



Government of Saint Lucia
Resettlement Policy Framework
Geothermal Resources Development Project

February 2018



PANORAMA
ENVIRONMENTAL, INC.

Government of Saint Lucia
Resettlement Policy Framework
Geothermal Resource
Development Project

February 2018

Prepared for:

Government of Saint Lucia
Department of Sustainable Development
Pointe Seraphine, Castries
Saint Lucia

Prepared by:

ECMC, Inc. and Panorama Environmental, Inc.



TABLE OF CONTENTS

TABLE OF CONTENTS

1	Introduction.....	1
	1.1 Background of the Geothermal Resource Development Project	1
	1.2 Purpose and Scope of the Resettlement Policy Framework	2
2	Principles and Objectives	5
	2.1 Principles Governing Resettlement Preparation and Implementation	5
	2.2 Policy Objectives.....	5
3	Process for Preparing and Approving Resettlement Plans.....	7
4	Estimated Population Displacement.....	9
5	Eligibility Criteria	11
6	Legal Framework.....	13
	6.1 Policies of the World Bank for Involuntary Resettlement	13
	6.2 Legal Framework for Resettlement, Lease and Acquisition of Land in Saint Lucia.....	14
	6.3 Conflicts/Gaps between Local Legislation/Policy and World Bank Policy	17
7	Methods of Valuing Affected Assets.....	21
	7.1 Valuation of Land for Compulsory Acquisition.....	21
	7.2 Valuation of Crops and Economic Trees.....	21
	7.3 Valuation of Structures	22
8	Organizational Procedures	23
9	Implementation Process	27
	9.1 Implementation.....	27
	9.2 Contractual Obligations.....	28
10	Grievance Redress Mechanism	31
11	Arrangements for Funding Resettlement.....	35
12	Mechanism for Consultation.....	37
13	Monitoring and Evaluation.....	39

TABLE OF CONTENTS

List of Tables

Table 4-1	Population of the Affected Communities.....	9
Table 6-1	Conflicts/Gaps between Bank Policy and Local Legislation/Policy and Mechanisms to Address the Same	18
Table 8-1	Key Agencies Responsible for Entitlement Delivery	23
Table 10-1	Grievance Redress Procedures.....	32

TABLE OF CONTENTS

List of Abbreviations

AO	Authorized Officer
CBO	Community-Based Organization
CCL	Commissioner of Crown Lands
DAFP	Department of Agriculture, Fisheries, Natural Resources and Cooperatives
DPP	Department of Physical Planning
DSD	Department of Sustainable Development
ESIA	Environmental and Social Impact Assessment
GRC	Grievances Redress Committee
GOSL	Government of Saint Lucia
GRD	Geothermal Resource Development
IFC	International Finance Corporation
IVSC	International Valuations Standards Council
LO	Legal Officer
NGO	Non-Government Organization
OP	Operational Policy
PAP	Project Affected Persons
PCU	Project Coordinating Unit
PS	Permanent Secretary
PSC	Project Steering Committee
QS	Quantity Surveyor
RAP	Resettlement Action Plan
RPF	Relocation Policy Framework
RICS	Royal Institute of Chartered Surveyors
RPF	Resettlement Policy Framework
STO	Social Transformation Officers
TD	Technical Director
TO	Technical Officer
VS	Valuation Surveyor

TABLE OF CONTENTS

Glossary¹

Compensation	Payment in cash or in kind to replace losses of land, structures, agricultural income, lease/rental income and other assets caused by the project.
Cut-off Date	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cutoff date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated
Involuntary	Actions that may be taken without the displaced person's informed consent or power of choice.
Involuntary Resettlement	Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.
Land Acquisition	The process whereby a person is compelled by the state to alienate all or part of the land s/he owns or possesses, to the ownership and possession of the state for a public purpose, in return for full and fair compensation.
Monitoring	The process of repeated observations and measurements of environmental and social quality parameters to assess and enable changes over a period of time.
Project Affected Person	All those people who lose land or the right to use land or who lose access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods.
Resettlement Action Plan (RAP)	A time-bound action plan with a budget, setting out resettlement strategy, objectives, options, entitlements, actions, approvals, responsibilities, monitoring and evaluation.

¹ Some of the definitions were taken from the Involuntary Resettlement Sourcebook - Planning and Implementation in Development Projects, World Bank

TABLE OF CONTENTS

Resettlement Policy Framework (RPF)	A resettlement policy framework is required for projects with subprojects or multiple components that cannot be identified before project approval.
Stakeholders	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
Vulnerable Groups	Distinct groups of people who might suffer disproportionately from resettlement effects, including the poor, landless and semi-landless, female-headed, disabled and elderly households without means of support and those from minority groups.

TABLE OF CONTENTS

This page is intentionally blank.

1 INTRODUCTION

1.1 BACKGROUND OF THE GEOTHERMAL RESOURCE DEVELOPMENT PROJECT

1.1.1 Project Objectives

In keeping with Saint Lucia's policy objective of reducing reliance on fossil fuels for energy generation, and in an effort to realize the commitment to achieve a national target of meeting 35% of its energy requirements from renewable sources by the year 2020, the Government of Saint Lucia (GOSL) has resumed the active exploration of geothermal energy in the south-western districts of Soufriere, Laborie, and Choiseul. In addition to providing a reliable source of clean renewable energy, development of the geothermal resource would assist Saint Lucia in reducing its reliance on imported oil.

The GOSL has obtained financial assistance and technical support from a number of development partners in support of its Geothermal Resource Development (GRD) Project. To date, the World Bank has assisted Saint Lucia in accessing grant financing from the Global Environmental Facility and the SIDS DOCK Support Program for its GRD project. Technical assistance has also been received from the Government of New Zealand and the Clinton Climate Initiative.

1.1.2 Project Components

The proposed GRD Project has two components as described below.

1.1.2.1 Component 1: Upstream Geothermal Development Preparation and Project Management

This component is aimed at advancing the surface level reconnaissance that is required to determine whether the areas identified are suitable for geothermal exploration. The activities of this phase comprise the conduct of an Environmental and Social Impact Assessment (ESIA), including support for stakeholder consultations. Funds have also been allocated for technical advisory support to coordinate the technical assessments and to integrate the results into a social and economic pre-feasibility study.

1.1.2.2 Component 2: Transaction and Regulatory Support

Through this component, the GOSL will be supported with the design, structuring, and negotiation of an equitable agreement with a qualified geothermal developer that will ensure inter alia, an appropriate allocation of risks. It will also facilitate initial take-off arrangements with the St. Lucia Electricity Services Limited (LUCELEC), the GOSL's partner on the GRD

TABLE OF CONTENTS

Project. These arrangements are critical for advancing potential investments in geothermal resource development and utilization in Saint Lucia.

