

**COOPERATIVE REPUBLIC OF GUYANA**

**DISASTER RISK MANAGEMENT PROJECT**

**Project ID Number: P147250**

**DRAFT**

**RESETTLEMENT POLICY FRAMEWORK**

**FOR DISCUSSION ONLY**

**February, 2014**

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## Background

Guyana's Region 4 includes Georgetown and is home to the majority of Guyana's population. It is bordered to the north by the Atlantic Ocean, to the west by the Demerara River and to the East by the Mahaica River. The East Demerara Water Conservancy (EDWC) is a water storage system that provides agricultural lands and urban areas with irrigation and drinking water. It is drained by a system of canals, sluices and pumps. This system, combined with a network of drainage and irrigation canals in coastal area provides flood control that is crucial for the protection of property, life and economy in the country.

Every year floods affect the population of Guyana and recent extreme rain events have highlighted the vulnerability of the EDWC system to failure. Water levels in the EDWC have regularly been above safe operating levels, weakening the dam and putting the dam at risk of catastrophic breaching or overtopping. This vulnerability is further amplified by the accumulated effects of climate change, particularly with respect to sea level rise. Following the 2005 and 2006 floods, the Government of Guyana (GoG) recognized flood management to be crucial to Guyana's economic, social and political well-being.

In response to these needs, the GoG undertook a series of initiatives including the development and implementation of the Conservancy Adaptation Project (CAP). The CAP provided a technical foundation for strategic master planning of future flood-protection interventions within the EDWC and lowland coastal drainage systems. This was completed in parallel with other investments financed by the GoG to upgrade infrastructure. The CAP installed a monitoring system and undertook an analysis to test the impacts of a range of interventions aimed at reducing system vulnerability and mitigating flooding.

Informed by this study, the Ministry of Agriculture has identified a set of prioritized investments to improve the drainage capacity of the EDWC; strengthen the EDWC dam and upgrade the coastal drainage infrastructure. A summary of these investments is listed in Annex 1. A USD11.89 million IDA credit is proposed for a disaster risk management project (Disaster Risk Management Project P147250-GY) that will finance this set of investments proposed under the CAP.

## RPF Objectives

The purpose of this Resettlement Policy Framework (RPF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects to be prepared during project implementation (see [OP 4.12, paras. 26-28](#)). Sub-project resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see [OP4.12, para.29](#)).

The RPF will assist the GoG in i) screening all subprojects for land acquisition and physical and/or livelihood displacement resulting from such land acquisition; ii) identifying documentation and preparation requirements for compliance with World Bank Safeguards Policy. In the event that a sub-project leads to land acquisition and/or resettlement, Abbreviated Resettlement Plans (ARPs) and/or Resettlement Action Plans (RAPs), as may be applicable, will be prepared for specific sub-projects in accordance with the project's RPF. The RPF will form part of the project's Operations Manual and be referenced in the project's Legal Agreements.

## **Project Background**

*Project Objective:* The objective of the project is to reduce the vulnerability of Guyana's low-lying coastal area to flooding by reducing the risk of dam failure and improving drainage in the coastal areas.

*Project Components:* The proposed IDA Credit will finance a set of priority investments to improve the EDWC and coastal system drainage. It will also finance institutional strengthening for water resources and investments planning and project management.

The project will finance a set of investments in the first year that are described here. Investments for years 2-4 will be adjusted and finalized at the beginning of each year during implementation based on investment readiness, complementarily with on-going government programs and for more complex works, additional technical studies to optimize impacts.

The project components for the first year of works are:

Component 1: Upgrading the EWDC Dam and Drainage System (estimated US\$4 million). This will include upgrading and reconstruction of critical parts of the EDWC dam and critical improvements to existing relief structures including safety improvements and widening of drainage canals.

Component 2: Upgrading the East Coast Drainage System (estimated US\$7 million). Investments will be made to improve the coastal drainage systems including the installation of pumps; reconstruction of culverts and widening of canals.

