
JAMAICA DISASTER VULNERABILITY AND REDUCTION PROJECT (JDVRP)

Abbreviated Resettlement Action Plan (A-RAP) CHURCH PEN 1

AUGUST 2, 2019
JAMAICA SOCIAL INVESTMENT FUND

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GLOSSARY OF TERMS

1. “**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 Section of the 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**” The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
5. “**Eminent Domain**” means the right of the state to acquire land for a public purpose using its sovereign power.
6. “**Inventory of Assets**” means a complete listing and description of all assets that will be acquired under a specific community project.
7. “**Land Acquisition**” means the process of acquiring land for a community project under the legally mandated procedures of eminent domain.
8. “**Project Affected Person**” (PAP) means any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily, business, occupation, work, place of residence or habitat adversely affected; or standard of living adversely affected.
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 during the 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. “**Community project**” means a specific community infrastructure investment activity, which may comprise several sub-components, carried out with funding from JSIF.

BACKGROUND

JAMAICA DISASTER VULNERABILITY REDUCTION PROJECT (JDVRP)

Past disaster events have physically impacted Jamaica's national infrastructure, some of which include flooding, landslides and storm surge. Addressing the undermining of primary roads, bridges and drainage networks is key in protecting the communities located in these areas, the users of the infrastructure as well as reducing the overall economic impact on the country's economy. In response to this the, Jamaica Disaster Vulnerability Reduction Project (JDVRP) was designed with the objective 'to enhance Jamaica's resilience to disaster and climate change risk.' The project is financed by a US\$ 30m loan funded by the World Bank.

The JDVRP is structured into four (4) components, outlined below.

Component 1 – Technical Assistance for Improved Disaster and Climate Resilience (US\$ 3.815M). This component will support the generation and collection of targeted hazard and risk information, its analysis and use in monitoring systems and decision making. This component will finance the following activities: (i) equipment and facilities to strengthen the seismic monitoring network; (ii) the establishment of a National Risk Information Platform and Coastal Risk Atlas; (iii) multi-hazard risk assessments for coastal areas, including ecosystems-based analyses and micro zonation studies; and (iv) a training program to support the implementation of the National Building Code.

Component 2: Risk Reduction (US\$23.61M). This includes the retrofitting or construction of key assets in response to the severe impacts from major disasters. This component will finance structural mitigation measures. The sub-components and activities to be financed under this component are:

- (i) Retrofitting, construction and/or rehabilitation of national and sub-national priority infrastructure (bridges and urban drainage);
- (ii) Retrofitting, construction and/or rehabilitation of critical public facilities (schools and fire stations)
- (iii) Establishing or improving coastal protection measures.

Component 3: Contingent Emergency Response (US\$0M). The proposed operation will include a contingent 'zero component', which in the event of a disaster caused by a natural hazard would enable the Government to quickly reallocate Project funds to disaster response and recovery purposes under streamlined procedures. This Contingent Emergency Response Component (CERC) will support Jamaica's emergency preparedness and response capacity to the impact of natural hazards, including financing of post-disaster critical emergency goods or emergency recovery and associated services, as well as targeted provision of post-disaster Social Safety Net (SSN) support to affected households and individuals. Following an adverse natural event, the Government's declaration of disaster in accordance with national law, and subject to the Bank's activation policy, the contingent component would be triggered.

Component 4: Project Administration (US\$2.5M). This component will finance costs associated with program management, including Project related audits, monitoring, mid-term

and end-of-project evaluation, equipment and training to strengthen the Project Implementation Unit (PIU), as well as individual consultants, motor vehicle and operating costs. The component will also finance the core professional and technical staff for Project management, including a Program Manager, Supervision Engineers and specialists in the areas of disaster risk management, safeguards compliance, finance, procurement and related Project management areas. Core staff will be recruited on time-bound basis.

This Abbreviated Resettlement Action Plan will be linked to activities under Component 2, Sub component (i) - Retrofitting, construction and/or rehabilitation of national and sub-national priority infrastructure (bridges and urban drainage).

