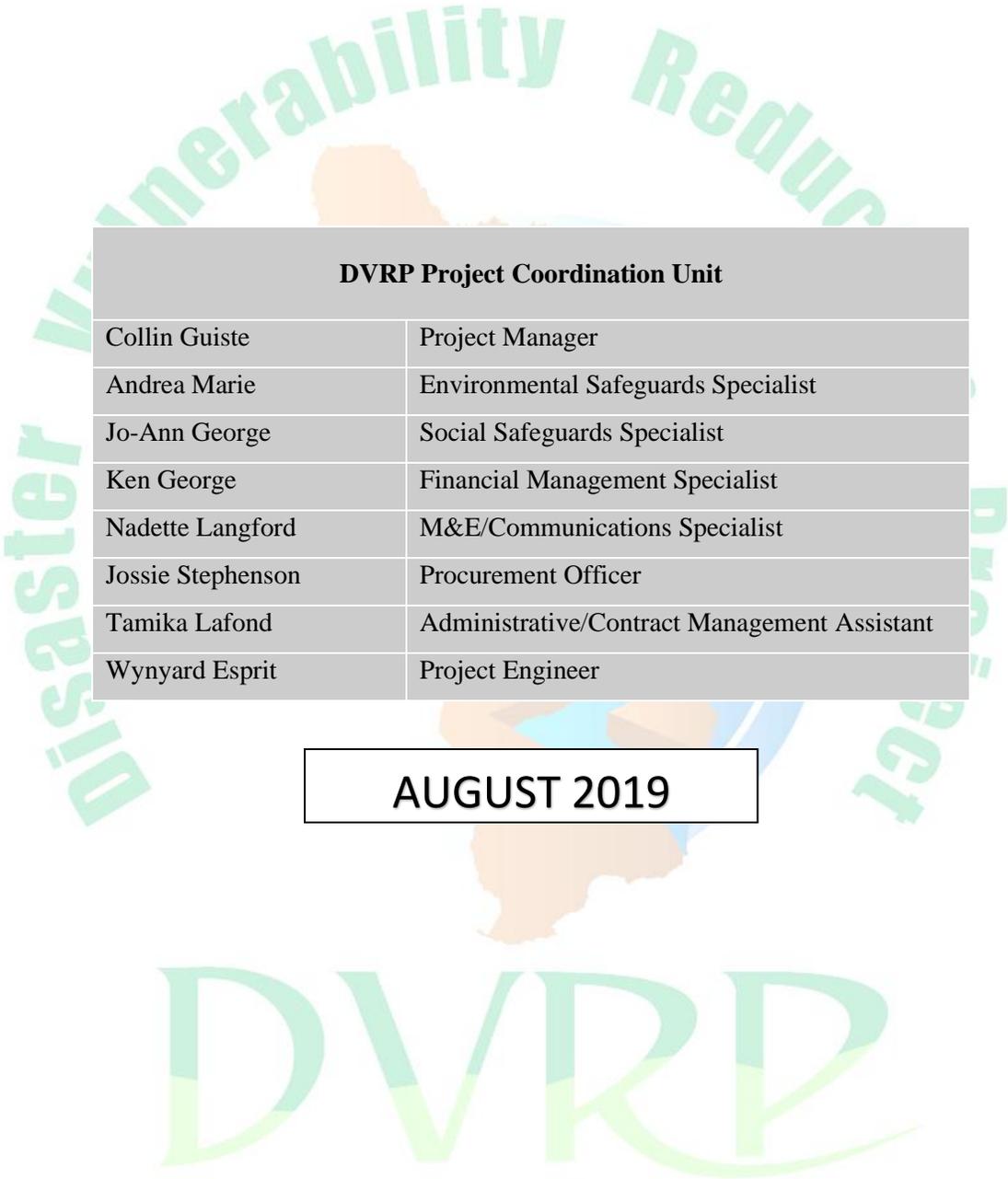




RESETTLEMENT ACTION PLAN

DOMINICA DVRP – EASTERN ISLAND ROADWORKS SUB-PROJECT

DVRP



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DVVRP

Definitions of Terms Used in the Resettlement Action Plan

1. “Abbreviated Resettlement Action 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.
2. “Census” means the head count of the persons affected by land acquisition in terms of asset loss and/or displacement, together with an inventory of the assets lost by these persons. The census also includes basic socio-economic data and is undertaken when the project concept for basic infrastructure investments under a project is agreed between the community and JSIF. The date of the census establishes the cut-off date to record the persons in a community project area, who can receive compensation for lost assets, and/or resettlement and rehabilitation assistance.
2. “Compensation” means the reparation at replacement cost as determined in the DVRP Resettlement Policy Framework in exchange for assets acquired by a community project (land, buildings, or other assets).
3. “Cut-Off Date” means the date after which no person moving into the community project area will be eligible to receive compensation related to land acquisition and resettlement. The cut-off date is the date of the census of the persons affected by land acquisition.
4. “Displaced Persons” means Project Affected Peoples (PAPs) who are forced to relocate from their previous location because:
 - (i) all their land or buildings are acquired for a community project, or
 - (ii) because the amount of land or buildings acquired renders the remaining portion economically unviable or uninhabitable.
5. “Environmental and Social Management Framework (ESMF)” is a safeguard instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the RCIP construction program and other activities associated with this project regardless of funding agency. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument has been prepared as a separate and stand-alone document to be used in conjunction with this RPF.

6. "Land Acquisition" means the process of acquiring land for a community project under the legally mandated procedures of eminent domain.
7. "Involuntary Land Acquisition" is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
8. "Project Affected Person" (PAP) means the people directly affected by land acquisition for a community project through loss of part or all their assets whether temporarily or permanently including land, houses, other structures, businesses, crops/trees, or other types of assets.
9. "Rehabilitation Assistance" means assistance comprising job placement, job training, or other forms of support to enable displaced persons, who have lost their source of livelihood as a result of the displacement, to improve or at least restore their income levels and standard of living to pre-project levels.
10. "Relocation Assistance" means the assistance provided to displaced persons/families to cover
 - (i) the costs of moving from their previous to a new location, and
 - (ii) an allowance equal to the local average costs of living for a two-month transition period to resettle in a new location of residence or business.
11. "Replacement Cost" means the method of valuation of assets to determine the amounts sufficient to replace the lost assets and cover transaction costs.
12. "Resettlement" means the relocation of displaced persons into new residential locations.
13. "Resettlement Assistance" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation, 17.
14. "The Resettlement Policy Framework (RPF)" has been prepared as an instrument to be used throughout the RCIP implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans ("RAPs") for the RCIP will be prepared consistent with the provisions of this RPF.
15. "Resettlement Action Plan" is the document which specifies the procedures that will be followed and the actions that will be taken to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by the project.
16. "Vulnerable Groups" refers to: Widows, the disabled, marginalized groups, low income households and informal sector operators; incapacitated households – those with no one fit to work; Child-headed households and street children.

Executive Summary

The Resettlement Action Plan (RAP) is for the resettlement associated with the Eastern Roads Project. This document commences with a brief description of the Eastern Roads Project and indicates that, while potential project impacts were in general assessed in the Social Impact Assessment (SIA), the RAP treats with involuntary resettlement, land acquisition and compensation and income losses. It states that its primary objective is that of establishing the context and actions that would ensure minimum dislocation for PAPs, a restoration of their livelihoods and compensation for their assets. It notes in this regard that resettlement is being kept to a minimum.

The report presents a synopsis of the socioeconomic baseline of the affected communities, making reference to the healthcare referral and education systems that provide access to members of the affected communities. It also suggests that agriculture, particularly the crop sub-sector, and agro-processing constitute the main means of livelihood in the affected communities. In addition, craft making and boat building are important income sources for the Kalinago people. By way of background, the potential project impacts were summarized, with reference being made to the subtle differences in the rankings assigned them by individual communities.

The RAP presents the results of a survey conducted of the PAP, whose house/business place is carded for demolition and resettlement and another that was targeted at the businesses located along the route. The survey highlighted the PAPs main concerns, namely his wish to be able to move seamlessly from his current residence to the replacement one, the need for timely compensation to enable construction works to commence; and that after having agreed on the compensation, he wished to re-negotiate based on estimates he had received from a builder. With regard to the potential income effects of the road project, the PAP and other businesses located along the route anticipated that there would be no, or insignificant, income losses. A significant number of PAPs (693) have small parcels of land earmarked for acquisition. The negotiations in terms of compensation are ongoing between individual owners and the Authorized Officer.

The RAP sets out the legal and administrative framework, which inter alia, includes the procedural steps in resettlement and land acquisition. Importantly it stipulates that compensation must be paid before project works can commence on lands to be acquired. Other aspects of the RAP include the implementation schedule, which spans the period from the last week in November 2018 to the first week of June, 2019; the method of consultation and participation used; the Grievance Mechanism as specified in the Land Acquisition Act; the monitoring framework; and eligibility and entitlement requirements.

Introduction

Description

This Resettlement Action Plan (RAP) is associated with the DVRP Eastern Roads Project of Dominica, which is being funded by the Government of Dominica and the World Bank. The project will upgrade/rehabilitate 43.3 km of roads in the Eastern region of Dominica, focusing on road surface upgrade, slope stabilization and the rehabilitation of bridges and drainage systems. The project is broken down into four segments and covers some twenty settlements as outlined in Table 1.

Based on the Social Impact Assessment (SIA), the engineering designs and the extensive consultations undertaken, potential project impacts have been identified and mitigation measures recommended. The RAP, however, treats with involuntary resettlement, land acquisition and income losses, attributable to the road construction works. This RAP includes both the land acquisition and the physical relocation. The physical resettlement includes properties owned by two members of one family residing in Segment 2; and an assessment of potential income losses by businesses located along the road network. The land acquisition and associated compensation aspects, which are applicable to all segments, are being managed by the Lands and Surveys Division and the Property Valuation Unit of the Ministry of Housing and Lands, in conjunction with the DVRP Project Coordination Unit (PCU). In cases where crop losses occur, the Ministry of Agriculture conducts a valuation. There is a total of 693 Project Affected Persons (PAPs) in the category of lands earmarked for acquisition, with the lands being relatively small parcels.

DVRP

Project Description

Additional Financing (AF) in the form of an IDA Credit of US\$31 million was requested and approved in 2018. The Project is being prepared as part of an overall development partner initiative to support medium and long-term recovery in Dominica. The Project and subsequent AF is part of a broader World Bank recovery portfolio, comprised of an **Emergency Agricultural Livelihoods and Climate Resilience Project (P166328)** and **Housing Recovery Project (P166537)**. World Bank investments in housing, agriculture and resilient infrastructure were informed by the outcomes of the PDNA, led by the World Bank.