Under Component 1, the GOSL contracted Panorama Environmental, Inc. in July 2017, to prepare an Environmental and Social Impact Assessment (ESIA) for geothermal exploratory drilling activities in three communities Fond St. Jacques and Belle Plaine (in the district of Soufriere) and Mondesir-Saltibus (in the districts of Choiseul and Laborie). One of the main objectives of the ESIA is to determine the need for and prepare a Resettlement Action Plan (RAP) and a Relocation Policy Framework (RPF) for the geothermal exploration drilling.

1.1.3 Project Components for which Land Acquisition is Required

Land resettlement/acquisition is expected to be required for Components 2 of the project. This component involves the exploratory drilling phase, and depending on the commercial viability, a future development agreement will be entered into with a developer for the geothermal power plant development and operation phase.

The land use for the exploratory drilling phase may be temporary if the wells on the drill pads are not successful and do not identify a commercial geothermal resource. The RAP addresses this temporary impact at the well pads. The proposed well pads would be located within the larger drilling areas shown in Figure 1.1-1 and 1.1-2. The land use at the exploratory well pads would be long-term (30 years or more) if the wells are successful. This RPF addresses this potential long-term use and required land acquisition if the wells are successful. The land use for the power plant development and operation phase would be long-term (30 years of more).

For both phases, land is required for civil works, the construction and/or improvement of access roads, and for the establishment of drilling pads and wells at the geothermal resource target areas. This land use will involve involuntary resettlement – the economic and/or physical displacement of people in the three communities.

1.2 PURPOSE AND SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK

The areas identified for geothermal drilling and impacts have been broadly identified, the precise areas for geothermal exploration drilling or all the land parcels required for the project cannot be identified pre-appraisal. The nature of geothermal resource development may require progressive land acquisition over a period of time because the desired locations for drilling may be modified as each well is drilled and cannot be fully known pre-appraisal.

The locations for drilling will also be defined by the ESIA, which is in process. The ESIA may identify areas to avoid and may specify buffers between well pads and homes.

World Bank-assisted projects that entail resettlement and/or displacement, require the development of a resettlement policy framework (RPF), if all the land parcels required for the project cannot be identified before appraisal. Additionally, an RPF needs to be prepared if the extent and

TABLE OF CONTENTS

location of resettlement cannot be known at appraisal because the project has multiple components.

The purpose of this RPF is to establish resettlement objectives, principles, organizational arrangements, the overall design of the resettlement programme and funding mechanisms for any resettlement operation that may be required during the activities of Component 2 of the GRD Project. Should the need arise to resettle Project Affected Persons (PAPs), the resettlement process will follow the principles outlined in this RPF and take into account the social context and adapt the process to the specific circumstances. This RPF along with the RAP will be utilized to establish appropriate mechanisms that will be specifically tailored to deal with resettlement issues that may arise. The RPF is in keeping with the provisions stipulated in the World Bank's Operational Policy (OP) 4.12: Involuntary Resettlement. The RPF is also consistent with the International Finance Corporation (IFC) Performance Standard (PS) 5: Land Acquisition and Involuntary Resettlement.

1.3 METHODOLOGY

In preparing the RPF, Panorama, through ECMC, conducted several stakeholder engagement consultations. In August and September 2017, consultations were held in the affected communities (Belle Plaine, Fond St. Jacques and Mondesir). Interviews and discussions were also held with PAPs during the socio-economic baseline survey in each community in September 2017. These consultations provided direct information on the PAPs and their concern about the use of their lands and community as exploratory drilling areas. General information on the land use and tenure arrangements within the immediate vicinity of the geothermal resource target areas were also obtained during the consultations.

Institutional stakeholders were also consulted during preparation of the RPF. Discussions were held with WASCO regarding the location of a spring water intake tank in the Belvedere, Fond St. Jacques resource target area. The Technical Director of the Geothermal Project was consulted concerning background information on the project and with the PS – DSD was conferred regarding the institutional arrangements for Project implementation. Discussions were also held with the technical staff of the various Government departments (Department of Housing, Urban Renewal and Telecommunications, Department of Sustainable Development Department of Physical Planning, Department of Agriculture, Fisheries, Natural Resources and Co-operatives) concerning the GoSL's resettlement policies; legal framework for land acquisition; valuation of land for acquisition; and the lease of Crown property and crop compensation. Members of the Institute of Surveyors St. Lucia Inc. were also contacted concerning the process for valuation of structures and for the valuation of land.

TABLE OF CONTENTS

This page is intentionally blank.

2 PRINCIPLES AND OBJECTIVES

2.1 PRINCIPLES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

The World Bank OP 4.12 on Involuntary Resettlement includes safeguards to address and mitigate risks resulting from involuntary resettlement under development projects and covers any involuntary land taking. In that regard, the implementers of World Bank-sponsored projects are expected to adhere to a number of basic principles for addressing the adverse effects of involuntary resettlement associated with its investment projects. These principles are as follows:

- Involuntary resettlement should be avoided
- Where involuntary resettlement is unavoidable, all people affected by it should be compensated fully and fairly for lost assets
- Involuntary resettlement should be conceived as an opportunity for improving the livelihoods of the affected people and undertaken accordingly
- All people affected by involuntary resettlement should be consulted and involved in resettlement planning to ensure that the mitigation of adverse effects as well as the benefits of resettlement are appropriate and sustainable

2.2 POLICY OBJECTIVES

The overall objectives of this policy are to ensure that the PAPs are left no worse off than they were before the commencement of the project.

2 PRINCIPLES AND OBJECTIVES

This page is intentionally blank.

3 PROCESS FOR PREPARING AND APPROVING RESETTLEMENT PLANS

A draft RAP has been prepared that will be submitted to the World Bank for approval. The RAP will be revised during the project engineering/design phase to address the specific drilling areas and access road locations. The RAP will be prepared consistent with the draft RAP and this RPF.

Since the precise areas for geothermal exploration drilling or all the land parcels required for the GRD project cannot be identified pre-appraisal, it is recommended that the preparation and disclosure of the draft RAP and this RPF be conditional for project appraisal. If involuntary resettlement and/or the compulsory acquisition of land becomes unavoidable, the DSD shall update the draft RAP ensuring that it is consistent with this RPF. Preparation and processing of the updated RAP thus will entail the following steps:

- Disclosure of the RAP (approved by the World Bank) for public consultation;
- Revision and finalization of the RAP based on public disclosure and consultation - where necessary:
 - Review and update census and socio-economic information/database;
 - Review and update eligibility criteria;
 - Redefine project areas of influence and potential socio-economic impacts;
 - Select resettlement site(s) if applicable;
 - Revise entitlements policy and matrix;
 - Consults with the PAPs concerning eligibility criteria and entitlements;
 - Re-examine income restoration plan and update where necessary;
 - Reassess the capacity of the agencies responsible entitlement delivery to execute assigned tasks; and if necessary build capacity.
 - Verify monitoring and evaluation indicators;
 - Assign implementation and monitoring responsibilities;
 - Complete arrangements for the participation of key stakeholders in implementation and monitoring activities;
 - Finalize the RAP budget.
- Seek World Bank approval for the revised RAP.

