include stakeholder consultation in the design of measures to address physical/economic displacement. | National legislation is silent on the requirements for consultation in the design of plans to mitigate the impacts of loss of livelihood | National governments are to be guided by the RPF regarding procedures for the preparation of resettlement plans  |

### 5.2.3 Methods of Valuating Assets

Under Saint Lucia's Land Acquisition Act Chapter 5.04, the Governor General appoints the head of the Land Surveying Department to lead the Land Acquisition process, with property valuations prepared by the Land Valuation officer. Crop valuation falls under the purview of the Ministry of Agriculture, Fisheries, Natural Resources and Co-operatives.

The Land Acquisition Act describes the methods of valuating lands acquired for public use for the purpose of assessment of compensation. The two valuation methods supported by ESS5 that can be applied to conducting the valuation of property and associated assets for PAPs are Replacement Cost and Compensation Value.

- **Replacement Cost:** This approach is based on the premise that the cost of replacing productive assets that have been lost or damaged because of project operations are taken as a minimum estimate of the value of measures that will reduce the damage or improve on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, net depreciation, moving expenses and other transaction costs.
- **Compensation Value:** Defined as an amount that is above the gross current replacement cost, including the costs for the inconvenience caused to the PAP by relocation, and enables the same PAP to build slightly better houses than what they currently occupy.

The replacement cost is usually applied in the case of loss of property or assets. Where property is leased from the state, the valuation considers the physical investment, plus the expected income streams up to the end of the life of the lease.

Methods for undertaking valuations for compulsory acquisition may also be guided by the codes of ethics and standards of the Royal Institute of Chartered Surveyors (RICS), International Valuations Standards Council, or national institutes of surveyors.<sup>8</sup>

To ensure transparency of procedures, the Project Implementation Unit representative, PAPs and a trusted community member (selected by PAPs) shall be present in all meetings to discuss the value of compensation, negotiation of final amount and final payment. Special arrangements should be made for vulnerable populations, for example, the elderly and special needs individuals. Private owners are given the right to provide their own assessments. Negotiations are allowed where there are differences in value. In the event there is a significant difference between a private valuation and a government valuation, and middle ground cannot be reached through negotiation, ESS5 anticipates the use of expropriation or other compulsory procedures<sup>6</sup>.

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<sup>6</sup>ESS5 Guidance Note Paragraph 16. *In certain cases there may be significant difficulties related to the payment of compensation to particular affected persons, for example, where repeated efforts to contact absentee owners have failed,*

### *Valuation of Land*

The use of the open market value of land as the means of determining the value of compensation is consistent with ESS5. Methodologies used to determine open market value include the market approach, income approach and the investment method. The method most predominantly utilised is the market approach. Key factors informing all open market valuation methodologies include location, topography, size, available services, tenure, land use and the presence or absence of natural hazards. Private owners are also given the right to provide their own assessments. Negotiations are allowed where there are differences in value.

### *Valuation of Crops and Economic Trees*

Crop values may be prepared as a range set by a committee of technical experts and based on factors such as species, location, production cost, market value, climate and environmental influences. In addition to the replacement cost of crops and economic trees, a determination should be made on the potential losses during the period of transition. The replacement cost that can be applied for agricultural land is the pre-project or pre-displacement (whichever is higher) market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of land preparation to levels similar to those of the affected land, any registration and transfer taxes.

### *Valuation of Structures*

In the absence of legislation to guide the valuation of buildings or structures such as foundations, fences, latrines, storage sheds or water storage tank platforms, methods for undertaking these valuations are guided by codes of ethics and standards of the Royal Institute of Chartered Surveyors (RICS) or national professional institutes of surveyors and valuers.

### *Relocation of Businesses*

If relocation of business becomes necessary, access to customers and suppliers will be taken into account. In addition, workers losing employment in the process of relocating should be entitled to transitional income support. In the case of temporary relocation, business owners should provide records of their income over a period of 6 months, in order to provide a standard for determining rate of compensation.

### *Loss due to Interruptions of Income Generating Activity*

PAPs whose livelihoods activities occur in project areas who are forced to relocate as a result of project activities will be compensated for the amount of income which they are likely to lose for the duration. Proof of income for similar periods should include receipts, financial statements or other forms of

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*where project-affected persons have rejected compensation that has been offered to them in accordance with the approved plan, or where competing claims to the ownership of lands or assets are subject to lengthy legal proceedings. On an exceptional basis, with prior agreement of the Bank, and where the Borrower demonstrates that all reasonable efforts to resolve such matters have been taken, the Borrower may deposit compensation funds as required by the plan (plus a reasonable additional amount for contingencies) into an interest-bearing escrow or other deposit account and proceed with the relevant project activities. Compensation placed in escrow will be made available to eligible persons in a timely manner as issues are resolved. At the same time, ESS5 encourages the Borrower to seek negotiated settlements with affected persons in a manner meeting the requirements of this ESS in order to help avoid administrative or judicial delays associated with formal expropriation, and to the extent possible to reduce the impacts on affected persons associated with formal expropriation.*

accounting records. Income loss relating to crop loss is integrated into the compensation formula by the responsible ministry.

#### 5.2.4 Institutional Roles for Implementing the RPF

This section describes organisational responsibilities for preparing land acquisition and resettlement activities related to the implementation of the UBEC. Administrative responsibility for coordinating implementation of the Resettlement & Process Framework during the life cycle of the project rests with the national level PIU. The PIU will be responsible for coordinating the development, implementation and monitoring of any resettlement plans, with technical inputs from relevant government ministries as needed. The Environmental & Social Specialists will be required to approve any resettlement plans.

A number of national departments and agencies are expected to participate in the preparation of resettlement plans. The efforts of these national agencies/departments will be aligned with the RPF, with overall responsibility for coordinating and monitoring adherence to the RPF assumed by the Project Manager and supported by the Environmental & Social Specialists attached to PIU.

The PIU in association with relevant ministries will provide the general direction for the planning of the relocation/compensation process; ensure coordination between various stakeholders concerned with the Project including those directly connected with resettlement and monitor the implementation. At launching of each sub-project approved for bank financing, stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the project's activities. Baseline surveys, valuation of properties and payment of compensation will be affected ahead of the commencement of works. All PAPs will be consulted in the process with respect to the matter requiring compensation; whether in the context of resettlement or in the context of mitigating other project-related impacts.

The national agencies and departments of government responsible for the various aspects of executing these activities are as follows. Land acquisition in Saint Lucia is carried out through the Land Acquisition Act (Cap 5.04) by the Chief Surveyor in the Survey and Mapping Section of the Department of Physical Planning within the Ministry of Agriculture, Fisheries, Natural Resources, Cooperatives and Physical Planning. Other departments with core responsibilities related to this RPF include the Acquisition Unit, Crown Lands, Land Registry and Physical Planning Sections in the Department of Physical Planning of the Ministry of Agriculture, Fisheries, Natural Resources, Cooperatives and Physical Planning. The Housing and Urban Renewal Department in the Ministry of Economic Development, Housing, Urban Renewal, Transport and Civil Aviation to address housing concerns, and utilities needs to be addressed by the Ministry of Infrastructure, Ports, Energy and Labour. The Ministry of Commerce, Industry, Investment, Enterprise Development and Consumer Affairs would be required to address concerns relating to established businesses.



## 5.3 Saint Vincent and the Grenadines

### 5.3.1 Legal Framework

Provisions governing compensation to individuals for losses associated with compulsory acquisition of land for public purposes, and for losses associated with resettlement are contained in the Constitution and the Land Acquisition Act. Land acquisition legislation is similar across the OECS Territories, allowing national governments to exercise rights of compulsory purchase of property in the absence of successful negotiations with private landowners.

Additional guidance to prepare resettlement and compensation programs associated with the purchase and development of land for public or private benefit may be offered through national legislation enabling environmental impact assessments (EIAs).

National legislation relevant to land acquisition and resettlement is summarized in Table 7.

Table 7: National legislation of Saint Vincent and the Grenadines governing land acquisition and resettlement

| Legislation   | Description   |
|---|---|
| Saint Vincent Constitution Order 1979, Updated 2005 | Section 6 provides protection from deprivation of property. 6. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except for a public purpose and except where provision is made by a law applicable to that taking of possession or acquisition for the payment, within a reasonable time, of adequate compensation.   |
| Land Acquisition Act, CAP 322, 1947                 | Provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. Section 3(1) states: "If the Governor General considers that any land should be acquired for a public purpose he 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." |
| Land Settlement and Development Act, CAP 242, 2009  | Provides for the absolute proprietorship over land (exclusive rights). Such land can be acquired by the State under the Land Acquisition Act in the project area.   |
| Land Adjudication Act CAP 5:06, 1984                | Provides for the ascertainment of interests prior to land registrations under the Land Settlement and Development Act.  |
| Town & Country Planning Act No. 45, 1992            | The Act requires that all land intended for any development requires planning and development permission.   |

| Legislation                         | Description  |
|-------------------------------------|--|
| Environmental Management Bill, 2009 | The draft Act requires that special conditions be placed on coastal, industrial and hillside developments. The draft regulations associated with the draft legislation calls for Environmental Impact Assessments to be used to gauge the degree of risk associated with development in certain geographic areas.  |
| Environmental Impact Assessment     | Article 29 of the Town and Country Planning Act requires an EIA for environmentally sensitive projects or activities. The Physical Planning Unit has the legal authority for environmental management in general under this Act, including the evaluation of the need for and level of EIA required. The scope of the EIA is determined through discussion with the PPU. |

### 5.3.2 Gap Analysis- National Laws and ESS5

Generally, the relevant national laws of Saint Vincent and the Grenadines are consistent with ESS5. The only inconsistency is the fact that ESS5 requires that land acquisition may only occur after compensation has been paid. Where resettlement is required, ESS5 also requires that resettlement sites and moving allowances be paid prior to the commencement of any development. By contrast, the National Land Acquisition Act allows the government to take possession of any needed land and development proceed prior to compensation being paid. In order to ensure compliance with ESS5, eligible PAPs must be compensated before any development is initiated (Table 8). The timeframe for finalisation of resettlement arrangements before the actual start of a project will vary on a case-by-case basis. However, failure to reach settlement could result in expropriation or other compulsory procedures.