The proposed activities are grouped in 4 components Eastern Roads Project is one component;

- **Component 1 – Prevention and Adaptation Investments (US\$28 million):** This component would be designed to reduce physical vulnerability and pilot adaptive measures to build resilience to current and future hydro-meteorological shocks. Activities under this component would include a suite of civil works to improve infrastructure resilience to disaster events and climate change adaptation measures. Sub-projects to be financed under this component, through the provision of works, technical advisory services, operating costs, and acquisition of goods, include: (a) Construction of water storage and distribution infrastructure; (b) Slope stabilization interventions; (c) Climate resilient rehabilitation of primary and secondary roads and bridges along the East coast and in the South; and (d) Improved climate resilient drainage systems, including maintenance of storm water drainage.
- *Sub-Component 1.1. Road Works (\$18,750,000 – IDA (\$10,312,500), SCF (\$7,725,000), Counterpart Financing (\$712,500)).*

The rehabilitation Project covers sections of the main road in the eastern part of island, which have been found particularly vulnerable under heavy rainfall conditions. The overall purpose is to significantly improve the drainage conditions and stabilize the embankments. Four continuous sections of roads have been identified: (i) Pont Casse to Bois Diable (4.5 km); (ii) Bois Diable to Castle Bruce (9.5 km); (iii) Castle Bruce to Petite Soufrière (8.8 km); and (iv) Castle Bruce to Hatton Garden (20.5 km), for a total of 43.3 km.

Ministry of Public Works has conducted extensive surveys of the areas, leading to an updated and detailed description of the scope of work as well as reliable cost estimates. The scope of work for each segment is further detailed by the nature of the required civil works.

Each site of intervention is geographically located and the estimates relate to quantified works, such as:

- (a) the rehabilitation/reconstruction of drainage and hydraulic structures, which are mainly culverts and lateral drains per MPWEP standards;
- (b) the stabilization of selected lateral slopes and embankments as a preventive action in the objective of vulnerability reduction to natural hazards, through the re-profiling of steep slopes identified as subject to collapse under any pressure from water or lateral effort;
- (c) the rehabilitation/reconstruction of some bridges, structures, corroded stringers, abutments, and handrails;
- (d) the rehabilitation of damaged road sections, road realignment, pavement rehabilitation, and restoration of camber for lateral drainage when appropriate, signage and traffic improvement measures.

Definite design still needs to be completed in order to take into consideration the results of more hydrological, geotechnical and topographical data, which will also be provided as pre-engineering services under this sub-component.

5 DESCRIPTION OF ADDITIONAL FINANCING AND RESTRUCTURING

The Additional Financing (AF) will support Components 1 and 4.

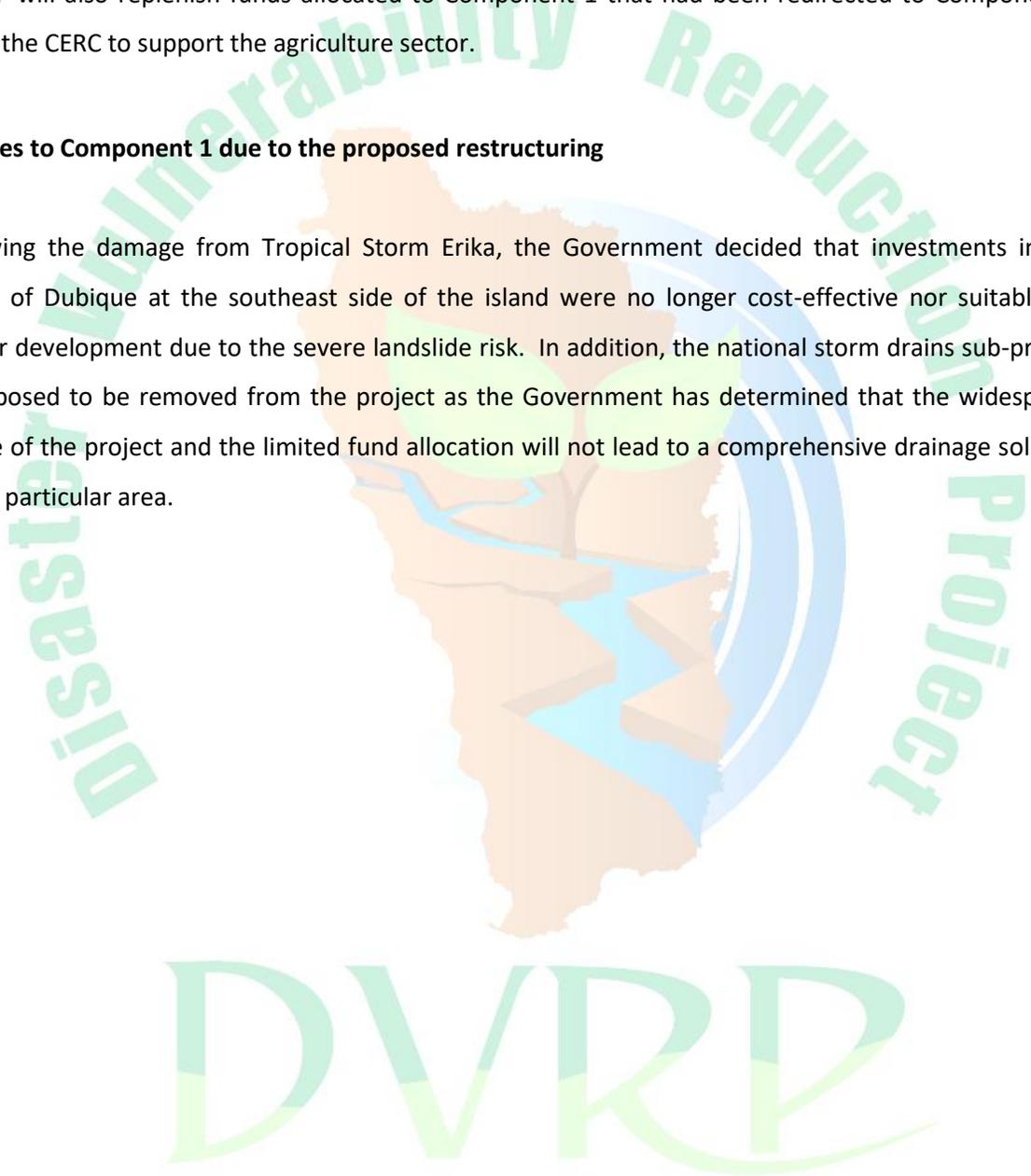
Component 1: Prevention and Adaptation Investments (increase of US\$28.1 million). The proposed activities under the AF are already covered by the description of Component 1. The expanded scope of the East Coast Roads works will fully rehabilitate, widen, and resurface the entire 43.3 km of the road to resilient standards, instead of only strengthening works at selected sites as envisaged under the DVRP. Works will include substantial slope and landslide stabilization, flood mitigation activities along the entire corridor, bridge protection and replacement, expansion of road width, and mitigation of river erosion along the road embankments.

The proposed strengthening of the water distribution systems and access roads for West Coast Water Tanks under the AF will be based on improved construction techniques and material to ensure that water pipes are resilient to recurrent natural disasters.

The AF will also replenish funds allocated to Component 1 that had been redirected to Component 3 under the CERC to support the agriculture sector.

Changes to Component 1 due to the proposed restructuring

Following the damage from Tropical Storm Erika, the Government decided that investments in the village of Dubique at the southeast side of the island were no longer cost-effective nor suitable for further development due to the severe landslide risk. In addition, the national storm drains sub-project is proposed to be removed from the project as the Government has determined that the widespread nature of the project and the limited fund allocation will not lead to a comprehensive drainage solution to any particular area.



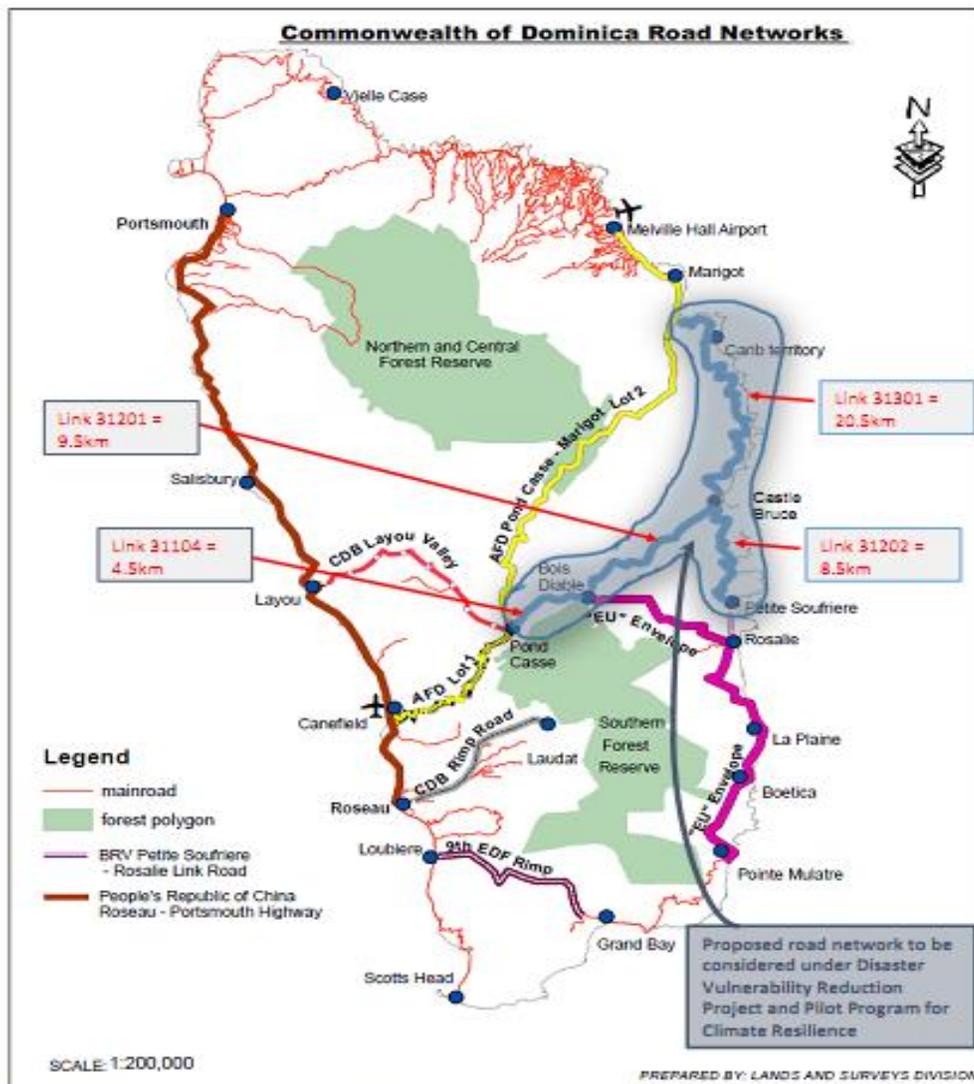


Figure 3 – Map showing further detail of project

Figure 1: Map of Dominica showing further detail of the project

Objectives of the Resettlement Action Plan

The primary objective of the RAP is to establish the framework and actions that ensure that Project Affected Persons (PAPs) experience as little dislocation as possible, have their livelihoods restored and are awarded fair compensation for their assets. It is also intended that these actions are expedited in a way that avoids delays in the commencement of the road construction project.