2 PRINCIPLES AND OBJECTIVES

This page is intentionally blank.

4 ESTIMATED POPULATION DISPLACEMENT

The baseline socioeconomic study conducted as part of ESIA Scoping Studies in September 2017 reported that the three project-affected communities comprise a total of four human settlements spanning two districts as indicated in Table 4-1. The Belvedere settlement includes individuals who may be affected by drilling in the Fond St.Jacques community and the Parc Estate and Gayaboïs settlements include individuals who may be affected by drilling in Mondesir-Saltibus communities. Based on the last population census (in 2010), the total population of these four settlements was estimated at 746 persons as summarized in Table 4-1.

Table 4-1 Population of the Affected Communities

Population (2010)	Females	Males	Total
Soufriere			
Belvedere	221	252	473
Belle Plaine	47	54	101
Total	268	306	574
Laborie			
Parc Estate	45	54	99
Gayaboïs	31	42	73
Total	76	96	172

Source: (Central Statistics Office 2011)

The baseline socioeconomic study also showed that agricultural production was one of the main forms of livelihoods in all the settlements. In the case of Belvedere/Fond St. Jacques and Belle Plaine, the PAPs include mostly landowners, landlords, absentee landowners tenants and sharecroppers. Gayaboïs and Parc Estate (in Mondesir-Saltibus) are sparsely populated and many of the PAPs are landless farmers/squatters occupying Crown lands for residential and agricultural purposes.

In the RAP for the exploratory drilling phase, it was estimated that a total of 5-10 persons are likely to be economically and/or physically displaced during the exploratory drilling phase; a maximum of 2 each in Belvedere/Fond St. Jacques and Belle Plaine. The economic displacement could be short-term (less than 1 year) if the wells are not successful. The economic displacement could be permanent if the wells are successful. The physical displacement, if necessary, would

4 ESTIMATED POPULATION DISPLACEMENT

be temporary during geothermal testing (approximately 60 days), but may be permanent if the wells are successful.

A census and an updated socioeconomic survey of the PAPs shall be undertaken to confirm the exact numbers within each category of PAPs after the location of the well pads is identified in the potential drilling areas.

5 ELIGIBILITY CRITERIA

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

For the purposes of this RPF, the PAPs comprise five categories of individuals, who own and/or occupy land at the three geothermal resource target areas; they are classified as follows:

1. Property owners²;
2. Landlords;
3. Tenants of property owners;
4. Tenants of the Crown;
5. Squatters.

The general conditions of the entitlement policy, compensation and rehabilitation measures for the resettlement/displacement of each category of PAP are as follows:

- **PAPS losing 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: Generally, all PAPs with legal rights of land use. Compensation shall be made for loss of affected land, structures, and economic assets on the land at full replacement value. Resettlement assistance in line with the World Bank policy requirements, shall be provided for them.
- **PAPs experiencing temporary loss of land or temporarily losing access to these assets or access to income sources or means of livelihood.** Generally, all PAPs with legal rights to land use shall be considered entitled. 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.

² Property covers land and structures. Structures include buildings (residential, commercial or institutional) or other constructions such as foundations, fences, latrines, storage sheds or platforms for water storage tanks).

5 ELIGIBILITY CRITERIA

- **Project Affected Persons losing rental/leased land:** Holders of rental or lease agreements will be assisted with finding alternative land to rent/lease. Transitional assistance may be necessary to ensure that livelihoods are not affected.
- **Project Affected Persons losing crops or economic trees:** Affected persons 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 agriculture and paid for by the project.
- **Project Affected Persons who are squatters:** Squatters are persons who have no recognizable legal rights or claim to the land they are occupying. Whereas there will be no compensation for land, compensation for other assets such as crops or trees shall be determined by the ministry with responsibility for agriculture and paid for the project. Those using land unofficially for agricultural purposes shall be assisted with finding alternative areas available for use.

The project will consider various forms of evidence as proof of eligibility for the various categories of PAP identified above. Acceptable forms of evidence shall cover the following:

1. Project Affected Persons with formal legal rights, documented in written form such as land registers, deeds, mortgages, lease agreements, tenancy agreements or rent receipts.
2. Project Affected Persons with no formal or recognized legal rights criteria for establishing non-formal, undocumented or unrecognized claims to eligibility, shall be established by DSD on a case by case basis through the assessment of the peculiarities of each individual situation.
3. Alternative means of proof of eligibility, which may include an affidavit signed by landowners and tenants that are witnessed or evidenced by a reputable member of society, such as Notary Royal, Justice of the Peace, priest, senior public servant, etc.

Generally, only PAPs identified during the 2017 socio-economic survey and inventory of assets shall be eligible for compensation. Any new agricultural activity or physical structure established after the cut-off date, shall not be considered affected; and the owners shall not be eligible for compensation unless they can demonstrate that the socio-economic survey/inventory of assets failed to identify them as being affected.

6 LEGAL FRAMEWORK

6.1 POLICIES OF THE WORLD BANK FOR INVOLUNTARY RESETTLEMENT

6.1.1 World Bank Operation Policy 4.12 Involuntary Resettlement

The World Bank's Operational Policy on involuntary resettlement (OP 4.12³) covers direct economic and social impacts resulting from Bank-assisted investment projects that require:

- The compulsory acquisition of land, that would give rise to the relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the affected persons are required to move to another location.
- The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

In the case of this RPF, the applicable direct economic and social impacts may arise as a consequence of temporary and/or permanent acquisition of private lands for the purpose of the project, and the use of public (i.e., Crown lands) for the geothermal exploration and future development (if the exploration is successful). The GOSL will need to acquire the necessary land rights to facilitate the conduct of civil works and geothermal exploration activities, and potentially for development activities.

In the context of the World Bank's social and environmental safeguard policies, both temporary and permanent acquisition establish a basis for resettlement and thus OP 4.12 applies. In the Bank's terminology, resettlement is not limited to physical relocation; it includes all direct economic and social losses resulting from land take and restriction of access, together with the requisite compensatory and remedial measures.

The current project is expected to be implemented at a distance from homes in order to avoid the need for relocation of homes. The project will require compensation for lost livelihood because some of the project well pads will be located on agricultural lands. In the event that unforeseen project activities result in impacts that require the physical relocation of households/homes, the RPF will cover measures to ensure that the displaced persons are provided with residential housing or housing sites, in addition to other entitlements.

³ Involuntary Resettlement Sourcebook - Planning and Implementation in Development Projects,

6 LEGAL FRAMEWORK

6.2 LEGAL FRAMEWORK FOR RESETTLEMENT, LEASE AND ACQUISITION OF LAND IN SAINT LUCIA

This section includes a discussion of the framework for resettlement in Saint Lucia; and provides the key elements of the legal framework for two instruments (i.e. the lease agreement; and compulsory acquisition) used by the government for obtaining the right of access to land for public use.

