



# **MYTON GULLY DRAINAGE IMPROVEMENT PROJECT**

## **PHASE 1 – OLD HARBOUR ROAD CROSSING**

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## GLOSSARY OF TERMS

“**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 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.

“**Community project**” means a specific community infrastructure investment activity, which may comprise several sub-components, carried out with funding from JSIF.

“**Compensation**” means the reparation at replacement cost as determined in Section X of JSIF’s Land Acquisition and Resettlement Policy Framework in exchange for assets acquired by a community project (land, buildings, or other assets). Compensation shall be provided **before** assets acquired under eminent domain are taken into possession (Section IV, JSIF Land Acquisition and Resettlement Policy Framework). Compensation will be paid for **croplands and trees** (including nonfruit trees) affected by permanent or temporary land acquisition (Section X, JSIF Land Acquisition and Resettlement Policy Framework).

“**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.

“**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.

“**Eminent Domain**” means the right of the state to acquire land for a public purpose using its sovereign power.

“**Entitlement**” refers to compensation and rehabilitation assistance applies not only to legal owners (or persons with a contractual relation to the owner deriving a profit from the land/asset), but also to tenants/ leaseholders who use a land/house as residence and squatters without title or lease (who were occupants at the time of the survey) (Section X, JSIF Land Acquisition and Resettlement Policy Framework).

“**Grievance redress**” refers to the series of options available for addressing disagreement that may be pursued at different levels before the matter is taken to the Court (Section IX, JSIF Land Acquisition and Resettlement Policy Framework).

“**Inventory of Assets**” means a complete listing and description of all assets that will be acquired under a specific community project.

“**Land Acquisition**” means the process of acquiring land for a community project under the legally mandated procedures of eminent domain.

“**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.

“**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 arising from displacement, to improve or at least restore their income levels and standard of living to pre-project levels.

“**Relocation Assistance**” means the assistance provided to displaced persons/families to cover (i) the costs of moving from them before 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.

“**Replacement Cost**” means the method of valuation of assets to determine the amounts enough to replace the lost assets and cover transaction costs (to Parish Council standards in respect of buildings).

“**Resettlement**” means the relocation of displaced persons into new residential locations.

## 1.0 BACKGROUND

The Jamaica Social Investment Fund (JSIF) is an autonomous government company established in December 1996 as a component of the Government of Jamaica’s strategy to reduce poverty under its National Poverty Eradication Programme (NPEP). JSIF invests in community-based projects to empower communities and build social capital and is a demand-driven financial intermediary. The JSIF promotes, appraises, finances, and supervises sub-projects in:

- **Social Infrastructure** (including the rehabilitation, expansion, construction & equipping of facilities - schools, health centres, homes for the elderly and persons with disabilities, infirmaries, community centres - and the construction and rehabilitation of public sanitary conveniences, drains, canals, and community-based water systems).
- **Economic Infrastructure** (including the rehabilitation and upgrading of parochial, feeder and urban access roads, and the construction and rehabilitation of community-based agro-processing facilities).
- **Social Services** (including assistance to programmes offering services in career guidance and job placement, counselling, parenting and family life education, and skills training to the un/under employed and persons with disabilities).
- **Organisational Strengthening** (including technical assistance and training for community-based organisations to assist them in developing and managing community-based projects and organisations, to governmental and non-governmental institutions in participatory project cycle management. Improving the support that they can provide to communities in managing community development initiatives.)

JSIF is also responsible for the implementation of the Jamaica Disaster Vulnerability Reduction Project (JDVRP).

### 1.1. *Jamaica Disaster Vulnerability Reduction Project (JDVRP)*

Disaster events in the past have impacted Jamaica’s physical infrastructure, including roads, bridges, buildings, and other structures. These events also result in flooding, landslides, and storm surges that are quite costly to address and contribute to the vulnerabilities of at-risk populations and communities. Responding to the physical, social, and economic consequences of natural disasters is critical to reducing the vulnerabilities experienced by affected communities and increasing the resilience to address future disasters when they occur.

The Jamaica Disaster Vulnerability Reduction Project (JDVRP) was designed with the objective “to enhance Jamaica’s resilience to disaster and climate change risk.” Financed by a US\$ 30M World Bank loan the JDVRP covers four (4) components as follows:

#### **Component 1 – Technical Assistance for Improved Disaster and Climate Resilience (US\$ 3.815M).**

This component supports the generation and collection of targeted hazard and risk information, its analysis and use in monitoring systems and decision making. It finances: (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 finances structural mitigation measures. The sub-components and activities to be financed under this component are:

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

**Component 3: Contingent Emergency Response (US\$0M).** The proposed operation includes 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) supports 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 finances 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 also finances 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.

This Abbreviated Resettlement Action Plan will be linked to activities under Component 2, Subcomponent (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 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 Big Pond/Myton Gully in Old Harbour, St. Catherine urban drainage network, was assessed in the overall Project Appraisal Report , with plans to have interventions financed under the Project. The location is highly susceptible to flooding and is connected to three bridges initially targeted for civil works under the project. However, after the detailed environmental and social assessments it was determined that given the extensive social impact and financial implications of the intervention, only one section i.e Old Harbour Crossing would be executed under the project.

