

# Caribbean Efficient and Green-Energy Buildings Project (P179519)

## Resettlement Framework (RF)

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Government of Grenada

Ministry of Climate Resilience, the  
Environment and Renewable Energy



Government of Saint Lucia

Ministry of Infrastructure, Ports, Transport,  
Physical Development and Urban Renewal



Government of Guyana

Guyana Energy Agency



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## A. RESETTLEMENT FRAMEWORK INTRODUCTION

This document serves as the Resettlement Framework (RF) to be used under the Caribbean Efficient and Green-Energy Buildings Project (P179519). The RF has been developed in accordance with national legislation in Grenada, Saint Lucia and Guyana and criteria outlined in the [World Bank's Environmental and Social Framework \(ESF\) Environmental and Social Standard 5 \(ESS5\) - Land Acquisition, Restrictions on Land Use and Involuntary Settlement](#).

An RF is required where a risk exists of physical<sup>1</sup> and/or economic<sup>2</sup> displacement due to involuntary resettlement, but where the type or location of planned civil work activities has not yet been determined.

The RF's fundamental purpose is to establish terms of agreement between relevant authorities in Grenada, Saint Lucia and Guyana and the World Bank regarding principles and procedures to be used in subsequent preparation of Abbreviated Resettlement Plans (ARPs)<sup>3</sup> or Resettlement Plans (RPs).<sup>4</sup> World Bank approval of an ARP or RP is required before project authorities invite bids for any contracts in which works are expected to involve physical or economic displacement because of land acquisition or restrictions on access or use of natural resources. In some instances, no physical or economic displacement will be required, and the RF will not be applicable. However, in case the project scope changes later during implementation, this RF has been prepared as a precautionary measure.

The RF provides guidance to Grenada, Saint Lucia and Guyana regarding resettlement objectives, organizational arrangements and criteria for designing ARPs/RPs and livelihood recovery measures to be applied during program implementation. The RF will rely on legal and institutional arrangements and mechanisms already in place in Grenada, Saint Lucia and Guyana and the principles and criteria outlined in the World Bank's ESS5, which are summarized in this RF.

The scope of this RF is focused on compulsory land acquisition occurring within the framework of national Land Acquisition Acts and involuntary resettlement resulting from public purchase or use of lands for public good as well as economic displacement which may impact livelihoods due to Project activities.

This RF does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project. Similarly, this RF does not make provisions for compensation or resettlement associated with land acquired by private interests for private purposes. These other impacts on incomes or livelihoods, and the impact of resettlement occurring on privately owned lands developed for private benefit are expected to be addressed by means of an environmental and social impact assessment in accordance with ESS1 Assessment and Management of Environmental and Social Risks and Impacts. Requirements associated with ESS1 are detailed in the Environmental & Social Management Framework (ESMF) for the Project.

## B. PROJECT OBJECTIVES AND COMPONENTS

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1 As described in ESS5, Paras. 26–32

2 As described in ESS5, Paras. 33–36.

3 Given the small size of the sub-project sites and foreseen number of affected persons, an ARP would most likely be applicable for this Project.

4 To ensure that the relevant authority is aware of its obligations, it is recommended that the RF be accompanied by a provision of a transmittal letter, signed by the chief executive (or similar relevant authority) of the implementing agency.

The Caribbean Efficient and Green Energy Buildings Program is a regional Series of Projects (SoP) designed to address common challenges in the energy sector that countries in the region face. The SoP's programmatic framework is scalable, allowing countries in the region to join at different times. The proposed first project in the series: The Caribbean Efficient and Green-Energy Buildings Project (hereafter referred to as the Project) will support investments in EE measures and distributed solar photovoltaic (DPV) systems installed on rooftops or in public spaces for Grenada, Saint Lucia and Guyana as well as technical assistance activities within these countries and via the Organization of Eastern Caribbean States (OECS).

The Project Development Objective (PDO) is to save energy, increase the use of renewable energy in public buildings and facilities, and enhance the regulatory framework for investments in energy efficiency and renewable energy in participating Caribbean countries.

The project comprises of the following components:

**Component 1: Investment in EE measures and distributed RE systems in the public sector.** This component will finance investments in energy efficiency (EE) retrofits and the installation of new distributed renewable energy generation (DRE) systems in public buildings and other facilities, along with technical assistance for identification, design, and implementation supervision of the EE and renewable energy (RE) investment. It will also support grid integration of distributed photovoltaic (DPV) systems. The EE retrofits may include active and passive EE measures, improvements in building-control systems, and safe disposal of used equipment and materials. Component 1 will build resilience in the country's power system by reducing reliance on imported fossil fuels, through substantial EE measures and integration of distributed RE into the system. Distributed RE and battery storage, and utility scale battery energy storage systems (BESS), will also build resilience against power outages in the grid due to extreme climate events by supporting a continuous and more reliable electricity service. Subproject eligibility criteria at the screening stage will include confirmation from the energy assessment/audits that the proposed measures will result in an estimated energy savings of 20 percent or more and a maximum payback period of 20 years for the overall EE and DRE investment. Component 1 will consist of three subcomponents, one for each of the participating countries, as described below.

- *Subcomponent 1.1: Saint Lucia's investment in EE measures and distributed RE systems.* This subcomponent will support the implementation of subprojects to improve EE performance and increase use of RE in selected public buildings and facilities in Saint Lucia. It will also provide technical and operational assistance for identification, design, construction, and operation phases of the subprojects. A GEF grant will co-finance activities focused on subprojects in Saint Lucia Water and Sewerage Company Inc. (WASCO) and selected grid integration to support investment in DPVs. The subcomponent will also enhance resilience to climate risks and strengthen the adaptive capacity of the country's power system.
- *Subcomponent 1.2: Grenada's investment in EE measures, distributed RE systems and variable RE Integration.* This subcomponent will be divided into two parts as follows:
  - *Subcomponent 1.2.a:* It will support the Implementation of subprojects to improve EE and increase use of RE in selected public buildings and facilities in Grenada along with the provision of technical and operational assistance for identification, design, construction, and operation phases of the subprojects. This sub-component will also include selected investments for the integration of DPVs in the power grid.

- *Subcomponent 1.2.b.* It will cover technical support and investment for: (i) installation of utility-scale BESS at the Maurice Bishop International Airport (MBIA) and (ii) associated transmission system upgrade for connecting the BESS to the national grid. The Grenada Electricity Services Ltd. (GRENLEC) is the implementing agency for this activity. The transmission system upgrade will include: (i) a new transmission substation at MBIA to house the BESS; (ii) upgrading of an existing substation at Grand Anse and two short 33 kV transmission lines (one overhead and one underground) connecting these two substations.
- *Subcomponent 1.3: Guyana's investment in EE measures and distributed RE systems.* This sub-component will support the implementation of subprojects to improve EE and increase use of RE in selected public buildings and facilities in Guyana. It will also provide technical and operational assistance for identification, design, construction, and operation phases of the subprojects. These activities will also enhance resilience to climate risks and strengthen the adaptive capacity of the country's power system.