- National Bridges: The Old Harbour area is the largest fishing community in Jamaica and also one of the most rapidly growing populations outside of Kingston. The town connects Kingston and Spanish Town, the two largest cities in southern Jamaica by a four-lane highway and the Old Harbour Road. There are over 15,000 vehicles that travel the Old Harbour Road every day and some sections of the road are in poor condition; only permitting single lane traffic, no pedestrian walkways, and suffer frequent flooding. The Project will be targeting three bridges located along this road: Old Harbour/ Myton Gully Bridge, Church Pen 1 Bridge and Church Pen 2 Bridge. The proposed bridge infrastructure meets the criteria for readiness as designs have already been prepared. Equally, the criteria for selection identified by the GoJ included traffic volume, structural integrity, and socio-economic impact.
- Urban Drainage: The anticipated higher frequency and intensity of rainfall events has the risk of overburdening urban drainage systems, leading to increased flooding, economic disruption and health risks to urban residents. The Comprehensive Drainage and Flood Control Report identifies historical extent, context and potential causes of localized flooding throughout Jamaica's drainage system. The areas the Report prioritizes include: i) number of buildings impacted by flooding; ii) number of persons indirectly impacted by flooding; and iii) severity of flooding. The Report dually conducts a rainfall analysis and the design frequency of the drainage systems, which includes the hydraulic capacity. The Big Pond/Myton Gully in Old Harbour, St. Catherine urban drainage network, assessed in the Report, will have interventions financed under the Project. The location is highly susceptible to flooding and is connected to the three bridges also targeted for civil works under this Project.

OVERVIEW OF THE CHURCH PEN PROJECT

The district of Church Pen is located in Old Harbour, St. Catherine and has been appraised for drainage improvement works under the JDVRP project. The drainage improvement is considered based on the extent of flooding that occurs in the community. Further the Old Harbour Community is the fastest growing residential area with multiple housing developments and businesses established over the last decade. This has had implications on the drainage patterns in the area and now requires an upgrade to the infrastructures. Overall, two bridges will be upgraded, Church Pen 1 and Church Pen 2, this resettlement plans speaks to the issues at Church Pen 1.

ARAP Objective

The objective of this ARAP is to ensure that the Church Pen Drainage Improvement Project is implemented with minimal displacement of project affected persons, ensuring that property and livelihoods are restored to a state equal or better than pre-project conditions.

Project Description: The proposed scope of the work to be undertaken for the upgrading of the bridge is:

INFRASTRUCTURAL WORKS

1. Widening of existing roadway 55m²
2. Demolish existing concrete drain and box culvert 49m³
3. Construction of a detour road 660m²
4. Construction of rip rap cross drain. – 12.5m²
5. Construction of earth mound for diversion of water
6. Construct gabion basket- 38m³
7. Construct Reno mattress. – 36m²
8. Construction of concrete U-drain. -70m long *
9. Construction of footbridge.- 1 *

* *These works will take place on the property of the Project Affected Persons (PAPs) towards reducing the risk for flooding downstream.

Potential Impact

The upgrading of the bridge will impact residents on the adjoining property of the bridge in Church Pen Old Harbour. It is anticipated that the upgraded culverts will increase the volume of water that flows to the adjoining residential property, and there are no structures in place (on property) to mitigate flooding. Based on the placement of the buildings in proximity to the drain, it is highly likely that two structures will be severely impacted during heavy rainfall; a furniture shop with an incomplete two (2) bedroom structure to the front of the building and a single room structure to the back of the yard. Additionally, there are several crops/ fruit trees at the front of the property that will have to be removed.

Further, the upgrading of the culvert also requires the relocation of the furniture shop, in order to ensure the construction is done to standard i.e. there should be no infringement on the easement or road reservation. An assessment of the structural integrity of the building indicates that a full demolition is required. It is anticipated that the shop will be out of order for approximately three months.