6.2.1 Framework for Resettlement

6.2.1.1 St. Lucia Policies

There is no existing legislation or official policy document that specifically supports resettlement initiatives in Saint Lucia. Over the years, the Government's resettlement initiatives have generally involved or resulted in the physical relocation of households to resettlement sites, the displacement of agricultural production, and to a lesser extent the displacement of business operations; all for the purpose of making land available for development/public purpose.

6.2.1.2 Examples of Policy Implementation

General Approach

Displaced persons are consulted about their options and rights, compensation standards are transparent, and are applied consistently across the board. Consideration is given to concerns and specific requests, but the parties may not always be presented with a range of viable options in the matter of their resettlement. In some instances, the resettlement site has been one fixed location or the options among which an affected person may choose a resettlement site were limited. In the more recent examples of relocations projects (e.g., the Conway Relocation Project), the selection of the resettlement sites and lot allocation were conducted through a lottery system.

In cases where households have been displaced, the focus has been on the reinstatement of these households at the resettlement site (i.e., an approved land development, where the necessary services have been installed). The typical relocation package offers the project beneficiary a replacement home and a house lot at subsidized prices and a relocation grant. In addition, the value of the household's equity in the property (i.e., house or house and land) at the relocation site is deducted from the price of the house and land package offered.

The response to the displacement of persons involved in agricultural production and the displacement of businesses has typically focused on the payment of compensation. In the case of displaced agricultural production, the landowner is paid the market value of the land and crops. Land-based compensation is generally avoided as it has proven challenging to find available agricultural lands for which a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the old site.

In cases where the occupier of the land is a squatter or tenant of the Crown, the affected party is given a minimum period of six (6) months to harvest the existing short-term crops and to vacate

6 LEGAL FRAMEWORK

the land. In circumstances involving long-term crops (such as fruit trees) or where the land will be required before or within the specified timeframe, crop compensation is determined by the ministry responsible for agriculture and paid by the ministry/agency responsible for project implementation.

Previous Geothermal Exploration

Geothermal resource exploration in Saint Lucia has had a long history dating as far back as the 1950's when reconnaissance investigations were undertaken in the Soufrière district. In the 1970's and 1980's, exploratory drilling was done near the Sulphur Springs and Etangs areas in Soufriere. However, there is no documented information on whether the conditions of use of the existing drilling sites have been fulfilled and closed. Anecdotal information indicates that the Government leased and/or purchased lands in Etangs and Belfond from private owners. Cash compensation was paid for crops for the lands in Etangs and an annual lease paid to the owner; however, drilling did not take place. The lands at Belfond were acquired by Government and cash compensation was also paid for the crops. The drilling site near the Sulphur Springs was eventually proven to be Crown lands and claims by a private owner were terminated.

Overall, it appears that all owners were compensated for the use of the lands that has been permanently altered due to the exploratory drilling. Visual observation of the abandoned drilling sites in August 2017 indicates that well-head fixtures are still in place. Information gathered during the community consultations in September 2017 suggest that these well-head fixtures and pipes continue to pose an aesthetic problem to some residents. Therefore, any new contract between the GOSL and the exploratory drilling contractor should specifically state how the site is to be restored when drill heads are left in place in order to minimize these adverse visual impacts.

6.2.2 Legal Framework for the Lease of Land in Saint Lucia

There is no single statute that deals solely with lease agreements; there are however pieces of legislation that address some specific types and/or aspects of leases. For example, the Civil Code of Saint Lucia, Cap. 4.01, which contains provisions for the governance and formalities of these type of contracts, provides guidance for the administration of the emphyteutic lease. Another example is the Rent Restriction Act, Cap 13.23 of the Revised Laws of Saint Lucia that deals specifically with the rental of dwelling houses. In effect, none of the existing pieces of legislation are applicable in the context of this RPF.

There is no particular government ministry or agency with direct responsibility for the administration of lease agreements between the government and private individuals/companies/agencies etc., except in the case of the lease of Crown property, which falls under the purview of the Commissioner of Crown Lands.

6 LEGAL FRAMEWORK

Should the need arise for private property to be leased by the Government for the purposes of a project, the ministry responsible for that project will negotiate and enter into a lease agreement (on behalf of the government) with that private entity. Note that the lease agreement must be submitted by the responsible ministry to the Attorney General Chambers for vetting.

6.2.3 Legal Framework for Acquisition of Land in Saint Lucia

The guidelines and protocols pertaining to the acquisition of private land for public purpose are embodied in the Land Acquisition Act, Cap 5.04 of the Revised Laws of Saint Lucia. In addition, Constitution of Saint Lucia, Cap 1.01 of the Revised Laws of Saint Lucia provides protection from deprivation of property rights and makes provision for the prompt payment of compensation, in cases of compulsory acquisition of property or curtailment of right.

The following are procedures covered by the Act that are applicable to the land acquisition process required by the geothermal project:

- i. **Preliminary notification and power to enter the land** – if the Governor General determines that any land is required for public purpose and it is necessary to make a preliminary survey or other investigation of the land, he/she may cause the publication of notification to that effect; and thereafter it shall be lawful for the Authorized Officer or his/her agents to enter onto the land to undertake the investigative works required.
- ii. **Power to apply land to purposes of acquisition without waiting for formal vesting** - at any time after the publication of a notification of the intention to acquire land for public purpose, it appears to the Governor General that this land should be acquired, he/she may make an immediate declaration to that effect; and it is lawful for him/her to direct the Authorized Officer to do any work on the land connected with the use for which the land is being acquired.
- iii. **Appointment of Board of Assessment** - in the event that the parties cannot reach agreement on compensation to be paid, a Board of Assessment may be appointed and granted full power to assess, award and apportion compensation in such cases, in accordance with the provisions of the Act.

Sections 4 of the Act permits access to the land for investigative purposes before compensation is paid; Section 5 allows the government to take possession of land acquired and to commence development before compensation is paid. These provisions stand contrary to the World Bank's policy on involuntary resettlement, which states that the client will take possession of land acquired and related assets *only after* compensation has been made available and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons in addition to compensation.

Notwithstanding official agreement by governments to adhere to the provisions of the Bank's Social and Environmental Safeguard policies, in reality, it is not always feasible for the agency with responsibility for acquisition to readily facilitate the compliance of the implementing

6 LEGAL FRAMEWORK

agency. Case in point, as it relates to the matter of the prompt payment of compensation as stipulated by the Constitution and Bank policy if the allocation for acquisition in the national budget is deficient, this is likely to hinder the ability of the government to comply with this provision. Further, in cases where agreement over the payment of compensation cannot be reached between the Authorized Officer and the landowner, the appointment of a Board of Assessment would further delay payment. Experience has shown that negotiations for compensation (using either medium) can sometimes take several years to be concluded.