Table 8: Saint Vincent and the Grenadines- Land acquisition procedures based on Land Acquisition Act

| Activity                            | Description/Task   |
|-------------------------------------|--|
| 1. Land Identification              | <ul style="list-style-type: none"> <li>Identify properties to be acquired, with relevant details</li> <li>List property owners under Entitlement Categories A, B or C.</li> <li>Contact property owners to inform them of the need to acquire their property, reason and the amount required.</li> <li>Collection of legal documents to prove ownership of land.</li> <li>Collection of personal identification and banking information from property owners to facilitate transfer of funds.</li> </ul> |
| 2. Survey & Valuation of Properties | <ul style="list-style-type: none"> <li>Survey affected property.</li> <li>Valuation of land to be acquired to determine replacement cost.</li> </ul>   |
| 3. Negotiation                      | <ul style="list-style-type: none"> <li>Negotiate price with property owners and prepare report with complete list of properties and final agreed price.</li> <li>Where an agreement on the value is not reached, the owner may provide a private assessment value for further negotiation</li> </ul>   |
| 4. Approval of Acquisition          | <ul style="list-style-type: none"> <li>Prepare &amp; submit Cabinet Paper for approval of acquisition of property.</li> </ul>  |

| Activity                                | Description/Task   |
|---|--|
| 5. Approval of Payment of Compensation  | <ul style="list-style-type: none"> <li>Prepare and submit Cabinet Paper to approve payments to property owners.</li> </ul>   |
| 6. Transfer of Approved Payment         | <ul style="list-style-type: none"> <li>Approved payment amount transferred to the Treasury Division or bank accounts of affected property owners.</li> </ul>   |
| 7. Declaration & Publication            | <ul style="list-style-type: none"> <li>Declare acquisition served to landowners and publish in the Official Gazette.</li> </ul>  |
| 8. Compensation                         | <ul style="list-style-type: none"> <li>Pay compensation to affected property owners.</li> </ul>  |
| 9. Filing of Receipts                   | <ul style="list-style-type: none"> <li>Copies of receipts of payment to be filed with PIU</li> </ul>   |
| 10. Trust Account                       | <ul style="list-style-type: none"> <li>Establish trust account to hold any funds for compensation that do not get resolved in the timeframe needed to start the works.</li> </ul>  |
| 11. Acquisition & Commencement of Works | <ul style="list-style-type: none"> <li>Under the Land Acquisition Act, the State is entitled to initiate work once Compulsory Acquisition has been Gazetted. <i>Compliance with ESS5 would require that compensation occur in advance of works.</i></li> </ul> |

Table 9 identifies gaps between national legislation and ESS5 and offers measures to address these gaps. Of particular importance is accounting for land acquisition and the timing of compensation as a specific output of any future activities resulting from implementation of the UBEC in order to satisfy the requirements of the World Bank ESF. It must be noted that in a case where there is non-agreement between the national legislature and World Bank ESF, the more stringent condition is applied.

Table 9: Saint Vincent and the Grenadines: Gaps between national legislation and ESS5

| Conflict/Gap   | World Bank Requirements  | National Laws  | Measures to Address Gap  |
|--|--|--|--|
| 1. Timing for payment of compensation and taking possession of acquired land | ESS5, Paragraph 15: Taking of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. | The Land Acquisition Act permits government to take possession of acquired land and to commence development before compensation is paid. | The implementing agency is required to submit an early request for land acquisition to the responsible authority to ensure this task is included in the annual work programme and that the relevant budgetary allocation is made; A representative of this authority is to be included on any project steering committee; the project budget may provide for |

| Conflict/Gap   | World Bank Requirements   | National Laws   | Measures to Address Gap  |
|--|---|---|--|
|  |   |   | acquisition costs.   |
| 2. Restoration of livelihoods and living standards to pre-project levels or higher | <p>ESS5, Par 2: Displaced persons should be assisted in their efforts to improve their livelihoods &amp; 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.</p> <p>ESS5, Par 36: Compensation should include measures to ensure that displaced persons are offered support after displacement for a transition period necessary to restore their livelihood &amp; standards of living.</p> | There is no existing legislation or official policy document that specifically supports resettlement initiatives. | All PAPs should be eligible for full compensation benefits per World Bank ESF requirements.                  |
| 3. Opportunity to derive development benefits from project                         | ESS 5, Paragraph 14: The borrower will provide opportunities to displaced communities and persons to derive appropriate development benefits from the project.  | Opportunities to derive development benefits are not generally part of local resettlement projects.               | Government will advise contractors to give priority to the employment of workers originating from the target |

| Conflict/Gap  | World Bank Requirements   | National Laws  | Measures to Address Gap   |
|---|---|--|---|
|   |   |  | communities. Provisions should consider gender-based equality of opportunity/access to local jobs, with explicit reference to non-discrimination clauses based on gender race, ethnicity, and sexual orientation. |
| 4. Duty to consult in preparation of resettlement plans | ESS5 requires the preparation of “resettlement plans” to include stakeholder consultation in the design of measures to address physical/ economic displacement. | National legislation is silent on the requirements for consultation in the design of plans to mitigate the impacts of loss of livelihood | National governments are to be guided by the RPF regarding procedures for the preparation of resettlement plans   |

### 5.3.3 Methods of Valuating Assets

Sections 3 and 4 of St. Vincent and the Grenadines’ Land Acquisition Act lay out the procedures for acquisition and compensation. Under the Act, the Governor General appoints the Chief Surveyor to prepare acquisition instruments, with the Land Valuation Officer conducting formal valuations. The Land Acquisition Act describes the methods of valuating lands acquired for public use for the purpose of assessment of compensation. The two valuation methods supported by ESS5 that can be applied to conducting the valuation of property and associated assets for PAPs are Replacement Cost and Compensation Value.

- **Replacement Cost:** This approach is based on the premise that the cost of replacing productive assets that have been lost or damaged because of project operations are taken as a minimum estimate of the value of measures that will reduce the damage or improve on-site management practices and thereby prevent damage. This approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, net depreciation, moving expenses, and other transaction costs.
- **Compensation Value:** Defined as an amount that is above the gross current replacement cost, including the costs for the inconvenience caused to the PAP by relocation, and enables the same PAP to build slightly better houses than what they currently occupy.

The replacement cost is usually applied in the case of loss of property or assets. Where property is leased from the state, the valuation considers the physical investment, plus the expected income streams up to the end of the life of the lease.

Methods for undertaking valuations for compulsory acquisition may also be guided by the codes of ethics and standards of the Royal Institute of Chartered Surveyors (RICS), International Valuations Standards Council, or national institutes of surveyors.<sup>9</sup>

To ensure transparency of procedures, the Project Implementation Unit representative, PAPs and a trusted community member (selected by PAPs) shall be present in all meetings to discuss the value of compensation, negotiation of final amount and final payment. Special arrangements should be made for vulnerable populations, for example, the elderly and special needs individuals. Private owners are given the right to provide their own assessments. Negotiations are allowed where there are differences in value. In the event there is a significant difference between a private valuation and a government valuation, and middle ground cannot be reached through negotiation, ESS5 anticipates the use of expropriation or other compulsory procedures<sup>7</sup>.

#### *Valuation of Land*

The use of the open market value of land as the means of determining the value of compensation is consistent with World Bank ESS5 Methodologies used to determine open market value include the market approach, income approach and the investment method. The method most predominantly utilised is the market approach. Key factors informing all open market valuation methodologies include location, topography, size, available services, tenure, land use and the presence or absence of natural hazards. Private owners are also given the right to provide their own assessments. Negotiations are allowed where there are differences in value.

#### *Valuation of Crops and Economic Trees*

Crop values may be prepared as a range set by a committee of technical experts and based on factors such as species, location, production cost, market value, climate and environmental influences. In addition to the replacement cost of crops and economic trees, a determination should be made on the potential losses during the period of transition. The replacement cost that can be applied for agricultural land is the pre-project or pre-displacement (whichever is higher) market value of land of equal

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<sup>7</sup>ESS5 Guidance Note Paragraph 16. *In certain cases there may be significant difficulties related to the payment of compensation to particular affected persons, for example, where repeated efforts to contact absentee owners have failed, where project-affected persons have rejected compensation that has been offered to them in accordance with the approved plan, or where competing claims to the ownership of lands or assets are subject to lengthy legal proceedings. On an exceptional basis, with prior agreement of the Bank, and where the Borrower demonstrates that all reasonable efforts to resolve such matters have been taken, the Borrower may deposit compensation funds as required by the plan (plus a reasonable additional amount for contingencies) into an interest-bearing escrow or other deposit account and proceed with the relevant project activities. Compensation placed in escrow will be made available to eligible persons in a timely manner as issues are resolved. At the same time, ESS5 encourages the Borrower to seek negotiated settlements with affected persons in a manner meeting the requirements of this ESS in order to help avoid administrative or judicial delays associated with formal expropriation, and to the extent possible to reduce the impacts on affected persons associated with formal expropriation.*

productive potential or use located in the vicinity of the affected land, plus the cost of land preparation to levels similar to those of the affected land, any registration and transfer taxes.