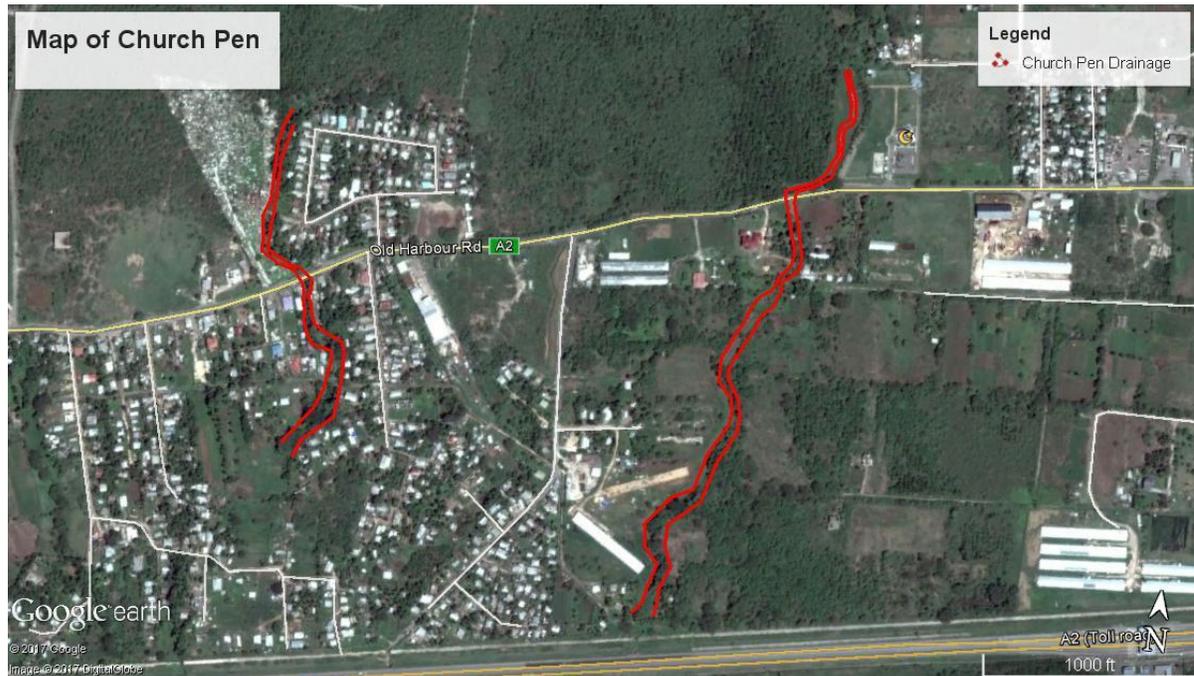


Figure 1: WATER COURSE AT CHURCH PEN BRIDGES 1 (LEFT) AND 2 (RIGHT)

Alternatives:

Due to the natural flow of the water through the residential property of this family, there is no alternative other than aborting the project.

Mechanisms to Minimize Displacement

The mechanism to prevent displacement for this intervention will include a mixture of compensation and replacement of lost infrastructural assets. Specifically:

- Cash compensation will be provided for the furniture shop and unfinished rooms on the property (where only the shop will be rebuilt), storage of materials during transition, labour cost to rebuild, and lost profit and wages
- Cash compensation for lost crops
- Replacement of dwelling structure
- Upgrading of culverts and drainage infrastructures on the property

| Impact | Required Works | Mitigation Measures | Cash Compensation |
|------------------------|---|---|---|
| Economic | Demolition of the existing structure with shop and two unfinished rooms (10.4m*8.9m) at the front of the property | None | Compensation for the entire structure that will be lost |
| | | | Labour costs to rebuild |
| | | | Storage of machinery and furniture |
| | | | Transition Period – for salaries/profits over the period where reconstruction activities by the family are delayed until JSIF project is completed) |
| Residential/ Social | Demolition of small residential quarters at the back of the property | Reconstruction of building at a different location (on the same property) 3.3m * 2.4m | Not required |
| Social/Environmental | Upgrading of culverts and drainage infrastructures on the property to meet anticipated volume of water | (Installation of U Drains, gabion wall footbridge mentioned above) | Not Required |
| | Removal of crops (fruit trees) | None | Compensation payments will be made to land owner for the trees at the replacement cost. As indicated by the Rural Agricultural Authority. |

Survey and Baseline Socio-economic Data

The Church Pen Bridge 1 Drainage Improvement will affect the premises which houses a furniture shop, three (3) dwellings, a chicken coup and several fruit trees. It is anticipated that only the furniture shop, one dwelling space and the fruit trees/crops will be impacted by the project. No other public or private infrastructures will be impacted such as electrical posts.

The land is owned by **(name removed)** (supported by formal land title) who is an 85-year-old widow, who has given permission to her children to own and erect structures on the property.

The furniture shop has been in operation for well over 30 years and operators report having customers from across several parishes. The shop's earnings as stated by the owners is \$ 292,000 monthly with outputs ranging from mattresses, wardrobes, dressers, chest of

drawers etc. Checks with other carpenters on the market indicate that the quoted prices are fair. The shop is co-owned by four (4) persons and employs an additional three (3) persons.

Efforts to add two (2) rooms to the shop for residential purposes started two years ago however it is reported that due to financial challenges the structure was not completed.

The demolition of the structure will halt all economic activities at the shop and this will impact earning and employee wages. Additionally, storage for materials and equipment will be required. The extent of revenue loss will be dependent on the duration for reconstruction. Compensation for the period will be considered.

Regarding the second structure to be impacted, this small room is currently located beside the natural earthen channel. The expansion of the culvert will result in an increase in the volume of water which will impact the structure.

