

## **Summary of Land Acquisition & Resettlement Policy Framework**

### **JAMAICA: JM Hurricane Dean ERL Project**

#### **A. Introduction**

No land acquisition or involuntary resettlement is contemplated under the Project. Nonetheless, the Land Acquisition and Resettlement Policy Framework summarized below applies to all JSIF-funded community projects. For JSIF-funded community projects, the Policy Framework will supplement existing Jamaican law pertaining to land acquisition and resettlement (the Land Acquisition Act of 1947) by introducing additional compensation measures to achieve compensation at replacement cost and income restoration together with implementation and consultation arrangements to minimize land acquisition impacts and obtain the informed consent of those affected by land acquisition.

JSIF has prepared a Land Acquisition and Resettlement Policy Framework (LARPF), which establishes equivalence with the objectives and operational principles in OP 4.00 and OP/BP 4.12. The LARPF has been reviewed and found acceptable by the Bank and was approved by the JSIF Board on January 25, 2006. The framework was also disclosed by the Bank through the InfoShop on February 6, 2006 and has been made publicly available in-country by the client.<sup>1</sup> The final EMF is also included as part of the JSIF Operations Manual. A complete Policy Framework has been incorporated into the JSIF Operations Manual.

JSIF-funded community projects comprise a range of infrastructure investments including drinking water supply, sewerage, sanitation, storm drainage, small roads, school buildings, and community and recreation facilities.

Since the land acquisition impacts deriving from these community projects will be minor, the appropriate instrument to manage such impacts shall be an Abbreviated Resettlement Plan attached as an annex to the project proposal/plan agreed between the community and JSIF. If land acquisition under a community project causes displacement, the Abbreviated Resettlement Plan shall include economic rehabilitation measures.

#### **B. Means of Obtaining Land**

The infrastructure investments undertaken in JSIF-financed community based projects are for the most part located within and identified by the beneficiary communities, which implies that access to land may be obtained through other means than just land acquisition through eminent domain. Thus, land for different investment components in a community project could be obtained through one or a combination of the different means listed below. While all of these means of obtaining land would require documentation, not all would necessitate payment of compensation and/or provision of relocation and rehabilitation assistance. However, in all cases, care shall be taken to ensure that the persons involved are fully informed about the project, about the avenues for grievance redress, and confirm that the donation or long-term lease is voluntary. This information is provided during the consultations that take place as part of the participatory community project preparation process.

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<sup>1</sup> In-country disclosure has been done through publication on the JSIF website ([http://www.jsif.org/inner\\_city\\_basic\\_serv.asp](http://www.jsif.org/inner_city_basic_serv.asp)).

Means of obtaining land	Requirements
Voluntary donation or long term lease of private land	Attached to the community project proposal/plan must be Proof of Ownership and Documentation of Donation of Assets or Documentation of Long Term Lease
Donation of community land	Attached to the community project proposal/plan must be Proof of Ownership and Documentation of Donation of Assets.
Willing-seller-willing-buyer transaction	Attached to the community project proposal/plan must be Proof of Ownership and Documentation of Sale of Assets.
Transfer of public land without squatters or other encumbrances	Attached to the community project proposal/plan must be permission from the Government Agency holding the land or from the Commissioner of Lands.
Transfer of public land with squatters or other encumbrances	Attached to the community project proposal/plan must be permission from the Government Agency holding the land or from the Commissioner of Lands together with a mitigation plan based on this Policy Framework to provide rehabilitation and relocation assistance for squatters.
Involuntary land acquisition based on eminent domain with or without associated displacement	Abbreviated Resettlement Plan attached as an annex to the community project proposal/plan

### C. Community Project Preparation, Consultation, and Land Acquisition Planning

Given that the persons potentially affected by land acquisition and displacement in JSIF-financed community-based projects are in most cases also project beneficiaries with a voice in decision making on both the type of investments and technical alternatives, there is a strong incentive to seek solutions that avoid or reduce adverse impacts from land acquisition. During the community-based participatory project preparation process, consultation on technical options will involve a concurrent assessment of potential associated land acquisition impacts as described in the table below. This will facilitate an early and ongoing identification of feasible technical design alternatives to avoid or minimize such impacts, and will also enable consultation with persons affected by land acquisition to obtain their consent regarding mitigation measures.