## ***1.2. Demographic Information for Project Area***

The population size for the project area is 30,828 individuals: 15,478 females and 15,350 males from 9050 households. Old Harbour has one of the highest and fastest growth rates in Jamaica (PIOJ, 2009) as exhibited by its large youthful population. Over 50% of individuals living within the area are younger than 25 years of age, whilst the working-age group (15-65 years) makes up 64% and the elderly population (> 65 years) contributes to 5% Statistical Institute of Jamaica 2010 Census. Migration is not common amongst persons living in Old Harbour as 66.9% of the residents of Old Harbour were born in St. Catherine and 88.6% have lived in the community for over 10 years (UN-Habitat, 2012).

Based on the 2010 STATIN data, 68% of houses are made from both concrete and blocks, 18% from only wood, and 12% from a mixture of wood and concrete, 52.7% own the land on which they live while 17.4% live on family-owned land. Some 7.4% of residents live in informal (squatter) settlements (SDC, 2009).

95% of households receive public water from the National Water Commission (NWC); 64% has this public water piped into their dwelling while 25% has water piped into their yard. The low percentage of households relying on standpipes, catchments, and rivers as a source of water speaks to the level of development in the area as well as the reliability and ease of access of public piped water. Most of these households also did not have shared toilet facilities (76%) and 63% used a water closet type facility (flush toilet) while 13% used pit toilets. Only 9% used both shared flush and pit toilet facilities. This further indicates the relatively good standard of living of most residents. It can therefore be reasonably inferred that Informal households would account for the lower percentage categories.

92% of households use electricity as a source of lighting but a few also use traditional sources such as kerosene lamps (6%). Liquefied petroleum gas (LPG) was the main type of fuel used for cooking in

households across the study area (80%), followed by charcoal (16%). Garbage is picked up regularly for 43% of households, while 23% noted that it was irregular. The most used alternative of garbage disposal was burning (31%). Dumping of garbage in their own yards, in gullies/ponds/rivers, or at a municipal site appears to be uncommon as less than 0.3% admitted to engaging in this activity.

The wider Old Harbour area is not regarded as being among the poorest quintile in terms of households living below the Poverty Line<sup>1</sup>. Data derived from the Survey of Living Conditions, 2002 indicate that 13.97% of households live below the Poverty Line, which compares favourably with the national figure for that year of 19.7%<sup>2</sup>.

Although there are areas of commercial development in Old Harbour, a large proportion of the community commute to their places of employment in the Kingston Metropolitan Area (KMA) while a small proportion are employed in local businesses (PIOJ, 2007). The main economic activities in the area under investigation are retail shops, wholesales, financial services, farming, aquaculture, and other commercial entities.

### ***1.3. The Big Pond / Myton Gully Drainage Improvement Project***

The Old Harbour area is relatively flat and slopes towards the south and is often impacted by flooding. Flooding within the Old Harbour community is often associated with the recurrent overflowing of ‘Big Pond’, a natural catchment located along the main road from Old Harbour to Bartons. Big Pond empties into the Myton Gully which traverses through several housing schemes including, Bannister Claremont, Old Harbour Glades, Marlie Acres, Old Harbour Villas and New Harbour Village in southwest, St. Catherine before emptying into the Old Harbour Bay.

For over thirty years residents of Myton Gully have been adversely affected by floodwaters in the area despite periodic maintenance of the main drainage features. Flood water levels have been recorded up to 2.5 meters high and can take up to several weeks to subside. The flooding over the years have impacted residents significantly resulting in the loss of assets and unstable livelihoods. Children are unable to attend school during the rainy season while elderly and disabled residents are trapped inside for several weeks without necessities. Residents in these affected communities have nowhere to seek shelter and are marooned until the water subsides weeks later. Flooding conditions also contribute to the increase in mosquito borne diseases in these communities, putting residents’ health at risk.

When flooding occurs, motorists are forced to use a longer alternative route through Browns Hall, which increases travel time and vehicle operating costs. The Big Pond flooding has, at times, also rendered the

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<sup>1</sup> As defined by “the level of food and non-food expenditure required to maintain a minimum acceptable standard of living. Persons whose consumption is at or below the poverty line are considered poor (JSLC 2014).” Cited in the National Policy on Poverty National Poverty Reduction Programme, GOJ, September 2017.

<sup>2</sup> More recent poverty data for Old Harbour is not available.

Old Harbour Main Road in the vicinity of the Myton Gully crossing impassable. Although motorists can also easily access the alternative route through the Marlie Mount and Old Harbour Glades communities, this route is also longer, and the road is constantly in disrepair. The Big Pond main road between Bannister and Bullet Tree is also affected by flooding caused by run-off from the surrounding 1000 hectares (2400 acres) catchment area. This run-off flows into a depressed area (Big Pond) where “ponding” naturally occurs until it is eventually drained via a series of naturally occurring sinkholes. Unless an exceptionally large storage area can be provided, deepening, or enlarging the pond would have minimal effect.

