



Construction of the Micoud Wellness Center

Disaster Vulnerability Reduction Project

**Final Report on the Implementation of the
Abbreviated Resettlement Acton Plan**

March 2021

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1. Introduction

The reconstruction of the Micoud Wellness Centre forms part of the Disaster Vulnerability Reduction Project (DVRP). This activity was transferred from the Hurricane Tomas Project to the DVRP. The GOSL identified and approved Block 1827C parcel number 420 owned by the Crown as the site for the new institution (Appendix I: Cabinet Conclusion #177 of 2018). With a view of constructing the Health Facility under the DVRP the GOSL contracted a Design Consultant for preparation of detailed designs. Put a link where to find the ARAP

1.1 Objective of the report

This report provides details of the implementation of the Abbreviated Action Plan for to facilitate the construction of the Micoud Wellness Center.

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 immovable property on the lands belonging to the Crown, for the implementation of the proposed works; and measures to compensate property owner for the economic loss/value of the property demolished.

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.

1.2 Sub-project location and Rational

The newly constructed Micoud Wellness Center is located to the south of the Micoud Primary School and north of the Multi-purpose Centre.



Illustration i: Location of the acquired structure

The construction of the Micoud Wellness Center occupies Parcel 420 of Block 1827C which is vested in the Crown). However, there was a structure consisting of broken concrete pillars and a slab on the property which had to be demolished which was constructed by the Micoud Mothers and Fathers Group in 1992. The Mothers and Fathers Group is a nonprofit Civil Society Organization.

During the last three to four years the Micoud Wellness Centre has been operating from rental property (private) which is wholly inadequate in terms of its location, functional layout and space in which to conduct its day to day activities. These space constraints have resulted in discomfort to staff and clients. This gave rise to low utilization of the facility by the wider community. The reconstruction of the Micoud Health facility seeks to alleviate this discomfort and add to the improvement of services currently being offered to the population. The improvement in the physical structure and services also encourages persons to seek health care in the community in which they live rather than seeking a more expensive alternative at the Hospitals.

The reconstruction of the Micoud Wellness Centre forms part of the DVRP. This activity was transferred from the Hurricane Tomas Project to the DVRP. The GOSL identified and approved Block 1827C parcel number 420 owned by the Crown as the site for the new institution: Cabinet Conclusion #177 of 2018). The facility intends to be opened five days a week, offering a range of services including medical clinics, environmental services and other non-medical services. The Micoud Wellness Centre is also being supported by three (3) other lower level facilities serving a catchment population of about 13,429 people.

2. Legal Framework

2.1 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.

2.2 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.

2.2.1 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.

3. Inventory of Affected Persons/Assets

The structure was intended to be a two-story building for the purposes of meetings and recreational activities of the Micoud Mothers and Fathers Group. The construction was halted in 1992 by the Department of Physical Planning as the structure was found to be structurally unsound. Construction was discontinued which led to the columns and slab becoming dilapidated over the years.

Table i: Inventory of affected persons and 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
Micoud Mothers and Fathers Group	Concrete Structure comprising 54 pillars and 1 slab	Vacant	Concrete slab on pillars	XCD\$125,000	Construction of the Micoud Wellness Center	Permanent



Illustration i: Structure which was acquired

4. ARAP Implementation Process

Consultations were held with both the past and present Social Transformation Officers (STO) for the Micoud area. The past STO, now retired, was involved with the group in 1992 during the construction of the structure in question. These consultations were useful in obtaining the historical background with respect to the structure, and the role of the Mothers and Fathers Group in the Micoud Community in the 1990's. With the assistance of the STO, the PAPS were identified and meetings were organized; for transparency the STO attended engagements with the PAPS. These engagements were used to share information with respect to the OP 4.12, and assist the PAPS in gathering the necessary information required to facilitate the payment of the compensation. We were successful in obtaining the approval of the remaining members of the now defunct group, for the acquisition of the structure, and their recommendations for the use of the funds for two community projects (the Presbytery Building and the Micoud Cemetery).

In correspondence dated November 5, 2018 from the Mothers and Fathers Group, and an email dated November 6, 2018 from the STO (attachments vi & vii), the following was highlighted:

- i. The now defunct group was not able nor desirous of reestablishing the group due to age and capabilities
- ii. the compensation sum of \$125,000.00 be donated to two community projects: The Micoud Presbytery Fund and the Micoud Catholic Cemetery Fund; both projects will benefit the entire community of Micoud.

Attachment contains the list of attendees at the meeting of the remaining members of the Micoud Mothers and Fathers Group. can be found in attachment viii.