Community Project Preparation	Actions on Land Acquisition	Responsible
<b>1. Promotion</b> (information dissemination on JSIF funding of community projects and rules of the game)	Information dissemination on: <ul style="list-style-type: none"> <li>project eligibility (&lt; 10 families to be resettled);</li> <li>need to avoid or minimize land acquisition in project planning;</li> <li>acceptable means of obtaining land; and</li> <li>compensation options for PAPs.</li> </ul>	JSIF Environment & Resettlement Officer and Community Liaison Officers
<b>2. Project Application</b>	Indicate: <ul style="list-style-type: none"> <li>expected need for land for specific investment components;</li> <li>means of obtaining such land; and</li> <li>need for land acquisition and assessment of impacts.</li> </ul>	Community/CBO
<b>3. Review of Application</b>	<ul style="list-style-type: none"> <li>Reject application and return for revision if 10 or more families are planned to be resettled as a result of envisaged land acquisition.</li> </ul>	JSIF Environment & Resettlement Officer

	<ul style="list-style-type: none"> <li>• Include preparation of Abbreviated Resettlement Plan in TOR for design consultant if required.</li> </ul>	
<b>4. Project Concept Development</b>	<p>Preliminary Site Screening and Community Consultations to:</p> <ul style="list-style-type: none"> <li>• verify need for land for specific investment components;</li> <li>• confirm information on voluntary land donations and availability of unused government land;</li> <li>• assess options for avoiding or minimizing land acquisition;</li> <li>• ensure that potentially affected persons and land donors are involved in the consultation and informed of options;</li> <li>• if squatters have to be resettled, attempt to find secure alternative accommodation for these in the community; and</li> <li>• conduct census of PAPs.</li> </ul>	JSIF Environment & Resettlement Officer and Technical Appraisal Officers
<b>5. JSIF Technical &amp; Social Review</b>	<ul style="list-style-type: none"> <li>• Assist community in obtaining permission to use available government land from the Agency holding the land or from the Commissioner of Lands;</li> <li>• Obtain documentation on land donations from community and private donors;</li> <li>• Review technical options to avoid or minimize land acquisition;</li> <li>• Compile inventory of assets lost by PAPs;</li> <li>• Draft Abbreviated Resettlement Plan; and</li> <li>• Review/approve Abbreviated Resettlement Plan.</li> </ul>	JSIF Environment & Resettlement Officer and Technical Appraisal Officers  Design Consultant  JSIF Resettlement Officer
<b>6. Project Design</b>	<ul style="list-style-type: none"> <li>• Present Abbreviated Resettlement Plan in a community consultation to obtain endorsement from PAP's and community.</li> </ul>	JSIF Environment & Resettlement Officer and Community Liaison Officers
<b>7. Project Approval</b>	<p>For World Bank assisted projects:</p> <ul style="list-style-type: none"> <li>• submit Abbreviated Resettlement Plan for review and approval; and</li> <li>• disclose the Abbreviated Resettlement Plan at a place accessible to PAPs and NGOs.</li> </ul>	JSIF

#### **D. Institutional Arrangements**

The overall responsibility for the implementation and enforcement of the Land Acquisition & Resettlement Policy Framework rests with JSIF. Within JSIF, there shall be an Environment & Resettlement Officer and a Legal Officer.

Acquisition of the land required for a particular community project will be undertaken by the Commissioner of Land based on information and documentation provided by JSIF. Valuation of the assets to be acquired will be conducted by the Land Valuation Division of the National Land Agency.

Grievance redress will be pursued at different levels (community, JSIF, specialized arbitration institutions) with recourse to the courts as the last option for the aggrieved party.

### E. Monitoring Arrangements

For each community project, information on land requirements and the means of obtaining any land required by a particular project component will be recorded in the MIS for different stages of the project cycle:

Community Project Cycle	Data for MIS
<b>Project Application</b>	<ul style="list-style-type: none"> <li>• Estimated need for land for specific investment components;</li> <li>• Means of obtaining such land (donation, govt. land, purchase, land acquisition); and</li> <li>• Scale of resettlement, if any.</li> </ul>
<b>Review of Application</b>	<ul style="list-style-type: none"> <li>• Approval; or</li> <li>• Rejection (&gt; 10 families to be resettled)</li> </ul>
<b>Project Concept Development and JSIF Technical &amp; Social Review</b>	<ul style="list-style-type: none"> <li>• Community consultations (date, # of participants including potential PAPs, issues); and</li> <li>• Documentation provided on voluntary land donations and transfer of unused government land.</li> </ul>
<b>Abbreviated Resettlement Plan</b>	<ul style="list-style-type: none"> <li>• Data from census with inventory of assets lost by PAPs, entitlements, and socio-economic data;</li> <li>• Dates of receipt, review, and approval by JSIF of ARP;</li> <li>• Dates of submission and approval by Bank of ARP (for Bank assisted projects); and</li> <li>• Date of disclosure of ARP.</li> </ul>
<b>Implementation</b>	<ul style="list-style-type: none"> <li>• Delivery of compensation and rehabilitation entitlements as per ARP; and</li> <li>• Data on grievance redress</li> </ul>
<b>Post-implementation</b>	<ul style="list-style-type: none"> <li>• Evaluation including assessment of economic rehabilitation/income restoration.</li> </ul>