Component 3: Project Management and Institutional Strengthening (estimated US\$0.89 million). This component will provide planning support to allow for the identification and the preparation of further investment works, and will also assist in the establishment of monitoring systems and collection of data for planning. It will also support the operating costs and specialized consultants for the Ministry of Agriculture to execute the project.

## **Project Institutional**

The Ministry of Agriculture (MoA) through the executing agency (the Agriculture Sector Development Unit (ASDU)) and the National Drainage and Irrigation Authority (NDIA) would be the lead technical entities for the project. Fiduciary and project management support (procurement, financial management and disbursement, and monitoring and supervision) would be provided by the ASDU. Additionally the ASDU will lead project implementation, including the preparation and review of technical terms of reference, provision of technical specifications for consultancies and goods to be purchased, and other required inputs.

## **Estimated Population**

For the first year of works, no communities are expected to be affected by the project activities. For activities under Component 1, all lands within the EDWC and downstream of the EDWC dam as far as the Crown dam belong to the GoG. These lands are unused and available for use

in the construction of a new dam. The pump stations described under Component 2 are also GoG property.

In the event that works would require land acquisition, the GoG will prepare and implement a resettlement plan prior to project financing. Works for the subsequent years have already been identified and developed.

### **Eligibility Criteria for Defining Displaced Persons**

*Government of Guyana:* Upon identification of the need for involuntary resettlement in a project, the GoG carries out a census to identify the persons who will be affected by the project to determine who will be eligible for assistance. The GoG also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

*World Bank:* 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.

Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b), or (c) are provided compensation for loss of assets other than land (see OP 4.12 paras. 14 -16).

### **Legislative Framework**

*World Bank Land/Asset Acquisition Policy (OP 4.12)*

The World Bank's Policy, 4.12 Involuntary Resettlement, will guide the social safeguards (land acquisition and involuntary resettlement) planning and compliance during implementation of the project. Prior to and during the project implementation period, screening for potential land acquisition/resettlement will be conducted and the necessary mitigation and management measures in keeping with the agreed RFP will be developed.

In the event that the project entails land acquisition, and causes the involuntary taking of land

resulting in the loss of assets, the GoG must implement measures to ensure that the affected persons are:

- (i) informed about their options and rights pertaining to resettlement;
- (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
- (iii) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

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

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

#### *Guyana’s Legal Framework*

The laws regulating this matter are the Laws of Guyana, Chapter 64:03 Drainage and Irrigation. The Drainage and Irrigation Act of 2004 provides for the establishment of the NDIA whose function is to ensure that water resources are located, evaluated, conserved and utilized for the greatest national advantage through appropriate water management strategies and water use planning. The Act provides mechanisms for ensuring that existing drainage and irrigation system and flood control and any new expansion that are done, are operated and maintained in a sustainable manner. The Act also allows for public participation in the planning, management and operation of drainage and irrigation facilities.

Importantly, it should be noted that the Act provides for the acquisition of properties including land for the purpose of constructing drainage and irrigation infrastructures. Mechanisms are also outlined in the Act to compensate the affected party. Attached are the corresponding sections of the Drainage and Irrigation Act of 2004.

The procedure to be followed for the acquisition of land for construction (Annex 2: PART VI CONSTRUCTION, ACQUISITION AND MAINTENANCE OF WORKS)

The provisions for compensation and legal resources to the affected persons (Annex 3: PART VII COMPENSATION).

#### *Fit Between World Bank Policy and Government of Guyana Legislation*

The legislation allows for prescription of privately owned land whereby a person occupying land without permission and without using force or stealth for a period of more than 12 years may apply for the title to the land. He must demonstrate that he had possession of the land applied for and exercised control for a continuous period of over 12 years.