Table 2: Chronology of events

Activity	Date	Purpose	Participants	Outcomes, Agreements, Next Steps
Meeting with the Social Transformation Officer for Micoud	September 6, 2018	Verification of ownership of asset	<ul style="list-style-type: none"> Transformation Officer PCU 	<ul style="list-style-type: none"> Land was confirmed to be owned by Crown The Group got permission from the Prime Minister and Parliamentary Rep. at the time Sir John Compton to construct on the said piece of land Structure was erected using self- help by member of the Mothers and Fathers group with assistance from a contracted individual for supervision and construction The group has been inactive for over 25 years ██████ who was the Secretary at the time of construction was identified as the focal person for the group. Meeting was held with members of the group Structure was evaluated
Meeting with the past Social Transformation Officer for Micoud during the 1990's	September 10, 2018	Further investigations	<ul style="list-style-type: none"> ██████ - Former Social Transformation Officer PCU 	<ul style="list-style-type: none"> Confirmed that the structure was erected by the Mother and Fathers Group under authorization of the then Prime Minister and Parliamentary Rep. for Micoud Meeting was held with ██████
Meeting with the PAPS	September 12, 2018	Confirm Ownership and explain the process under OP4.12	██████ ██████	██████ confirmed that he represents the Mothers and Fathers Group, and to having the structure evaluated by an independent Quantity Surveyor

Evaluation of the structure	September 20, 2018	Determine market value of the structure	Independent Evaluator	<i>Attachment iv: Independent Evaluators' Evaluation Report</i>
Evaluation of the structure	October 4, 2018	Determine market value of the structure	DIPE	<i>Attachment v: DIPE's Evaluation Report</i>
Meeting of the Mother and Fathers Group	November 4, 2019	Confirmation from the majority of remaining members on use of the funds towards the two community projects proposed	1. Group members 2. Department of Equity-Social Transformation Officer 3. PCU-Project Coordinator	Unanimous decision on the use of the funds for the two community projects: a) The Micoud Presbytery Building Fund a) The Micoud Catholic Cemetery Fund
Meeting with the Mothers and Fathers representatives	January 18, 2019	Negotiations	[REDACTED]	The parties in attendance agreed to the compensation amount of XDC\$ 125,000.00 The PAP proposed that the funds be utilized to support two community projects: a) The Micoud Presbytery Building Fund b) The Micoud Catholic Cemetery Fund Negotiations were concluded following the submission of additional information on the recommended projects by the Group.
Letter from the Mothers and Fathers re the compensation amount	February 25, 2019	Acceptance or proposed	NA	<i>Attachment x: Acceptance Letter from the Mothers and Fathers Group</i>

		compensation amount		
Cabinet Conclusion to pay out the compensation	January 6, 2020			<i>Attachment xi: Cabinet Approval for payment of the compensation</i>
Payment of Compensation	January 17, 2020			<i>Attachment xii: Proof of paid funds to the Cemetery Fund</i> <i>Attachment xiii: Proof of paid funds to the Cemetery Fund and the Presbytery Fund</i>

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
- Importance of providing a mechanism for collecting feedback from stakeholders (GRM)

VALUATION OF SUBSTRUCTURE-AS OF OCTOBER 4, 2018
MICOUD VILLAGE



PREPARED BY: Jr. DESIGNS & CONSTRUCTION SERVICES LTD.

DATE: October 4, 2018

6. Condition of structure

The structure is structurally compromised and cannot be used or repaired for the intended purposed and therefore would have to be demolished.

The component that is mainly compromised are the columns which provide structure support to all beams and slab and is at risk of collapsing under the load of the supported components or any further loading of the structure. Refer to photos.

7. Valuation

Demand

Due to the condition of the substructure there will be no market demand for the use of it, and with respect to the property valuation no value can be taken into consideration for the mentioned structure.

In my opinion the substructure has an open market value of \$0.00

However, compensation cost can be considered for expenditure in the construction of the substructure. That cost to be agreed upon by all parties involved taking into consideration the demolition cost.

I am therefore proposing if compensation is to be considered that a cost for expenditure be requested from the party responsible for the construction of the structure and that cost reviewed agreed upon and the demolition cost deducted from the agreed sum.

Estimated cost of demolition inclusive of carting away to landfill: EC \$12,600.00

See attached estimate.

Yours faithfully,

JR. DESIGNS & CONSTRUCTION SERVICES LTD.