**Component 2: Regulatory Framework Development.** This component will have four subcomponents. Subcomponents 2.1, 2.2, and 2.3 will support the development of regulatory frameworks for scaling up EE and RE investments in Saint Lucia, Grenada, and Guyana, respectively, and promoting harmonization with relevant regional regulations and rules. The subcomponent for each country may include: (i) support for the development of tariff policies and regulations on DPVs, such as net billing, grid codes, and a standardized contract for RE; (ii) policies and regulations and guidelines for EE building retrofits, EE equipment and appliances; Minimum Energy Performance Standards, EE labeling, electric vehicles and charging infrastructure, and existing buildings' benchmark regulations, and (iii) other activities, including climate risk assessments, studies and capacity building, to develop and strengthen the national regulatory frameworks in harmonization with regional regulations and rules. Subcomponent 2.4 will support multiple regional regulatory and policy development activities. An assessment was carried out to confirm the Caribbean Centre for Renewable Energy and Energy Efficiency (CCREEE) eligibility to receive the IDA grant from Regional Window and its capability to carry this sub-component. The activities will include: (i) updating of the existing Caribbean Community (CARICOM) Regional Energy Efficiency Building Code; (ii) design of a regional waste-management strategy and regulation for waste streams from EE and RE investments; (iii) the implementation of other relevant aspects of regional regulatory development; dissemination and capacity building activities to facilitate EE and RE market expansion; and (iv) provision of technical support to the pooled procurement process.

**Component 3: Support to Pooled Procurement and Project Implementation, Capacity-Building and Gender Program.** Subcomponents 3.1, 3.2, and 3.3 will support project implementation in Saint Lucia, Grenada, and Guyana, respectively, as well as the gender-related training program in Guyana. Subcomponent 3.4 will support pooled procurement and communications with stakeholders, as well as the establishment of a regional Project Implementation Unit (PIU) and related capacity building.

- *Subcomponent 3.1: Saint Lucia's Project Implementation Support, and Capacity-Building.* This subcomponent will support strengthening the capabilities of the national PIU, stakeholder engagement and capacity-building in planning, execution and operation of EE and distributed RE investment. It will also provide technical and operational assistance for coordination, financial management, procurement, environmental and social risk and impact management, monitoring and evaluation, and auditing of the Project.

- *Subcomponent 3.2. Grenada’s Project Implementation Support, and Capacity-Building.* It will support strengthening the national PIU to manage investment in: (i) EE measures and distributed RE systems in public buildings; and (ii) the installation of a utility-scale BESS and the upgrading of the transmission system. This support will encompass: (i) stakeholder engagement and capacity-building in planning, execution and operation investment; (ii) provision of technical and operational assistance for coordination, financial management, procurement, environmental and social risk, and impact management; (iii) monitoring and evaluation, and (iv) auditing of the Project.
- *Subcomponent 3.3. Guyana’s Project Implementation Support, Capacity-Building and Gender Program.* It will support strengthening the capabilities of the national PIU, stakeholder engagement and capacity-building for: (i) planning, execution and operation of EE and distributed RE investment; (ii) implementation of a gender program to increase female competency and employment in the energy sector; and (iii) provision of technical and operational assistance for coordination, financial management, procurement, environmental and social risk and impact management, monitoring and evaluation, and audit of the Project.

*Subcomponent 3.4. Support to Pooled Procurement, Communication and Capacity.* This subcomponent will support: (i) establishment and operation of a regional PIU; (ii) provision of technical assistance for implementing a pooled procurement for the participating countries; (iii) creation of stakeholder communication programs at the regional level; (iv) provision of capacity-building support for procurement and dissemination of regional regulations on EE and RE; and (v) facilitation of harmonized regulations, standards and tools for EE and DRE. The OECS is the implementing agency for this sub-component.

## C. JUSTIFICATION FOR RESETTLEMENT POLICY FRAMEWORK

The purpose of the RF is to clarify resettlement principles, organizational arrangements, and design criteria which will be applied to project components and sub-components during project implementation. An RF is required as the Project includes activities with the potential to adversely impact livelihoods and/or result in the need for resettlement. Most likely, project activities will take place within the footprint of public buildings and ESS5 would not apply. However, in the case that the project scope changes later during implementation, this RF has been prepared as a precautionary measure.

Under Component 1, the Project will be implemented at government buildings and facilities in the three project countries in the first stage of the Project. The list of buildings is being finalized by the respective governments. Proposed buildings (hereafter referred to as sub-project sites) include central and municipal administrative buildings, universities and schools, hospitals and clinics, stadiums, and other publicly owned facilities. The procedures for identifying, prioritizing, and selecting the buildings (including eligibility criteria) as well as the definition of eligible investments will be described in the Project Operations Manual. Additional buildings will be added to the Project in subsequent stages of the Project. The exact locations of all buildings were not known by Project appraisal, necessitating a RF. Most sub-project sites are expected to be on government-owned land in urban and peri-urban locations in the countries.

## D. KEY PRINCIPLES AND DEFINITIONS

In World Bank-assisted projects, Borrowers are expected to take all feasible measures to avoid or minimize adverse impacts from land acquisition and restrictions on land use associated with project development.

The fundamental objective of ESS5 is to ensure that, if physical or economic displacement cannot be avoided, displaced persons (as defined below) are compensated at the replacement cost for land and other assets and otherwise assisted as necessary to improve or at least restore their incomes and living standards.

Other ESS5 objectives include:

- A. To avoid forced eviction<sup>5</sup>
- B. To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure<sup>6</sup>
- C. To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project warrants
- D. To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

**Displaced persons** (ESS5, Section B) are defined as any persons subjected to project-related adverse impacts who (a) have formal legal rights to land or assets; (b) have a claim to land or assets that are recognized or recognizable under national law; or (c) who have no recognizable legal right or claim to the land or assets they occupy or use. The term incorporates all potential categories of persons affected by land acquisition and associated impacts; all of those adversely affected are considered “displaced” under this definition regardless of whether any relocation is necessary.

**Replacement cost** (ESS5, Footnote 6) is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement materials and labor for construction of structures or other fixed assets, plus all transaction costs associated with asset replacement. In all instances where physical displacement results in loss of substandard shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high, or the period of time between calculation of compensation rates and delivery of compensation is extensive.

ESS5 also establishes key principles to be followed in resettlement planning and implementation. These include:

- a) All displaced persons are entitled to compensation for land and attached assets, or to alternative but equivalent forms of assistance in lieu of compensation; lack of legal rights to the assets lost

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<sup>5</sup> Defined as the removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures in ESS5.

<sup>6</sup> Security of tenure means that displaced persons are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are at least as robust as those they had prior to displacement.

will not bar displaced persons from entitlement to such compensation or alternative forms of assistance.