Legislation does not allow for prescription in the case of state or government lands. Guyana’s land laws are based on the Roman-Dutch law which does not recognize the principle of “interest

in land”. However some matters have been determined by applying the principles of equity. For example, if a person develops and improves a piece of land belonging to another (including the government) and the owner having been made aware of the developments does nothing to stop the developer the principle of “estoppels” will apply and the developer will benefit from certain rights for which he can be compensated. The rules of natural Justice will provide the developer with a Legitimate Expectation for compensation.

### **Process for Preparing, Approving and Implementing Resettlement Plans**

Should a sub-project require land acquisition, staff of the ASDU will prepare progress reports on all aspects of land acquisition, compensation and resettlement activities and operations. Resettlement plans will be submitted to the Minister of Agriculture for review and approval. Civil works will begin only once affected parties are fully compensated.

#### *Land Acquisition Screening Procedures*

Screening for land acquisition will be done in the following steps:

1. The Ministry of Agriculture (MOA) and the relevant Regional and Neighborhood Development Councils, will lead the process to screen the preliminary selected sub-projects for potential social safeguard impacts (land acquisition) and determination of safeguards documents required according to Guyana legislation and the World Bank policies.
2. If land acquisition is required then sub-project resettlement plans consistent with the policy framework are developed and submitted to the Bank for approval after specific planning information becomes available (see [OP 4.12, para.29](#)).
3. Review of safeguards screening by World Bank
4. Preparation of safeguard documents (resettlement plan), consultation and disclosure.
5. Review and clearance of the safeguard documents within the Government and the Bank
6. Implementation of agreed actions; and supervision, monitoring and evaluation

#### *Method for Valuing Affected*

Valuations of the assets to be displaced will be done by the Valuation Office, Ministry of Finance. Part III of 28:04 VALUATION FOR RATING PURPOSES ACT (ANNEX) outlines the process for valuation:

Valuation of land will be carried out by the Guyana Lands and Surveys Commission (GLSC) and through the following method:

#### *Sources of Funding and Estimated*

The cost of land acquisition and associated administrative and logistical costs will be provided through the budget of the NDIA. Payments will be made before works begin.

### **Consultations**

The Ministry of Agriculture (MOA) will lead consultations on the project and interface with the general public as well as displaced communities that are identified.

#### *Public Disclosure and Consultations*

This RPF will be disclosed in-country through the Ministry of Agriculture website and will also be made available at the World Bank's Info Shop. Relevant subproject-specific safeguard documents/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. As a matter of strategy, public consultation shall be an ongoing activity. Public consultation and participation shall take place through local community meetings and public explanations of the project ideas and requirements.

#### *Consultation with Displaced Persons*

Particular attention shall be paid to public consultation with project-affected persons, households and homesteads (including host communities) when resettlement and compensation concerns are involved. Consultations will also be held with government bodies, such as the Neighborhood Democratic Councils (NDCs) and Regional Democratic Council (RDC), responsible for said areas in which the proposed works will be undertaken. An initial meeting with RDC chair of Region 4 indicates support of the proposed works and underscored the importance of the project and its speedy implementation.

#### **Grievance Redress Mechanism**

A grievance redress mechanism for the project is necessary for addressing legitimate concerns of affected individuals and groups who may consider themselves deprived of appropriate treatment under the project. The mechanism will be developed by the ASDU and would include:

- (i) a recording and reporting system, including grievances filed both verbally and in writing,
- (ii) Designated staff with responsibility at various levels of governments, and;
- (iii) a timeframe to address the filed grievances.

This mechanism will be detailed in the sub-project safeguards documents. The functioning of the grievance redress mechanism will be regularly monitored and evaluated by the ASDU during project implementation (see Annex 3).

#### **Internal and Independent Monitoring**

Internal monitoring will be conducted by the Programme Monitoring Committee (PMC) on a quarterly basis. During project implementation, staff of the ASDU will prepare progress reports on all aspects of land acquisition, compensation and resettlement activities and operations. Technical staff from the ASDU and NDIA will be assigned to the project to oversee the implementation of the resettlement plan and to supervise activities carried out during preparation and implementation of civil works. Short monitoring reports will be prepared in conjunction with each World Bank supervision mission and will document activities such as site visits, consultations with communities and any land acquisition processes in progress.