Road Segment	No. of Kilometres	Affected Communities
1: Pont Casse Roundabout to Bois Diable	4.5	Pont Casse
2: Bois Diable to Castle Bruce	9.5	Baju Gutter Fond Melle Belle Fille Castle Bruce
3: Castle Bruce to Petite Soufriere	8.8	Castle Bruce, Tranto, DixPas, Morpo, Good Hope, San Sauveur, Petite Soufriere
4: Castle Bruce to Hatton Garden	20.5	Castle Bruce, Sinekou, Mahaut River, Gaulette River, St Cyr, Salybia, Crayfish River, Bataca, Atkinson, Antrizle

Table 1: Road Segments and Affected Communities

Methodology

In developing this RAP, the Social Impact Consultants conducted desk work and drew on the findings from the finalised Social Impact Assessment and the Social Management Plan. There is only one physical resettlement occurring as part of the project but a large amount of land acquisition and some economic displacement. Importantly, with the help of a questionnaire, we conducted an interview with the PAP, whose home/business place is identified for demolition and replacement. Data relative to his mother, whose shop/shed is due for re-siting away from the road was also obtained from the PAP. Several telephone conversations which provided a basis for clarification and for providing support to the PAP on the procedures to be followed, e.g. in obtaining planning permission were also made. We conducted a survey of the businesses located along the route, with a view to determining whether there may be potential income losses and to provide the baseline for monitoring during construction. We also observed a negotiation session between the Authorized Officer and individual owners and collaborated with the DVRP in setting implementation timelines and inserting the data on the PAPs in the land acquisition category.

It is important to note that the design of the road was adjusted to try and reduce the amount of land acquisition to a minimum.

Minimization of Resettlement

The Consultant Engineers were conscious of the DVRP/World Bank Safeguard¹ provisions that stipulated that relocation should be a last resort, when other options had been exhausted. In consultation with the Government of Dominica, it was decided that it was more feasible to relocate the two properties on Segment 2 than to opt for road realignment. It should be noted, however, that relocation has been kept to a minimum. There are several small pieces of land that will be acquired, but which will not require relocation of the owners. Negotiations in respect of compensation are ongoing through the Property Valuation Unit and will continue to be monitored by the Project Coordinating Unit of the DVRP.

¹ World Bank. OP 4.12 December 2001, Revised April 2013

Socioeconomic Baseline of the Affected Communities

Project Affected Communities along the Road Trajectory:

The baseline study conducted in the context of the Social Impact Assessment (SIA) revealed that the affected communities cover a population of 4,672, representing 6.6 per cent of the national population, based on 2011 Census data. The Kalinago Territory accounts for 2, 112, with a ratio of 1.3 males to females in comparison to 1.1 in the rest of the affected communities.

Regarding health, the communities are well served in terms of the network of clinics, where a referral system enables access from Level 1 clinics to Level 3 health centres; and more serious illnesses being referred to the national hospital. Consultations revealed that a reasonably reliable ambulance service facilitates the movement of persons through the health network; while the few incidents of death while getting to health facilities were related to road traffic accidents or delays, rather than to the level of access to health care.

Chronic non-communicable diseases appeared to be the main health concern, although these are reported to be well managed. Of direct relevance to the project, asthma cases were reported to be of low incidence, but could spike during road construction in the absence of appropriate mitigation measures.

Regarding education facilities, all villages are served by primary schools; the graduates of which transition to one of two regional secondary schools located in Castle Bruce and Wesley. Government funded school buses serve the communities in order to provide transportation for the commute to the secondary schools.

Stakeholder consultations and survey results indicate that agriculture, led by crop production, is the main source of livelihoods in the area, with increasing evidence of diversification into agro-processing activities. Farms are generally small, averaging half acre to 5 acres in size. Farmers tend to be engaged in mixed cropping at subsistence level, with the excesses being sold on the roadside in the villages and to hucksters.

The main crops include bananas, coconut, cocoa, bay, herbal seasonings, peppers and root crops, all of which have been used as inputs for producing agro-products such as coconut oil, cocoa sticks, seasoning sauces and condiments, arrowroot and cassava bread.

Kalinago Community social baseline:

The Kalinago Territory is located in the Parish of St David on Dominica's East or windward coast. It is comprised of 3,782.03 acres of land stretching over 9 miles, covering about 2.0 percent of Dominica's landmass. As per the 2011 Preliminary Census, the population of the Kalinago Territory recorded 2,145 – 1,212(56.5%) males and 933 (43.5%) females. Unemployment in the Kalinago Territory is estimated to be high, particularly among the youth. Decline in the agricultural sector coupled with delayed realization of strong and sustained growth in the tourism sector nationally continue to negatively impact employment in the Kalinago Territory. The development strategy for the sustainable use of land and other resources in the Kalinago Territory should thus facilitate opportunities for job creation.

The Kalinago Council, which is the local government body within the Territory, is further organized into Hamlet Development Committees, governed by a constitution prepared by the Council. There are eight (8) hamlets in the Territory, but seven (7) hamlet development committees since two (2) hamlets were combined. The committees serve as branches to the Kalinago Council which lends to the effective management of the Territory.

Within the Kalinago, craft making and boat building using native woods and weeds, are significant income sources. Needless to say, Hurricane Maria has affected livelihoods in the communities. Moreover, it has affected the social sectors, particularly housing, 90 per cent of which were either damaged or destroyed.

The Kalinago Territory has a unique land title and associated laws and is different to ownership of lands outside of the territory, which is governed by the relevant laws of the Government of Dominica. As part of the Kalinago Territory Act, while the lands cannot be sold or exchanged, Section 28 states that the government preserves responsibility for the overall development and planning in the Territory and so, the land can be acquired from the Council (not individuals), by the State, for the road works.

The Kalinago Act gives the Kalinago Council the authority and responsibility for the management of the Kalinago Territory and variously describes the establishment of the office of the Kalinago Chief, the Constitution, and powers of the Kalinago Council.

Specifically, it gives various powers to the Kalinago Chief and the Kalinago Council and outlines responsibilities of the Minister responsible for the Council. Furthermore, it outlines the means of conducting elections for Council Members and the Chief. It also indicates how funds are to be used on behalf of the Territory. The Act gives the Kalinago Council powers to institute various bylaws pertinent to the management of the community.

Potential Project Impacts

The assessment of potential project impacts was based on interviews with key informants, the implementation of a rapid assessment questionnaire aimed at determining direct and indirect impacts, public consultations, including a participatory approach to weighting impacts (Social Impact Assessment).

The potential benefits were identified as new business opportunities, time saved in getting to various destinations including health facilities and a reduction in vehicle maintenance costs. The adverse impacts included anticipated delays, traffic diversions, increased dust levels, resettlement, land acquisition and compensation associated with the pre-construction and construction phases.

Subtle differences were observed in the ranking of impacts by communities. This was factored into the mitigation actions recommended in the Social Management Plan (SMP).

Survey Results and Findings Specific to the RAP²

Resettlement of Structures in Segment 2

Two properties identified for physical relocation are owned by a mother and son, living in the same compound. That owned by the mother was used as a shop for the sale of ground provisions and flowers prior to the passage of Hurricane Maria. It sustained damage by the hurricane and is currently unused.

² Please see Annex 3 for survey instruments administered

This property will be re-sited away from the road. In terms of livelihood, the owner continues to sell produce in an open-air stall set up for that purpose, in the aftermath of the hurricane.

The other property is a residence with a bar attached and is owned by the son on land that is owned by his stepfather. This is intended to be demolished and replaced with a new structure to be erected further inland, on land which he purchased some nine years ago, but for which the title has not yet been processed. The home that is occupied by the mother and her spouse will not be affected. A signed agreement has been concluded by the landowner on behalf of himself and his spouse with provision for compensation.

The owner informed that he was offered a cash settlement by the negotiators and was pleased to accept the option of managing his own construction works. He had also agreed on the quantum, which was based on a valuation by the Property Valuation Unit (PVU). However, he has not yet signed and has decided to renegotiate, on the grounds that the estimates provided by a contractor has exceeded the initial sum agreed on. The negotiator from the Property Valuation Unit has agreed to reopen the negotiations but noted that the new sum being requested by the Owner makes provision for a structure that is much larger than the existing. The Valuation Unit is prepared to offer a sum that is based on the replacement cost of a structure similar in size to the existing one, but with allowance for improvements. These negotiations are likely to be concluded by the end of February.

It is important to note that the owner of the home and bar to be relocated, plans to build back better and stronger. He informed that the bar, which includes food sales, has been a long-standing business, his main income earner for thirty years. The business opens at 7 a.m. and closes at 10 p.m. He does have subsidiary income, albeit seasonal. He does paint jobs, but mainly during the Christmas Season.

The owner is not likely to incur temporary relocation costs, since he plans to remain in his current home/business place until construction of the replacement property has been completed. He has indicated that he wants to commence construction as soon as possible and has in fact started to clear the land, utilizing own funds to date. He had initially informed that he might draw on his savings to commence construction works before compensation is paid, given the urgency of ensuring that he and his immediate family can move seamlessly into their new home/business place. However, based on follow-up discussions, this does not appear to be likely, due to the emerging hike in construction costs. His estimate of construction time is two to three months. He intends to manage the construction but would hire a builder to execute the works.

Land Acquisition - Segments 1 - 4

Based on the road designs and property surveys, a total of 693 project affected persons (PAPs) have been identified as owners of properties to be acquired. This excludes state owned property that will be co-opted into the road project. It also excludes the Kalinago Territory, where a different type of regime exists, in that land is held in common and negotiations will have to be conducted by the Council, on behalf of the people. Based on the data on land parcels earmarked for acquisition in Segment 4, sizes range from 2 sq. ft. to 41,054 sq. ft. The median size however, ranges from at 1,005 sq. ft. in the case of the Castle Bruce sub-segment to 3385 in the case of Segment 2. Table 2 captures the number of PAPs by segment and the median land sizes.