- b) Compensation rates refer to amounts to be paid in full to the eligible owner(s) or user(s) of the lost asset, without depreciation or deduction for fees, taxes, or any other purpose.
- c) Compensation for land, structures, unharvested crops, and all other fixed assets should be paid prior to the time of impact or dispossession.
- d) When cultivated land is to be taken for project purposes, the Borrowers seek to provide replacement land of equivalent productive value if that is the preference of the displaced persons.
- e) Community services and facilities will be repaired or restored if affected by the Project.
- f) Displaced persons should be consulted during preparation of the ARP/RP, so that their preferences are solicited and considered.
- g) The ARP/RP (in draft and final versions) is publicly disclosed in a manner accessible to displaced persons.
- h) A grievance mechanism by which displaced persons can pursue grievances will be established and operated in a responsive manner.
- i) Negotiated settlement processes are acceptable as an alternative for legal expropriation if appropriately implemented and documented.<sup>7</sup>
- j) Land donation is acceptable only if conducted in a wholly voluntary manner and appropriately documented.<sup>8</sup>
- k) The Borrowers bear official responsibility for meeting all costs associated with obtaining project sites, including compensation and other considerations due to displaced persons. The RAP includes an estimated budget for all costs, including contingencies for price inflation and unforeseen costs, as well as organizational arrangements for meeting financial contingencies.
- l) Monitoring arrangements will be specified in the RAP to assess the status and effectiveness of RAP implementation.

## E. LEGAL AND REGULATORY FRAMEWORKS

Provisions governing compensation to individuals for losses associated with compulsory acquisition of land for public purposes, and losses associated with resettlement are contained in the relevant national Constitutions and Land Acquisition Acts. Additional guidance to prepare resettlement and compensation

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<sup>7</sup> Appropriate principles for negotiated settlement transactions include (a) intended project sites are screened to identify competing claims to ownership or use, or other encumbrances that would impede two-party negotiations; (b) if the site is collectively or communally owned or used, the negotiation process includes those individuals or households who directly occupy or use it; (c) prior to negotiations, owners or users are informed by project authorities of their intent to obtain relevant land (and other assets) for project use; (d) owners or users are informed of their rights and options to pursue legal remedies or other actions, and sign a declaration indicating willingness to negotiate; (e) at the onset of negotiations, project negotiators present the owner or user with a proposed package of compensation or other beneficial considerations, along with an explanation as to the basis of this initial offer; (f) owners or users are informed that they may make counterproposals as they may see fit; (g) negotiations are conducted without resort to coercion or intimidation in any form; (h) an agreement establishing payment amounts or other agreed considerations is written, signed, and recorded; (i) payment of compensation and provision of any other agreed considerations is completed prior to taking possession for project use; and (j) owners or users retain the right of access to the grievance mechanism if they have complaints regarding any aspect of the negotiated settlement process.

<sup>8</sup> Any land or asset donation for project use will be consistent with these principles: (a) the potential donor is informed that refusal is an option, and that right of refusal is specified in the donation document the donor will sign; (b) donation occurs without coercion, manipulation, or other pressure on the part of public or traditional authorities; (c) the donor may negotiate for some form of payment, partial use rights, or alternative benefits as a condition for donation; (d) donation of land is unacceptable unless provision is made to mitigate any significant impacts on incomes or living standards of those involved; (e) donation of land cannot occur if it were to necessitate any household relocation; (f) for community or collective land, donation can only occur with the consent of individuals directly using or occupying the land; (g) the land to be donated is free of encumbrances or encroachment by others who may be adversely affected; (h) any donated land that is not used for its agreed purpose by the project is returned to the donor in a timely manner; and (i) each instance of land donation is documented, including a statement identifying the land or assets donated and terms of donation, which is signed by each owner or user. Persons donating land or assets for project use may use the project grievance mechanism to raise complaints regarding any aspect of the donation process.

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

## **Grenada**

### **Legal and Regulatory Framework**

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

**Table 1: Grenada's Laws Governing Land Acquisition and Resettlement**

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

There is no existing legislation or official policy document that specifically supports resettlement initiatives in Grenada. Similarly, no prescribed legislation or formal policy for relocation of squatters exists in Grenada. Established practice may provide guidance on establishing procedures for resettlement as long as the principles and requirements laid out in this RF are adhered to.

### **Gap Analysis of Grenada's National Laws and ESS5**

The relevant national laws of Grenada are generally consistent with ESS5. One inconsistency is that ESS5 requires that land acquisition may only occur after compensation has been paid. Where resettlement is required, ESS5 also requires that resettlement sites and moving allowances be paid prior to any development. By contrast, the National Land Acquisition Act allows the government to take possession of any needed land and development proceeds prior to compensation being paid. To ensure compliance with ESS5, eligible project-affected persons (PAPs) must be compensated before any development is initiated (Table 2).

**Table 2: Grenada's Land Acquisition Procedures Based on Land Acquisition Act**

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

Table 3 identifies gaps between Grenada's national legislation and ESS5 and offers measures to address these gaps. Of particular importance is accounting for land acquisition and the timing of compensation as a specific output of any future activities resulting from implementation of the Project in order to satisfy the requirements of the World Bank ESF.

In cases where there is non-agreement between the national legislature and World Bank ESF, the more stringent condition is applied. Grenada agrees to take all actions necessary to ensure full and effective implementation of ARPs or RPs prepared in accordance with the RF, and to otherwise take actions necessary to achieve all relevant provisions of ESS5.

**Table 3: Gaps Between Grenada's National Legislation and ESS5**

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

Conflict/Gap	World Bank Requirements	National Laws	Measures to Address Gap
			representative of this authority is to be included on any Project Steering Committee; the project budget may provide for acquisition costs.
Restoration of livelihoods and living standards to pre-project levels or higher	<p>ESS 5, Paragraph 2: Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. ESS5, Paragraph 36: Compensation should include measures to ensure that displaced persons are offered support after displacement for a transition period necessary to restore their livelihood and standards of living.</p>	There is no existing legislation or official policy document that specifically supports resettlement initiatives.	All PAPs should be eligible for full compensation benefits per World Bank ESF requirements.
Opportunity to derive development benefits from project	ESS 5, Paragraph 14: The client will provide opportunities to displaced communities and persons to derive appropriate development benefits from the project.	Opportunities to derive development benefits are not generally part of local resettlement projects.	Government should seek to enter into agreements with contractors to give priority to the employment of workers originating from the target communities.
Asset replacement, net depreciation, moving expenses and other transaction costs	<p>ESS5 Footnote 6: “Replacement cost” is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and</p>	<p>Grenada’s Land Acquisition Act does allow for depreciation to be considered when assessing compensation, but the application depends on the type of asset being valued</p> <p>Grenada’s Land Acquisition Act does not explicitly mandate payment for moving expenses, transaction costs (e.g., legal fees, stamp duties, title transfer fees) and temporary accommodation</p>	All replacement costs will be calculated per World Bank ESF requirements.

Conflict/Gap	World Bank Requirements	National Laws	Measures to Address Gap
	delivery of compensation is extensive.		

## Methods of Valuating Assets

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

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

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

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

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

To ensure transparency of procedures, the PIU representative, PAPs, and a trusted community member (selected by PAPs) will be present in all meetings to discuss the value of compensation, negotiation of final amount and final payment. Private owners are also given the right to provide their own assessments. Negotiations are allowed where there are differences in value. Special arrangements also should be made for vulnerable populations, for example, the elderly and special needs individuals.