Affected communities are expected to conduct their own monitoring based on their involvement in the process and their expectations and agreements.

External monitoring is expected to be conducted by the World Bank through its supervision missions. As part of the capacity-building to be provided for implementation of the proposed project, relevant staff of the ASDU and NDIA will also receive training in the RPF's application

from a World Bank Safeguards Specialist during project preparation and implementation. During supervision of this project the World Bank will assess the implementation of the RPF, and recommend additional strengthening if required.

### Annex 1: Summary of all investments recommendations by the Conservancy Adaptation Project

	<b>Cost USD</b>
<b>EDWC Interventions:</b>	<b>45,000,000</b>
Excavations within EDWC (widening of channel from Flagstaff to Kofi, connectivity channels)	40,000,000
Optimization of Demerara drainage (works, dredging, channel upgrading)	5,000,000
<b>EDWC dam upgrading:</b>	<b>54,002,500</b>
Reconstruction of the Northeast dam	12,780,000
Reconstruction of North dam	9,220,000
Reconstruction of East dam	10,800,000
Reconstruction of West dam	9,200,000
Heavy Earth Moving Plant equipment	12,000,000
Dam inspection & maintenance equipment	2,500
<b>East Coast drainage interventions:</b>	<b>20,048,000</b>
Liliendaal	
Additional pumping capacity	1,130,000
Ogle	
Additional pumping capacity	2,328,000
Embankment raising between pump station & outfall koker	21,000
Mon Repos/Annandale	
Additional pumping capacity at Good Hope	2,019,000
Additional pumping capacity at Lusignan	2,052,000
Additional pumping capacity at Annandale	2,062,000
Enterprise/Strathspey/Paradise	
New pump station 1 + culverts + channel	1,189,000
Widening	
New pump station 2 + culverts + channel	7,190,000
Widening	
Additional pumping capacity at Hope + culverts + channel widening	2,057,000
<b>East Coast drainage interventions (separation of urban &amp; agricultural drainage):</b>	<b>4,735,000</b>
Mon Repos/Annandale	1,200,000
Enterprise/Strathspey/Paradise	1,600,000
Beehive/Clonbrook	435,000
Montrose/Spendaam	1,500,000
<b>Safety improvements to existing water control structures</b>	<b>730,000</b>
<b>Total</b>	<b>123,385,500</b>

**Annex 2: Laws of Guyana, Chapter 64:03 Drainage and Irrigation, PART VI  
CONSTRUCTION, ACQUISITION AND MAINTENANCE OF WORKS****PART VI  
CONSTRUCTION, ACQUISITION AND MAINTENANCE OF WORKS**

Construction of  
new works.

25. (1) Where it appears to the Authority to be necessary or expedient that any new works be constructed to improve the drainage and irrigation within any area, the Authority shall cause a plan and specification of such work, together with an estimate of the cost thereof, to be prepared.

(2) All documents referred to in subsection (1) shall be available for inspection by members of the public during normal working hours, for a period of fifteen days from the date upon which they were made available.

(3) Any person or body or local government organ that is likely to be affected by such work, may, within the aforesaid period of fifteen days, address a letter of protest which shall state the grounds on which the objection is based.

(4) Upon the expiration of the period of inspection, the documents referred to in subsection (1) shall be submitted to the Minister for approval.

(5) The Minister may, after taking into account public comments regarding the construction, approve or amend the construction of the new work.

(6) If the Minister approves the construction of the new work he may, by order, direct the Authority to construct the said work and notice of such decision shall be published in the Gazette and at least one daily newspaper.

(7) If the Minister for any reason considers it inexpedient that the works be constructed, the Authority shall be so informed and notice of such decision shall be published in a daily newspaper.