#### *Valuation of Structures*

In the absence of legislation to guide the valuation of buildings or structures such as foundations, fences, latrines, storage sheds or water storage tank platforms, methods for undertaking these valuations are guided by codes of ethics and standards of the Royal Institute of Chartered Surveyors (RICS) or national professional institutes of surveyors and valuers.

#### *Relocation of Businesses*

If relocation of business becomes necessary, access to customers and suppliers will be taken into account. In addition, workers losing employment in the process of relocating should be entitled to transitional income support. In the case of temporary relocation, business owners should provide records of their income over a period of 6 months, in order to provide a standard for determining rate of compensation.

#### *Loss due to Interruptions of Income Generating Activity*

PAPs whose livelihoods activities occur in project areas who are forced to relocate as a result of project activities will be compensated for the amount of income which they are likely to lose for the duration. Proof of income for similar periods should include receipts, financial statements or other forms of accounting records. Income loss relating to crop loss is integrated into the compensation formula by the responsible ministry.

#### *Valuation of Lands Characterised by Semi-formal ownership*

Where the interest in the land is undefined or in dispute, the state facilitates the appointment of an administrator. A settlement is made based on the current estimated value, placed in trust until the beneficiaries have resolved their interest.

#### *Valuation of Lands Occupied/Used Informally*

Lands where no legal claim to ownership relies on a valuation of the existing development, minus the land. Compensation is paid based on derived value including loss of income in case of business activity. As the goal of compensation is to ensure that PAPs end up in positions equal to or better than they were before project intervention, valuation should cover all elements adversely impacted.

### 5.3.4 Institutional Roles for Implementing the RPF

This section describes organisational responsibilities for preparing land acquisition and resettlement activities related to the implementation of the UBEC. Administrative responsibility for coordinating implementation of the Resettlement & Process Framework during the life cycle of the project rests with the national level PIU. The PIU will be responsible for coordinating the development, implementation and monitoring of any resettlement plans, with technical inputs from relevant government ministries as needed. The Environmental & Social Specialist will be required to approve any resettlement plans.

A number of national departments and agencies are expected to participate in the preparation of resettlement plans. The efforts of these national agencies/departments will be aligned with the RPF, with overall responsibility for coordinating and monitoring adherence to the RPF assumed by the Project Manager and supported by the Environmental & Social Specialists attached to the PIU.

The PIU in association with relevant ministries will provide the general direction for the planning of the relocation/compensation process; ensure coordination between various stakeholders concerned with the Project including those directly connected with resettlement and monitor the implementation. At launching of each sub-project approved for bank financing, stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the project's activities. Baseline surveys, valuation of properties and payment of compensation will be affected ahead of the commencement of works. All PAPs will be consulted in the process with respect to the matter requiring compensation; whether in the context of resettlement or in the context of mitigating other project-related impacts.

The national agencies and departments of government responsible for the various aspects of executing these activities are as follows. Land acquisition in St Vincent and the Grenadines is carried out through the Land Acquisition Act (1947) by the Land & Surveys Department within the Ministry of Housing, Informal Human Settlements, Land & Surveys and Physical Planning. Other departments with responsibilities related to this RPF include the Ministry of Finance, Economic Planning, Sustainable Development and Information Technology, the Ministry of National Security, Air and Sea Port Development, and the Ministry of Legal Affairs.

## 6.0 Eligibility Criteria and Cut off Dates for Resettlement

### 6.1 Eligibility Criteria

Individuals, households or communities affected by project activities may be eligible for compensation for loss of land or structures and for other resettlement assistance depending on land tenure status.

Project-affected persons (PAPs) who experience displacement as a result of project activities are comprised of three groups: PAPs with legal rights, PAPS with no formal legal rights and PAPs with no recognizable legal rights. Table 10 describe each of these three groups, the type of compensation to which each group is entitled under the RPF, and evidence required to substantiate a PAP's claim to compensation under each category.

Table 10: Categories of PAPs and eligible compensation



| PAP Category           | Definition  | Recommended Compensation  | Required Evidence   |
|------------------------|---|---|---|
| Legal rights           | Persons who have formal documentation under national law to prove their rights or are specifically recognized in national law as not requiring documentation. In the simplest case, an area is registered in the name of individuals or communities. In other cases, persons may have a lease on the land and therefore have legal rights.  | Compensation for land and assets lost, and other resettlement assistance, in accordance with the RPF. | Proof of legal ownership, documented in written form such as land registers, deeds, mortgages, lease agreements, tenancy agreements or rent receipts.   |
| No formal legal rights | Persons who do not have formal rights to land or assets, but who have a recognized or recognizable claim under national law can fall into a number of groups. They may have been using the land for generations without formal documentation under customary or traditional tenure arrangements that are accepted by the community and recognized by national law. In other cases, they may have never been provided formal title or their documents may be incomplete or lost. They may have a claim for adverse possession if they have occupied land for a certain period of time as defined by national law, without the formal owner contesting the occupation. In such cases, national law often has legal procedures by which such claims can become recognized. | Compensation for land and assets lost, and other resettlement assistance, in accordance with the RPF. | Criteria for establishing non-formal, undocumented or unrecognized claims to eligibility shall be established on a case by case basis.<br><br>Proof of eligibility may take the form of an affidavit signed by the owner/occupant and witnessed by a reputable member of society. |

| PAP Category                 | Definition  | Recommended Compensation  | Required Evidence   |
|------------------------------|---|---|---|
| No recognizable legal rights | Includes seasonal resource users, such as herders, grazers, fishers, or hunters, although if the rights of such users are recognized by national law, they may fall into category (a) or (b). They can also be persons occupying land in violation of applicable laws. Affected persons in these groups are not eligible for compensation for land but are eligible for resettlement and livelihood assistance and compensation for assets. | No compensation provided for land. Compensation provided for loss of structures or agricultural assets and resettlement assistance in lieu of compensation for the land occupied or used. | Occupants identified during the baseline census, but lacking any evidence of ownership, or legal claim under national laws. |

Table 11 further details the type of compensation to which PAPs would be entitled depending on the nature of their loss.

Table 11: Nature of loss and related compensation details

| Nature of Loss   | Type of Compensation  |
|--|---|
| Loss of land or structures (or losing access to those assets) and/or having to physically relocate due to loss of livelihood or losing access to income sources or means of livelihood | Compensation shall be made for loss of affected land, structures, and economic assets on the land at full replacement value.<br><br>Resettlement assistance in line with the World Bank policy requirements shall be provided for them.                       |
| Temporary loss of land or temporarily losing access to these assets or access to income sources or means of livelihood.  | Generally, all Lease agreements will be negotiated between the government and landowners for temporary land take. In effect, displacement assistance in line with the World Bank policy requirements shall be provided.                                       |
| PAPs losing rental/leased land   | Will be assisted with finding alternative land to rent/lease. Transitional assistance may be necessary to ensure that livelihoods are not affected.   |
| PAPs losing crops/economic trees   | Affected persons losing crops shall be allowed to harvest any crops planted prior to the date that land is taken. If land must be taken before the crops are ready for harvest, crop compensation shall be determined by the ministry with responsibility for |

| Nature of Loss | Type of Compensation   |
|----------------|--|
|                | agriculture in each project country, with participation of the PAP, and paid for by the project. |

## 6.2 Cut-off Dates

The project will conduct a census to identify the persons who may be affected by its activities, establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance and to discourage ineligible persons such as opportunistic settlers, from claiming benefits. This assessment will also address the claims of communities or groups, who for valid reasons, may not be present in the project area during the time of the census e.g. seasonal resource users.

The project countries in conjunction with the census, will establish a cut-off date for compensation eligibility. Information regarding this date will be disseminated throughout the project area at regular intervals in written and if appropriate, non-written forms. Persons settling in the project area after the cut-off date, who have not been identified as having a legitimate reason to not have been present during the census or who can demonstrate that the census failed to identify them, will not be eligible for compensation.

## 7.0 Stakeholder Consultation Procedures

ESS5 calls for displaced persons and their communities, and any host communities receiving them, to be provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement<sup>8</sup>. The stakeholder consultation process to be implemented in the context of any future involuntary resettlement and/or restrictions on access to resources occurring in the context of the implementation of the UBEC program will be consistent with the principles and approach described in the UBEC Stakeholder Engagement Plan (SEP). The SEP provides detailed methods for meaningful engagement and information disclosure. The SEP serves as a detailed guide to ensure that stakeholder engagement and transparency are meaningful and occur at all stages of project implementation. As described in the SEP, active and early engagement of PAPs and communities in the design of project activities is central to achieving successful project outcomes.

Effective consultation and participation create opportunities for project sponsors and PAPs to consider alternative social mitigation measures and trade-offs and strengthen the design and implementation of project activities. Opportunities for informing PAPs and other stakeholders about the proposed project and eliciting PAP and stakeholder feedback includes engagement and participation in identifying the

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<sup>8</sup> See ESS5 paragraphs 23 and 27.

need for acquisition, resettlement or restrictions on access to resources, the preparation of compensation and assistance packages, and the design and implementation of monitoring, reporting and evaluation tools.