Valuation of Land: The use of the open market value of land as the means of determining the value of compensation is consistent with ESS5. Methodologies used to determine open market value include the market approach, income approach, and investment method. The method most predominantly utilised is the market approach. Key factors informing all open market valuation methodologies include location,

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<sup>9</sup> The RICS Red Book contains mandatory rules and best practice guidance for undertaking asset valuations. See: <https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/valuation-standards/red-book/red-book-global>.

topography, size, available services, tenure, land use and the presence or absence of natural hazards. Private owners are also given the right to provide their own assessments. Negotiations are allowed where there are differences in value.

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

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

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

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

Valuation of Lands Characterized by Semi-formal ownership: Where the interest in the land is undefined or in dispute, the state facilitates the appointment of an administrator. A settlement is made based on the current estimated value, placed in trust until the beneficiaries have resolved their interest.

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

## **Saint Lucia**

### **Legal and Regulatory Framework**

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

**Table 4: Saint Lucia's Laws Governing Land Acquisition and Resettlement**

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

There is no existing legislation or official policy document that specifically supports resettlement initiatives in Saint Lucia. Similarly, Saint Lucia does not have prescribed legislation or a formal policy for relocation of squatters. Established practice may provide guidance on establishing procedures for resettlement as long as the principles and requirements laid out in this RF are adhered to.

### Gap Analysis of Saint Lucia's National Laws and ESS5

The relevant national laws of Saint Lucia are generally consistent with ESS5. One inconsistency is the fact that ESS5 requires that land acquisition may only occur after compensation has been paid. Where resettlement is required, ESS5 also requires that resettlement sites and moving allowances be paid prior to the commencement of any development. By contrast, the National Land Acquisition Act allows the government to take possession of any needed land and development proceeds prior to compensation being paid. In order to ensure compliance with ESS5, eligible PAPs must be compensated before any development is initiated (Table 5).

**Table 5: Saint Lucia's Land Acquisition Procedures Based on Land Acquisition Act**

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

Activity	Description/Task
7. Declaration & Publication	- Declare acquisition served to landowners and publish in the Official Gazette.
8. Compensation	- Pay compensation to affected property owners.
9. Filing of Receipts	- Copies of receipts of payment to be filed at the PIU.
10. Trust Account	- Establish a trust account to hold any funds for compensation that do not get resolved in the timeframe needed to start the works.
11. Acquisition and Commencement of Works	- Under the Land Acquisition Act, the State is entitled to initiate work once Compulsory Acquisition has been Gazetted. <i>Non-compliant with ESS5-compliance would require that compensation be paid before development</i>

Table 6 identifies gaps between Saint Lucia's national legislation and ESS5 and offers measures to address these gaps. Of particular importance is accounting for land acquisition and the timing of compensation as a specific output of any future activities resulting from implementation of the Project in order to satisfy the requirements of the World Bank ESF.

In cases where there is non-agreement between the national legislature and World Bank ESF, the more stringent condition is applied. Saint Lucia agrees to take all actions necessary to ensure full and effective implementation of ARPs prepared in accordance with the RF, and to otherwise take actions necessary to achieve all relevant provisions of ESS5.

**Table 6: Gaps Between Saint Lucia's National Legislation and ESS5**

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

Conflict/Gap	World Bank Requirements	National Laws	Measures to Address Gap
	offered support after displacement for a transition period necessary to restore their livelihood and standards of living.		
Opportunity to derive development benefits from project	ESS5, Paragraph 14: The client will provide opportunities to displaced communities and persons to derive appropriate development benefits from the project.	Opportunities to derive development benefits are not generally part of local resettlement projects.	Government should seek to enter into agreements with contractors to give priority to the employment of workers originating from the target communities.
Asset replacement, net depreciation, moving expenses and other transaction costs	ESS5 Footnote 6: "Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.	Depreciation is determined based on the actual cost and does not take depreciation into account, in accordance with ESS5	All replacement costs will be calculated per World Bank ESF requirements.

## Methods of Valuating Assets

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

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

- **Replacement Cost:** This approach is based on the premise that the cost of replacing productive assets that have been lost or damaged because of project operations are taken as a minimum estimate of the value of measures that will reduce the damage or improve on-site management

practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, net depreciation, moving expenses and other transaction costs.

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

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

Methods for undertaking valuations for compulsory acquisition may also be guided by the codes of ethics and standards of the Royal Institute of Chartered Surveyors (RICS), International Valuations Standards Council, or national institutes of surveyors.<sup>10</sup>

To ensure transparency of procedures, the PIU representative, PAPs, and a trusted community member (selected by PAPs) will be present in all meetings to discuss the value of compensation, negotiation of final amount, and final payment. Private owners are also given the right to provide their own assessments. Negotiations are allowed where there are differences in value. Special arrangements also should be made for vulnerable populations, for example, the elderly and special needs individuals.

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

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

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

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<sup>10</sup> The RICS Red Book contains mandatory rules and best practice guidance for undertaking asset valuations. See: <https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/valuation-standards/red-book/red-book-global>.

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

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

**Valuation of Lands Characterised by Semi-formal ownership:** Where the interest in the land is undefined or in dispute, the state facilitates the appointment of an administrator. A settlement is made based on the current estimated value, placed in trust until the beneficiaries have resolved their interest.

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

## **Guyana**

### **Legal and Regulatory Framework**

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

**Table 7: Guyana's Laws Governing Land Acquisition and Resettlement**

Legislation	Description
Constitution, Art. 142	Article 142 establishes that no property shall be compulsorily acquired except under the authority of a law providing for prompt and adequate compensation. The law specifies that compensation for compulsorily acquired property shall be agreed upon by the parties involved or determined by the High Court in the absence of agreement. Factors considered in determining compensation include the value of the property at the time of acquisition, any disturbance to the owner or occupier of the property, and any increase in value of the remaining property. This article ensures that individuals' property rights are protected, and that fair compensation is provided in cases of compulsory acquisition.
Acquisition of Land (Land Settlement) Act	This Act empowers the Minister to declare any land settlement scheme to be a public work under section 3 of the Acquisition of Land for Public Purposes Act. A land settlement scheme is defined as including any project intended to secure land for the establishment of farmers as an organized settlement or for distribution by sale, lease or otherwise to persons individually for agricultural purposes. The Act further provides for (assessment of) compensation, and power to acquire land by lease.
Acquisition of Lands for Public Purposes Act	This Act empowers the Government of Guyana through the Minister of Public Works to acquire any area for the proposed construction of a public work whether or not there is any building or erection on said land. The Act also provides mechanisms for the compensation to owners for the acquisition and damage done to such lands during public works and allows them if dissatisfied with the compensatory measures to use arbitrators to settle grievances. Assessment of compensation is done by the courts, and the assessment may include disturbance to lessees of the land.