(8) Where the Minister approves the construction of the new work, the Authority shall, within thirty days, deposit the documents with the Registrar of Deeds duly authenticated by the signature of the Chief Executive Officer of the Authority and the Registrar of Deeds shall file the same as of records in the Deeds Registry.

(9) With effect from the time any plan referred to in subsection (8) is deposited with the Registrar of Deeds, all lands wherein or whereon (together with the adjoining areas mentioned in section 26), any works marked or delineated upon such plan are to be constructed shall become (together with the adjoining areas mentioned in section 26) the property of the Authority and shall be subject to the payment of drainage and irrigation rates.

**26.** (1) Save as provided by section 13(2) of the Railways Purchase Ordinance and by section 12(1) of the Sea Defence Act, and subject to subsection (2), all lands within twelve feet of the toe of any dam or within a like distance of any part of any work, power house or watch house marked or delineated on any deposited plan, and being the property of the Authority shall, with effect from the time such plan is deposited with the Registrar of Deeds, vest in the Authority free from encumbrance and shall be the property of the Authority.

Certain lands adjacent to works to vest in Authority.  
Cap. 262  
1953 Ed.  
Cap. 64:02

(2) Where a fence is adjacent to a work (other than a fence) the distance of twelve feet referred to in subsection (1) shall be measured from the work:

Provided that where, at the commencement of this subsection the distance between a work (other than a fence) and an adjacent fence is greater than twelve feet, the land between the work and the fence shall nevertheless continue to vest in the Authority and shall continue to be the property of the Authority.

Erection of fences.

**27.** After the commencement of this Act no fence shall be erected at a distance greater than twelve feet from an adjacent work other than a fence).

Right to enter opposition to apply to compensation only.

**28.** (1) Where any plan is deposited with the Registrar of Deeds under section 25, any person who would have a right to oppose if transport of the land referred to in section 25 were about to be passed by the owner thereof shall have the same right to enter opposition to the registration but opposition shall be deemed to apply only to the payment of the compensation to the parties interested.

(2) When the matters alleged in the opposition are disputed by any of the persons claiming the compensation or any part thereof, the person so claiming may enter a defence to the opposition and thereafter the proceedings shall continue as in ordinary opposition suits; and the court shall have full power to make any order in relation to the opposition suit both as to granting time or otherwise appearing to the court to be necessary in order to have the questions at issue between the parties determined.

Powers of Authority in connection with construction of works.

**29.** (1) When the Authority has deposited the plan for the construction of new works with the Registrar of Deeds, the directors and the employees or agents of the Authority, together with such animals, vehicles and boats as may reasonably be required, shall be entitled at all times to enter upon and pass over any part of such area for the purpose of constructing the works authorised in respect of the area described in the plan.

(2) For the purposes of the construction of any work the Authority may take and remove earth or other materials from any where:

Provided that earth or materials shall not be taken from any cultivated land or cultivated pasture or from any improved land if obtainable elsewhere in the nearby area and such activity is in compliance with the requirements of section 11 of the Environmental Protection Act 1996.

No.11 of 1996.

Special powers in case of threatened flood.

**30.** (1) If at any time it appears to the Authority that there is an imminent danger of the lands, or any part of the lands, within any area being flooded, the Authority shall forthwith report that fact to the Minister.

(2) The Minister may, in considering the report made under the preceding subsection, direct the Authority to take such action or construct or erect such works as may in the opinion of the Authority be necessary to avert the threatened flood or to mitigate the results should such flooding occur.

(3) For the purposes of complying with the order made under this section, directors and employees of the Authority, together with animals, vehicles and boats may enter, or be taken upon any land to dig any trench, drain or canal therein and may construct or erect any work thereon.

(4) As soon as conveniently possible after the completion of any work constructed or erected under this section, the Authority shall cause plans to be prepared in respect of any lands upon which such work has been conducted and shall submit the said plans to the Minister.