Junior Goodridge
Managing Director

Jr. Designs & Construction Services Ltd



Jr. Designs & Construction Services Ltd



Jr. Designs & Construction Services Ltd



Jr. Designs & Construction Services Ltd

Ministry of Infrastructure, Ports, Energy and Labour

Department of Infrastructure, Ports and Energy

Structural Assessment: Micoud Wellness Centre



Prepared By: Eng Naomi Cherry

Approved by: Chief Engineer

NOVEMBER 2018

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TERMS OF REFERENCE

On the 30th October 2018, [REDACTED] was instructed by the Chief Engineer to conduct a structural assessment of the Micoud Wellness Center. This was as a result of a request from the Department of Agriculture, Fisheries, Physical Planning, Natural Resources and Co-operatives dated 20th September 2018.

BACKGROUND

On Tuesday 30th October 2018 at approximately 10:00am an inspection of the structure was conducted with the following persons:

Department of Infrastructure, Ports and Energy

- Engineer: [REDACTED]
- Technician: [REDACTED]

OBJECTIVE

To determine the structural integrity of the unfinished structure on lands belonging to the state (Block1827C Parcel 420).

LOCATION

The structure is located to the south of the Micoud Primary School and north of the Multi-purpose Centre.



Photo 1 Location Map

DESCRIPTION OF THE PREMISES

The building measures 31.5m x 31.5m with a cantilever to the southern end of the building. The existing structure comprises of a suspended 150mm reinforced concrete slab supported by:

- 300mm x 450mm concrete beams
- 250mm x 250mm concrete columns
- 3.5m x 6.2m bays for the concrete slab
- 1.5m cantilever

The structure was built by the Micoud mother's and father's group. The property is not furnished with potable water or electricity. The property is overgrown with trees, shrubs and bushes. Animals are left to graze and shelter inside the structure.

LIMITATION

- There are no as-built drawings for review.

STRUCTURAL ASSESSMENT PROCEDURE

Inspection Procedure:

A general inspection of the premises was carried out. The following was undertaken:

- A measured survey of structural elements-
- Structural/visual assessment of the beams, pile columns and concrete slab
- Inspection for water damage
- Inspection for wind damage
- Inspection for earthquake damage
- Inspection for vandalism of structural members
- Documentation of findings
- Photographs of damages

Note: No lab test was undertaken due to the severity of structural damage.

An inspection was carried out and the following was noted:

➤ **CONCRETE SLAB**

- a) There are three (3) sections in the concrete slab with openings as shown in Diagram 1 in bays C-D, D-E and E-F (see photos 2 and 3). Near this area the concrete has broken up, flaked and become pitted. The concrete slab has water stains which are damaged caused by rainwater.



Photo 2



Photo 3

An inspection of the top surface of the slab was not carried out because the building was unsafe as sections of concrete are missing from the concrete columns.

➤ **CONCRETE COLUMNS**

The building's columns are failing, the columns which are supporting the suspended floor of the building has longitudinal cracks measuring approximately 8m (height of columns). All the columns in the structure show signs of structural failure.

- a) Photos 4 and 5 indicate some of the longitudinal cracks along the columns. The reinforcement in some cases is exposed and appears to be caused by the rebars expanding due to moisture. The moisture causes displacement of the bars and causes the concrete cover to crack and break off. The columns appear not be plastered.
- b) There are five (5) columns with missing concrete and the reinforcement is exposed as indicated in Diagram 1 (columns A1, E2, C4, E6 and E8)(see photo 6). It is difficult to determine if this is caused by vandalism or intentional by the contractor.





Photo 4, 5 and 6 concrete columns damage

➤ **CONCRETE BEAMS**

a) There is spalling of the concrete beams, the concrete has broken up, flaked and become pitted (see Photo 5,6 and 7). There is a large portion of a beam with the reinforcement of the concrete beams are exposed, the rebars have rust and expanded approximately 2 times its original size causing concrete displacement.





Photo 7, 8 and 9: concrete beams damage

CONCLUSION AND RECOMMENDATIONS

The existing structure is **not** structurally sound and is unsafe due to the following reasons:

1. All the structural components such as the beams, columns and slab shows evidence of failure.
2. There are apparent holes on the structural support system which raised serious concern.
3. The entire structure **will collapse** under unforeseeable overloads (earthquakes/hurricanes).

Performing remedial repairs to the building would be very expensive such as: replacing all columns, beams, slabs and foundation. The optimum solution is that the building **be demolished** and should not be retrofitted for any other use.