Transparency and successful engagement create a sense of shared project ownership and reduces the likelihood of conflict between and among PAPs and project sponsors.

### 7.1 Notification Procedure

The launch of any sub-projects involving either permanent or temporary land acquisition or resettlement or restrictions on access to resources shall be publicly announced in the media through print and digital newspapers, national television, and national radio and any other relevant type of public notices. Public notices shall make explicit reference to the following:

- Project sponsor's proposal to acquire land;
- The public purpose for which the land is needed;
- That the proposal or plan may be inspected during the notification period; and,
- That any person affected may object to the transaction through the GRM within a prescribed amount of time from the appearance of the notice.

Information shall be given to the media representatives for dissemination in both English and any other local languages.

After completion of the census and any baseline socioeconomic survey of PAPs, notices shall be issued to the PAPs concerning eligibility criteria and cut-off dates, compensation entitlements, timetable for implementation, and grievance redress mechanisms.

Notification about known social impacts of sub-projects and recommended mitigation measures will be broadcast through news releases to newspapers, radio and television stations, and relevant websites. Project information regarding compensation and resettlement shall also be disseminated through any affected communities using flyers posted on community information boards, through announcements made at community meetings and activities, and in places of worship.

### 7.2 Public Consultation Mechanisms

Consultation and participation will occur throughout the project life cycle, informed by methods and procedures described in detail in the SEP and adhering to the following consultation mechanisms related directly to the RPF.

#### *Project Mobilisation*

Stakeholder engagement begins with baseline data collection. Participation in the survey is intended to identify PAPs, followed by consultations with identified PAPs and other project stakeholders about the

extent of the impact. PAPs will be consulted through meetings to discuss the social impacts of project operations and the mitigation measures suggested.

*Preparation and Planning of Operations*

PAPs will be consulted in order to understand the extent of social impacts to be caused by acquisition and resettlement or restrictions on access to legally designated parks and protected areas , including their position on issues of employment, social networks and business activities. This feedback will be incorporated into resettlement plans.

*Implementation / Execution of Operations*

PAPs will participate in the design and delivery of compensation and resettlement assistance arrangements. This will include the design of procedures for payments and the delivery of compensation packages.

*Monitoring and Evaluation*

In addition to their participation in the design of monitoring and reporting tools, consultation of PAPs in the context of project monitoring and evaluation will take the form of a household survey of PAPs designed to assess the impacts of project mitigation measures. Results of this survey will be compared to the results of the baseline survey conducted at project inception<sup>9</sup>.

*Mechanisms for Public Consultation and Participation*

Using guidance provided by the SEP, public consultation and participation shall draw from a range of mechanisms appropriate to different audiences and the particular nature of consultation activities. It should be noted that all public consultations will adhere to proper COVID-19 prevention protocols. The following table describes a number of stakeholder consultation methods to be considered by project Environmental & Social Specialists as part of the design of stakeholder consultation activities:

Table 12: Methods for Stakeholder Engagement

| Type of Stakeholder Engagement   | Indicative Methods  |
|--|---|
| <b>Consultation</b>  | <ul style="list-style-type: none"> <li>• Public Hearing</li> <li>• Polls</li> <li>• Focus Group Discussion</li> <li>• Citizen Advisory Body/Committee</li> </ul>          |
| <b>Collecting, recording &amp; reporting on inputs received from beneficiaries</b> | <ul style="list-style-type: none"> <li>• Citizen Satisfaction Surveys</li> <li>• Focus Group Discussions</li> <li>• Community Scorecards, Citizen Report Cards</li> </ul> |

<sup>9</sup> Survey activities will be designed in accordance with COVID-19 protocols laid out in World Bank ESF/Safeguards Interim Note on COVID-19 Considerations in Construction/Civil Works Projects

|  |  |
|--|--|
| <b>Grievance redress</b>   | <ul style="list-style-type: none"> <li>• Grievance Redress Mechanisms/Platforms</li> <li>• Citizen Jury</li> </ul>   |
| <b>Citizen/community collaboration</b>   | <ul style="list-style-type: none"> <li>• Participatory Planning, Participatory Budgeting</li> <li>• Citizen participation in deliberative bodies</li> </ul>  |
| <b>Citizen monitoring, evaluation &amp; oversight</b>                              | <ul style="list-style-type: none"> <li>• Participatory Procurement Monitoring</li> <li>• Social Audit</li> <li>• Participatory Public Expenditure Tracking</li> <li>• Community Scorecard/Citizen Report Card</li> </ul> |
| <b>Empowering citizens/communities with resources &amp; decision-making powers</b> | <ul style="list-style-type: none"> <li>• Participatory Planning</li> <li>• Community Management</li> <li>• Community Contracting</li> <li>• Community Sign-Off on Works Approval/Management</li> </ul>                   |

### 7.3 Identifying Vulnerable Populations

Because vulnerable populations are less able to recover from displacement or livelihood losses, particular attention should be paid to identifying these groups and ensuring their interests are adequately addressed through project activities that mitigate adverse impacts caused by the project.

The project's ESMF and SEP define vulnerable populations to include low income households, female headed households and those less able to care for themselves, notably children, the elderly, and persons with disabilities. Other vulnerable groups include the landless, disenfranchised and /or seasonal resource users, immigrant groups with precarious residency status, and LGBTQ<sup>10</sup> communities. Women, poor people and young people may be particularly vulnerable to personnel abusing their power.

The livelihoods of individuals operating sole proprietorships and micro-enterprises in the tourism and fisheries & aquaculture sectors are considered most likely to be adversely affected by physical or economic displacement caused by project interventions. These groups are summarized in Table 13.

Table 13: Vulnerable Blue Economy Sectors Dominated by Micro-Enterprises

| <b>Tourism</b>   | <b>Fisheries &amp; aquaculture</b>   |
|--|--|
| <ul style="list-style-type: none"> <li>• Diving &amp; snorkelling</li> <li>• Yachting &amp; marine charters</li> </ul> | <ul style="list-style-type: none"> <li>• Domestic commercial fishing</li> <li>• Artisanal fishing</li> </ul> |

<sup>10</sup> Lesbian, gay, bisexual, transgender, or queer

|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Water taxis</li> <li>• Vending</li> <li>• Horseback riding</li> <li>• Small tour guides</li> <li>• Sport fishermen</li> <li>• Tour operators</li> <li>• Small-scale resorts</li> <li>• Tourism facilities located in low-lying coastal area prone to storm surge and flooding</li> </ul> | <ul style="list-style-type: none"> <li>• Subsistence fishing</li> <li>• Crab harvesting</li> <li>• Sand &amp; aggregate mining</li> <li>• Sea moss harvesting</li> <li>• Sea urchin harvesting</li> </ul> |
|---|---|

Lessons can be drawn from other projects regarding how best to anticipate impacts on the most vulnerable members of this sector. A 2014 Process Framework Report prepared for the Belize Fisheries Department as part of the Marine Conservation and Climate Change Adaptation Project identified a number of vulnerable groups within this sector (TNC 2014). These included:

- The elderly in local fishing communities;
- Poorer fishermen who depend on larger fishers for access to the sea on their boats;
- Fishers who fish mainly for subsistence purposes;
- Female fishers; and,
- Women from local communities involved in processing and selling fish locally.

Gender issues will arise in the context of compensation for property and business assets and resettlement, particularly with regards to female-headed households and businesses, and these issues should be anticipated through the design of consultation activities, and with the benefit of the analysis of project surveys.

Drawing on best practices, specific attention should be given to ensuring that access to project-related information about livelihoods assistance is provided to vulnerable populations considered at risk of experiencing livelihood losses. Similarly, the design of livelihood restoration activities should include their participation.

#### 7.4 Roles and Responsibilities for Implementing Stakeholder Consultation

A Community Development Officer (CDO) attached to the PIU will coordinate stakeholder engagement activities and participate in all meetings. A CDO may be contracted directly, and work in coordination with the Environmental & Social Specialist contracted by the PIU. Alternatively, and dependent on the scale and complexity of project activities, CDO duties may be performed by an Environmental & Social Specialist. Where feasible, the contracted CDO will reside in the affected community and be recommended by community leadership.

## 8.0 Procedures for Screening for Land Acquisition, Resettlement and Restrictions to Access

Implementation of UBEC sub-projects may result in the need for some combination of land acquisition and the resettlement of residential or business physical assets or restrictions on access to resources. Preparation of a resettlement plan as described in ESS5 is required where a site-specific screening procedure confirms that specific persons will be affected by land acquisition or resettlement or restrictions on access occurring as part of project activities.

The UBEC RPF offers guidance on the preparation of a resettlement plan in compliance with the principles and procedures laid out in this RPF and to be submitted to the World Bank for approval before the project activity in question is accepted for financing.

Four broad steps are needed to undertake a screening procedure for land acquisition and resettlement in order to determine whether a resettlement plan is required. More detailed steps are presented in Table 14.<sup>11</sup> The broad steps are as follows:

- Step 1. The Environmental & Social Specialist screens sub-projects associated with UBEC for potential social risks and impacts, including the need for land acquisition and resettlement. This step should be coordinated with similar screening occurring as part of the project's ESMF.
- Step 2. An assessment report recommends whether the social impacts merit the preparation of a resettlement plan in compliance with this RPF.
- Step 3. The specific project sites identified during this screening process are reviewed for resettlement plan requirements by the World Bank.
- Step 4. If the assessment confirms that land acquisition or resettlement will be required, then project resettlement plans are developed in compliance with the principles and procedures laid out in this RPF and submitted to the responsible financial institution for approval.