Road Segment Number	Area Covered	No. of PAPs	Median Land Size (Sq. ft.)
1	Pond Casse to Bois Diable	56	3074
2	Bois Diable to Castle Bruce	111	3385.
3	Castle Bruce to Petite Soufriere	277	1084
4 (1)	Castle Bruce	127	1,005
4(2)	Atkinson to Hatton Garden	122	1,006

Table 2: PAPs by Road Segment, Land Acquisition Category

Economic Displacement - Survey of Businesses - Segments 1 – 4

The Social Impact consultants interviewed 18 businesses along the route, covering an estimated 90 per cent of businesses. The businesses can be classified as micro and small, the majority of them being shops. We were unsuccessful in finding the owners of two guest houses, which might have added to the variety and coverage of businesses interviewed. Table 3 categorizes the businesses by type, gender of owner/operator, earnings and location. Approximately 59 per cent of these businesses are owned and operated by women. No significant income differential can be observed between male and female operators. The craft vendors of the Kalinago Territory, however, appear to be a vulnerable group, given that there seems to be a decline in the number of visitors to the Territory. This has been mainly attributed to the fact that the model village, the Kalinago Barana Aute, was adversely affected by Hurricane Maria.

With this attraction temporarily out of commission, there are few or no tours organized for the area during the 2018/2019 tourist season. As one respondent explained, the craft business cannot pay the bills.

In some cases, the shop either constitutes a secondary income source or is supplemented by earnings from another source, such as farming, the sale of processed foods, such as cocoa sticks and farine or remittances from family members based overseas.

The survey findings suggest that most of the business owners anticipate that their earnings will be unaffected by the road works, the main reason being that their clientele resides mainly in the village. Even in the case where there is significant patronage from persons driving through, it will only be in cases where alternative routes are available, for example in Castle Bruce, that there may be some decrease in business. However, those respondents have indicated that this is not likely to be significant. It is interesting to note that some respondents anticipate that sales may be boosted by the road project, as they may be able to cater goods and services to the construction workers.

In one case, the owner has upgraded the kitchen facilities in anticipation of increased clientele from the road project as well as the proposed establishment of housing complexes in his neighbourhood.

Observation No.	Type of Business	Location	Gender of Owner	Weekly Earnings EC\$	Whether or not sole means of income
1	Bar	Segment 2	Male	1600 - 1700	No
2	Vendor	Segment 2	Female	900	Yes
3	Vendor	Segment 1	Male	Not provided	Yes
4	Shop	Segment 1	Male	Not provided	No
5	Shop	Segment 2	Male	1000 - 2000	Yes
6	Restaurant	Segment 4	Male	1000 - 2000	Yes
7	Shop	Segment 4	Female	500	No
8	Shop	Segment 4	Male	400 - 800	No
9	Shop	Segment 4	Female	3000 - 5000	Yes
10	Shop	Segment 3	Female	2000	Yes
11	Shop	Segment 3	Female	50 - 200	No
12	Shop & Bar	Segment 3	Male	2000	Yes
13	Bar	Segment 3	Female	700 - 1800	Yes
14	Shop	Segment 3	Female	150	No
15	Craft vendor/shop keeper	Segment 4	Female	1000* ¹	No
16	Shop	Segment 4	Female	1200 - 2400	Yes
17	Craft Vendor	Segment 4	Female	100 – 150	Yes
18	Craft Vendor	Segment 4	Female	100 – 200*	Yes
19	General Store	Segment 4	Male	Not provided	Yes

Table 3: Classification of Businesses Surveyed by Type, Gender of Owner and Earnings

*: In October, could earn \$200 per day

*1: shop sales

INSTITUTIONAL FRAMEWORK

Resettlement of project impacted people requires the involvement and collaboration of internal and external stakeholders to ensure that there is minimum negative social impact. These activities begin at data collection and presentation of information in respect of the socio-economic conditions of the affected beneficiaries of the project. The Institutional Framework in the table below illustrates the various entities responsible for resettlement under the project.

Activity	Task	Agency Responsible
Pre-resettlement Activities	Census taking	PCU
	Assessment and Valuation of Properties	Property Valuation Unit
	Payment of Compensation	Ministry of Housing and Lands
Resettlement Activities	Relocation	Ministry of Housing and Lands
	Securing the boundary to prevent influx?	PCU
Post-resettlement Activities	Follow-up	PCU
	Monitoring	PCU (Safeguards and Monitoring and Evaluation Specialists)

Table 4: Institutional Framework

Organisational Structure of the Project Coordination Unit

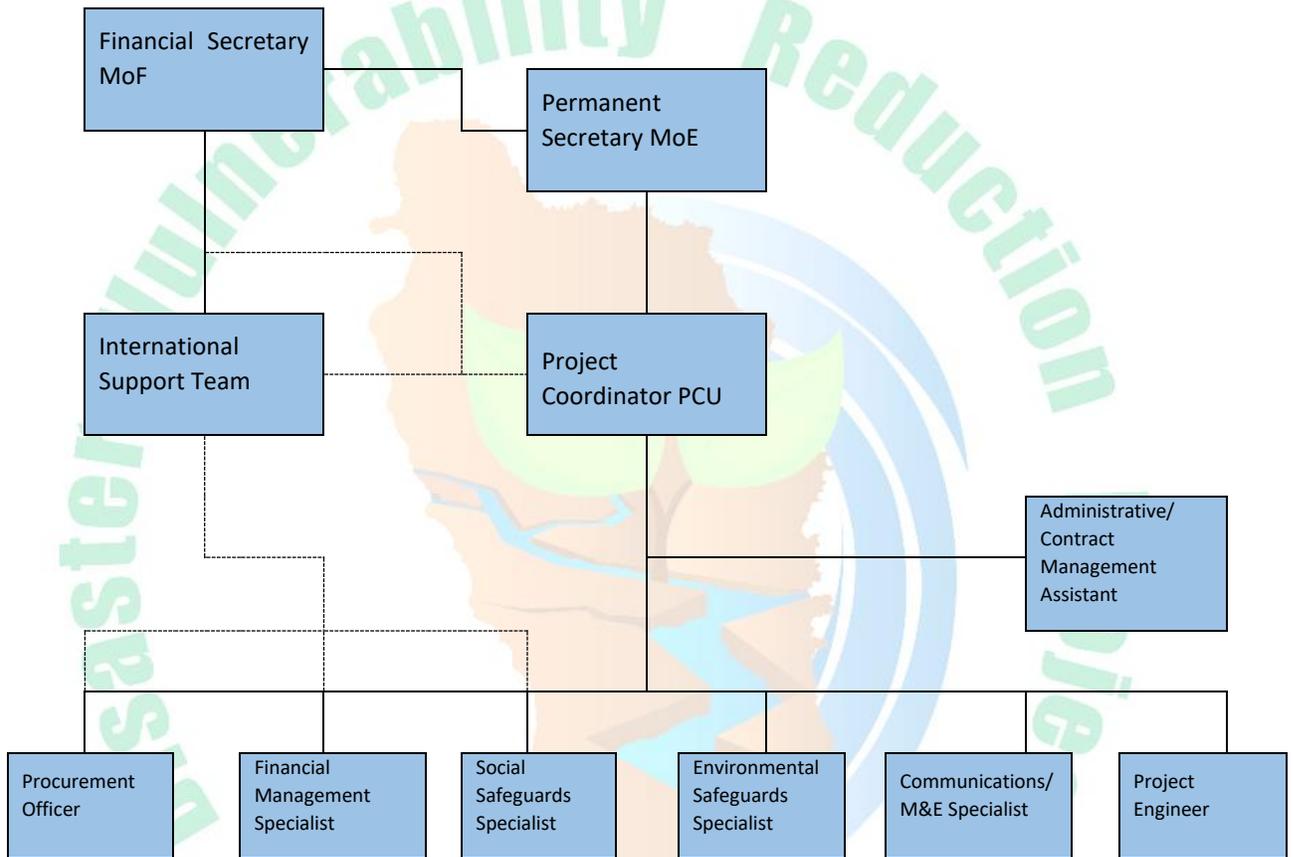


Figure 2: Organizational Structure of the Project Coordination Unit

Legal and Administrative Framework

1. The policies and regulations related to safeguards in the context of this project can be categorized broadly into following four groups:
 - Legislative Measures, Frameworks and Directives related to Environmental Protection and Management, Climate Change Mitigation, and Disaster Management;
 - Policies and regulation related to land tenure and physical development;
 - Safeguard of Indigenous Peoples (IPs); and
 - Good governance, social accountability and public consultation.
2. In terms of national legislation, the key acts related to environmental protection are National Environment Policy/National Environment Management Strategy, 2004; Policy on Planning for Adaptation to Climate Change, 2002; and the Dominica Forestry Policy of 2009. Those related to emergency management include the National Emergency Management Plan and the Disaster Management Plan of 2009. Regulation of physical planning and land tenure are covered by The Physical Planning Act, 2002; and the Title by Registration Act, 1980; The Kalinago Territory Act, 1978, speaks to the rights afforded to the Kalinago People. These Acts and regulations, as well as directives and guidelines. together provide an overall regulatory framework that defines both process and procedures for environmental and social protection, conservation and management.