The fruit trees on the property run along the sides of the water channel. The planned works to widen the channel and construct a U-drain require the removal of the trees. The trees to be impacted are all fruit bearing trees; specifically the trees to be removed and the quantities are: Bananas (12), Breadfruit (5), Noni (3), Coconut (7), Lime (1), Soursop (2) Apple (1).

Land Information:

The land area in question is on a privately owned parcel (Vol:Folio 1410:29) with land valuation number 1401440.

The only public land in close proximity to the project site is the existing narrow roadway (main road to access the main towns of Old Harbour, Spanish Town and Kingston) and sidewalks. There is no space to facilitate squatting by other residents.

Entitlements Matrix

| ASSET ACQUIRED | TYPE OF IMPACT | ENTITLED PERSON | COMPENSATION ENTITLEMENT |
|------------------------------------|--|------------------------|---|
| Access to Land for infrastructures | No displacement: Land used for residence is not affected, the infrastructure will be erected away from the property boundary adjacent to the side walk (which is public land). The property and the remaining land | Sole Title Holder | Drainage infrastructures will be built to mitigate against flooding on property. No additional land will be claimed since the current water course is the natural channel of the surface water. |

| | | | |
|---|--|---|---|
| Fruit Trees | remains viable for present use | | Cash compensation for the harvest of the affected land equivalent to average market value over three years. |
| BUILDINGS & STRUCTURES (Furniture Shop with two (2) adjoining unfinished rooms) | Displacement: • Entire structure affected | Owner The owner (<i>son of land owner</i>) is deceased <i>Shop is now operated by the deceased's children</i> (all family members), The shop also employs three (3) persons: (non family members) | Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. • Right to salvage materials without deduction from compensation |
| BUILDINGS & STRUCTURES Small Residential Dwelling at the back of the property | Displacement: • Entire structure affected | Owner - (land owner) | Alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. |
| PAPs FOR COMPENSATION | | | |
| Name | Nature of Displacement | Mechanism for Payment | |
| NAMES REMOVED FOR CONFIDENTIALITY | Economic: Part Owners of Furniture Shop and attached unfinished rooms | All compensation payments related to the furniture shop and the unfinished rooms will be made out to the owner of the land. See annex 4. The listed PAPs have agreed for payment to be made to the land owner who will in turn distribute funds to them. See Annex 9. Land owner is expected to make payment to all parties within fourteen (14) days of receiving compensation payment from JSIF. | |
| | Economic – Employee at Furniture Shop | Additionally, the employees of the furniture shop will receive transitional payment only and will be paid directly by JSIF | |
| | Economic – Employee at Furniture Shop | | |
| | Economic – Furniture Employee at Shop | | |
| | Loss of crops (fruit trees) that are along the water channel | Payment for crops as indicated by agricultural agency. | |

Eligibility

Displaced persons are Project Affected Persons who are impacted by land acquisition which results in the loss of part or all of their assets temporarily or permanently to include land, housing, other structures, businesses, crops/trees or other types of assets.

Eligibility for resettlement assistance under this project will be determined by the following:

- The project cutoff date was October 12, 2017.
- Location/ proximity to project site
- Extent of impact i.e. asset lost due to land acquisition
- The property was not cordoned off as there was no other land available to facilitate squatting, the only available public land is the main road which is unable to accommodate this. Additionally, based on culture, the erecting of a sign will only serve to attract other residents seeking to benefit from the project.

Additionally, the Eligibility and Entitlements Matrix will also serve as a guide.

Valuation and Compensation

Methodology for valuation

- Infrastructure: The existing structures that will be affected by the project were valued based on location, state of the structure, size, quality of material and workmanship. For structures that will be rebuilt as part of the resettlement approach, consideration was given of the cost to rebuild to previous state (or to minimum standard if found to be inferior) the approximate value is determined based in master builders rates, cost of materials and a 20% mark up. The JSIF maintains a Cost Database which reflects current market rates for works items.

See below how the figures were calculated by the Quantity Surveyor.

COST REMOVED FOR CONFIDENTIALITY PURPOSES

See resettlement cost below.