6.3 CONFLICTS/GAPS BETWEEN LOCAL LEGISLATION/POLICY AND WORLD BANK POLICY

Table 6-1 overleaf provides a summary of the key conflicts/gaps that exist between the World Bank's policy and local legislation and policy as it relates specifically to resettlement and land acquisition. The proposed measures for addressing these conflicts are also indicated in Table 6-1.

Since there exists no conflict/gap as it relates to the use of a lease as an instrument for acquiring the right of access to land for temporary use, this method of compensation is not included in Table. 6-1. The World Bank's Involuntary Resettlement Handbook identifies the lease of land as a measure for acquiring the right of access to land, for temporary land acquisition⁴, a practice that is widely employed in Saint Lucia.

⁴ Appendix 6 – Resettlement Entitlement Matrix

6 LEGAL FRAMEWORK

Table 6-1 Conflicts/Gaps between Bank Policy and Local Legislation/Policy and Mechanisms to Address the Same

Conflict/Gap	Local Legal Framework /Policy	World Bank Policy Requirements	Measures to Address Conflict/Gap
<p>1. Restoration of livelihoods and living standards;</p> <p>2. Support for displacement;</p> <p>3. Development assistance.</p>	<p>There is no existing legislation or official policy document that specifically supports resettlement initiatives in Saint Lucia.</p> <p>World Bank type policy pertaining to the restoration of income sources and livelihoods, support after displacement for a transition period; and the provision of development assistance, do not apply; except in the case where replacement homes of greater value are provided as part of the relocation package.</p>	<p>OP 4.12 – Involuntary Resettlement:</p> <p>Section 2 (c) - 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.</p> <p>Section 6 (c) - Where necessary ... compensation should also include measures to ensure that displaced persons are offered support after displacement for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living. The displaced persons should also be provided with development assistance such as land preparation, credit facilities, training, or job opportunities, in addition to the other compensation measures stipulated.</p>	<p>The Social and Environmental Safe Guards of the World Bank take precedence. All PAPs should be eligible for full compensation benefits per World Bank Policy requirements.</p>
<p>4. Opportunity to derive development benefits from project</p>	<p>There is no existing legislation or official policy document that specifically supports resettlement initiatives in Saint Lucia.</p> <p>Opportunities to derive development benefits are not generally part of the objectives or</p>	<p>Performance Standard 5, Section 9 - The client will also provide opportunities to displaced communities and persons to derive appropriate development benefits from the project.</p>	<p>According to the Scoping Studies Report, the project will create temporary job opportunities during the civil works and drilling operations. While many of the jobs during the drilling operations require specialized skills that may not be available locally, for non-specialized jobs, the project is expected to create equal employment</p>

6 LEGAL FRAMEWORK

Conflict/Gap	Local Legal Framework /Policy	World Bank Policy Requirements	Measures to Address Conflict/Gap
	scope of work of local resettlement projects.		opportunity for both men and women. In that regard, it is recommended that the Government seek to enter into agreement with the service providers for the planned works to give priority to the employment of workers originating from the target communities.
5. Timing for the Payment of Compensation and Taking Possession of Land Acquired.	<p>Chapter 1, Section 6 of the Constitution of Saint Lucia provides for inter alia, the prompt payment of compensation in cases of compulsory acquisition of property or curtailment of right.</p> <p>Sections 4 of the Land Acquisition Act permits access to the land for investigative purposes before compensation is paid. Section 5 allows the government to take possession of land acquired and to commence development before compensation is paid.</p>	Performance Standard 5, Section 9 - The client will take possession of land acquired and related assets only after compensation has been made available ...	<p>To ensure compliance with Bank Policy:</p> <ul style="list-style-type: none"> • The implementing agency (IA) is required to submit an early request for land acquisition to the Authorized Officer / Department of Physical Planning to ensure that this task is included in the Department’s annual work programme and that the relevant budgetary allocation is made. • It is essential that the IA includes the Authorized Officer or his/her representative on the Project Steering Committee to facilitate active involvement in project activities and to ensure that he is kept abreast with issues and progress. This type of collaboration is highly likely to ensure that preferred attention is given to the land acquisition requests. • The IA is required to make provision for the acquisition cost in the project budget (i.e., preferred course of action) to ensure the availability of funds for prompt payment. • The IA will ensure that more than the required number of sites are identified for the surface level reconnaissance activities, in an effort to provide alternative locations for exploration in the event that any of the negotiations

6 LEGAL FRAMEWORK

Conflict/Gap	Local Legal Framework /Policy	World Bank Policy Requirements	Measures to Address Conflict/Gap
			<p>for compensation are drawn out, rendering the preferred sites unavailable for use.</p> <ul style="list-style-type: none"> • In collaboration with the Authorized Officer / Department of Physical Planning, the IA will explore options for the lease of the lands required as an alternative to acquisition or as an interim measure to accommodate a potentially lengthy acquisition process.

7 METHODS OF VALUING AFFECTED ASSETS

7.1 VALUATION OF LAND FOR COMPULSORY ACQUISITION

Valuations for land under compulsory acquisition are guided by the Land Acquisition Act, Cap 5.04 of the Revised Laws of Saint Lucia, which sets out the “Rules for Assessment of Compulsory Acquisition”. In addition, methods for undertaking valuations for compulsory acquisition are guided by the code of ethics and standards of the Institute of Surveyors St. Lucia Inc., as well as that of the Royal Institute of Chartered Surveyors (RICS), and the International Valuations Standards Council.

In the context of the foregoing, the key components for undertaking a valuation of land for compulsory acquisition includes that:

- The value of the land is taken to be the amount which the land, in its condition at the time of acquisition, if sold in the open market by a willing seller, might have been expected to have realized, at a date twelve (12) months prior to the date of the second publication of the notice of Declaration of Acquisition in the National Gazette.
- The valuation of the property does not take into consideration any special suitability for any purpose for which the land can be utilized.

In the local context, various methodologies (e.g., market approach, income approach and the investment method) are utilized in determining open market value as described above. The method most predominantly utilized, however, is the market approach, while the other methodologies are normally used as a check against the market approach. Notwithstanding the foregoing, whatever the approach used, the key considerations include factors such as location, topography, size, available services, tenure, land use and the presence or absence of natural hazards.

Note that where land-based options for compensation for land acquired are not feasible, the use of the open market value of land as the means of determining the value of compensation is in keeping with World Bank Policy OP 4.12.

7.2 VALUATION OF CROPS AND ECONOMIC TREES

In the context of Government-related projects, crop valuation falls under the purview of the Ministry of Agriculture, Fisheries, Natural Resources and Co-operatives. The values assigned to crops are specified as a range and are set by a committee of technical experts who take into consideration factors such as the species, location, production cost, market value, climate and environmental influences. The applicable range for each crop is documented in the ministry’s

7 METHODS OF VALUING AFFECTED ASSETS

“Crop Valuation Guide” (2008), which provides a scale of royalty rates for timber according to cubic foot measurement, and a comprehensive list of crops and economic trees under the following broad categories:

- Fruit and tree crops;
- Vegetables and herbs;
- Cut flower and ornamental plants;
- Food and root crops.