Legislation	Description
Acquisition of Lands for Public Purposes (Amendment) Act 2024	This Act amends the Acquisition of Lands for Public Purposes Act. This amendment allows the government to acquire land for public use (e.g roads, schools, hospitals) while ensuring timely compensation for property owners. This allows affected citizens to receive payments immediately following the acquisition
Housing Act	The Central Authority must pay compensation to the owner of land, buildings, or interests in them if they are acquired compulsorily. (Art. 30-31)
Town and Country Planning Act	This Act aims to promote the development of land, cities, towns, and other areas, both urban and rural, while also improving their amenities. The act also coordinates between the Central Housing Planning Authority and local institutions in the preparation and adoption of land schemes. This Act empowers the Minister of Local Government to access and acquire lands for public use including roads, passageways, and other uses. It provides for the compensation of injured parties in an entire section Part 1V which outlines the mechanisms for compensation and betterment including the terms of assessment of damages and injuries.
Environmental Protection Act	An Act to provide for the management, conservation, protection and improvement of the environment, the prevention or control of pollution, the assessment of the impact of economic development on the environment, the sustainable use of resources and for matters incidental thereto or connected therewith. The Act provides for the establishment of the Environmental Protection Agency. The Agency, as a body corporate, shall establish, monitor, and enforce environmental regulations, co-ordinate an integrated coastal zone management programme and carry out other functions in relation to environment protection and enhancement. The same section sets out the powers of the Agency, specific duties, and principles of environmental management.

There is no existing legislation or official policy document that specifically supports resettlement initiatives in Guyana. Similarly, no prescribed legislation or formal policy for relocation of squatters exists in Guyana. Established practice may provide guidance on establishing procedures for resettlement as long as the principles and requirements laid out in this RF are adhered to.

### Gap Analysis of Guyana's National Laws and ESS5

The relevant national laws of Guyana's are generally consistent with ESS5. One inconsistency is that ESS5 requires that land acquisition may only occur after compensation has been paid. According to Guyana's Acquisition of Lands for Public Purposes (Amendment Act) 2024, any land acquired under this Act the Minister shall promptly lodge with the Registrar, by ex parte application to the Court, an advance payment of eighty percent of an amount equal to the purchase money or adequate compensation as estimated by the Minister to be payable under this Act and any person lawfully entitled and duly authorised may make an application to the Court for payment of the said sum.

Where resettlement is required, ESS5 also requires that resettlement sites and moving allowances be paid prior to any development. By contrast, the Acquisition of Land (Land Settlement) Act allows the government to take possession of any needed land and development proceeds prior to compensation being paid. To ensure compliance with ESS5, eligible PAPs must be compensated before any development is initiated (Table 8).

**Table 8: Guyana's Land Acquisition Procedures Based on Land Acquisition Act**

Activity	Description/Task
1. Land Identification	<ul style="list-style-type: none"> <li>- Identify properties to be acquired, with relevant details</li> <li>- List property owners under Entitlement Categories A, B or C.</li> </ul>

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

Table 9 identifies gaps between Guyana's national legislation and ESS5 and offers measures to address these gaps. Of particular importance is accounting for land acquisition and the timing of compensation as a specific output of any future activities resulting from implementation of the Project in order to satisfy the requirements of the World Bank ESF.

In cases where there is non-agreement between the national legislature and World Bank ESF, the more stringent condition is applied. Guyana agrees to take all actions necessary to ensure full and effective implementation of ARPs prepared in accordance with the RF, and to otherwise take actions necessary to achieve all relevant provisions of ESS5.

**Table 9: Gaps Between Guyana's National Legislation and ESS5**

Conflict/Gap	World Bank Requirements	National Laws	Measures to Address Gap
Timing for payment of compensation and taking possession of acquired land	ESS5 Paragraph 15: Taking of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.	Pursuant to the Acquisition of Lands for Public Purposes (Amendment Act) 2024 where any land is acquired under this Act the Minister shall promptly lodge with the Registrar, by ex parte application to the Court, an advance payment of eighty percent of an amount equal to the purchase money or adequate compensation as estimated by the Minister	The implementing agency is required to submit an early request for land acquisition to the responsible authority to ensure this task is included in the annual work programme and that the relevant budgetary allocation is made; A representative of this authority is to be included on any Project Steering Committee; the project budget may provide for acquisition costs.

Conflict/Gap	World Bank Requirements	National Laws	Measures to Address Gap
		to be payable under this Act and any person lawfully entitled and duly authorised may make an application to the Court for payment of the said sum.	
Restoration of livelihoods and living standards to pre-project levels or higher	ESS 5, Paragraph 2: Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. ESS5, Paragraph 36: Compensation should include measures to ensure that displaced persons are offered support after displacement for a transition period necessary to restore their livelihood and standards of living.	<p>There is no existing legislation or official policy document that specifically supports resettlement initiatives.</p> <p>There is the Livelihood Restoration Plan dated April 25, 2019 by the Central Housing and Planning Authority for "Adequate Housing and Urban Accessibility Program which was done for the Sophia Housing Area Project which is a precedent for resettlement and restoration initiatives in Guyana</p>	All PAPs should be eligible for full compensation benefits per World Bank ESF requirements.
Opportunity to derive development benefits from project	ESS 5, Paragraph 14: The client will provide opportunities to displaced communities and persons to derive appropriate development benefits from the project.	Opportunities to derive development benefits are not generally part of local development projects.	Government should seek to enter into agreements with contractors to give priority to the employment of workers originating from the target communities.
Asset replacement, net depreciation, moving expenses and other transaction costs	ESS5 Footnote 6: "Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons to ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and	These costs are usually calculated as the market value of the asset plus transaction costs (e.g., taxes, stamp duties, legal and notarization fees, registration fees, travel costs and any other such costs such as may be incurred as a result of the transaction or transfer of property). In applying this method of valuation, depreciation of structures and assets are not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms, in-kind compensation may be appropriate however this compensation should be made in goods or resources that are of equivalent or	All replacement costs will be calculated per World Bank ESF requirements.

Conflict/Gap	World Bank Requirements	National Laws	Measures to Address Gap
	delivery of compensation is extensive.	greater value and that are culturally appropriate. With regard to land and structures, replacement costs are defined as follows-the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure including labour and contractors' fees and transaction costs.	

### Methods of Valuating Assets

In Guyana, valuations of the assets to be displaced are done by the Valuation Office within the Ministry of Finance. Part III of 28:04 Valuation for Rating Purposes Act outlines the process for valuation. Valuation of land will be carried out by the Guyana Lands and Surveys Commission (GLSC). The cost of land acquisition and associated administrative and logistical costs will be provided through the budget of the GEA and payments will be made before works begin.

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

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

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

Methods for undertaking valuations for compulsory acquisition may also be guided by the codes of ethics and standards of the Royal Institute of Chartered Surveyors (RICS), International Valuations Standards Council, or national institutes of surveyors.<sup>11</sup>

To ensure transparency of procedures, the PIU representative, PAPs, and a trusted community member (selected by PAPs) will be present in all meetings to discuss the value of compensation, negotiation of final amount and final payment. Private owners are also given the right to provide their own assessments. Negotiations are allowed where there are differences in value. Special arrangements also should be made for vulnerable populations, for example, the elderly and special needs individuals.

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

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

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

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

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

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<sup>11</sup> The RICS Red Book contains mandatory rules and best practice guidance for undertaking asset valuations. See: <https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/valuation-standards/red-book/red-book-global>.

**Valuation of Lands Characterised by Semi-formal ownership:** Where the interest in the land is undefined or in dispute, the state facilitates the appointment of an administrator. A settlement is made based on the current estimated value, placed in trust until the beneficiaries have resolved their interest.