- The extent of revenue loss will be dependent on the project duration since any reconstruction work by the family will be done after the project. Compensation for the period will be considered

Resettlement Costs

The scope of resettlement activities and the related costs at Church Pen 1 are outlined in the table below:

| ACTIVITY | COSTS |
|---|--|
| INFRASTRUCTURE/ WORKS | |
| Demolish existing small dwelling house, size: 3.3m x 2.4m and remove debris from site. | COST REMOVED FOR CONFIDENTIALITY PURPOSES |
| Construct new 150mm thick block wall structure with 150mm thick concrete slab roof, size: 3.3m x 2.4m. | |
| Demolish existing wooded/ concrete structure 10.4m * 8.9m and remove debris from site. (FURNITURE SHOP WITH INCOMPELTE ROOMS) | |
| SUBTOTAL | \$ |
| COMPENSATION | |
| Include a provisional sum for rental for storage of furniture product and equipment and the removal of any trees if necessary. | COST REMOVED FOR CONFIDENTIALITY PURPOSES |
| For two unfinished rooms lost 10.4m x 8.9m | |
| For reconstruction of furniture shop 150mm thick block wall structure with 150mm thick concrete slab roof, size: 5.2m x 8.9m. ** Labour and material costs are included | |
| Transition Period (Where the operation of the shop will be halted) OR Construction of temporary shop to be demolished at the end of the project. | COST REMOVED FOR CONFIDENTIALITY PURPOSES \$ (for initial 3 months) \$ (for an additional 2 months) (Total for 5 months) The PAPs initially were to be paid for lost income over a three (3) month period. However Due to extension of time on the works contract, the area which initially housed the shop was still unavailable for reconstruction. As a result the PAPs were paid for an additional two (2) months of transition payment. |
| Transition payments will include employee and owner salaries, profit, etc.). | |

| | |
|---|--|
| | <p>\$ payment was made to the shop owner for rental of a temporary facility while project works continued.</p> <p>A breakdown of how much each employee /owner will be paid is outlined below.</p> |
| Include a sum for the loss of fruit trees likely to be removed for the upgrading of the project | COST REMOVED FOR CONFIDENTIALITY PURPOSES |
| Contingency | ** Under GoJ guidelines contracts are not prepared with contingency funds however should the resettlement component require additional funds, mechanisms are in place to request same from the GoJ. |
| SUBTOTAL | COST REMOVED FOR CONFIDENTIALITY PURPOSES |
| TOTAL | |

See below breakdown of payments made and the recipient parties.

**** BREAKDOWN OF NAMES AND DISTRIBUTION AMONG FAMILY MEMBERS REMOVED FOR CONFIDENTIALITY PURPOSES.**

CITIZEN ENGAGEMENT / CONSULTATIONS WITH DISPLACED PERSON

JSIF Social Officers (SOs) have had a number of discussions with the PAPs as it relates to the nature of the interventions. These were done as part of the regular JSIF project appraisal process. Site visits are conducted where walkthroughs are done to identify and discuss risks and intentions to mitigate.

Given the many aspects of the project, the family nominated a family representative who in consultation with them should make decisions regarding work, payments etc. Further, based on age and illness she also gave her son (**name removed**) power of attorney to distribute funds on her behalf, as they currently share an account. (**name removed**) and (**name removed**) are not PAPs and are not eligible for payments. See annexes 7 & 11.

The following alternatives were presented to the family regarding the furniture shop with incomplete rooms and the small dwelling structure:

1. Total demolition of both structures and compensation
2. Demolition and reconstruction of the furniture shop at a separate location and compensation for the small dwelling space
3. Demolition of furniture shop with adjoining incomplete housing structure with compensation for reconstruction; demolition and reconstruction of small dwelling structure.

Option 3 was chosen by the family

The family has expressed a willingness to cooperate with the agreement that all mitigation activities will be carried out to prevent issues post project. The issues raised by the family include:

1. The likely increase in the volume of water on their property post the expansion of the culvert and what mechanisms will be put in place to prevent flooding.
2. What considerations will be given for the time that the furniture shop will be out of operation?
3. Queries were raised about the land owners crops and whether she would be paid for them.

The concerns we taken into consideration and the project design and the related Bill of Quantities were updated to reflect the required infrastructures that prevent flooding of their property. Line items were added to the resettlement budget for the transition period as well as for the fruit trees to be removed. See annex 8 regarding the agreement regarding the lost crops.

Attached are annexes 1 and 2 which represent the consultations done for the A-RAP. It is important to note that for these consultations the family delegated a representative (see Annex 7) for discussions of the impacts on the residential property and furniture shop, including works, payments, etc. Annex 9 reflects that the co-owners were consulted and agree: on compensation amounts; that compensation to employees will be done by JSIF; and that payment will be made to land owner who in turn will make payment to co-owners. Annex 6 reflects that employee’s agreements that they were consulted and agree on compensation amounts (Annex 6).