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Applicable Legislation	Description
The Physical Planning Act, 2002	An act to make provision for the orderly and progressive development of land in both rural and urban areas and to preserve and improve the amenities thereof. For the grant of permission to develop land and for other powers of control over the use of land; For the regulation of the construction of buildings and related matters; To confer additional powers in respect of the acquisition and development of land for planning purposes and for other matters connected therewith
The Title by Registration Act, 1980	An act to authorise the making of a new register for certificates of titles destroyed by fire at the High Court building in Roseau, Dominica on 16th June 1979 and for matters connected therewith and incidental thereto.
The Kalinago Reserve Act, 1978	An Act to provide for the establishment of a body corporate for the Kalinago Reserve, to make provision for the administration of the Reserve and for matters connected therewith.
The Kalinago Reserve (Amendment) Act 1994 (No 8 of 1994)	This Act amends the Kalinago Reserve Act in relation with procedures of election of the Kalinago Reserve Council.
The Kalinago Reserve (Amendment) Act, 2015 (No 2 of 2015)	This Act amends the Carib Reserve Act by changing the name of the Act in the "Kalinago Territory Act" and by making consequential amendments. The word "Reserve" shall be substituted by the word "Territory" wherever it appears.
The Land Acquisition Act Chapter 53.02	An Act to authorize the acquisition of land for public purposes
The State Lands Act No 25 of 1998	An Act relating to the administration and disposal of state lands

Table 5: Applicable Legislation

- 7 The Land Acquisition Act, Chapter 53:02 outlines the acquisition of land by the State and procedures in acquiring private lands for state use. The Act covers the following areas:
- I. Acquisition of land and abandonment of acquisition
 - II. Appointment and powers of Board of Assessment
 - III. Determination of Small Claims for Compensation
 - IV. Provisions Governing Assessment of Compensation
 - V. Miscellaneous
 - a. Absentee owners
 - b. Compensation to persons interested in adjacent land
 - c. Special provisions as to leases
 - d. Persons in possession to be deemed owners
 - e. Fees and expenses of Board
 - f. Conveyancing etc.
 - g. Payment of compensation
 - h. Exemption from stamp duty and fees
 - i. Limitation of time for making claims
 - j. Assaulting or obstructing officer
 - k. Saving

Responsibility for coordination of the Eastern Roads Project and by extension the Abbreviated Resettlement Action Plan (ARAP) resides with the Project Coordination Unit (PCU) of the Disaster Vulnerability Reduction Project (DVRP), which is established within the Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal. Partner agencies include the Ministry of Public Works, Water Resource Management and Ports; the Lands and Surveys Division and the Property Valuation Unit within the Ministry of Housing and Lands; as well as the Physical Planning Division of the Ministry of Planning and Development. The Ministry of Finance is assigned a monitoring role in addition to that of resource allocation.

The legal arrangements governing involuntary resettlement and land acquisition are governed by the Laws of Dominica, specifically the Land Acquisition Act Chapter 53.02 and the Kalinago Territory Act Chapter 25:90. The procedural guidelines for involuntary resettlement and land acquisition are based on these laws as well as the World Bank policies and safeguards.

The Land Acquisition Act provides for the appointment of an Authorized Officer and for the publication of a declaration in two issues of the official Gazette, with a copy being served on the owner or occupier. The Authorized Officer, typically the Director of Surveys and Commissioner of Lands, should enter into negotiations with the owner, once the declaration has been published, with a view to arriving at an agreeable level of compensation. The Act also prescribes that the Minister approve the conditions of sale and acquisition. In addition, the Act ensures that valuation should be based on the market value realizable twelve months prior to the date of the second declaration and that the owner would be exempt from stamp duties and fees. However, it does not provide for the payment of compensation before acquisition is finalized, contrary to the World Bank policy.

It should be noted, however, that a set of procedures, acceptable to the Government of Dominica and the World Bank, have been agreed and implementation established in the following chronological order:

- Identification of land which is to be acquired
- Submission of list to the Lands and Survey Division of the Ministry of Housing and Lands for establishing ownership and quantum of lands
- Submission of Cabinet Paper requesting a decision to acquire land
- Cabinet approval to acquire lands for a specific public purpose and appointment of Authorized Officer
- Declaration and Publications
- Valuations by Property Valuation Unit of the Ministry of Housing and Lands
- Negotiations with individual property owners, except in the case of the Kalinago Territory, where land is communally owned
- Cabinet approval
- Compensation
- Escrow process is triggered in the case there is no agreement with the property owner.
- Acquisition and commencement of works

In the case of the Kalinago Territory, the Kalinago Reserve Act of 1978 provides for the establishment of a body corporate for the administration of the Reserve and for matters connected herewith.³ It gives the Kalinago Council the authority and responsibility for the management of the Kalinago Territory. The Act variously describes the establishment of the office of the Kalinago Chief, the Constitution, and powers of the Kalinago Council.

Specifically, it gives various powers to the Kalinago Chief and the Kalinago Council who have sole powers over land distribution in the Territory. Under the Act, no individual can negotiate sale of property within the Territory, since issuance of individual certificate of titles are prohibited and the land within the Territory rests solely in the hands of the Kalinago Council. For purposes of this Plan, any land acquisition must be made between the Government and the Kalinago Council.

For more information summarizing the strategy specifically relating to land acquisition of the Kalinago Territory, see Annex 1.

The following World Bank guidelines also form an integral part of the procedures on involuntary settlement and land acquisition:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs
- Where resettlement cannot be avoided, resettlement should be conducted as sustainable development programmes
- Displaced persons should be afforded the opportunity to improve their livelihoods and standard of living. They must at least be restored to pre-displacement conditions or to those prevailing at the commencement of project implementation, whichever is higher (OP 4.12 – Involuntary Resettlement 2001, Revised 2013).

³ Kalinago Act of 1978 <http://www.dominica.gov.dm/laws/chapters/chap25-90.pdf>

Strategy for Expropriation and Compensation

The World Bank operational directive OP 4.12 states: “Where the specific resettlement needs of each subproject are not known in advance, the borrower would need to agree to resettlement policies, planning principles, institutional arrangements and design criteria that meet Bank policy and requirements as a condition of the loan. An estimate should be provided of total population to be displaced and overall resettlement costs, as well as an evaluation of proposed resettlement sites. Subprojects in sector investment loans should be screened by the implementing agency to ensure consistency with this directive and approved individually by the Bank”.

As such the strategy for expropriation and compensation will begin with defining and describing they different categories of resettlement under the DVRP. These include the following:

- 1 Permanent Resettlement, to include land acquisition and relocation
- 2 Temporary Relocation of businesses
- 3 Crop Compensation

Arrangements for these activities should be completed prior to the commencement of civil works.

Permanent Resettlement or Relocation of Residential Structures

Assessments to determine the value of properties which need to be relocated or removed for the implementation of the project need to be completed by the relevant government institutions. 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, example the elderly and special needs individuals.

Temporary Relocation of Businesses

Business owners should provide records of their income over a period of 6 months, in order to provide a standard for determining rate of compensation. The contractor's work schedule should indicate the period for which the business will be interrupted and compensation rate will be calculated based on these figures. Every effort will be made to find solutions to minimise impact on local businesses and livelihoods. The project will communicate in advance with businesses which may be impacted to better understand their situation and find solutions. If no solutions can be found they will be compensated for loss of income.

Crop Compensation

Value of crops that will be affected by civil works will be determined by assessments done by the Ministry of Agriculture, in the presence of the property owner. A survey will be carried out a value calculated using various factors. The Assessment report should be signed by the officer from the Ministry and the property owner.

The crop compensation calculations include other factors including;

- productive life span and expected yield
- Acreage
- Number of plants affected
- Cost per pound on the market

9.11 Permanent Land Acquisition

9.111 Preparation of Legal Documents for Unregistered Private Properties

Affidavits of Possession and Affidavits of Support must be prepared as proof of ownership for unregistered properties. The Social Safeguards Specialist will interview this category of owners and two witnesses to gather data which will inform each affidavit. A Commissioner of Oaths, assigned by the Registrar, will administer the oath in the presence of witnesses.

The Attorney General's Chambers will review these documents to confirm their compliance with legal requirements. Copies of the Affidavits will accompany Cabinet Papers requesting acquisition and compensation for portions of unregistered properties impacted by the project.

9.112 Privately Owned Registered Properties

Private property owners claiming ownership of unregistered properties must present any of the following documents as proof of ownership:

- (i) Receipt of purchase
- (ii) Will
- (iii) Letter of Administration
- (iv) Witness Statements (Notarised or Sworn)
- (v) Letter of Transfer

9.12 Temporary Land Acquisition

Project components differ in their need for use of private property and the duration of use. In some cases, the Project Coordination Unit, Government Agencies/Departments, Contractors or other parties authorized by the PCU, may need right of passage through private property for one or more of the following reasons:

- (i) accessing project sites,
- (ii) disposal or storage of materials
- (iii) locating site offices
- (iv) installation of instruments, pipes or other such items
- (v) use of equipment
- (vi) other reasons expressly stated and relevant to the project
- (vii) creation of by-passes

These situations do not normally necessitate permanent acquisition or transfer of property. Therefore, in order to cater for these short-term activities, the PCU has developed a generic Easement Agreement Form, which is modified based on the specific site requirement (See Annex 1).

Special considerations need to be given to the following:

- Copies of the agreement should be signed by the Property Owner, the Permanent Secretary, and representatives of other relevant implementing partners. Each signatory should be given a signed copy.
- Where there are going to be changes made to the physical structure of the property, for example, the laying of pipes, these should be indicated on the survey plan of the property and appended to the signed agreement
- The property owner should be informed of the implications of the agreement and the impact on his/her property. Site visits should be undertaken with the owner as much as is possible.

9.13 Compensation for Loss of or Damage to Assets

In situations where there is loss of or damage to assets as a result of project activities, the replacement cost will be used to determine compensation. The Project Coordination Unit or Project Implementation Unit will conduct interviews to determine the exact nature of the damage. The relevant government departments will be responsible for officially assessing the damage and thereafter determine the value of the assets which were lost. The specific departments are as follows, but are not limited to:

- (i) The Lands and Surveys Division (Surveys Division and Property Valuation Unit)
- (ii) The Division of Agriculture
- (iii) The Forestry Division

Assessments must be conducted in the presence of the property owner. Values for property (land, lumber, crops etc) are based on current market value and other factors outlined below.

The value of other items for which claims are made may be determined using established formulae for each individual category of items. Factors including;

- Productive life span and expected yield
- Acreage
- Number of plants affected
- Cost per pound on the market

PAPs should not be forced to accept estimates but should be given the right to seek their private valuations. Negotiations may occur to establish a common, mutually acceptable value. Copies of receipts for compensation should be provided to PAPs and also kept on file at the PCU/PIU.

Property owners who have cultivated crops which would be lost as a result of project activities must be given the opportunity to harvest these crops, where possible. A cut-off date must also be determined and formally published.

9.14 Compensation for Loss due to Interruptions of Income Generating Activity

PAPs whose livelihoods activities occur in project areas/routes 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. Upon the presentation of proof of income for similar periods, assessments will be made to determine final compensation. This proof 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 department of agriculture.

10 Principles /Objectives Governing Resettlement Preparation

To a greater extent, the country's laws governing resettlement compliments the resettlement policy objectives of the World Bank. The Land Acquisition Act, Chapter 53:02 deals with the acquisition of land by the state and clearly outlines procedures in acquiring private lands for state use. The Act covers the following areas:

- VI. Acquisition of land and abandonment of acquisition
- VII. Appointment and powers of Board of Assessment
- VIII. Determination of Small Claims for Compensation
- IX. Provisions Governing Assessment of Compensation
- X. Miscellaneous
 - a. Absentee owners
 - b. Compensation to persons interested in adjacent land
 - c. Special provisions as to leases
 - d. Persons in possession to be deemed owners
 - e. Fees and expenses of Board
 - f. Conveyancing etc.
 - g. Payment of compensation
 - h. Exemption from stamp duty and fees
 - i. Limitation of time for making claims
 - j. Assaulting or obstructing officer
 - k. Saving

One of the areas which would require some procedural arrangement is the compensation for land acquired. The World Bank stipulates that compensation must be made prior to use of acquired land; whereas the Land Acquisition Act allows for compensation after land has been acquired. Generally, the World Bank's principles take a development approach as opposed to local laws which are instructional.