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

## **F. PREPARING AN ABBREVIATED RESETTLEMENT PLAN/RESETTLEMENT PLAN**

All projects causing physical or economic displacement through land acquisition or project-related restrictions on resource access or use are required to prepare and implement an ARP/RP. Responsibility for preparation and implementation of ARPs/RPs rests with the PIUs. As necessary, the PIU will exercise its authority to coordinate actions with any other involved agencies, jurisdictions, or project contractors to promote timely and effective planning and implementation.

ARP/RP preparation begins once the physical footprint of a proposed investment has been determined, establishing that a particular site (or sites) must be acquired for project use. The PIU initially screens proposed sites to identify current usage and tenurial arrangements and identifies the site (or sites) that will minimize physical and economic displacement. The PIU subsequently carries out, or causes to be carried out, a census survey to identify and enumerate all displaced persons on the selected site (or sites) and an asset inventory to provide a complete count and detailed description of all property and assets that will be acquired, affected, or lost due to the project. Once the census survey and asset inventory have been carried out, the cut-off date is established.<sup>12</sup>

The cut-off date determines eligibility for compensation and resettlement assistance for PAPs. It is defined as the date by which PAPs and their affected assets have been identified—through the census and asset inventory. After this date, new entrants to the site (i.e., people who move into the area or establish assets after the cut-off date) are not eligible for compensation or resettlement assistance. Persons whose ownership, use, or occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of whether they were identified in the census.

Each ARP/RP is based on the principles, planning procedures, and implementation arrangements established in this RF (See Annex 1 for more details). The ARP/RP should be complemented by a separate set of individual compensation files for each displaced household or persons. These files are to be handled confidentially by the Borrower to avoid any prejudice to displaced persons.

Eligibility criteria for compensation and all other forms of assistance should be clearly summarized in a matrix that can be used for consultation with displaced persons (see Annex 2).

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<sup>12</sup> The cut-off date is usually the last day of the census and asset inventory, or the date when the census begins, depending on the project and local legal requirements. In some cases, it may be the date when the project area is officially delineated or when a public announcement is made. The cut-off date must be widely communicated to all affected communities and stakeholders, often through public meetings, local media, notices, and direct engagement with community leaders.

Additional planning measures must be incorporated into ARPs/RPs for projects causing physical displacement, or significant economic displacement, as described below. For projects causing physical displacement,<sup>13</sup> the ARP/RP should include planning measures relating to the following, as relevant for project circumstances:

- a) Description of relocation arrangements, including options available to displaced persons, and including transitional support for moving or other expenses
- b) Description of resettlement site selection, site preparation, and measures to mitigate any impacts on host communities or physical environment, including environmental protection and management
- c) Measures to improve living standards and otherwise address particular needs of relocating poor or vulnerable households, including measures to ensure that replacement housing is at least consistent with minimum community standards and is provided with security of tenure
- d) Description of project design measures to improve living standards, access to or functioning of community services or facilities, or for providing other project-related benefits
- e) Any measures necessary to address impacts of resettlement on host communities.

For projects causing significant economic displacement,<sup>14</sup> the ARP/RP describes (as relevant):

- a) The scale and scope of likely livelihoods-related impacts, including agricultural production for consumption or market, all forms of commercial activity, and natural resource use for livelihoods purposes
- b) Livelihoods assistance options (for example, employment, training, small business support, assistance in providing replacement land of equivalent productive value, other) available to persons losing agricultural land or access to resources
- c) Assistance measures available to commercial enterprises (and workers) affected by loss of assets or business opportunities directly related to land acquisition or project construction
- d) Project measures to promote improvement of productivity or incomes among displaced persons or communities.

## **G. CONSULTATION AND DISCLOSURE ARRANGEMENTS**

This RF will be disclosed in-country through the relevant PIU websites and will also be made available on the World Bank's website. Relevant subproject-specific safeguard documents and mitigation plans prepared subsequently will also be disclosed. Stakeholders will be periodically consulted and kept informed about any land acquisition-related information during design and implementation stages. Public consultation will be an on-going activity, as described in each country's Stakeholder Engagement Plans (SEPs) for the Project and will include public consultation place through local community meetings and public explanations of the project ideas and requirements. Particular attention will be paid to public consultation with PAPs, households and homesteads (including host communities) when resettlement

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<sup>13</sup> Additional details regarding planning measures for physical displacement are provided in ESS5, Annex 1, paras. 17–23.

<sup>14</sup> Consideration of scale of loss of productive assets as well as changes in institutional, technical, cultural, economic, and other factors may be important in determining the significance of economic displacement. In general practice, however, loss of 10 percent or more of productive land or assets from a household or enterprise often is considered significant. Additional details regarding planning measures for economic displacement are provided in ESS5, Annex 1, paras. 24–29.

and compensation concerns are involved. Consultations will also be held with local government bodies in which the proposed works will be undertaken.

Subsequently, ARPs/RPs will summarize results of measures taken to consult with displaced persons regarding the Project, its likely impacts, and proposed resettlement measures. It will also summarize all meetings held with displaced persons (dates, locations, number of participants), including comments, questions, and concerns expressed by displaced persons during these meetings as well as responses provided to them. The relevant PIUs will disclose a draft ARP/RP to the displaced persons and the public after a review by the World Bank and solicit comments from displaced persons regarding the proposed ARP/RP. Disclosure of the final ARP/RP occurs following consideration of comments received and following World Bank acceptance.

## **H. IMPLEMENTATION ARRANGEMENTS**

This section describes organizational responsibilities for preparing land acquisition and resettlement activities in relation to future sub-projects related to the implementation of the Project. The PIUs within Grenada's Ministry of Climate Resilience, the Environment and Renewable Energy, Saint Lucia's Ministry of Infrastructure, Ports, Transport, Physical Development and Urban Renewal and Guyana's Energy Agency (GEA) will coordinate project activities, including day-to-day implementation, coordination, supervision, and overall management of project activities. Administrative responsibility for coordinating implementation of the ARPs/RPs during the life cycle of the project rests with the PIUs. The Social Specialists within the PIUs will have direct responsibility for resettlement issues that may arise.

The PIUs will be responsible for coordinating the development, implementation and monitoring of any ARPs/RPs, with technical inputs from relevant government ministries as needed. National departments and agencies are expected to participate in the preparation of ARPs/RPs. The efforts of these national agencies/departments will be aligned with the RF, with overall responsibility for coordinating and monitoring adherence to the RF assumed by the Project Manager of the PIU, with support from the PIU's Social Specialist.

## **I. MONITORING AND EVALUATION**

Project PIUs in each country will make arrangements for monitoring implementation and will provide periodic monitoring reports to the World Bank regarding the status of land acquisition and implementation of the ARP/RP. For sub-projects with significant impacts, competent resettlement monitoring professionals will monitor implementation progress and provide advice on any necessary corrective actions and will conduct an implementation review when all mitigation measures in the ARP/RP are substantially complete. The implementation review evaluates the effectiveness of mitigation measures in achieving ARP/RP and ESS5 objectives and recommends corrective measures to meet objectives not yet achieved.