Each Abbreviated Resettlement Plan will establish a baseline through the census of PAPs which will comprise socio-economic data, the inventory of assets lost, and the compensation and resettlement benefits awarded to the PAPs. Progress monitoring by JSIF will record the timely provision of compensation to PAPs (whether provided before or after possession was taken of the asset), and the timely provision of resettlement assistance. The data will be entered into JSIF's MIS together with information on land provided through voluntary donations, nominal long-term leases, and vacant government land. An evaluation will be undertaken to establish whether the objective of the measures to mitigate the land acquisition and resettlement impacts have been achieved, namely, whether PAPs affected by land acquisition and resettlement have been able to improve, or at least restore, their livelihoods and standards of living to pre-displacement levels. Data on grievance redress will also be entered in the MIS and summarized in status reports.

For projects assisted by the World Bank, periodic supervision will assess whether the implementation is in compliance with the provisions in approved Abbreviated Resettlement Plans.

## F. Land requirements under Community Projects

For the 12 community projects under the Inner City Basic Services for the Poor Project, consultations were conducted during project preparation on the need for land and means to obtain such land.<sup>2</sup> Land required for specific project components will be obtained as listed in the table below. The table was updated in a consultation on JSIF's Land Acquisition & Resettlement Policy Framework with representatives of all the 12 target communities on January 13, 2006.

Project Communities	Parish	Community Project Component requiring land	Method of obtaining land		
			Vacant Govt land	Private donation	Purchase: Willing-Seller-Willing-Buyer
Whitfield Town	Kingston-St.Andrew	None			
Federal Gardens	Kingston-St.Andrew	Community Center	Yes		
Passmore Town/Browns Town (Dunkirk) <sup>3</sup>	Kingston-St.Andrew	None			
Jones Town	Kingston-St.Andrew	None			
Tawes Pen	St. Catherine	Community Center <sup>4</sup>	Yes		
March Pen (Africa)	St. Catherine	None			
Central Village	St. Catherine	- Community Center - New drain from Central Road to river	To be decided To be decided		
Dempshire Pen/Jones Pen (Shelter Rock)	St. Catherine	- Community Center <sup>5</sup> - Off-site drain extensions	Yes		
Lauriston	St. Catherine	Community Center			Yes <sup>6</sup>
Bog Walk	St. Catherine	- Community Center <sup>7</sup> - Drainage	Yes Yes		
Bucknor	Clarendon	- Community Center	Yes		
Flankers	St.James	- Community Center <sup>8</sup> - Drainage <sup>9</sup> - Road (Hog City) <sup>10</sup>	Yes To be decided		

<sup>2</sup> Final Neighborhood Basic Infrastructure & Public Buildings Safety Plans – Community Specific Plans, JSIF, Dec. 2005.

<sup>3</sup> The project will refurbish the existing sewer network, which will be connected to a sewage treatment facility to be funded from other sources. Since the two activities are linked, the access to land for the treatment facility needs to be clarified.

<sup>4</sup> Upgrading of existing structure.

<sup>5</sup> Upgrading of existing structure.

<sup>6</sup> The land was previously bought by a neighborhood CBO with its own funds.

<sup>7</sup> The Community Center will be located on a piece of land presently used in part as a community sports/play-ground, and in part as residential area by squatters. At the consultation on JSIF's Policy Framework on January 13, 2006, community members were of the opinion that the Community Center could be constructed on the site without disturbing the squatter settlement or the sports/play-ground.

<sup>8</sup> Upgrading of existing structure.

<sup>9</sup> During a Bank team field visit to the Flankers' neighborhood on January 12, 2006, it was found that the planned rehabilitation and extension of a storm drain from Providence Heights in Hog City would require at least temporary relocation of 3 squatter houses built on the bank and partly over the gully. An assessment of the need for temporary or permanent relocation needs to be made as part of the finalization of the community plan for Flankers, and if required, the plan needs to be amended with resettlement mitigation measures.

<sup>10</sup> Road rehabilitation will require minor realignment and shifting of a fence.