



**CONSTRUCTION OF THE BLANCHARD
COMMUNITY CENTER**

**FINAL REPORT ON THE IMPLEMENTATION
OF THE RESETTLEMENT ACTION PLAN**

**SAINT LUCIA
DISASTER VULNERABILITY REDUCTION PROJECT
FINAL REPORT ON THE IMPLEMENTATION OF THE
ABBREVIATED RESETTLEMENT ACTION PLAN
CONSTRUCTION OF BLANCHARD COMMUNITY CENTRE**

1. INTRODUCTION

The objective of the subproject is to rehabilitate the present structure located at Blanchard to able to provide improved services to the people of Blanchard and its environs. The structure was dilapidated centre and was not functional for the last six years, due to damages caused to the Community Centre by weather related phenomena such as storms, hurricanes and seismic events over the years. To provide access, the Department of Economic Development engaged professional services for the rehabilitation and possible enhancements/upgrades to the Blanchard Community Centre.

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

2. OBJECTIVE

This report provides details of the implementation of the Abbreviated Action Plan to facilitate the construction of the Blanchard Community Centre.

The report addresses the level of accomplishment of the objective and specific objectives of the ARAP, as well as lessons learned. The objective of the ARAP was to provide detail on the likely impacts resulting from the acquisition of the lands and the structure, both privately owned, for the implementation of the proposed works; and measures to compensate the property owners for the economic loss/value of their respective properties.

The specific objectives of ARAP were to:

- i) Provide details on the range of adverse impacts and entitlements

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

3. LOCATION & RATIONAL

The building is located on one parcel of land dismembered from a bigger parcel belonging to a private individual. It is a multi-unit building of concrete masonry block walls and timber/Aluzinc roofing along with masonry rendered exterior walls and a chain-link perimeter fence. The Lot on which the building is located is lodged in the Land Registry as parcel No. 1426B parcel 98. On the same parcel of land on which the community center is located, is an adjoining concrete structure, which was privately owned. The new designs required the use of the adjoining vacant concrete structure measuring 1,038 sq. ft. Therefore, there was need for acquisition of the structure, the parcel of land on which they both sit, and compensation paid to the owners.

4. LEGAL FRAMEWORK

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

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

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

- informed about their options and rights pertaining to resettlement;

- consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
- provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

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

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

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

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

4.2.1 Notification and Due Procedure:

Acquisition of Land

- (1) If the Governor General considers that any land should be acquired for a public purpose he or she may cause a declaration to that effect to be made in the manner provided by this section and the declaration shall be conclusive evidence that the land to which it relates is required for a public purpose.
- (2) Every declaration shall be published in 2 ordinary issues of the Gazette and copies thereof shall be posted on one of the building (if any) on the land or exhibited at suitable places in the locality in which the land is situated, and in the declaration shall be specified the following particulars in relation to the land which is to be acquired-
 - (a) the parish or district in which the land is situated;
 - (b) a description of the land, giving the approximate area and such other particulars as are necessary to identify the land;

- (c) in cases where a plan has been prepared, the place where, and the time when, a plan of the land can be inspected;
- (d) the public purpose for which the land is required.

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

Negotiations with Landowners:

Authorized Officer to Treat with Land Owner:

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

Compensation Evaluation:

Rules for Assessment of Compensation.

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

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

property or his or her earnings, or for disturbance, or any other matter not directly based on the value of the land;

Interest:

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

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

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

5. CENSUS OF AFFECTED PEOPLE AND INVENTORY OF AFFECTED ASSETS

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

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

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

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

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

Table 1: Inventory of Affected Assets

Name of affected persons	Type of asset affected	Use of affected asset	Description of asset/size	Estimated Value	Purpose of acquisition	Type of Acquisition
██████████ ██████████	Concrete structure	Vacant	1,038 sq. ft.	██████████	Rehabilitation/extension of the Blanchard Community Centre	Permanent
██████████	land	Occupied by the existing Blanchard Community Center	11,354 sq ft	██████████	Rehabilitation/extension of the Blanchard Community Centre	Permanent

5. ARAP IMPLEMENTATION PROCESS

As part of this Abbreviated Resettlement Action Plan, the PCU held meetings with the PAPS and Agencies of Government with a view to resolve any issues amicably and expeditiously. The

purpose of the meetings was to: a) explain the requirements of OP4.12 as it relates to acquisition of assets (temporary and permanent), b) outline the roles of each agency involved with the implementation of the ARAP, c) determine the level of affected property, d) agree on the grievance mechanisms to be used and e) the method for consulting with the aggrieved parties. Copies of the Minutes of all meetings are appended.

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

Table 2. Chronology of Events

Date	Purpose	Participants	Outcomes, Agreements, Next Steps
March 18, 2019	Outline of requirements under OP 4.12.	1.- PAP 2.Social Planner 3.Social Safeguards Officer	██████████ is to provide documentation relating to her ownership of the structure. This may include any receipts/invoice relating to the purchase and renovations of the structure
June 7, 2019	Discussion with ██████████ to start the process towards compensation for the acquisition of the structure.	1. PAP 2. Social Planner 3. Social Safeguards Officer	a) Letter from the financial institution with respect to the loan taken to renovate the structure b) Schedule of disbursement of the loan funds from the credit union c) Loan approval letter d) Copy of receipts for materials purchased (she had indicated the disbursements were done based on her presenting open bills for required materials.
May 22, 2020	Negotiations with ██████████	1. PAP 2. Project Coordinator 3. Project Manager 4. Permanent Secretary 5. Social Safeguards Officer	Negotiations were concluded with ██████████ formally accepting the payout amount of ██████████ as compensation for her structure. Based upon an evaluation report presented by her.

			A formal acceptance letter was signed by her in this regard
July 1, 2020	Negotiations with [REDACTED]	<ol style="list-style-type: none"> 1. Land owner 2. Legal Counsel for [REDACTED] 3. Project Coordinator 4. Project Manager 	<p>Negotiations were successfully concluded with the agreed compensation amount being agreed to at [REDACTED].</p> <p>Formal correspondence was received from the Chambers of [REDACTED] accepting the compensation amount.</p>
April 12, 2021	Cabinet Conclusion for payment of compensation [REDACTED]		
May 6, 2021	Payment of compensation to [REDACTED]		
August 27, 2020	Payment of compensation to [REDACTED]		

5. LESSONS LEARNED

- Importance of stakeholder engagement and information disclosure with Project Affected Persons
- The importance of involving other partner agencies in the process to ensure transparency
- The documentation of all discussions and compilation of relevant information to assist with decision making, and for future reference