## **J. GRIEVANCE MECHANISM**

The Project's grievance redress mechanism (GRM) has been outlined in each country's SEP and is in alignment with the requirements of [ESS10 Stakeholder Engagement](#). This GRM will be established early in Project development to ensure that all complaints are adequately recorded and responded to. Each country's SEP details the grievance procedure that has been established for the Project. While the RF

utilizes the same GRM as the Project's, any complaints filed by PAPs in relation to resettlement will be logged and filed differently to those received from other project stakeholders.

To ensure that displaced persons can raise complaints regarding the land acquisition process, calculation or payment of compensation, provision of assistance, or other relevant matters, the ARP/RP provides for an accessible and responsive grievance mechanism. The ARP/RP describes submission procedures, organizational arrangements, and responsive performance standards for handling grievances, and measures to be taken to inform displaced persons or communities about grievance initiation and response standards. The GRM does not preclude displaced persons from pursuing other legal remedies available to them. Project PIUs keep a record of all complaints referred to in the grievance mechanism, including a description of issues raised and the status or outcome of the review process.

**Table 10: Grievance Management Process**

Step	Description of Grievance Management Process	Responsible Entity Grenada	Responsible Entity Saint Lucia	Responsible Entity Guyana
1. Receiving Grievance/Feedback	PIU  Intake channels: In-person, in writing, Project site telephone, fax, emails, SMS, Whatsapp, Facebook page, Grievance submission form  Grievances related to the environment may also be filed directly with the EPA (Guyana)	Grievance Coordinator  Permanent Secretary, Ministry of Climate Resilience, the Environment and Renewable Energy, Ministerial Complex, Saint George, Grenada Tel: 1 473-440-0366 Email: <a href="mailto:pssec@cre.gov.gd">pssec@cre.gov.gd</a>	Grievance Coordinator  PIU, St. Lucia's Ministry of Infrastructure, Ports, Transport, Physical Development and Urban Renewal	Social and Environmental Officer  Guyana Energy Agency 295 Quamina Street, South Cummingsburg, Georgetown PO Box 903 Telephone: 226-0394 Ext:241/223 <a href="mailto:gea@gea.gov.gv">gea@gea.gov.gv</a>  Environmental Protection Agency Ganges Street, Sophia Georgetown, Guyana Complaint Hotline: <u>+592-225-5469</u> <a href="mailto:epa@epaguyana.org">epa@epaguyana.org</a>
	Sub-project site level via designated project focal points  Intake channels: in person, in writing, telephone, SMS, Whatsapp, suggestion/grievance box	(TBD once implementation begins)	(TBD once implementation begins)	(TBD once implementation begins)
	Contractor  Intake channels: grievants may file a complaint at a sub-project site via a suggestion/grievance box or in-person in	Contractor-Designated Grievance Manager	Contractor-Designated Grievance Manager	Contractor-Designated Grievance Manager

Step	Description of Grievance Management Process	Responsible Entity Grenada	Responsible Entity Saint Lucia	Responsible Entity Guyana
	writing, telephone, SMS, or Whatsapp with the contractor			
2. Processing	Any complaint received is categorized (high, medium, low priority) and forwarded to relevant sub-project focal points or PIU. Then the grievance is logged in the Grievance Management Registration and Monitoring Sheet	Grievance Coordinator	Grievance Coordinator	Social and Environmental Officer
3. Acknowledgement	Receipt of the grievance is acknowledged to the grievant and informed of the approximate timeline for addressing the complaint if it can't be addressed immediately.	Grievance Coordinator	Grievance Coordinator	Social and Environmental Officer
4. Verification, investigation, action	Investigation of the complaint is led by the Social and Environmental Officer Coordinator (and if needed, the Grievance Management Committee) and a proposed resolution is formulated and communicated to the grievant	Grievance Coordinator in collaboration with relevant Ministries, and Grievance Management Committee (for complex cases)	Grievance Coordinator in collaboration with relevant Ministries, and Grievance Management Committee (for complex cases)	Social and Environmental Officer in collaboration with relevant Ministries, and Grievance Management Committee (for complex cases)
5. Monitoring and evaluation	Data on complaints are collected in the Grievance Management Registration and Monitoring Sheet and reported to the WB	GRM focal point	GRM focal point	Social and Environmental Officer
6. Provision of feedback	Feedback from grievant regarding satisfaction with complaint resolution is collected	GRM focal point	GRM focal point	Social and Environmental Officer

## Annex 1: Elements of an Abbreviated Resettlement Plan (ARP) and Resettlement Plan (RP)

**Abbreviated Resettlement Plan:** An abbreviated plan covers the following minimum elements:

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and
- (f) a timetable and budget

**Resettlement Plan:**<sup>15</sup> The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures. The minimum elements of a resettlement plan are:

Description of the Project: General description of the project and identification of the project area.

Potential impacts: Identification of:

- (a) The project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the time frame of the project;
- (b) The zone of impact of such components or activities;
- (c) The scope and scale of land acquisition and impacts on structures and other fixed assets;
- (d) Any project-imposed restrictions on use of, or access to, land or natural resources;
- (e) Alternatives considered to avoid or minimize displacement and why those were rejected; and
- (f) The mechanisms established to minimize displacement, to the extent possible, during project implementation

Objectives: The main objectives of the resettlement program.

Census survey and baseline socioeconomic studies: The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures, and other fixed assets to be affected by the project.

Legal framework: The findings of an analysis of the legal framework, covering:

- (a) The scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal time frame for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
- (c) Laws and regulations relating to the agencies responsible for implementing resettlement activities; and

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<sup>15</sup> See Annex 1 of the [ESS5 Guidance Note for Borrowers](#) for more details on each section of the RP

(d) Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.

Institutional framework: The findings of an analysis of the institutional framework covering:

- (a) The identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
- (b) An assessment of the institutional capacity of such agencies and NGOs/CSOs; and
- (c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of and compensation for losses: The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources, and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.

Community participation: Involvement of displaced persons (including host communities, where relevant):

- (a) A description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
- (b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- (c) A review of the resettlement alternatives presented, and the choices made by displaced persons regarding options available to them; and
- (d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as Indigenous Peoples, ethnic minorities, the landless, and women are adequately represented.

Implementation schedule: An implementation schedule providing anticipated dates for displacement and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Costs and budget: Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

Grievance redress mechanism: The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanism.

Monitoring and evaluation: Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank,

to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Arrangements for adaptive management: The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

## Annex 2: Draft ARP/RP Entitlements Matrix<sup>16</sup>

Individuals, households or communities affected by project-related activities may be eligible for compensation for loss of land or structures and for other resettlement assistance depending on land tenure status. PAPs who experience displacement as a result of project-related activities are comprised of three groups, as described in Table 11. Those who (a) have formal legal rights to land or assets; (b) have a claim to land or assets that is recognized or recognizable under national law; or (c) who have no recognizable legal right or claim to the land or assets they occupy or use.