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:

| Project Cycle | Data for MIS |
|-------------------|---|
| Project Selection | <ul style="list-style-type: none"> • Estimated need for land for specific investment components, |

| | |
|--|--|
| | <ul style="list-style-type: none"> • means of obtaining such land (donation, govt. land, purchase, land acquisition), • scale of resettlement, if any. • Amount and description of land donated • Approval, • Rejection (> 10 families to be resettled) |
| Project Concept Development and JSIF Technical & Social Review | <ul style="list-style-type: none"> • Community consultations (date, # of participants including potential PAPs, issues), • Documentation provided on voluntary land donations and transfer of unused government land. |
| Abbreviated Resettlement Action Plan | <ul style="list-style-type: none"> • Data from census with inventory of assets lost by PAPs, entitlements, and socio-economic data, • Dates of receipt, review, and approval by JSIF of ARAP • Dates of submission and approval by Bank of ARAP • Date of disclosure of ARAP |
| Implementation | <ul style="list-style-type: none"> • Delivery of compensation and rehabilitation entitlements as per ARAP • Data on grievance redress |
| Post Implementation | <ul style="list-style-type: none"> • Evaluation including assessment of economic rehabilitation/ income restoration • Record results of resettlement in MIS |

GRIEVANCES REDRESS MECHANISM

Resolution of different types of grievances regarding resettlement will be attempted at different levels:

Solutions to grievances related to land acquisition impacts will be pursued at the community level with PAPs with facilitation by JSIF and together with design consultants in order to find technical solutions that avoid or further minimize the need for further and acquisition.

Solutions to grievances related to compensation amounts, delays in compensation payments or provision of different types of resettlement assistance will be pursued directly by the designated land acquisition and resettlement staff in JSIF through liaison with the relevant actors.

Where satisfactory solutions to grievances cannot be achieved, the aggrieved party may take the matter before the courts.

Arbitration will be done by appropriate local institutions such as the Justice of the Peace, Community Works Coordinator, and the Dispute Resolution Foundation (which is a

Government supported NGO with links to the courts. The courts do refer cases to the Foundation for arbitration as a measure to seek a faster resolution to disputes. This would not prevent the parties to the dispute from taking the matter to the court if a compromise cannot be reached).

Any grievances arising should be recorded and reported on in the JSIF MIS. This should include details on the date of the dispute, the nature of the dispute and how it was resolved. Complaints can be communicated by calling the office and reporting to the assigned project officer or project manager. Additionally, the representatives of line ministries of other partnering government agencies can communicate grievances on behalf of PAPs to JSIF. Additionally, PAPs have the option to email or write grievances. Complaints will be noted in a grievance log with a response time between 1 and 4 weeks depending on the complexity of the issue.

JSIF's land acquisition and resettlement staff will ensure that community members and in particular PAPs are informed about the avenues for grievance redress, and will maintain a record of grievances received, and the result of attempts to resolve these. This information will be entered into the JSIF Management Information System (MIS) and be included in the regular progress reporting.

| GRIEVANCE PROCEDURES | Timeline |
|--|-----------------|
| Acknowledgment of complaint | 2 days |
| Investigation of complaint | 1 – 2 weeks |
| Determination (and approval) of appropriate solution/response | 1- 2 weeks |
| Engagement of PAPs and agreement of response strategy and appeals mechanism | 1- 2 weeks |
| Resolution of issue | 2- 4 weeks |
| Acknowledgement of appeals by aggrieved party (where solutions are not satisfactory) | 1- 2 weeks |
| Activate arbitration mechanisms | 2- 4 weeks |
| Resolution of issue | 1 – 3 weeks |
| Updating of Grievance Log | Ongoing |

LEGAL FRAMEWORK

This resettlement mechanism is guided by two pieces of legislations:

1. 1962 Constitution of Jamaica contains a chapter which addresses Protection of the Fundamental Rights and Freedoms of an individual. Section 18 Chapter III determines that no property shall be compulsorily taken into possession and no interest in or right over property shall be compulsorily acquired except under a law that: i) prescribes principles and manner in which compensation is determined and

given ii) provides right of access to a court to determine questions of rights, entitlements and compensation.¹

2. Land Acquisition Act of 1974. The JSIF RPF outlines a summary of Land Acquisition procedures and principles allowed under this legislation as well as the Gap filling measures through the RPF.

INSTITUTIONAL FRAMEWORK

The institutional framework to be used to support the resettlement activities includes agencies and policies in government as well as the donors.