In order to satisfy the requirements of the World Bank, it will be necessary to input land acquisition as a specific output of the project with the corresponding time factor accounted for in the overall life span of the project. To clearly address this issue, standard operating procedures for land acquisition under the project should be developed and agreed upon by both the World Bank and the Commonwealth of Dominica.



11 Process for Preparing/Approving Plans

For purposes of this Plan, a Land Acquisition Operating Procedures, here to appended, will outline the process. Contained herein are the main areas of the process:

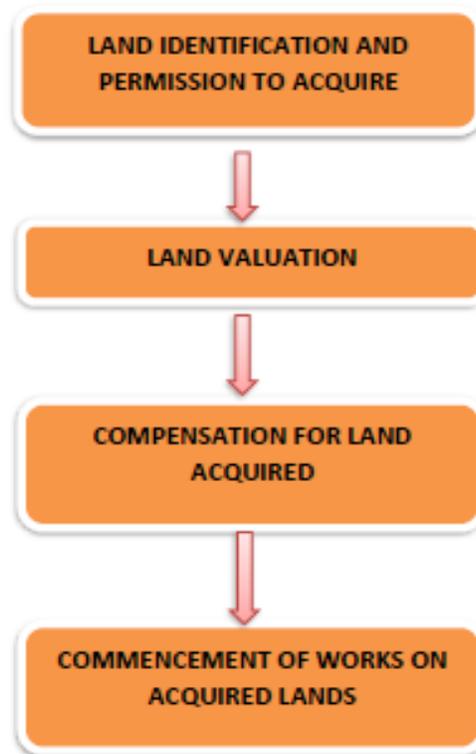


Figure 3: Land Acquisition Operating Procedures

Activity	Description/Tasks	Responsible Party
Land Identification	<p>Identify properties to be acquired, with relevant details ie, quantity, location, physical characteristics (including assets)</p> <p>List property owners under each Entitlement Category A, B or C</p> <p>Contact property owners to inform them of the need to acquire their property, reason and the amount required.</p> <p>Collection of legal documents (Certificate of Titles, Affidavits of Ownership) to prove ownership of land</p> <p>Collection of personal identification and banking information from property owners to facilitate transfer of funds</p>	Social Specialist, PCU
Survey and Valuation of Properties	<p>Survey affected property to hatch out the required portion.</p> <p>Valuation of hatched out portion to determine replacement cost</p>	<p>Lands and Surveys Division</p> <p>Property Valuation Unit Ministry of Housing and Lands</p>
Negotiation	<p>Negotiate price with private property owners and preparation of report with complete list of properties and final agreed price.</p> <p>Note: Where an agreement on the value is not reached, the owner is free to provide a private assessment value for further negotiation.</p>	Property Valuation Unit, Ministry of Housing and Lands
Submission of Cabinet Paper for Approval of Acquisition	Preparation and submission of Cabinet Paper for approval of acquisition of property	Ministry of Housing and Lands
Approval of Acquisition		Cabinet
Submission of Cabinet Paper for Approval of Payment of Compensation	Preparation and submission of Cabinet Paper to approve payments to property owners	Ministry of Housing and Lands
Approval of Payments	Payment amount approved and transferred to the Treasury Division or bank accounts of affected property owners	Cabinet

Activity	Description/Tasks	Responsible Party
Declaration and Publication	Declaration of acquisition served to land owners and publication in the Official Gazette	Ministry of Lands and Housing
Compensation	Payment of compensation to affected property owners	Treasury Division
Filing of Receipts	Copies of receipts of payment to be filed at the PCU	Social Specialist, PCU
Trust Account	This account will be established to hold any funds for compensation that do not get resolved in the timeframe needed to start the works. This includes cases of unidentified land owners, overseas landowners, refusal to sell, prolonged negotiations ... the IST will be writing a financial procedure of how this process will work and how people can access the funds when they need to.	Ministry of Finance (Treasury Department) Ministry of Housing and Lands

Table 6: Land Acquisition Operating Procedure

Methods for Valuing Affected Assets

The Land Acquisition Act Chapter 53:02 (19) addresses the provisions governing assessment of compensation. The Lands and Survey Division will submit to the Valuation Unit of the Ministry of Housing and Lands, on land requiring valuation. The assessment will be conducted within the laws of the country as required.

Valuations of properties are conducted by the Property Valuation Unit within the Ministry of Housing and Lands, in collaboration with the Division of Agriculture within the Ministry of Agriculture, Food and Fisheries, if crops are to be assessed. This is done in order to determine fair compensation based on open market value, one year prior to the date of acquisition. In assessing affected assets, current market value, infrastructure, commodities (if agricultural land) and location of property will be considered in the valuation process.

16 Organizational Procedures

Once final approvals are received, the Ministry of Finance shall approve entitlements in a timely manner, particularly considering that the World Bank requires issuance of entitlements prior to actual commencement of project on any property which is identified for acquisition.

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17 Implementation Arrangements

The Government of the Commonwealth of Dominica has determined that a Project Coordinating Unit (PCU) be established within the *Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal*, with the Ministry of Finance having monitoring responsibilities.

The Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal will be the technical lead for coordination amongst agencies in the project, with responsibilities for overseeing the PCU and day-to-day execution of activities and project development. The Ministry of Finance would be directly involved in the management of the project, with the Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal and the PCU Coordinator reporting to the Ministry of Finance. The Ministry of Finance will be responsible for coordinating financial management, contract management and monitoring of the project, in coordination with the relevant PCU staff.

Resettlement Sites

No major disruptions to community life are anticipated, as the structures will be moved further inland on the same compound. However, the owner would need to set up some directional signs to indicate the new location of the bar. Consideration could also be given to providing a landscaped foot path to the latter.

Implementation Schedule

Based on the discussions with the owner and the information provided by the DVRP, as well as the time taken for planning permission from the Development Control Division, we have developed an implementation schedule spanning the period from the last week in November, 2018 to the first week in June 2019. It is recommended that compensation payments be made in a timely manner so as to avoid delays in the road construction project, scheduled to commence in July 2019. Table 4 sets out the implementation timelines as well as responsible entities.

Participation and Consultation

Several consultations were held with key stakeholders and the public in the affected communities with a view to providing full disclosure on the Eastern Roads Project and to determining the views of the affected people on the project and its potential impacts, both positive and negative. These included the early stage consultations conducted by the DVRP as well as the two rounds of public consultations conducted by the Social Impact Consultants. (Please refer to the Social Engagement Plan which forms part of the Social Impact Assessment (SIA)). During these consultations, the DVRP Social Specialist made presentations on involuntary settlement and land acquisition, informing the members of the community of the procedures that would be followed and advising that compensation for any lands acquired would be paid before works could commence on the lands. Opportunities were also provided for the affected people to produce their land titles, and, in the absence of land titles, legal assistance was provided by the DVRP to produce signed affidavits, in the cases where long occupancy of given lands could be proved.

The members of the affected communities were given the opportunity to participate fully in the public consultations organized jointly by the DVRP and the Social Impact Consultants. Not only were they facilitated in participating openly in the discussions, but they were also afforded the opportunity to vote on potential project impacts, through the Las Vegas Voting exercise conducted by the Social Impact Consultants.

Once the persons directly affected in terms of resettlement and land acquisition had been identified, negotiations were convened by the Property Valuation Unit and the DVRP. The Social Impact Consultants observed one such session. The steps were as follows:

- Briefing on the project by the DVRP Social Specialist
- Negotiations between the property owner and the Property Valuation Unit (PVU)
- The representative of the PVU would take the owner through the computerized layout of the property, the acreage to be acquired and the land values applicable to the specific area
- If agreement is reached on the price being offered, the owner returns to the Social Specialist and signs
- In one case the owner reserved the right to do further consultations and to continue the negotiations at a later date.
- If no agreement is made the compensation goes into an ESCROW account until an agreement can be reached.

Grievance Redress Mechanism

There is an official Grievance Mechanism in place that will record, investigate and report back on any complaint one may have about the project. The project welcomes feedback and encourages anyone with a complaint to submit their grievance through this system. The process will record, investigate and respond to all grievances received. If it goes unresolved the project will seek the involvement of the relevant Permanent Secretary for resolution. One can submit a complaint through this process through the following channels:

1. Email: A community member can e-mail any member of project staff to complain at e-mail address:
 - ppcrdvrp@dominica.gov.dm
 - Telephone: 1 767 266 3139

2. Complainants can call the DVRP's Project Coordination Unit at:
 - Social Safeguards Specialist 266 3133
 - Environmental Safeguards Specialist: 266 3133
 - Monitoring and Evaluation/Communications Specialist: 266 3158

3. Complainants can visit the Disaster Vulnerability Reduction Project's Project Coordination Unit at 38 Cork Street, Roseau (First Floor) and register their complaint directly to the:
 - Social Safeguards Specialist
 - Environmental Specialist
 - Monitoring and Evaluation/ Communications Specialist

This document can be found on the DVRP's website at: <http://dvrp.gov.dm>.

Monitoring and Evaluation

It is important that internal monitoring be carried out to ensure that the construction works are carried out in a timely fashion. This places the responsibility on the DVRP. It may also be prudent to have the DVRP Engineer carry out an inspection to ensure that the construction is done "better and stronger" in line with the affected person's wishes and in keeping with the World Bank's guidelines that where possible, affected persons should enjoy an improvement in their standard of living; and in the context of Dominica's quest for achieving resilience in rebuilding. The Design and supervision team will keep the social safeguards team informed of progress and impacts of the project.

Provision will be made for monitoring during the road construction phase to determine whether or not there are income losses to the businesses located along the route and for ex post evaluation for purposes of comparing actual and potential impacts and determining lessons learnt. Table 8 sets out the framework for monitoring income impacts during the road construction phase.

Eligibility and Entitlement

World Bank Policy has classified displaced persons in three categories. World Bank policy states that displaced persons may be classified in one of the following three groups:

- (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan
- (c) those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) are provided compensation for the land they lose, and other assistance.