Table 14: Detailed Steps for Screening for Land Acquisition, Resettlement or Loss of Access to Resources

| Step                            | Activity  |
|---------------------------------|---|
| Identification of project sites | Site visit, review site records (building records, land use records,) review maps, determine land ownership.                                    |
| Site assessment and interviews  | Visual on-site inspection of property and adjoining properties. Inspect boundaries and project lines. Document situation with land acquisition. |

<sup>11</sup> These four broad steps and the steps identified in Table 14 are adapted from a screening tool included in World Bank Resettlement Policy Frameworks prepared for the Regional Disaster Vulnerability Reduction Project.



| Step   | Activity  |
|--|---|
|  | Maintain a photograph log of project site and site maps, the approximate locations from where photographs were taken. Do soil analysis; note the topographic conditions of the project site. Interview past and present owners and occupants. Identify whether or not site is near to protected areas or indigenous settlement. Use a screening tool to determine existing land use(s) and commitments.   |
| Sketch site map  | Identify the project area, any on site structures, drainages, roads, and the adjoining property.  |
| Land acquisition/<br>Restrictions on access to resources | <p>Screen for land acquisition. If land acquisition is required, diligent enquiry shall be made to verify ownership, quantities, compensation. Once PAP's are identified, PAP's shall be informed of method of valuation used to assess their assets and provided with an opportunity to negotiate the final compensation amount.</p> <p>Determine Land Acquisition Negotiation/Alternative option for project activity. Use surveys plans, designs concepts and in collaboration with Chief Surveyor, Project Engineer and project stakeholders discuss the implication of the new designs, reconstruction or rehabilitation.</p> <p>PAPs that may be affected by restrictions on access to resources will be consulted to determine either the type of compensation to be paid or to determine viable alternative livelihoods to which the project will assist them to enter. Restriction of access to resources occurring through temporary measures unrelated to formal changes in land use or use of marine space will be addressed by the ESMF under ESS1. This would include, for example, temporary loss of access to a road by street vendors due to construction.</p> |
| Reporting  | Meet with the Project Implementation Unit and prepare written report for the World Bank.  |
| Implementation   | Project approval and design implementation.   |

## 10.0 Preparation of a Resettlement Plan

For project activities involving land acquisition or loss of assets, provisions for compensation, relocation and other resettlement assistance required for relocation must be made prior to displacement. Funding for compensation and entitlements associated with acquisition and resettlement must be approved prior to the commencement of any works on properties identified for acquisition or resettlement. These activities will take be guided by a resettlement plan. Funding related to compensation, relocation and other resettlement assistance falls outside the UBEC Program budget and will be the responsibility of each national government.

## 10.1 Resettlement Plan

The scope and level of detail of the resettlement plan will vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about: (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. Table 15 details the elements that should be included in the resettlement plan, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan. In principle, a resettlement plan should be focused largely on the census, identification of project-affected persons and compensation methods. Additional material identified in Table 15 can be placed in annexes, or, where appropriate, can rely on the RPF document for greater detail.

Table 15: Elements to be included in resettlement plan

| Element                   | Description   |
|---------------------------|---|
| 1. Project Description    | Potential impacts, including a) the project component or activities that give rise to resettlement; b) the zone of impact of such component or activities; c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.  |
| 2. Objectives             | The main objectives of the resettlement action program.   |
| 3. Socio-economic Studies | <p>The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including (a) the results of a census survey covering: (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance; (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population; (iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic; (iv) information on vulnerable groups or persons, for whom special provisions may have to be made; and (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.</p> <p>Other studies describing the following: (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation</p> |

| Element                    | Description  |
|----------------------------|--|
|                            | mechanisms, and any issues raised by different tenure systems in the project area; (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; (iii) public infrastructure and social services that will be affected; and (iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.  |
| 4. Legal framework         | The findings of an analysis of the legal framework, covering (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment; (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal time frame for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project; (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation; (d) laws and regulations relating to the agencies responsible for implementing resettlement activities; (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law and traditional usage. Where appropriate, this section of the resettlement plan may simply refer to the RPF for details. |
| 5. Institutional Framework | The findings of an analysis of the institutional framework covering (a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation; (b) an assessment of the institutional capacity of such agencies and NGOs; and (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation. Where appropriate, this section of the resettlement plan may simply refer to the RPF for details.   |
| 6. Eligibility             | Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.   |
| 7. Valuation of and        | The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law   |

| Element   | Description   |
|---|---|
| compensation for losses                             | and such supplementary measures as are necessary to achieve replacement cost for lost assets.   |
| 8. Resettlement measures                            | A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons and prepared in consultation with them.   |
| 9. Site selection, site preparation, and relocation | Alternative relocation sites considered and explanation of those selected, covering: (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources; (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites; (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and (d) legal arrangements for regularizing tenure and transferring titles to resettlers.  |
| 10. Housing, infrastructure, and social services    | Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.   |
| 11. Environmental protection and management         | A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).   |
| 12. Community participation                         | Involvement of resettlers and host communities: (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities; (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals, families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented. |

| Element  | Description  |
|--|--|
| 13. Integration with host populations (if relevant). | Measures to mitigate the impact of resettlement on any host communities, including: (a) consultations with host communities and local governments; (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers; (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and, (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.  |
| 14. Grievance procedures                             | Such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.  |
| 15. Organizational responsibilities                  | The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate. |
| 16. Implementation schedule                          | An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance.  |
| 17. Costs and budget                                 | Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies   |
| 18. Monitoring and evaluation                        | Arrangements for monitoring of resettlement activities by the implementing agency, performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.  |

The resettlement plan should be prepared in compliance with the policy principles, entitlements, and eligibility criteria, organisational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress outlined in this RPF.

## 10.2 Compensation Activities

Once affected communities have been identified, an implementation schedule should be designed by the PIU, in consultation with the Environmental & Social Specialist and PAPs. The schedule should include these key milestone dates:

- Target dates for conducting the census and survey of assets;
- Target dates for commencement and completion of works;
- Target dates for payment of all compensation to PAPs or assisting with establishment of alternative livelihoods; and,
- Dates of possession of land or structures that PAPs are to occupy (note that this date must be after the date for completion of civil works)

A full timeframe to be established for implementing resettlement activities should consider all of the following key steps:

1. Convening consultations with PAPs and communities: Consultation begins before project boundaries have been formally delineated and continue through to monitoring and evaluation. It should be noted that great care will be taken in organizing any face to face meetings especially within the current global climate as it relates to the precautions that should be taken to prevent the spread of COVID-19.
2. Establishment of boundaries of all project activity.
3. Establishment of the cut-off date: The cut-off date is either the date the census begins, or the date project boundary was delineated in advance of the census. Effective public consultation will be required to disseminate information about the project boundaries. The agreed upon cut-off date will establish eligibility for compensation, with persons moving into the project-affected areas following this date not considered for compensation
4. Carry out of a census to identify PAPs. A census shall be carried out to identify 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 census will collect general household data such as: family size, gender and age information; education; occupation; land ownership; average income/ source of income.
5. Conduct a more detailed baseline socio-economic survey to generate information about the PAPs, their entitlements regarding compensation, resettlement and rehabilitation assistance as required. Additional surveys will provide an estimate of the extent to which affected persons will experience loss of assets, including access to resources, infrastructure and social services. Gender issues will arise in the context of compensation for lost property and business assets, and resettlement, particularly with regards female-headed households and businesses, and these issues should be anticipated through the design of the baseline survey.

6. Review and disclose valuation methods to PAPs: To ensure transparency of procedures, PAPs shall be informed of method of valuation used to assess their assets. All payments of compensation, resettlement assistance and rehabilitation assistance shall be made in the presence of PAPs in question and the local community leaders or church leaders. Approval of new pieces of land to be used for resettlement shall be sought from the government in consultation with local communities and affected individuals.
7. Determine resettlement requirements: The census and baseline socioeconomic survey will serve as the basis for determining eligibility criteria in accordance with this RPF, and for estimating resettlement costs. The survey will also establish baseline data for monitoring and evaluation. A critical task will be to identify new land for those PAPs who will lose their land.
8. Prepare an action plan with a budget for provision of compensation, resettlement and other required assistance based on the census and inventory of assets, and in consultation with the PAPs. The action plan will include a schedule for payment of compensation based on land surveys and valuation of land and crop surveys and valuation of crops.
9. Sign agreements/contracts and disbursement of the compensations to PAPs.
10. Monitor and evaluate implementation of the resettlement plan in relation to implementation of works.

### 10.3 Linking Resettlement to Civil Works-Compensation Payments

Compensation payments for acquired land and affected assets and resettlement of households, must be completed as a condition for land acquisition and before commencement of the civil works under the project.

PAPs must confirm that resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this document. Strategic timing and coordination of civil works shall ensure that no affected persons will be displaced either economically or physically due to civil works activity, before compensation is paid and before any project activity can begin.

The following are key considerations regarding linking resettlement implementation to the civil works:

- Civil works shall commence only after all compensation has been agreed to, payment is received in full by the PAPs and the sites taken over by the responsible ministry.
- Contractors will be instructed to mobilise to commence civil works only after PAPs confirm that compensation has been received and that they shall not be affected or displaced due to the scheduled works.
- Any unresolved issues shall be submitted through Grievance Redress Mechanism and must be resolved prior to commencement of the civil works by the contractor.