The agencies that will be involved are the World Bank, National Works Agency, Rural Agricultural Development Authority (RADA) and Jamaica Social Investment Fund.

| AGENCY | ROLE IN RESETTLEMENT | POLICIES |
|--|---|--|
| National Works Agency | Provision of designs which include risk reduction activities for project affected person and the supervision of works. | |
| Rural Agricultural Development Authority | The provision of farm gate prices for crops likely to be lost due to project activities to guide compensation payments. | |
| Jamaica Social Investment Fund | Manage the resettlement issues on the project and ensure all guidelines outlined in the Safeguard Policies / Environment and Social Standards are adhered to. | Land Acquisition and Resettlement Policy Framework |
| | Team Lead – Loy Malcolm | |
| | Risk Reduction Component Lead – Patrena Hodges | |
| | Resettlement Safeguards – Daintyann Barrett-Smith | |
| | Environmental Safeguards – Milton Clarke/Stacey Preston | |
| World Bank | Approval of Resettlement Plan | Environmental and Social Standards |

¹ JSIF Resettlement Policy Framework

ARAP IMPLEMENTATION AND MONITORING

The EO with responsibility for resettlement will ensure that the relocation process i.e. from removal of property from the structure to the demolition is a smooth one and occurs in accordance with the ARAP as developed. The Social Officer will ensure that any issues that arise or are presented to them by the owner of the property is recorded and settled in accordance with JSIF's grievance guidelines and the LARPF. They will also ensure that the EO is kept informed and written reports sent for placement on the LARPF files (Fund Manager).

Removal and subsequent compensation will be made in a timely manner to facilitate the physical start time of the infrastructure works, as well as minimizing the level of discomfort that the affected person will encounter.

The following information will be noted and recorded on Fund Manager:

- Census Data
- Dates of all stages of ARAP approval i.e. JSIF and Bank
- Date of disclosure of ARAP
- Grievances, issues, resolution etc.
- Compensation paid

Post Implementation Monitoring

Monitoring will be done through site visits, ongoing discussions with PAPs and gathering of documentations.

- Payment to PAPs is to be verified by with signed documentation to include cheque number, date, signed receipt from the recipients.
- The completion of works for the small dwelling house will be monitored through attending the project site meetings and making site visits. Consultation will be done with the home owner regarding the proposed design, paint and other finishing.
- The GRM mechanism will also be utilized to capture any issue that may arise during implementation.

See Annex 12 for monitoring of PAPs.

ARAP Implementation Schedule

| Activity | Responsible | Timeline | Cost |
|---|--------------------|-------------------|-----------------|
| Social Sensitization and Survey with Cut off date of October 12, 2017 | SO | August 2017 | N/A |
| Finalize Designs | PE | November 2017 | |
| Develop ARAP | EO | November 2017 | N/A |
| Review ARAP | PM | November 2017 | N/A |
| Consultation and Disclosure of ARAP. | SO | March - May 2018 | N/A |
| Gain buy-in | SO | May - June 2018 | N/A |
| Submit to WB for approval | PM | July 2018 | N/A |
| JSIF Approval (Bid Evaluation Committee) | PM | July 2018 | N/A |
| Procurement & Contracting | CO | March - July 2018 | N/A |
| Compensation presented | SO | October 2018 | \$10,121,372.04 |
| Demolition | Contractor | October 2018 | N/A |
| Start works | Contractor | October 2018 | N/A |
| Consultation with initial PAPs regarding additional transition payments due to extension of project | SO | February 2019 | |
| Consultation with newly identified PAPs regarding nature of displacement | SO | February 2019 | |
| Approval of Addendum to Acquisition and Resettlement Agreement | SO | March 2019 | |
| Handing Over of dwelling house | SO | April 2019 | |
| Payment of additional compensation | SO | May 2019 | |

PE – Project Engineer
 PM – Project Manager
 EO – Environmental Officer
 SO – Social Officer

IMAGES

REMOVED FOR CONFIDENTIALITY

Photo depicting works ongoing at the furniture shop on the property

Furniture shop constructed over the Church Pen Culvert

Earthen channel with water running under the incomplete structure

Earthen channel with water running through the yard

Earthen channel (narrow and shallow) running along small housing structure at the back

ANNEXES HAVE BEEN REMOVED FOR CONFIDENTIALITY PURPOSES

Annex: 1 – Report on Consultations With Paps.