(5) Upon receipt of any plan submitted under subsection (4), the Minister may, by order, direct that the lands marked or delineated on the said plan shall vest in the Authority.

(6) The Authority shall forthwith deposit with the Registrar of Deeds a copy of such plan duly authenticated by the Chief Executive Officer and the Registrar shall file the same as of record in the Deeds Registry and shall make such annotations on the record as may be necessary.

(7) With effect from the time any such plan is deposited with the Registrar of Deeds under subsection (6) all lands wherein or whereon any works marked or delineated upon such plan are constructed together with the adjoining areas referred to in section 26 shall forthwith vest in the Authority and shall be the property of the Authority.

**31.** (1) Where the Authority considers it desirable that any work not constructed and maintained by the Authority shall vest in and shall become the property of the Authority on the ground that such work is required by the Authority for the purposes of drainage and irrigation, the Authority shall cause plans to be prepared on which such work is marked or delineated.

Acquisition  
of works.

(2) The Authority shall cause one copy of the plan to be deposited in the office of the concerned regional democratic council.

(3) Section 26 shall *mutatis mutandis* apply to procedure under this section.

(4) If the Minister approves that the work shall vest in and become the property of the Authority, he may by order direct that the work shall vest in and become the property of the Authority free from encumbrance.

(5) If the Minister for any reason considers it expedient that the work shall vest in and become the property of the Authority, the Authority shall be so informed.

**32.** (1) The Authority shall cause plans to be prepared on which are marked or delineated all drainage and irrigation works which have been constructed, reconstructed or maintained out of rates collected under the Drainage and Irrigation Act or out of moneys provided by Parliament.

Existing works to vest in the Authority.  
Cap. 64:02.

(2) One copy of each plan shall be authenticated by the signature of the Chief Executive Officer and shall be deposited with the Registrar of Deeds who shall file the same as of record in the Deeds Registry and shall make such annotations on the records as may be necessary.

(3) With effect from the time any such plan is deposited with the Registrar of Deeds in accordance with this section the land whereon and wherein all works marked or delineated on such plan are constructed together with the adjoining areas referred in section 26 shall forthwith vest in the Authority free from encumbrance and shall be the property of the Authority.

Power of Authority to remove and rebuild or alter certain works.

**33.** If in the opinion of the Authority it is reasonably necessary for the efficient construction or operation of any work that any bridge, culvert, koker, sluice, aqueduct or weir (not being the property of the Authority) be removed or altered, the Authority may remove and rebuild, or alter, as the case may be, any such structure.

### Annex 3: Laws of Guyana, Chapter 64:03 Drainage and Irrigation, PART VII COMPENSATION

#### PART VII COMPENSATION

Right to be paid compensation.

**34.** Any person shall be entitled to compensation from the Authority in respect of such land or loss or damage as the case may be, who –

- (a) is deprived of any land by reason of its becoming vested in the Authority under Part VI; or
- (b) suffers actual loss or damage after the commencement of this Act which is caused by the construction or acquisition of any new work or by the making of any survey under this Act.

Amount of compensation.

**35.** The amount of compensation to be paid to any person shall be the current market value of the land acquired from, and in the case of buildings, structures and trees growing on the said land, the current replacement value or the amount of the actual loss or damage sustained by such person:

Provided that in any case where it is possible to remove any structure, plant or machinery from any land and to re-erect it elsewhere the amount of compensation to be paid in respect of such structure, plant or machinery may, at the discretion of the Authority, be the actual cost of dismantling, removing and re-erecting the same at current prices.

Right of claimant to require Authority to acquire whole estate in certain cases.

**36.** In any case where the value of a portion of any estate which becomes vested in the Authority under this Act –

- (a) exceeds two-thirds of the value of the whole estate; and
- (b) in the circumstances of the case, the portion not acquired by the Authority cannot be beneficially occupied,

the person claiming compensation may require the Authority to acquire and pay compensation in respect of the whole estate.