Where crops are being valued for displacement from the land or removal of the crop, the economic life of the crop is considered (particularly for tree crops). When a valuation is required for an assessment of damage to the crop, where the crop continues to grow but growth is retarded, the age at the time of damage is taken into account.

The aforementioned provisions are generally in keeping with World Bank policy. Contrary to local practice, however, OP 4.12 notes that in some countries, the value of the harvest is determined by the average market value of crops for the previous three years. It states further that whatever the multiplier, if food supplies are sold in the area enough cash compensation is paid to purchase equivalent supplies, taking into account the possibility of price increases caused by heightened demand from displaced persons.

7.3 VALUATION OF STRUCTURES

There is no existing legislation to guide the process for valuation of structures or buildings (residential, commercial or institutional) or other constructions such as foundations, fences, latrines, storage sheds or platforms for water storage tanks. Methods for undertaking the valuation of structures are guided by the code of ethics and standards of the Institute of Surveyors St. Lucia Inc. as well as that of the RICS.

The RICS Valuation - Global Standards (the RICS ‘Red Book’ as it has become widely known) contains mandatory rules and best practice guidance for undertaking asset valuations. The valuation report is the common way of communicating the value of a property, through an opinion on the “Replacement Cost”. This opinion is based on the use of data concerning location, amenities, structural condition, age of structure; and recent sales of similar local properties.

In keeping with World Bank Policy OP 4.12, the replacement cost is the method of valuation of assets that are used to help determine the cost of replacing lost assets and transaction costs. In applying this method of valuation, the depreciation of structures and assets is not considered.

8 ORGANIZATIONAL PROCEDURES

Overall responsibility for the Saint Lucia GRD Project rests with the Department of Sustainable Development (DSD). The Permanent Secretary in the DSD or his/her designate serves as the Project Manager, and the project is supported by a Technical Director, a Transaction Advisor and a Geothermal Expert, whose services have been outsourced. The DSD is responsible for project implementation, which includes the coordination of all project activities, including the preparing an EISA and the activities described in this RPF (e.g., implementation of the provisions of the entitlement policy), the RAP, and for the update of the RAP.

Fiduciary responsibility for the project is that of the Project Coordinating Unit (PCU), Department of Finance. The PCU handles all procurement activities and is responsible for project expenditure. The key government agencies with responsibility for entitlement delivery are outlined in Table 8-1.

Table 8-1 Key Agencies Responsible for Entitlement Delivery

Agency	Department/Section	Responsibility
Department of Physical Planning	Architectural Section	<ul style="list-style-type: none"> Valuation of physical structures.
	Survey and Mapping Section	<ul style="list-style-type: none"> Survey of lands to be leased.
	Crown Lands Section	<ul style="list-style-type: none"> Identification of alternative land for rent or lease to tenants of landowners and tenants of the Crown.
Department of Sustainable Development	Legal Office	<ul style="list-style-type: none"> Work in collaboration with the Department of Physical Planning to negotiate lease agreements to facilitate the proposed land take; Preparation of lease agreements.
	Office of the Permanent Secretary	The Technical Director shall: <ul style="list-style-type: none"> Identify and categorize the PAPs and determine entitlements; Determine compensation for loss of income.
Attorney General's Chambers	-	<ul style="list-style-type: none"> Vetting of the lease agreements drafted by the Department of Sustainable Development.
Department of Agriculture, Fisheries, Natural Resources and Cooperatives.	Extension Unit	<ul style="list-style-type: none"> Value crops and trees; determine crop compensation.

8 ORGANIZATIONAL PROCEDURES

Agency	Department/Section	Responsibility
Department of Finance	Project Coordinating Unit	<ul style="list-style-type: none"> • Payment of compensation.
Department of Equity, Social Justice, Empowerment and Human Services.	Community Services Section	Social Transformation Officers will: <ul style="list-style-type: none"> • Assist the DSD with the coordination of RAP activities in the 3 target communities. • Assist with the oversight, management and monitoring of grievances arising during implementation of the RAP.
Community-Based Organizations	<ul style="list-style-type: none"> • Soufriere Development Foundation • Fond St. Jacque Development Foundation • Laborie Development Foundation 	Provide general support for community consultations; census and socio-economic surveys of the PAPs.

The DSD has procured the services of a Technical Director, who works in close collaboration with the PCU. The staff of the PCU has extensive experience working on World Bank-funded initiatives and are well placed to assume the fiduciary responsibilities outlined previously. In addition, the DSD will establish a Project Steering Committee (PSC). DSD will provide inter alia, dedicated attention to the coordination of the implementation of the RAP for each phase of the Project. The chairperson of the PSC will be selected by the PS from among the representatives of that Department. The PSC will be responsible for ensuring the smooth execution of project activities and for the successful accomplishment of project objectives. The PSC will meet monthly to review project implementation and performance. Meetings shall be convened when necessary to attend to urgent matters, which may arise in the course of project implementation.

Roles and Responsibilities of the PSC

- Assess project progress and performance;
- Provide technical advice and guidance on project implementation activities;
- Assist with resolving strategic-level issues and risks;
- Use influence and authority to assist the project in achieving its outcome.

The PSC shall be accountable to the Permanent Secretary of the DSD, and comprise the following members:

1. Representatives of the Department of Sustainable Development:
 - a. Chief Technical Officer;
 - b. Legal Officer;
 - c. Technical Director - GRD Project.

8 ORGANIZATIONAL PROCEDURES

2. Representative of the PCU;
3. Representatives of the Department of Physical Planning:
 - a. The Authorized Officer or his/her representative;
 - b. Commissioner of Crown lands or his/her representative;
 - c. Quantity Surveyor;
 - d. Valuation Surveyor.
4. Social Transformation Officers for each of the affected communities;
5. Member of a recognized community-based organization (i.e. one member from each community);
6. Representative of the Department of Agriculture, Fisheries, Natural Resources and Cooperatives.

8 ORGANIZATIONAL PROCEDURES

This page is intentionally blank.

9 IMPLEMENTATION PROCESS

9.1 IMPLEMENTATION

The implementation process of preparing resettlement plans for the GRD Project shall involve the following activities as shown in Figure 9-1:

1. Convening consultations with PAPs and communities
2. Conducting a census to obtain socioeconomic information about the PAPs to identify and record the affected land and crops, and entitlements
3. Determining the eligibility for compensation
4. Reviewing and disclosing valuation methods to the PAPs
5. Establishing cut-off-date for eligibility for compensation
6. Developing draft agreement for land lease
7. Undertaking land surveys and valuation of land
8. Undertaking crop surveys and valuation of crop
9. Preparing schedule for payment of compensation
10. Signing of the agreements/contracts and disbursement of the compensations to PAPs witnessed by the Social Transformation Officer
11. Taking possession of the drilling sites by DSD
12. Monitoring and evaluating the implementation of the RAPs.