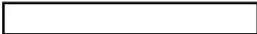
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2. Civil Engineering: (16th August 2018) <https://civiltoday.com/civil-engineering-materials/timber/85-defects-in-timber-types-and-reasons>
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<http://www.concrete.org.uk/fingertips-nuggets.asp?cmd=display&id=736>

February 25, 2019

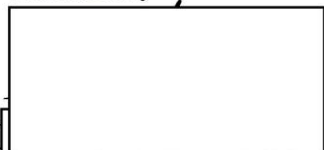

Permanent Secretary
Department of Economic Development, Transport and Civil Aviation
1st Floor, Finance Administrative Center
Pointe Seraphine
Castries

Dear Mr. Emmanuel

This correspondence serves to inform you that we, the remaining members of the Micoud Mother and Fathers Development Group, have accepted the Government of Saint Lucia's offer of Eastern Caribbean One hundred and twenty-five thousand dollars (XCD\$125,000.00) as compensation representing the value of the structure erected by us comprising of a concrete slab measuring 29.51 m x 13.92m and 54 concrete columns. The said structure is located on Block 1827C Parcel 420 in Micoud Village. We also agree that this compensation should go towards two community projects: 70% to the Micoud Presbytery Building Fund (XCD\$87,500.00) and 30% to the Micoud Catholic Cemetery Fund (XCD\$37,500.00).

We thank the Ministry for its exceptional support in addressing this issue.

Your Sincerely



On behalf of the Micoud Mothers and Fathers Development Group

CONFIDENTIAL
CABINET CONCLUSION

No. 25 of 2020

MINUTE PAPER NO:.....

DATE: 06th January, 2020

The following Cabinet Conclusion is submitted for your attention:

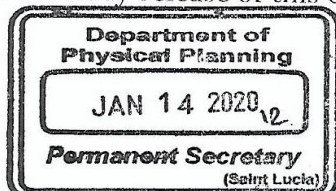
25. COMPENSATION FOR A CONCRETE STRUCTURE
ERECTED ON BLOCK AND PARCEL 1827C 420 IN THE
QUARTER OF MICOUD

Cabinet considered a Memorandum dated 30th December, 2019, submitted by the Department of Physical Planning and approved the request for the payment of one hundred and twenty-five thousand Eastern Caribbean dollars (EC\$125,000.00), to the Micoud Mothers and Fathers Development Group, as compensation for the concrete structure erected on Block and Parcel 1827C 420, which is to be utilized for the reconstruction of the Micoud Wellness Centre, in the Quarter of Micoud.

Cabinet approved the disbursement of the funds in keeping with the request of the Micoud Mothers and Fathers Development Group as follows:

1. 70% to the Micoud Presbytery Building Fund in the sum of eighty-seven thousand, five hundred Eastern Caribbean dollars EC\$87,500.00); and
2. 30% to the Micoud Catholic Cemetery Fund in the sum of thirty-seven thousand, five hundred Eastern Caribbean dollars (EC\$37,500.00).

Cabinet approved the early release of this decision.



Activity Windows

File Edit Options Settings Window Help

Icons: [Folder] [Print] [Undo] [Redo] [Find] [Help] [Zoom In] [Zoom Out] [Full Screen]

Invoice - 2

Vendor: MDCATHCEM

Vendor Location:

Invoice Number: 2

Invoice Date: 7/29/2019

Sched Payment Nbr: 0

Vendor Name and Remit Address:
MICOU D CATHOLIC CEMETARY
ALL SOUL'S LANE
MICOU D
LC

Payable Entity: ECON Terms: NET30 Invoice Currency: XCD

Type: Invoice Disc Date: Project Entity:

Status: Paid Due Date: 8/28/2019 Voucher: ECON000913 Comments:

Line	Amount Alias	Entity	Dept	Div	CCtr	Prog	SProg	EconClass	SOF	Proj
1	37,500.00	GOSL	56	076	244	018	041	02110003	10001	0080

Freight: 0.00 Discount: 0.00

Misc Charge: 0.00 Total: 37,500.00



Vendor: MCDPARPRES	Vendor Name and Remit Address: MICOUD PARISH PRESBYTERY
Vendor Location: <input type="text"/>	MICOUD WI LC
Invoice Number: 1	
Invoice Date: 7/29/2019	
Sched Payment Nbr: 0	

Payable Entity: ECON	Terms: NET30	Invoice Currency: XCD
Type: Invoice	Disc Date:	
Status: Paid	Due Date: 8/28/2019	Project Entity:
	Voucher: ECON000912	Comments:

Line	Amount	Alias	Entity	Dept	Div	CCtr	Prog	Item
▶ 1	87,500.00		GOSL	56	076	244	018	COMPENSATION FOR THE

< III

Freight:	0.00	Discount:	0.00
Misc Charge:	0.00	Total:	87,500.00