Annex 2: Letter from Land Owner

Annex 3: Grievance Log

Annex 4: Cost Breakdown of Monthly Earnings

Annex 5: Letter from Beneficiaries Re Transition Payments

Annex 6: Engagement and Sensitization of Employees

Annex 7: Letter from Family Re Family Representative

Annex 8: Request for Replanting of Agricultural Produce

Annex 9: Signature of All PAPS Re Compensation Payments

Annex 10: Evidence of Original Compensation Payments to PAPS

Annex 11: Authorization of land owner to appoint Proxy for Financial Transaction

ANNEX 3: Grievance Redress Log (Indicative format; currently in Software Development)

Grievances are to be reported to the Jamaica Social Investment Fund (JSIF) via any of the listed channels:

Social Media: Facebook: Jamaica Social Investment Fund (JSIF); Instagram: @jsifja,

JSIF website: www.jsif.org **Email:** info@jsif.org

Contact number: Phone: 876-968-4545, 876- 926-6238

Address: Ground Floor- The Dorchester Apartment Complex, 11 Oxford Road, Kingston 5.

Notes:

- 1 Complainants should be provided with acknowledgement of grievance within 2-7 days from the date of receipt
- 2 Expected time of redress should be entered in this register.
- 3 Records of Grievances should always be entered in the GR Register and updated as needed, until the grievance is settled.
- 4 Grievances should normally be settled within 3 weeks of initial receipt. If not, reasons for delay should be communicated to the complainant and entered in the Register.

GRIEVANCE DETAILS

| Claim Number | Date Complaint Received | Name & Contact Information of Person Making Complaint | Date of Acknowledgement of Receipt of Complaint (informing complainant of response time) / Response to Complaint for Simple Issues | Actions Taken to Resolve Complaint | How Complaint Resolved | Date Complaint Resolved | If Not Resolved, Date Sent for Appeal | Status of Appeal | Date Resolved |
|--------------|-------------------------|---|--|------------------------------------|------------------------|-------------------------|---------------------------------------|------------------|---------------|
| | | | | | | | | | |
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| | | | | | | | | | |

ANNEX 12 : IMPLEMENTATION MONITORING

Furniture Shop

The Furniture shop was demolished in October 2018. PAPs were paid monies for the lost structure and three (3) months transition payment as salary prior to this. See annex 10 for documentation verifying payments.



Fig2: Before Demolition



Fig3: Post Demolition

Dwelling House

The small dwelling house was demolished to facilitate access of the equipment to the property as well as the widening of the drains.

The new structure is a 150mm block masonry construction with steel reinforced corner stiffeners and concrete slab roof. The house was handed over at practical completion to the occupant. Minor works will be completed within the next two to three weeks.



Fig 4: Dwelling house prior to demolition



Fig 5: Newly constructed dwelling house

ADDENDUM

ADDENDEM 1 – IDENTIFICATION OF NEW PAPS

i. Identification and Verification of NEW PAPS

The water channel naturally runs across three (3) properties. Initially works were concentrated on the Property of **(name removed)** (where the culvert is) however, due to design changes during implementation, two of the three parties were affected.



Fig 6: Location Map of Church Pen Drainage and the properties affected

- i. ii. PAP # 1 (name removed) - Loss of Crops (verified land owner)

Land owner crops were not initially considered, as at appraisal his property was not determined to be likely impacted by the works. However, the scope of work extended on his property and the trees were in the footprint of the proposed drainage infrastructure, they had to be removed. The costs for the fruit trees were determined based on costs received from the National Fruit Tree Crop Project which operates through the Rural Agricultural development Authority (RADA).

Trees Lost: Coconut Trees -3, Banana -5, Ackee Tree - 1

Payment: **REMOVED FOR CONFIDENTIALITY**



Fig 7: Widened drainage channel where fruit trees for were removed

ii. PAP # 2 (name removed) – Loss of drainage foundation (verified land owner)

Landowner resides on the property directly beside the main work site, and the natural footprint of the drain runs through his property also. During clearing and widening of the channel, an abutment/foundation for a bridge crossing was dug up. The landowner indicated he wanted a full driveway bridge re-established or to be paid for the structure lost. He was advised that JSIF would pay for the structure. A formal submission of the items and cost was made to JSIF. The landowner was advised that if the structure is to be reestablished, the abutment/foundation structure for the bridge should be behind the bank of the earth drain, setback no less than 3 meters from the edge of the bank.

Payment: **REMOVED FOR CONFIDENTIALITY**



Fig 8: Abutment/Foundation and frame of driveway bridge that was excavated from the water channel

ANNEXES REMOVED FOR CONFIDENTIALITY

Annex 1- Consultation Reports

Annex 2: Signed letters regarding Payment for assets.