**Table 11: Compensation Eligibility Criteria for Displaced Persons**

Category	Definition	Evidence required	Compensation
Formal	Persons with formal legal rights to land, including customary and traditional rights of occupancy recognized under national laws	Proof of legal ownership, documented in written form such as land registers, deeds, mortgages, lease agreements, tenancy agreements or rent receipts	Compensation for land and assets lost, and other resettlement assistance, in accordance with the RF.
Semiformal	Those who do not have formal or recognized legal rights to land at the time the census begins, but have a claim to such land or assets, that is either recognized under national laws or becomes recognized through a process identified in the ARP/RP. This category may also be established in relation to a settlement type, for example, rights established under national Squatter Regularization Laws.	Criteria for establishing non-formal, undocumented, or unrecognized claims to eligibility will be established on a case-by-case basis. Proof of eligibility may take the form of an affidavit signed by the owner/occupant and witnessed by a reputable member of society.	Compensation for loss of access to land and assets lost, and other resettlement assistance, in accordance with the RF.
Informal	Those who have no recognizable legal right or claim to land they are occupying or using.	Occupants identified during the baseline census, but lacking any evidence of ownership, or legal claim under national laws.	No compensation is provided for land. Compensation provided for loss of structures or agricultural assets and resettlement assistance in lieu of compensation for the land occupied or used.

Table 12 is an entitlements matrix that outlines potential types of losses incurred, the types of affected PAPs and entitlements. All resettlement and displacement assistance will be provided in line with the World Bank policy requirements.

<sup>16</sup> This matrix is a draft and would be adapted, according to country-specific legislation and practices.

**Table 12: Draft ARP/RP Entitlements Matrix**

Type of Loss	Category of PAP	Eligibility Criteria	Entitlement
<b>A. Permanent loss of residential, agricultural, and commercial land</b>	Landowners	<p>Persons with formal rights to land (including customary and statutory rights of occupancy recognized under the Laws of each respective country)</p> <p>Proof of legal ownership, documented in written form such as land registers, deeds, or mortgages.</p>	<p>In kind compensation or cash, based upon full replacement cost, plus transaction costs and statutory fees.</p>
	Renters/Lessees	<p>Proof documented in written form such as lease agreements, tenancy agreements or rent receipts</p>	<p>Prorated compensation for remainder of lease term</p> <p>Assistance with finding alternative land to rent/lease.</p> <p>Transitional assistance, as needed, to ensure that livelihoods are not affected.</p>
	Informal occupants	<p>Occupants identified during the baseline census, but lacking evidence of ownership, or legal claim under national laws.</p> <p>PAPs would lose crops, farm income, or farm structures due to the project.</p>	<p>Resettlement assistance and cash compensation based on full replacement costs provided for loss of structures or agricultural assets, in lieu of compensation for the land occupied or used.</p> <p>Entitlement to new housing on authorized land under government housing programs.</p> <p>Livelihood restoration support, as needed.</p>
<b>B. Temporary loss of residential, agricultural, and commercial land</b>	Owners, users with legal claim, renters/lessees and informal users	All persons temporarily affected	<p>Lease agreements will be negotiated between the government and landowners for temporary land take. Compensation for duration of project use.</p> <p>Restoration of land to prior condition</p>
<b>C. Residential and commercial structures</b>	Owners	<p>Persons with formal rights to land (including customary and statutory rights of occupancy recognized under the Laws of each respective country)</p> <p>Proof of legal ownership, documented in written form such as land registers, deeds, or mortgages.</p>	<p>Direct replacement or compensation at replacement cost for structure (non-depreciated value including labor and materials) or in-kind reconstruction on alternative site + moving assistance; transitional shelter if needed.</p> <p>PAPs will be assisted with finding alternative land to rent/lease to ensure that livelihoods are not affected.</p>
	Renters/Lessees	Formal or de facto lease agreements, tenancy agreements or rent receipts.	

		Residing in affected structure on or before the cut-off date.	
	Occupants with legalizable claims	Occupying affected structure on or before the cut-off date.	
	Informal occupants  Sharecroppers, landless/Squatters  Farmers	Structures present on the affected property on or before the cut-off date.	<p>Cash compensation for lost structure based on replacement cost (based on non-depreciated value) and relocation</p> <p>Guyana-specific entitlements: Provision of lot by Guyana's Central Housing and Planning Authority for relocation. PAPs given at least one (1) week to relocate.</p> <p>Cash entitlement for dismantling structure and relocating PAPs to lot designated for PAPs (including cost of labour for dismantling and transportation)</p> <p>Provision of housing structure on public land and which is designated for relocation.</p> <p>Provision of opportunity to households to salvage construction materials from the dismantled structure</p>
<b>D. Agricultural production</b>  (Includes crops, fruit/nut trees, timber trees, aquaculture, forest produce, livestock forage, livestock.)	Owners, tenants, sharecroppers, landless/squatters	Agricultural production on affected lands identified on or before the cut-off date.	<p>Cash compensation for loss of income provided based on farm income computations. PAPs are allowed to harvest crops planted prior to the date that land is taken. If land must be taken before crops are ready for harvest, crop compensation will be determined by the ministry with responsibility for agriculture, with participation of the PAP, and paid for by the project.</p> <p>Opportunity to bring to market, or compensation at market value at maturity (or compensation at net present value for trees and livestock)</p> <p>Cash compensation for costs associated with land preparation and restoration.</p> <p>Alternative employment, skills training, business development assistance, or other additional assistance linked to livelihoods restoration or improvement.</p>
<b>E. Productive fixed assets</b>	Asset owners/users	Assets identified on or before the cut-off date.	Compensation at replacement cost (non-depreciated value including labor and materials) will be made for

(Irrigation facilities such as wells, ponds, canals, pipelines, etc.; and structures such as fencing, troughs, sheds, barns, etc.)			loss of affected land, structures, and economic assets on the land at full replacement value.
<b>F. Temporary loss of business income</b>	Owner, tenants, informal vendors	Proof of legal ownership, documented in written form such as land registers, deeds, or mortgages for owners or lease agreements, tenancy agreements or rent receipts for tenants or identified during the baseline census.	Payment of support for period of disruption and cash for loss of inventories  Livelihood restoration assistance (skills training, access to microcredit, priority in employment for project works where possible)
<b>G. Temporary loss of employment or wages</b>	Employees	Proof of payment records or other forms of estimation	Payment of wages or unemployment support for period of disruption
<b>H. Loss of public or community infrastructure, facilities, or services</b>	Public or private owners	Public/community resources identified on or before the cut-off date	Compensation at replacement cost for damage or destruction of infrastructure and facilities; assistance in restoring functionality and accessibility of services
<b>I. Impact on vulnerable parties</b>	Vulnerable parties, such as: <ul style="list-style-type: none"> <li>• Adults above 65 years old</li> <li>• Disabled/mentally challenged persons</li> <li>• Female-headed households</li> <li>• Those living below the poverty line</li> <li>• Displaced illegal residents, users, or occupants</li> <li>• Occupants displaced from substandard housing</li> </ul>	Affected vulnerable PAPs identified during the baseline census	Potential entitlements could be an additional vulnerability allowance (monthly top-up for 3–12 months depending on impact), and livelihood restoration support, such as priority in rehousing and training, small business development loans, enrollment in existing government social security programs and close case management.  Specific governments in project countries may increase these entitlements further.