The project affected persons (PAPs) fall within the categories of those who are to be displaced, those whose lands are to be acquired and those suffering any income losses, for example from loss of agricultural crops. In all these cases, PAPs are required to provide proof of ownership. Once the eligibility criterion is satisfied, PAPs are entitled to compensation and livelihood restoration. The entitlement matrix in Table 6 sets out the entitlements by category of impact.

The businesses along the route were surveyed with a view to ascertaining whether there might be potential income losses during road construction. However, these are not identified at this stage as being entitled to compensation. It is recommended, that they be monitored during the construction period against the baseline earnings gathered from the survey. These include the two cases in Segment 2, identified for relocation.

Budget for Implementing the Abbreviated Resettlement Action Plan

Arrangements for funding

The Government of the Commonwealth of Dominica through the implementing agency – the Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal and overall supervisor – Ministry of Finance, will ensure that all payments for persons affected will be made in accordance with the World Bank Resettlement Policy i.e. payments will be made prior to use of lands acquired and adhering to the process outlined in the Land Acquisition Act 53.02. Once agreement on valuation of property is agreed upon by both parties (Government of the Commonwealth of Dominica and Landowner and/or Affected Persons), payments will be made through the Government Treasury.

The Project Coordination Unit submitted the preliminary estimate for land acquisition for the Eastern Island Roadworks subproject of the DVRP, prior to determination of the actual quantity and value of the properties to be acquired. Current market value of similar property, obtained from the Property Valuation Unit and the approximate quantity of land to be acquired for the project, was used to estimate the total cost of compensation. This will include all associated costs for legal transfer of property, according to the laws of the Commonwealth of Dominica. Government will make funding available, according to replacement costs. These amounts will be budgeted for well in advance of the commencement of works.

19.1 Preparation and Review of Cost Estimates

Cost estimates can be provided by private property owners but must be vetted by the relevant government institutions:

- (i) For structures (eg houses, commercial buildings, etc) – Housing Division
- (ii) Crops – Division of Agriculture
- (iii) Lumber – Division of Forestry, Wildlife and Parks
- (iv) Land – Lands and Surveys Division, Property Valuation Unit

19.2 Flow of Funds

Payment of compensation will be done through the Treasury Division. Project Affected People whose properties are to be acquired for the purpose of the project must provide their banking information to the PCU. This includes the name of the account, the account number and a form of identification.

The required special considerations need to be considered for entitlements for compensation to owners of properties which are subject to conditions of a mortgage or other credit facilities at intermediary financial institutions. Correspondence must be sent to the financial institution informing them of the acquisition.

Trust Accounts

Under the Disaster Vulnerability Reduction Project Resettlement Policy Framework, the compensation for land acquired occurs once Cabinet approves the provisional agreement between the Authorized Officer (on behalf of the Government of the Commonwealth of Dominica) and the landowner. Arrangements shall be made for issuance of payments and any other agreed conditions to the landowner in a timely manner i.e. before use of land by the Project. This is necessary to establish common ground between the World Bank requirements and that of the State.

A savings account was created at the National Bank of Dominica to facilitate the deposit of any funds for compensation for the DVRP, which are not disbursed.

The decision was taken to proceed with the land acquisition and other ECR project activities and to place the compensation for these properties in the account previously indicated.

Funds for properties will be placed in this Trust (or Escrow) account for the following reasons:

- 1 Legal dispute regarding ownership of the property
- 2 Dispute over administration of properties of deceased owners
- 3 Property Owner unknown
- 4 Property Owner location unknown
- 5 No contact information available for the known property owner
- 6 Contact information provided for property owner is incorrect
- 7 Subdivisions to be verified by Lands and Surveys Division and portions of acquisition to be confirmed for each subdivision, based on the designs

- 8 Property owners who do not accept the value offered by the PVU and are to submit private valuations
- 9 Property owners who have not responded after emails were sent, calls were made etc.

19.3 Contingency Arrangements

Unexpected events may cause delays in the compensation of project affected individuals. In this event, the individual must be provided with an explanation for the delay. Consultations with PAPs must be conducted to determine alternatives. However, any arrangements made must result in the property owner being compensated prior to the commencement of works.

Conclusion

The effectiveness of the Resettlement Action Plan will depend on the implementation of some key elements. One has to do with the provision of critical support to the PAPs who are to be resettled, for example providing guidance on the procedural steps to be followed in complying with the official regulations. Another has to do with ensuring that arrangements are in place to allow for the timely payment of compensation. It is also important that there be adherence to the agreed implementation schedule. Finally, internal monitoring will be critical in identifying and resolving any implementation bottlenecks that may arise; and in determining whether the livelihoods of the business operators located along the route have been affected by the road construction project.

Activity	November 2018				December 2018				January 2019				February 2019				March 2019				April 2019				May 2019				June 2019				Responsible Entity												
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4													
Negotiation					[Gantt bar from Nov 4 to Feb 4]																																PVU, DVRP Owner								
Planning Permission									[Gantt bar from Jan 4 to Mar 4]																																Owner Planning U.				
Compensation																																					MoF, DVRP Social Specialist								
Land Clearing																																					Owner								
House – Bar Construction																					[Gantt bar from Mar 4 to May 4]																								Owner
Site Visit by Engineer																																					DVRP Engineer								
Connection of Utilities																																					Owner								
Re-siting of shop owned by mother																																					Owner								

Table 7: Implementation Schedule

PVU: Property Valuation Unit; DVRP: Disaster Vulnerability Reduction Unit; Planning U: Planning Unit; MoF: Ministry of Finance



Code for PAPs	Average Weekly Baseline Income ¹	Month 1				Month 2				Month 3				Month 4				Average Weekly Income in Construction
		WK 1	WK 2	WK 3	WK 4	WK 1	WK 2	WK 3	WK 4	WK 1	WK 2	WK 3	WK 4	WK 1	WK 2	WK 3	WK 4	
1	1650																	
2	900																	
3	n.s. ²																	
4	n.s.																	
5	1500																	
6	1500																	
7	500																	
8	600																	
9	4000																	
10	2000																	
11	125																	
12	2000																	
13	1250																	
14	150																	
15	1000																	
16	1800																	
17	125																	
18	150																	
19	n.s.																	

Table 8: Monitoring Income Impacts During Construction

¹Average of the lower and higher earnings ²Not stated

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PAP Category	Type of Loss	Eligibility Criteria	Entitlement	Details of Support
Resettlement	Loss of house with bar to facilitate road widening	Demonstrated ownership of property (house with bar); possession of title or other proof of ownership of land for resettlement; planning approval for erecting new structure	Replacement cost, plus coverage of all replacement costs and statutory fees	Ensuring timely compensation once agreement has been reached with PAP Guidance provided to the PAP on the requirements for obtaining planning permission and for smooth transition from current home to the new Monitoring earnings during and after road construction
Relocation of shop/shed	Loss of land	Possession of title or other proof of ownership	Compensation for land and for moving structure	Monitoring earnings during and after road construction
Land Acquisition	Loss of land	Possession of title or other proof of ownership	Compensation for land acquired, based on market values obtaining in the area	Assistance with affidavits that recognize long occupancy; ensuring timely compensation once agreement is reached
	Loss of trees and agricultural produce		Compensation based on replacement value	

Table 9: Entitlement Matrix

Item Number	Budget Category	Road Segment	Budget Estimate EC\$
1	Land occupied by PAPs to be resettled	Segment 2	61,320
2	Shop/Shed to be relocated	Segment 2	8,000
3	House/Bar to be demolished & replaced	Segment 2	40,000*
4	Compensation for lands to be acquired	Segment 1	1,084,564**
5	Compensation for lands to be acquired	Segment 2	2,221,956
6	Compensation for lands to be acquired	Segment 3	2,213,767**
7	Compensation for lands to be acquired	Segment 4, Castle Bruce	2,160,675**
8	Compensation for lands to be acquired	Segment 4, Atkinson to Hatton Garden	1,218,818**
9	Compensation for lands to be acquired	Kalinago Territory	Not available
	TOTAL		9,009,100

Table 10: Budget Estimates for Involuntary Resettlement and Land Acquisition

*Valued at this figure, but negotiations ongoing

**Estimate based on square footage of lands to be acquired and average square foot cost derived from Segment 2

Sources Consulted

Disaster Vulnerability Reduction Project. Resettlement Policy Framework, Commonwealth of Dominica, March 2014

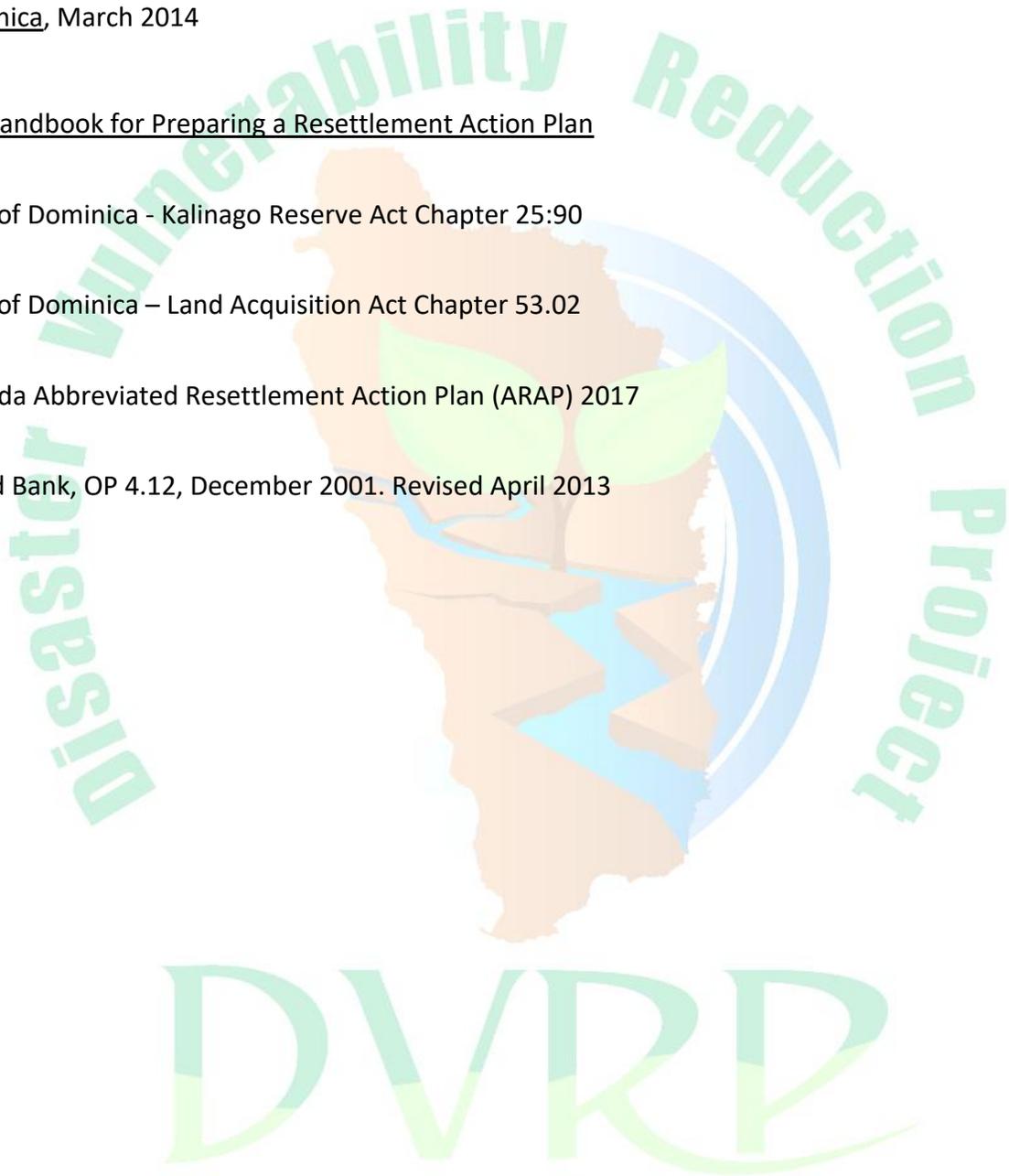
IFC. Handbook for Preparing a Resettlement Action Plan