## 11.0 Measures to mitigate economic displacement due to restricted access to resources

### 11.1 Livelihood Recovery and Sustainability Measures to Assist Project Affected Persons

In addition to physical and economic displacement due to involuntary resettlement, the RPF anticipates the possibility of loss of livelihoods caused by project-related restrictions in access to natural resources in legally designated parks and protected areas. The recommended response to mitigating this potential adverse impact is a livelihoods restoration initiative.

The overall aim of a livelihoods restoration initiative is to account for losses to livelihoods caused by project activities and support the diversification of sustainable livelihoods of affected persons. Each of the three national governments participating in the UBEC should be prepared to put in place a livelihoods recovery initiative during the life of the project. These initiatives should be designed in consultation with potentially affected persons and communities.

The development of livelihoods recovery initiatives should be guided by the following objectives and options for financial and non-financial activities. Wherever possible, these measures should build on established co-management arrangements in the case of protected areas, and the use of recognized social and environmental impact assessment procedures.

National livelihoods recovery initiatives could consider any combination of the following objectives:

1. Supporting sustainable livelihood training,
2. Offering grant funding to assist potentially affected persons with starting or improving small, sustainable businesses associated with the sustainable utilisation of marine and coastal resources;
3. Extending soft loans for business-start up; and/or,
4. Offering in-kind contributions of equipment with associated training.

While the core objectives should be similar, the final design of a livelihoods recovery initiative will likely vary from country to country.

Table 16 details the activities to be included in a national livelihoods restoration initiative and summarises the order of magnitude of costs that can be anticipated on a per-participant basis. UBEC component 2.1 may be used to design and implement initiatives aimed at mitigating adverse impacts on livelihoods. Beyond component 2.1, responsibility for assuming the costs for delivering training and small grants for alternative sustainable livelihoods associated with these adverse impacts will rest with national governments.



Table 16 Recommended Livelihood Recovery Activities and Per-Participant Budget (in USD)<sup>12</sup>

| Component                              | Description   | Budget  |
|--|---|---------|
| Needs assessment & feasibility studies | Participatory livelihood needs assessments carried out in each affected community to identify potential adverse impacts and design action plans identifying multiple alternative livelihood activities. Includes field studies and workshops to identify potential economic opportunities; and review, evaluation, and selection of livelihood opportunities based upon compatibility with UBEC project objectives, feasibility and cost-benefit. | \$175   |
| Training                               | Deliver customised sustainable livelihood training based on findings of livelihood needs assessment, ranging from business development skills (bookkeeping, marketing), to applied training in support of new livelihoods (such as kayak handling, tour guiding, beekeeping, agro-tourism), and training associated with the operation and maintenance of in-kind equipment contributions.  | \$300   |
| Grant funds                            | Provided in response to proposals for investments in sustainable livelihood activities submitted by eligible beneficiaries.   | \$1,500 |
| Soft loans                             | Soft loans are to be delivered through a partnership with an established financial institution. Cost of the loan subsidy may need to be accounted for within project budget.  |         |
| In-kind equipment contributions        | One-time contribution of equipment to support sustainable livelihood activities, based on findings of needs assessment.   | \$250   |
| Awareness & promotional activities     | Advertising the initiative to reach intended beneficiaries and industry partners. Includes promoting results of the initiative during the life of the project.  | \$100   |
| Monitoring, reporting and evaluation   | Establishment of baseline data and targets, and beneficiary surveys regarding livelihoods training, relying on consistent methodologies across participating countries.   | \$75    |

<sup>12</sup> Adapted from 2012 World Bank OPAAL Evaluation Table 2: Breakdown of project expenditure on livelihood-related activities (in USD). Budget figures were derived from the OECS Protected Areas and Associated Livelihoods Project (OPAAL). Per participant estimates were calculated by adding 50 percent to account for cost of living increases since 2007, and taking into account the results of a project evaluation conducted by the World Bank in 2012. These figures are offered as guidelines only and will need to be refined at a national scale. Note that per country expenditures varied significantly across the five participating countries, with costs in St. Kitts & Nevis (65%) and St. Vincent & the Grenadines (72%), well below the five-country average, while costs in Dominica, (123%), Grenada (139%) and Saint Lucia (171%), were above the five-country average.

| Component                 | Description  | Budget  |
|---------------------------|--|---------|
| Administration / Overhead | Administration of livelihoods restoration project activities. Cost of loan administration to be recovered directly by partner financial institution. | \$350   |
| Total per beneficiary     |  | \$2,750 |

The livelihoods restoration examples included below are intended as illustrations of the types of activities to be designed as part of a series of national initiatives. Specific activities will reflect local circumstances and be informed by stakeholder consultation and analysis. Lessons learned from the OPAAL and ECMMAN projects revolve around the importance of engaging potentially affected persons in the process of designing livelihoods restoration activities. This includes understanding the specific socio-economic needs of potentially affected persons and communities to most effectively combine livelihoods development with both marine and coastal zone protection goals as well as proposed blue development such as sustainable tourism development and tourism development zones.

Including affected communities in the co-management of protected areas and proposals for new or expanded development is a particularly effective method of ensuring successful outcomes. This has the added benefit of addressing capacity gaps in public sector agencies tasked with implementing and enforcing marine protection or development regulations. Finally, participatory monitoring and reporting is another essential and effective mechanisms for ensuring that livelihoods restoration is achieved in conjunction with environmental and natural resources protection.

Sustainable Livelihoods Restoration initiatives supported by the Eastern Caribbean Marine Managed Areas Network (ECMMAN) project (TNC 2017):

- Grenada: Alternative Livelihood Micro-Enterprise Development for Affected Fishers within the Molinere Beausejour Marine Protected Area;
- Saint Lucia: Improving the Capacity of Eco-South Tours to Promote and Support the Expansion of Community-Based Eco-Tourism in the Point Sables Environmental Protection Area; and a collaborative effort between five community groups to manage bicycling, horseback riding, turtle watching and Kayaking tours in the Mankote Mangrove; and,
- Saint Vincent and the Grenadines: Developing the Capacity of National Fisherfolk Co-Operative Limited to Promote Sustainable Fisheries; and Improving the Capacities of Fisherfolks and Reducing the Numbers of an Invasive Species in St Vincent and the Grenadines.

## 11.2 Eligibility Criteria for Access to Livelihoods recovery initiatives

The delivery of any combination of livelihoods recovery training, in-kind equipment, micro-enterprise development grants and soft-loans will require defining eligibility criteria to determine the formal status

of affected persons. The following considerations offer a starting point for establishing formal eligibility criteria, to be finalised during the life of the project:

1. First, and consistent with ESS5, eligibility will be limited to persons whose livelihoods have been adversely affected by a loss of access to legally designated parks or protected areas as a direct result of implementation of the UBEC program.
2. The selection criteria will lay out a process for providing evidence of adverse impact on established income-generating activities.
3. Eligibility criteria will consider the claims of people engaging in illegal, destructive or unsustainable resource uses. While the World Bank's ESF guidelines consider the loss of livelihoods associated with these activities, careful consideration must be made to avoid incentives that would encourage these forms of activities. The guidelines recognise the possible need to exclude from livelihoods restoration assistance anyone involved in "clearly illegal, unsustainable, and destructive activities such as wildlife poachers or dynamite fishers."<sup>13</sup> Similarly, any income recovery activities will not further encourage illegal, destructive or unsustainable livelihoods.

Potentially affected and vulnerable persons identified in Section 7.3 are to be involved in establishing the criteria for determining eligibility for livelihoods restoration assistance. These criteria should be developed during the life of the UBEC program and involve the OECS and national PIUs working in close consultation with potentially affected persons and communities. Other stakeholders who can be expected to participate in the design of eligibility criteria include national government departments responsible for affected sectors such as fisheries & aquaculture and tourism, co-managers of MPAs and MMAs, and fisherfolk cooperatives. These stakeholders can also participate in a future committee intended to apply the eligibility criteria in the context of future livelihoods recovery programming. Specific emphasis will be placed on gender equity and the participation of civil-society organisations in the design and implementation of the alternative livelihood activities.

Engagement of potentially affected persons and their representative organisations, such as fisherfolk cooperatives, in the design of livelihoods recovery programming and eligibility criteria will ensure greater success in preparing fair and equitable eligibility criteria that consider existing illegal or unsustainable practices, and in identifying feasible alternatives to these income-generating practices.

These stakeholders are identified in more detail in the Stakeholder Engagement Plan.

### 11.3 Procedures for participating in a Livelihoods recovery initiative

Individuals deemed eligible for participating in a livelihoods recovery initiative will be invited to participate in a call for proposals. This call will target potentially affected persons and their households

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<sup>13</sup> World Bank. 2004. Involuntary Resettlement Sourcebook. P.366

and will invite proposals aimed at receiving training and small grants to support sustainable livelihoods. Technical assistance in the preparation of proposals will be made available by relying on representative organisations. Applications may be made on behalf of affected users by eligible NGOs and CBOs participating in the co-management of MMAs and MPAs.

The procurement process will be governed by a multi-stakeholder committee reflecting the same make up as the committee that develops the selection criteria. The process will be designed for fairness and transparency and will be accompanied by communications to ensure eligible parties are aware of all application requirements and technical supports available to prepare proposals.

This procurement process for training and small grants could follow the following steps:

1. Submission of concept paper;
2. Screening;
3. Community mobilisation and planning;
4. Technical evaluation;
5. Development of business plan;
6. Approval;
7. Notification of decision;
8. Implementation; and
9. Monitoring and reporting.