Power of magistrate to assess compensation.

**37.** (1) When the amount to be paid as compensation under this Part cannot be agreed upon by the Authority and the person claiming compensation, such person may lodge a complaint in the magistrate's court claiming compensation from the Authority and the magistrate shall assess the amount of compensation to be paid in accordance with this Part.

(2) For the purposes of this section the magistrate shall have the same powers, authority and jurisdiction, and the procedure shall be the same, as if the matter were a proceeding to recover a debt in a magistrate's court without limit as to the amount.

**38.** If either the Authority or the person claiming compensation is dissatisfied with the decision of the magistrate under the last preceding section, an appeal may be made by the dissatisfied party in the manner, and subject to the conditions provided by the Summary Jurisdiction (Appeals) Act in regard to civil cases.

Right of appeal from decision of magistrate.

Cap. 3:04.

**39.** Save where the context otherwise requires, in this Part the expression "land" includes all buildings and structures erected on such land and anything growing thereon.

Interpretation.

**Annex 4: Grievance Redress Process**

Grievance Address Procedures	
Access Point	<ul style="list-style-type: none"> <li>The Minister of Agriculture holds weekly meetings with farmers each Wednesday, called Open Day. These meetings can also be opened to include the public at large but specifically communities living around the project area or affected by the project.</li> <li>The Project Coordinator in the ASDU will also be accessible via telephone, email, and verbal communication and will be responsible for intake of any grievances.</li> <li>This access point will be advertised through the Ministry's website. Additionally a signboard with all the relevant contact details will be posted on each project site.</li> <li>The Permanent Secretary of the MoA shall be responsible for leading responses to grievances related to this project.</li> </ul>
Grievance Log <sup>1</sup>	<ul style="list-style-type: none"> <li>Grievances can be made verbally to the Minister and/or the designated representative of the Minister. In this case, the grievance shall be accurately documented and verified as a true account by a third party.</li> <li>Grievances can be made in writing addressed to the Project Coordinator in the ASDU and copied to the NDIA, defined as a relevant authority in the Drainage and Irrigation Act, 2004.</li> <li>All grievances must be signed and dated by the aggrieved person.</li> <li>All grievance records shall be copied to the relevant authority as defined in the Drainage and Irrigation Act, 2004.</li> </ul>
Assessment and Timeframe	<ul style="list-style-type: none"> <li>The ASDU should acknowledge within 5 working days, receipt of the complaint and should include notification of the period necessary to address the grievance to the aggrieved person.</li> <li>If the aggrieved person does not receive a response within the agreed time or is not satisfied with the outcome, he/she can refer the matter to the Programme Monitoring Committee (PMC) for redress.</li> <li>The PMC should acknowledge within 10 working days, receipt of the letter of appeal and should include notification of the period necessary to address the appeal.</li> <li>If the aggrieved person does not receive a response within the agreed time, or is not satisfied with the outcome he/she can refer the matter to the responsible Minister for redress.</li> <li>If the aggrieved person is not satisfied with the outcome he/she can refer the matter to the Court of Law for redress.</li> <li>The grievances should be categorized by type (compensation, resettlement etc). The first assessment of the grievance should be conducted by a Grievance Committee comprising of the Permanent Secretary, the ASDU Project Coordinator, technocrats from the NDIA and the lawyer based in the Ministry of Agriculture.</li> <li>Where agreement is not reached at the level of the Grievance Committee, the steps outline above should be followed.</li> </ul>
Resolution and Follow-up	<ul style="list-style-type: none"> <li>An Implementation Plan should be developed for resolution of grievances. Data should be shared with the World Bank (raw grievance and/or monthly reports). On the spot resolution should be encouraged. However, the process and results should be documented.</li> </ul>

<sup>1</sup> This log should constitute a data base containing the origin of the grievances and associated issues, number of complaints received, resolved, and gone to mediation. This document should be publicly accessible via the MoA website.