The timeframes for implementing the activities shall be developed by the DSD and approved by all collaborating institutions including, the PAPs. The schedule shall allocate sufficient time for linkages between settlement activities and civil works.

With regard to linking resettlement implementation to the civil works:

- The civil works shall commence only after all compensations have been satisfactorily agreed, payment is received in full by the PAPs and the sites taken over by the DSD.
- The contractor will be instructed to mobilize and take possession of the sites to commence the civil works only after the PAPs confirm that compensation has been received and that they shall not be affected or displaced due to the civil works.
- Any unresolved issues shall be submitted to the Grievance Redress Committee (GRC) and must be resolved prior to commencement of the civil works by the contractor

9 IMPLEMENTATION PROCESS

Figure 9-1 RPF Implementation Process Steps



9.2 CONTRACTUAL OBLIGATIONS

The funding of the project will warrant compliance with the World Bank's specific conditions and international best practice, while at the same time, be governed by the Laws of Saint Lucia. The legacy of the geothermal exploratory drilling operations in Saint Lucia suggests that there needs to be specific policy framework principles to guide and enforce compliance with these agreed conditions and international best practice.

The acquisition of any lands, whether on a temporary or permanent basis, shall be in compliance the laws of Saint Lucia and Bank policy. Prior to the taking possession of any lands, specific measures shall be taken to address any conflict/legal gap between the two entities to ensure congruence.

The conditions of contract between the GOSL and the drilling contractor shall be based on an internationally adopted standard form of contract approved by the World Bank. Embodied in a

9 IMPLEMENTATION PROCESS

set of special conditions will be actions requiring the contractor to return the property to its original condition except for where drilling is undertaken and or drill heads remain installed. Where drilling and or drill heads are left in place, the contract will specifically dictate how the site is to be restored.

The standard form of contract used shall contain clauses making reference to the use of performance securities and the withholding of retention payments. No contract shall, therefore, become effective until the contractor has met the specific conditions of the performance security and agree to the provision of a retention bond, both of which must be provided by a surety of international standing acceptable to both the GOSL and the World Bank. Any site affected by the contractor's non-performance or non-compliance with the clean-up/site restoration requirements of the contract shall be taken over by the GOSL and necessary restoration action undertaken from the amounts to be paid under the bonds. Such clean-up actions shall be performed within a reasonable time as would be expected of the contractor or as stipulated in the contract.

9 IMPLEMENTATION PROCESS

This page is intentionally blank.

10 GRIEVANCE REDRESS MECHANISM

A grievance redress mechanism is necessary for addressing the legitimate concerns of the PAPs. It is anticipated that these concerns will focus mainly on eligibility criteria, and compensation entitlements for loss of livelihood or use of land, and for noise associated with drilling. The mechanism for grievance redress shall thus include:

- Provision for the establishment of a grievance redress committee that includes women;
- A reporting and recording system;
- Procedure for assessment of the grievance;
- A time frame for responding to the grievances filed;
- The mechanisms for adjudicating grievances and appealing judgments.

In the interest of all parties concerned, the grievance redress mechanisms are designed with the objective of solving disputes at the earliest possible time. World Bank OP. 4.12 emphasizes that the PAPs should be heard and as such, they must be fairly and fully represented. Further, the mechanism should implicitly discourage referring matters to the court system for resolution. Table 10-1 outlines the process for registering and addressing grievances and provides specific information regarding registering complaints, response time, and communication modes.

9 IMPLEMENTATION PROCESS

Table 10-1 Grievance Redress Procedures

Issue/Action	Procedure
Establishment of a Grievance Redress Committee (GRC)	<ul style="list-style-type: none"> • The GRC shall be established by the Project Steering Committee (PSC) and sanctioned by the Permanent Secretary (PS), Department of Sustainable Development (DSD). • The members of the GRC shall comprise the following: <ul style="list-style-type: none"> - Technical Director (TD); - Social Transformation Officers (STO) for each of the affected communities; - The Authorized Officer or his/her representative – Department of Physical Planning (DPP); - Member of a recognized community-based organization (i.e., one member from each community); - The Legal Officer, DSD; - Chief Technical Officer, DSD; - Representative of the Department of Agriculture, Fisheries, Natural Resources and Cooperatives; - Commissioner of Crown Lands or his/her representative, DPP; - Quantity Surveyor, DPP; - Valuation Surveyor, DPP.
Reporting, recording, and Transmission of Grievances.	<ul style="list-style-type: none"> • Grievances must be filed with the PSC, though the project office, located at the Soufriere Regional Development Foundation office or the determined location; • Grievances must be made in writing and be signed and dated by the PAP; • Grievances received verbally must be documented, verified and signed by the PAP and the officer receiving the report; • The TD shall establish a grievance log or register; all reports must be recorded in the log; • The grievance log shall outline the name of the PAP and the reason for the complaint; • The PSC shall submit the grievance reports to the chairperson of the GRC within 24 hours of receipt. The report shall also be copied to the PS, DSD; • Acknowledgement of the grievance shall be issued by the TD to the PAP in writing, within 2 working days of receipt.
Assessment of the Grievance and Timeframe for Response. Mechanisms for Adjudicating Grievances and Appealing Judgments	<ul style="list-style-type: none"> • The first assessment of the grievance shall be conducted by the GRC; • The nature of the grievance would ascertain the period (not exceeding 3 working days) necessary for the GRC to address the grievance. • The 3-day timeframe shall not apply in the case of complaints and grievances that specifically pertain to the valuation of affected assets, since these may be determined by a Board of Assessment or the courts; • Where resolution is not reached at the level of the GRC or if the PAP does not receive a response or is not satisfied

9 IMPLEMENTATION PROCESS

Issue/Action	Procedure
	<p>with the outcome within the agreed time he/she can appeal to the PS, DSD;</p> <ul style="list-style-type: none">• If the PAP is not satisfied with the decision of the GRC or the response to the appeal to the PS, he/she as a last resort may submit the complaint to a court of law.• The PAP shall be exempt from all administrative and legal fees incurred pursuant to the grievance redress procedures.

9 IMPLEMENTATION PROCESS

This page is intentionally blank.

11 ARRANGEMENTS FOR FUNDING RESETTLEMENT

To date, the Bank has assisted Saint Lucia in accessing USD 2,000,000.00 of grant financing from the Global Environmental Facility (GEF) and the SIDS DOCK Support Program (SID DOCL SP) for the GRD Project. In addition, technical assistance valued at USD 800,000.00 and USD 500,000.00 has been received from the Government of New Zealand and the Clinton Climate Initiative, respectively. These funds are being utilized to provide the technical, transaction and regulatory support required for making informed decisions about geothermal exploration and development in Saint Lucia. The Bank's funds are disbursed by the Bank to a local account and the PS (DSD) is one of three signatories to the account; all payments are to be authorized by the PS (DSD).