Laws of Dominica - Kalinago Reserve Act Chapter 25:90

Laws of Dominica – Land Acquisition Act Chapter 53.02

Rwanda Abbreviated Resettlement Action Plan (ARAP) 2017

World Bank, OP 4.12, December 2001. Revised April 2013



ANNEX 1

Summary of Land access within Kalinago Territories

Eastern Coast Road project

August 12th 2019

Goal: this document is to be used to illustrate the position of the project on matters relating to Land acquisition within the Kalinago territory. This should in turn help guide communications with both internal and external stakeholders.

Land custodians and compensation:

The Kalinago Territory has a unique land title and associated laws and is different to ownership of lands outside of the territory which is governed by the relevant laws of the Government of Dominica. As part of the Kalinago Territory Act, while the lands cannot be sold or exchanged, Section 28 states that the government preserves responsibility for the overall development and planning in the Territory and so, the land can be acquired from the Council (not individuals), by the State, for the road works.

The Kalinago Act gives the Kalinago Council the authority and responsibility for the management of the Kalinago Territory and variously describes the establishment of the office of the Kalinago Chief, the Constitution, and powers of the Kalinago Council. Specifically, it gives various powers to the Kalinago Chief and the Kalinago Council and outlines responsibilities of the Minister responsible for the Council. Furthermore, it outlines the means of conducting elections for Council Members and the Chief. It also indicates how funds are to be used on behalf of the Territory. The Act gives the Kalinago Council powers to institute various bylaws pertinent to the management of the community.

In keeping with The Land Acquisition Act and the Kalinago Territory Act, the Kalinago Council will receive compensation from the Government of Dominica for lands to be acquired for the development of the East Coast Roads. The lands are to be acquired from the Kalinago Council as opposed to the individual occupiers since by Section 43 of the Act, the grant of land was made to the Council for and on behalf of the people of the Territory, and by Section 46 the Council has custody and control of the lands for and on behalf of the people of the Territory.

'The lands may be acquired from the Council by private treaty or compulsorily in accordance with the terms of the Land Acquisition Act Chap 53:02. By Section 47 of the Kalinago Territory Act the Council is empowered to enter into contracts involving real property on behalf of the people of the territory'

Additionally, compensation for the acquired lands is also to be made to the Council for and on behalf of the respective occupiers. Since compensation for the land is to be made to the Council for and on behalf of the respective occupiers, the respective occupiers should be part of the negotiation sessions along with the Council.

The legal ownership of the land in the Kalinago Territory, requires that lands required for the East Coast Road works is to be acquired from the Kalinago Council with payment of compensation for the land to be (not the crops) made to the Council for and on behalf of the occupiers of the land.

Consultation and engagement:

1. Pre-engineering and Design Contractor TYPESA, has carried out consultation and social research to understand the environmental and social impacts within the Kalinago territory. These resulted in the preparation of Environmental and Social Impact Assessment and the Environmental and Social Management Plan. These actions are included in the Request for Proposals from contractors who will be responsible for implementing the prescribed mitigation measures.
2. The Project Coordination Unit carried out consultations with the council and the Kalinago community. This has been on a regular basis to explain the process of the project. The PCU will continue to provide regular updates in the community as the project progresses.
3. PCU will work with the Kalinago Council in partnership and share best practices and recommendations on approaches to economic or physical resettlement.
4. The next stage of consultation
 - Meet with the residents of the Kalinago Territory who will be directly impacted by the road project. Through this consultation the residents will have the opportunity to air their concerns, questions and raise any additional unforeseen impacts.
 - Agriculture department will be consulting each farmer/resident with crops impacted by the road. This is a one to one consultation to discuss the impacts on their personal crops and to agree with a cash compensation price for the loss of these crops to be paid directly to the farmer/resident.
 - Optional: If residents want further one to one consultation with a road engineer or social safeguards specialist to better understand their individual context, this can be requested and responded to on a case by case basis.

Livelihood impacts and vulnerability assessment:

Currently the process is to discuss the crop loss with each farmer and identify price allocated to those crop losses. Factors included in the formula for developing crop compensation include:

- Productive life span and expected yield
- Acreage
- Number of plants affected
- Cost per pound on the market

Livelihood assessment:

Social safeguards specialist to carry desk top analysis of the reports produced by agriculture department who have surveyed impacts on crop produce to assess for any 'red flags' for vulnerability.

Social safeguards specialist plans to discuss screening for vulnerability and sustainability of the farmers with the surveyors. The social safeguards specialist will meet with the surveyors and request that if they have livelihood concerns for a project affected person (PAP) to raise it with the PCU.

Questions for the surveyors to contemplate in their process:

1. Are the farmers concerned about future income?
2. Does the farmer appear to be vulnerable?
3. Are there any concerns for the sustainability for the farmers' livelihoods as a result of this crop loss?

If the project identifies an individual that is highly impacted or vulnerable, they will be classified as needing more assistance or involvement from the project to put in place appropriate measures to counter balance this impact. (On a case by case basis)

Key messages:

1. The overall goal of the project is to deliver benefits to the people of Dominica while not leaving anyone worse off than before.
2. The project aims to deliver benefits to the project affected people and mitigate against direct impacts.
3. There may be temporary inconveniences as a result of the road construction. These will be managed through environmental, health and safety controls and robust ongoing communication.
4. Land acquisition will be compensated for, this will be paid to the council on behalf of the occupiers of the land in the Kalinago Territory.
5. PCU will work with the Kalinago council in partnership to mitigate any adverse impacts that should arise.

Communications:

There is an open channel of communication to the project through;

- the local council (who will pass on any questions they cannot answer)
- to the supervisors and contractors onsite (who will pass on any questions they cannot answer)
- Social safeguards specialist

Grievance Mechanism:

There is an official Grievance Mechanism in place that will record, investigate and report back on any complaint one may have about the project. One can submit a complaint through this process through the following channels:

1. Email: A community member can e-mail any member of project staff to complain at e-mail address:
 - ppcrdvrp@dominica.gov.dm
 - Telephone: 1 767 266 3139
2. Complainants can call the DVRP's Project Coordination Unit at:
 - Social Safeguards Specialist 266 3133
 - Environmental Safeguards Specialist: 266 3133
 - Monitoring and Evaluation/Communications Specialist: 266 3158
3. Complainants can visit the Disaster Vulnerability Reduction Project's Project Coordination Unit at 38 Cork Street, Roseau (First Floor) and register their complaint directly to the:
 - Social Safeguards Specialist
 - Environmental Specialist
 - Monitoring and Evaluation/ Communication Specialist



EASEMENT AGREEMENT



**GOVERNMENT OF THE COMMONWEALTH OF DOMINICA
MINISTRY OF ENVIRONMENT, CLIMATE RESILIENCE, DISASTER
MANAGEMENT AND URBAN RENEWAL
DISASTER VULNERABILITY REDUCTION PROJECT**

EASEMENT AGREEMENT

By and between the undersigned

Insert name of Property Owner

Living at (**Insert Address**)

Landowner of the plot located in the parish of (**Insert location of the plot**)

Duly registered in the Land Registry as follows (**Insert Title Reference**)

Hereinafter called “the Owner”

AND

THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA represented by the **MINISTRY OF ENVIRONMENT, CLIMATE RESILIENCE, DISASTER MANAGEMENT AND URBAN RENEWAL, DISASTER VULNERABILITY REDUCTION PROJECT**, 38 Cork Street, Roseau, Commonwealth of Dominica.

It is formally agreed that:

Article 1 - Purpose:

The owner grants the Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal free right of passage through his/her plot for the purpose (*insert purpose of agreement*) and specifically located in _____ in the parish of (Insert Parish).

The owner hereby agrees to have (*insert broad nature of the agreement*), and grants free access to the relevant technical personnel thereafter for the purpose of maintenance (*or insert other relevant activity*).

Article 2 – Upkeep and Maintenance:

The Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal, through the *(insert Government, Statutory or Other Agency, if necessary)* shall ensure maintenance and proper upkeep of the area.

Insert additional information regarding upkeep

Article 3 - Transfer of Civil Liability:

This agreement shall be construed as a transfer of civil liability from the owner to the Ministry for the purpose of the use of the portion of the property.

Article 4 – Signalling of the Grounds:

Upon request from the owner, the Ministry *(and other agency, if applicable)* may put up signs and indications at the site where the instrument is installed; indicating that the grounds are private property on which access only is granted exclusively on the site of the installation.

Article 5 - Respect of Property Grounds:

The Ministry of Environment, Climate Resilience, Disaster Management and Urban Renewal and the DMS hereby agrees to inform all concerned personnel accessing the property, not to light any fire, or leave any unwanted material on the property and or disturb any fauna and flora.

DVRRP

Signed and sealed in, on20.....

In two original copies, one for each signatory party.

Signed by Landowner,

Name _____

Signature _____

before and in the presence of
WITNESS

Name _____

Signature _____

Signed by the Permanent Secretary
Ministry of Environment, Climate
Resilience, Disaster Management and Urban Renewal

Name _____

SIGNATURE

before and in the presence of

WITNESS