Recognising the limited and uneven ability and capacity of potentially affected persons to prepare and submit these concepts, implementation of this livelihoods recovery initiative will have to include awareness and mobilisation activities, along with training to be delivered prior to submission of concept papers.

## 12.0 Arrangements for Funding Resettlement

Ensuring that compensation and associated resettlement activities are provided in advance of development activities requires a degree of certainty around sources of funding and mechanisms for ensuring the efficient flow of funding. The procedures spelt out in this section offer guidance to ensure compliance with the World Bank's ESS5.

This RPF offers guidance to ensure that resettlement plans associated with UBEC sub-projects include the preparation of budgets and work plans that comply with ESS5 requirements and procedures with respect to the timing and extent of compensation and resettlement assistance.

The scope of this RPF is focused on compulsory land acquisition occurring within the framework of national Land Acquisition Acts (described in Part 5), and involuntary resettlement resulting from public purchase or use of lands for public good. This RPF does not make provision for compensation or

resettlement associated with land acquired by private interests for private purposes. However, resettlement occurring on privately owned lands developed for private benefit are expected to be addressed by means of an environmental impact assessment.

### 12.1 Payments Made Prior to Development

National governments through the PIU will ensure that all payments made to PAPs will be made prior to development of acquired lands or resettlement to alternate sites and adhering to the process outlined in the Land Acquisition Act and referred to in this RPF, specifically with respect to Sections 5 (legal framework), 6 (eligibility) and 10.3 (linking resettlement to civil works).

### 12.2 Source of Funds and Budget Items to be Included

Funds for land acquisition compensation and resettlement will be budgeted for in advance of the commencement of project works. A budget to cover acquisition of land for public purposes and associated compensation for lost assets and resettlement of PAPs will come from national government Consolidated Funds.

Costs to compensate for land acquisition or resettlement intended for private gain should be funded in whole or in part by project sponsors, with the compensation fund established in trust in advance of project activities. Where appropriate, these costs will be identified as part of an environmental impact assessment prepared in advance of development approval.

A project involuntary resettlement budget will be prepared to include a component for the cost of compensation for property to be acquired temporarily or permanently from PAPs. Consistent with procedures laid out in RPF Section 5 related to methods of valuating assets, the acquisition budget shall include compensation for loss of the use of the land, loss of crops/trees and loss of revenue from agricultural production or land rent.

A budget for implementation of resettlement activities shall be derived using information obtained from relevant governments and in consultation with PAPs.

The final compensation amount payable to each PAP shall be calculated based on eligibility criteria described in Section 6 using procedures laid out in Sections 5 (valuating assets) and 10.2 (compensation activities).

While temporary acquisition is not covered under the Land Acquisition Act, it is covered by ESS5 and, as such, the compensation to PAPs affected by temporary physical or economic displacement will be

calculated in accordance with this RPF. For temporary acquisition, the PIU will conduct negotiations with PAPs, with assistance from the PIU Environmental & Social Specialist<sup>14</sup>.

Project budget estimates for acquisition and resettlement will also account for administrative expenses for implementation, monitoring and evaluation of resettlement activities.

### 12.3 Resettlement and Related Assistance

In addition to compensation for acquired land and agricultural losses, compensation for resettlement and resettlement assistance will be made available to all project-affected persons included in a list prepared on the basis of a baseline census. Specific entitlements to be issued to each project-affected person will reflect eligibility criteria described in Section 6, and the analysis of socioeconomic surveys conducted as part of the resettlement planning process.

The following illustrates possible components of resettlement compensation and assistance to be incorporated into the resettlement plans of UBEC sub-projects where the resettlement of households and/or businesses is required. This list is not meant to be comprehensive and must be modified based on the particular circumstances of each project, and the results of consultation with PAPs and other project stakeholders.

- Cash compensation and moving allowances for homeowner relocation;
- Cash compensation and moving allowances for relocation of business assets, including compensation for loss of business assets, anticipated loss of business revenue, and cost of relocation;
- Transitional supports for affected businesses made available for a negotiated period of time beyond the point of resettlement/displacement to account for sustained loss of income, and additional transportation expenses;
- Cash compensation for employees displaced by relocation of employers' facilities, supplemented by skills training for viable re-employment;
- Advance notice provided to residential and commercial renters affected by acquisition and resettlement, with compensation in the form of a transitional rental allowance, assistance with securing alternative rental accommodation, and one-time relocation compensation to offset out-of-pocket relocation costs including moving allowance, and assistance with utility hookups; and,

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<sup>14</sup>The World Bank defines "Temporary Involuntary Acquisition" as follows: "Infrastructure projects frequently require temporary use of private lands or structures for access, material storage, borrow pits, worksites, or other purposes. In many cases, temporary access can be obtained voluntarily through renting or leasing. In some cases, borrowers may find they need to exercise legal or regulatory authority. Because temporary loss of lands or structures can adversely affect incomes or standards of living, task teams must ensure that involuntary temporary acquisition is minimized and that project plans provide compensation for any involuntary temporary acquisition" (World Bank. 2004).

- Compensation made available for PAPs offering to relocate to a community other than the site (s) identified.

#### 12.4 Delivering Payment

Payments for compensation associated with compulsory land acquisition intended for public benefit will be made through the government Treasury once agreement on valuation of property and final resettlement expenses is agreed upon by each national government and the PAPs, consistent with the procedures described in RPF Section 5 (legal framework and methods of valuating assets).

With the Environmental & Social Specialist offering coordination support, the PIU for each country will be directly responsible for implementing activities related to acquisition, resettlement and resettlement assistance.

### 13.0 Grievance Redress Mechanism (GRM)

The GRM presented in the RPF reflects the objectives and procedures of the GRM prepared as part of the SEP. SEP Annexes include forms required at various steps of GRM implementation.

#### 13.1 Purpose and Objectives of the GRM

A grievance refers to an issue, concern, problem or claim, whether actual or perceived, that affects the physical, social and/or economic conditions of individuals and/or communities in the project area of influence. A GRM refers to methods and processes by which a redressal to a grievance is sought and provided. Its design can be specific to a project or it can build on existing institutions and processes whether they are formal or informal. The project GRM is an effective tool for early identification, assessment and resolution of complaints. It provides an opportunity to voice complains or concerns, and to clarify and resolve misconceptions about project activities.

The GRM described in this document is a Project-specific GRM, which is applicable to solve the concerns of the stakeholders of the UBEC program.

The objectives of the project-level GRM are:

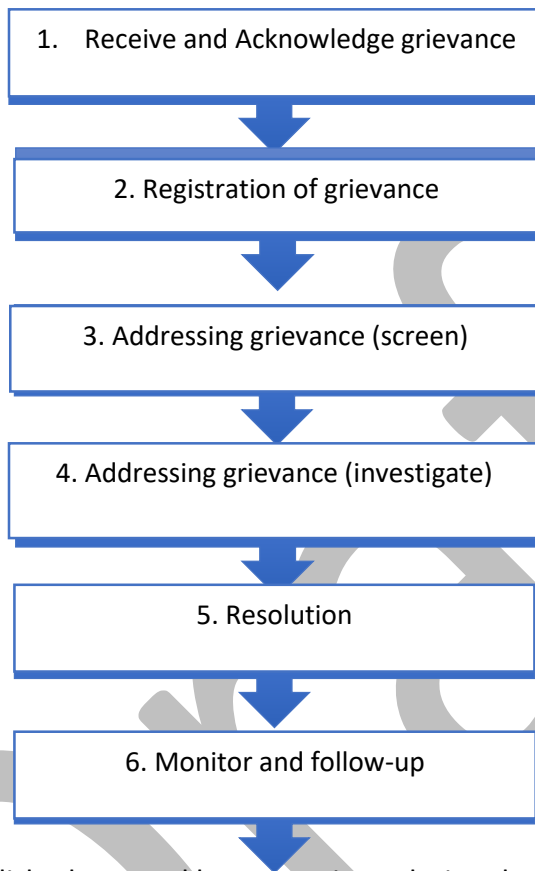
1. Receive, address, resolve and respond to all grievances emanating from the Project activities in a timely manner; and
2. Establish relationships of trust between Project staff and stakeholders.

#### 13.2 The Grievance Redress Process

The GRM process involves a number of steps summarized in Figure 1. Complaints or grievances are also assessment using a three-level classification systems, as follows: Level 1 (Low Risk), Level 2 (Moderate Risk) and Level 3 (High Risk). This risk assessment level and the associated response procedures are

described in Table 17. As the level of risk associated with a grievance increases, responsibility moves from the Environmental & Social (E&S) safeguards specialists to the Project Manager (PM) to the Grievance Redress Committee (GRC).

**Figure 1. Six steps in the GRM Process**



The GRC may be established as an ad hoc committee during the life of the project and is to be chaired by the Permanent Secretary of the Ministry of Finance. The GRC will include representation by a Civil Society Member, the Project Manager, the E&S specialist, and other line ministries participating in the project, as appropriate.