The PCU as the fiduciary agent will be responsible for all finance and procurement activities of the project. The DSD shall prepare and review annual cost estimates to facilitate the smooth implementation of the resettlement activities. The budget shall include a local component towards the cost of compensation for property (land, buildings etc.) to be acquired (temporarily or permanently) from the PAPs to facilitate the drilling. The budget shall also include compensation for consequential loss of the use of the land, loss of crops/trees and income streams from agricultural production and/or land rent. The compensation amount payable to each PAP shall be based on their individual entitlement. The budget estimates will include administrative expense for implementation, monitoring and evaluation of the resettlement activities.

The budget for the implementation of the resettlement activities shall be derived using information obtained from the Department of Agriculture, Fisheries, Natural Resources and Cooperatives; and the Crown Lands Section of the Department of Physical Planning. Where existing rates/prices are dated, a price adjustment factor shall be used to reflect current market prices and the need to achieve the desired objectives within the time schedule for implementation of resettlement. The final budget estimate shall be determined after the valuation exercises are conducted by the Valuation Section of the DPP and the Extension Unit of the Department of Agriculture, Fisheries, Natural Resources and Cooperatives.

Mechanisms to adjust cost estimates shall include price and physical contingencies as well as an inflation factor (depending on the duration of the resettlement).

11 ARRANGEMENTS FOR FUNDING RESETTLEMENT

This page is intentionally blank.

12 MECHANISM FOR CONSULTATION

Public meetings and one-on-one meetings shall be convened by the DSD with the displaced persons (i.e., PAPs) and their representatives to discuss inter alia, eligibility requirements and to negotiate their compensation packages. These consultations will assist with building consensus on the proposed resettlement plan and provide a forum for addressing the concerns of the PAPs. The DSD shall recruit the services of a Community Liaison Officer (CLO), a resident of the Soufriere-Choiseul community, to facilitate the management of the public consultations and one-on-one meetings. The DSD will be guided by the Social Transformation Officers (STOs) in the selection of the CLO.

As a mechanism for continued consultations during the planning of the RAP, a regular schedule of meetings with the PAPs shall be convened by the DSD. The DSD will be assisted by the STOs in that regard. Every effort shall be made to organize the meetings at the same location and on the same date/day of every month to avoid any of the difficult logistics sometimes involved in planning such events. A consultation log (registering the date, location/community, issues discussed, and actions taken) shall be maintained by the DSD. These consultations with the PAPs shall continue throughout all the stages of the GRD Project implementation.

After completion of the census and the updated socioeconomic survey of the PAPs, notices shall be issued to the PAPs concerning the eligibility criteria and cut-off date for qualification as a PAP. The notices will also inform that the erection of new structures or improvements on lands to be temporarily acquired in the potential exploration target areas shall not be considered when compensation is determined. Information will also be provided concerning compensation rates and other entitlements, the timetable for implementation; and grievance procedures.

General information shall also be disseminated through the CLO using leaflets/flyers posted on community information boards; and via announcements made at public gathering places, such as places of worship. The national and local media (e.g. Radio Free Iyanola and 88.5 Soufriere FM) will also be used for disseminating information. The information shall be given to the media representatives for dissemination in both English and Kweyol (the local language) as the baseline socio-economic survey noted that some of the older PAPs used Kweyol to communicate. Another key medium for information dissemination will be via the mobile telephone, since most of the

12 MECHANISMS FOR CONSULTATION

PAPs have indicated⁵ this as the best method for direct and immediate contact to obtain updates on the project.

The World Bank requires that the DSD monitor and report on the effectiveness of resettlement implementation. For that reason the PAPs will play a key role in the internal and external monitoring processes described in Section 13.0, as they represent one of the key sources from which information will be sought for evaluating the project's performance and impact. The resettlement monitoring framework would typically include a range of activities that provide the PAPs with opportunities to contribute to the assessment of performance and impact; these would include but not be limited to the following:

- Public consultations;
- Interviews of random samples of PAPs (e.g., to assess their knowledge and concerns regarding the resettlement process, their entitlements and rehabilitation measures);
- Grievance reporting;
- Surveys of the standards of living of the PAPs;
- Socio-economic studies;
- Quantitative surveys; and
- Completion audits.

⁵ During the baseline socio-economic survey conducted in September 2017, most of the PAPs had indicated that mobile telephone was the best method for direct and immediate contact to obtain updates on the project.

13 MONITORING AND EVALUATION

Internal monitoring of the implementation of the resettlement effort shall be the responsibility of the PSC and the DSD. The Technical Director (TD) shall provide the DSD and PSC with monthly status reports on the progress made with resettlement preparation and implementation. A database of resettlement monitoring information shall be established and updated monthly. This information shall be utilized to improve monitoring procedures and the efficiency of the processes employed.

Quarterly internal monitoring reports shall also be prepared by the TD and submitted through the DSD to the World Bank. The quarterly reports shall include information about the following monitoring indicators:

- **Payment of compensation** to the various categories of PAP, according to the compensation policy described in the RAP;
- **Delivery of other forms of assistance** including the return of land to owners after use;
- Delivery of **income restoration** and social support entitlements;
- **Public information dissemination and consultation procedures;**
- **Adherence to grievance procedures** and outstanding issues requiring management's (i.e. Permanent Secretary - DSD) attention;
- Attention given to **the priorities of PAPs** regarding the options offered;
- Coordination and **completion of resettlement activities.**

In accordance with World Bank requirements for consultant procurement, the PCU will hire an independent consultant/firm to conduct the external monitoring and evaluation of the implementation of the resettlement. The consultant/firm shall provide specialized services in social sciences and shall be experienced in resettlement monitoring. The rationale for hiring an external institution is to ensure that the overall objective of the resettlement plan is achieved in an equitable and transparent manner. The external monitoring and evaluation will start as soon as the updated RAP has been approved.

In addition to reviewing the issues covered by the internal monitoring progress report, the consultant/firm shall evaluate and assess:

- The competence and effectiveness of the project implementing agencies;
- The adequacy of compensation, development and transitional assistance packages provided for the PAPs;
- The ability of the project to meet the needs of all PAPs;
- Consultation and public disclosure of the RAPs; and
- The effectiveness of the grievance redresses mechanism.

13 MONITORING AND EVALUATION

The evaluation component of the plan shall determine whether policies (both local and the World Bank's) have been adhered to, and provide the feedback necessary for adjusting strategic directions. The objectives of the evaluations are therefore as follows:

- To undertake a general assessment of the compliance of resettlement activities with the objectives and methods as set out in this RAP;
- To assess the compliance of resettlement activities with the laws and safeguard policies cited in Section 4.0;
- To assess resettlement procedures as they have been implemented;
- To evaluate the impact of resettlement on the incomes and standard of living of the PAPs;
- To identify lessons learnt from the implementation of the RAP.

In the conduct of the evaluation, the project and consultant/firm shall utilize local legislation and policy and the World Bank's OP 4.12 on Involuntary Resettlement as the guidance documents.