Table 17: Levels of grievances

| Grievance Category          | Description  | Internal response  | Responsibility  |
|-----------------------------|--|--|-----------------|
| Level 1<br>Low risk         | When an answer can be provided immediately. E.g. Issues with the communication of information regarding the project. | Respond immediately to complainant. Record and report. It does not require internal consultation | E&S specialist  |
| Level 2<br>Substantial risk | One-off grievance that requires measured response and actions/ commitments to resolve                                | E&S will review and classify the complaint. If it is classified as a                             | Project Manager |



| Grievance Category   | Description  | Internal response  | Responsibility |
|----------------------|--|--|----------------|
|                      | complaint. e.g. Dissatisfaction with response received at level 1; reports of health and safety concerns, complaints about project timeline issues, field staff or civil works.  | level 2 grievance, the PM will investigate and respond.  |                |
| Level 3<br>High risk | Legal violations on the part of project staff or beneficiaries; Repeated, extensive and high-profile grievances that may jeopardize the reputation of the project. E.g. cases of Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH), reports of fraudulent disbursement funds, failure to deliver promised inputs. | GRC will be in charge of this level. The GRC will provide advice on how to solve complaints within this level. For SEAH cases, a list of GBV service providers will be kept available by the project. If an incident is reported through the GRM, a survivor-centered approach will be used. Any cases of GBV brought through the GRM will be documented but remain closed/sealed to maintain the confidentiality of the survivor. | GRC            |

### 13.3 Available channels to submit grievances

Complaints can be made in person, writing, verbally over the phone, emails or social media. The public, especially persons living in the project area of influence, must be informed about the project activities, as well as where they can submit their concerns, who will be responsible and the timeframe of the response.

If the grievance registration form is not available, the following key information should be noted:

- a. The Project's name
- b. Name of the person lodging the grievance (if provided)
- c. Contact information of affected person (if provided)

The following contact persons may be reached by stakeholders with any questions, concerns, recommendations regarding the project at the level of each implementing entity (See Table 18). Upon staffing of all PIUs, the contact information will be updated to that of the Environmental and Social Specialist in each PIU.

**Table 18: Project contacts (TO BE COMPLETED)**

| Contact          | Grenada | Saint Lucia | SVG | OECS |
|------------------|---------|-------------|-----|------|
| Name             |         |             |     |      |
| Title            |         |             |     |      |
| Telephone        |         |             |     |      |
| Email address    |         |             |     |      |
| Physical Address |         |             |     |      |

#### 13.4 GRM Appeals

An appeals process will be made available at a national and regional level for concerns that cannot be resolved directly by the GRM. This could take the form of either a community-based mediation process or by relying on a retired judge whose decision will be binding on both parties. Appeals should be submitted either by email to the regional or national PIU contact, or by contacting the national PIU by telephone or in writing.

#### 13.5 Socialization or Publicization of the GRM

E&S safeguards specialists will be responsible for coordination of information dissemination regarding the GRM. The E&S safeguards specialists will inform all project staff working for the OECS, national PIUs, the sub- projects including consultants and contractors, and the staff of the individual country Ministries on the project GRM and explain to them the procedures and formats to be used including the reporting procedures.

Awareness campaigns will be conducted targeting project stakeholders to inform them on the availability of the mechanism; various mediums will be used- as detailed in previous sections of the SEP. The GRM will also be published on the OECS website, responsible Ministries in each participating country's website and the project website or Facebook page if there is one. A project site board will be erected on the sites of sub-projects indicating the existence of the mechanism and a phone number, email and address for further information. The GRM will be translated into local and colloquial expressions if determined to be needed.

#### 13.6 Anonymity

Grievances can be filed anonymously. Grievances can be submitted without providing the complainant's name or contact details with the understanding this might result in some difficulties achieving resolution in some cases.

### 13.7 World Bank Grievance Redressal Service (GRS)

The complainant has the option of approaching the World Bank if they find the project-level GRM cannot resolve the issue. It must be noted that this GRS should ideally only be accessed once the project GRM has first been utilized without an acceptable resolution. World Bank Procedures requires the complainant to express their grievances in writing to World Bank office in Washington DC by completing the bank's GRS complaint form which can be found at the following URL link: <https://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>.

Email: [grievances@worldbank.org](mailto:grievances@worldbank.org)  
Fax: +1-202-614-7313  
By letter: The World Bank  
Grievance Redress Service (GRS)  
MSN MC 10-1018NW,  
Washington, DC 20433, USA

### 14.0 Arrangements for Monitoring by the Implementing Agency

Monitoring, Reporting and Evaluation (MR&E) activities will take place both during and after the life of the UBEC program. The focus of MR&E activities during project implementation will include actively monitoring and reporting on stakeholder engagement using the existing project MR&E system. The MR&E system for the RPF will be incorporated into the overall project MR&E system. The post-Project RPF MR&E system will be developed over the life of the Project under the leadership of the OECS, PSC and national PIUs. The latter will be responsible for gathering, analysing, reporting and disseminating the information obtained from the MR&E system.

Development of the post-project MR&E system will rely on stakeholder engagement for confirming indicators, baseline measures and targets, identifying data collection sources, assessing capacity for ongoing monitoring and agreeing on roles and responsibilities for sustained monitoring and reporting.

The MR&E system will also monitor the extent and significance of adverse impacts on livelihoods and the effectiveness of measures designed to assist affected persons to improve or restore incomes and livelihoods. M&R activities will take place both during and after the life of the project.

Led by the Environmental & Social safeguards specialists, responsibility for developing a monitoring, reporting and evaluation plan related specifically to compensation, resettlement and livelihood recovery activities will be shared by OECS and the national PIUs. The plan will describe:

- the internal monitoring process;
- key monitoring indicators;
- institutional and financial arrangements;
- frequency of reporting;

- process for integrating feedback from internal monitoring into implementation;
- financial arrangements for external monitoring and evaluation, including process for awarding and maintenance of contracts for the duration of resettlement;
- methodology for external monitoring;
- key indicators for external monitoring, focusing on outputs and impacts; and
- frequency of reporting and content for external monitoring and process for integrating feedback from external monitoring into implementation.

The MR&E plan of UBEC sub-projects will be developed in consultation with the PIUs and project stakeholders. PAPs will play a key role in both the internal and external monitoring processes. Resettlement monitoring, reporting and evaluation may include a range of activities that provide PAPs with opportunities to contribute to project improvement, such as public consultations, key informant interviews, socio economic surveys and grievance reporting.

Development of the M&R system will rely on stakeholder engagement for defining indicators, establishing baseline measures and targets, identifying data collection sources, assessing capacity for ongoing monitoring and agreeing on roles and responsibilities for sustained monitoring and reporting. Beneficiaries of resettlement and livelihoods restoration assistance will participate in active monitoring of the effectiveness of these measures.

The table below outlines the various components of the MR&E system, including indicators to be defined, data to be collected, method of collection, frequency of collection and the responsible party.

| Component/Objectives   | Indicators | Means of Verification | Frequency | Responsible |
|--|------------|-----------------------|-----------|-------------|
| Component 1 – Participatory Planning                         |            |                       |           |             |
| Component 2 – Resettlement & Compensation measures           |            |                       |           |             |
| Component 3 – Livelihood Restoration and Mitigation Measures |            |                       |           |             |
| Component 4 – Grievance Redressal Mechanism                  |            |                       |           |             |

The following are examples of national-scale indicators to report on implementation related to consultation and mitigating adverse impacts on livelihoods:<sup>15</sup>

- Percentage of population in areas surrounding affected areas that adopt new livelihoods attributable to project efforts;
- Number of households relocated with compensation

<sup>15</sup> Indicators drawn TNC’s 2014. Belize Marine Conservation and Climate Change Adaptation Project Process Framework Report and SVG. 2018. National Ocean Policy & Strategic Action Plan.

- Number of livelihood restoration projects implemented;
- Percentage of targeted local community benefitting from increases in income;
- Stakeholder engagement strategy approved by PIUs;
- Percentage of the stakeholder engagement strategy implemented; and,
- Number of local communities consulted on project activities.

#### 14.1 Internal Monitoring

Internal monitoring, reporting and evaluation regarding the implementation of any UBEC sub-project resettlement plans will be conducted by the PIU with the guidance of the Environmental & Social Specialist and in consultation with the PIU.

Regular project reports will include a section on progress made regarding land acquisition and resettlement and the implementation of any compensation and resettlement assistance measures. Information received by the PIU in the form of regular resettlement status reports will be used to improve the efficiency and effectiveness of resettlement actions and of monitoring procedures.

Quarterly internal monitoring reports prepared by the E&S Specialist and submitted through the PIU to the PSC and World Bank will include information about key resettlement indicators, including:

- Payment of compensation to the various categories of PAP;
- Delivery of other forms of resettlement assistance;
- Delivery of income restoration and social support entitlements;
- Public information dissemination and consultation procedures;
- Attention given to the priorities of PAPs regarding the options offered;
- Coordination and completion of resettlement activities; and,
- Adherence to grievance procedures.

#### 14.2 External Monitoring and Evaluation

External monitoring required by the World Bank as part of project implementation will be used to assess whether principles and policies included in the RPF and World Bank Environmental & Social Standards have been adhered to and will provide feedback necessary for making strategic changes.

External monitoring will be conducted in the context of World Bank supervision, relying on project monitoring missions and formal project evaluations that consider land acquisition, resettlement, and compensation and assistance measures.

An external consultant will be contracted prior to project conclusion to conduct an external evaluation of compensation and resettlement support activities. The evaluation report will be used to address any outstanding issues and recommend a post-project monitoring period to ensure PAP standards of living meet or exceed the baseline measured upon project inception.

The objectives of the external evaluation are as follows:

- Assess the compliance of resettlement activities with the laws and ESS policies;
- Assess resettlement procedures as they have been implemented;
- Evaluate the impact of resettlement on the incomes and standard of living of the PAPs; and,
- Identify lessons learnt from the implementation of the resettlement plan.

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