The Big Pond area was in the past also emptied by an earthen drain which discharged into the Myton Gully. According to anecdotal information and media reports<sup>3</sup>, the constant build-up (dumping) of the drainage passage to facilitate construction of residential buildings and access roads has severely obstructed this waterway. Consequently, the area has become more susceptible to flooding, especially during major storms.



Taxi operators and private passenger vehicles navigating the flooded streets in the Big Pond community. Source: Jamaica Star, July 6, 2021.



The Main Road through Big Pond Flooded by heavy rains after Tropical Storm Elsa caused the Pond to overflow. Source: Jamaica Star, July 6, 2021.

<sup>3</sup> For example, Big Pond Residents Tired of Flooding, Jamaica Star, July 6, 2021:

<http://www.jamaicastar.com/article/news/20210706/big-pond-residents-tired-flooding#slideshow-0> and Like hapless fish, residents battle Big Pond floods, Daily Gleaner, August 18, 2021: <https://jamaica-gleaner.com/article/lead-stories/20210818/hapless-fish-residents-battle-big-pond-floods>



Resident in Bannister lifts her son to safety inside her home that was flooded during Tropical Storm Grace. Source: Daily Gleaner, August 18, 2021.



Resident shows how his home has been flooded due to the heavy rains caused by Tropical Storm Elsa. Source: Jamaica Star, July 6, 2021.

The solution is to reinstate the major drain to Myton Gully which would necessitate the improvement of the Myton Gully course from Bannister to the bridge on the Old Harbour main road. (The length of the course from Bannister to Old Harbour Bay is approximately 10 kilometres). The Myton Gully drainage in Old Harbour, St. Catherine has been appraised for drainage improvement works under the JDVRP project. Another consideration is that Old Harbour is the fastest growing community with residential and commercial lots transformed into multiple housing developments and business complexes over the last decade. Such rapid development has also placed demands on the limited drainage infrastructure which now requires an upgrade. Overall, the Myton Gully to Frazer’s Gully channel spans across multiple housing schemes in Bannister, Claremont, Old Harbour Glades, Marlie Acres, Old Harbour Villas and New Harbour Village.

The drainage improvement works, which will be implemented in three phases, would include the replacement of or installation of box culverts from Bannister leading to Frazer’s Gully , the widening and realignment of sections of the gully channel, replacement of bridges, the construction or widening of drains (“U” and “V” concrete drains and earthen drains), and the installation of sidewalks.

Phases<sup>4</sup> are determined as follows:

**Phase 1:** Old Harbour Road Crossing

**Phase 2 (Myton Gully proper):** Old Harbour Bay (Myton’s Gully to Frazer’s Gully)

**Phase 3 (Big Pond):** The remaining communities encompassing Big Pond, Bannister, through to Myton’s Gully.

Engineering solutions designed by the National Works Agency (NWA) covered Phase One. Design consultants are to finalize the designs for the remaining phases<sup>5</sup>. Such designs are expected to feature

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<sup>4</sup> As per the size of the works to be undertaken, the density of the population and the likely impact of works on the residents, the social impact assessment and related resettlement action plans will be executed according to the three (3) phases of construction mentioned.

<sup>5</sup> The designs have been done by the NWA and are to be reviewed and updated by a private consultant.

similar solutions as proposed for Phase One. These designed engineering solutions are to upgrade and improve the storm water drainage channel at Myton Gully through to Big Pond.

## ARAP PHASE 1- OLD HARBOUR ROAD CROSSING

This ARAP explores the potential impacts and mitigation measures of the works to be undertaken in Phase One at the Old Harbour Road Crossing.

### 1.3.1. Scope of Works

The Jamaica social Investment Fund is proposing to rehabilitate and upgrade a section of the current drainage system that carries water from Big Pond i.e., the Redground area to Old Harbour Bay. Specifically, the works entail the expansion of the channel at the Old Harbour crossing into a four-chamber box culvert to increase the carrying capacity, the expansion of the bridge and the realignment of the gully. The project works will be implemented as follows:

- Site clearance: removal of vegetation from the drains and clearance of land for construction and site office.
- Relocation of existing utilities: utility poles, water supply laterals and supply mains.
- Demolition of existing structures and road cross sections.
- Drain rehabilitation and steel reinforced concrete structural implementation and re-establishing road approaches and wearing coarse.
- Re-establishment of water supply mains

<i>Action</i>	<i>Infrastructure</i>	<i>Quantity</i>	<i>Measurement</i>	<i>Total</i>	<i>Unit Of Measurement</i>
Construct	Site Clearance	3500	1	3500	SQ M
Relocation	Relocation of existing utility poles out of the construction footprint	4	1	4	NR
Relocation	Relocation of water mains from the existing bridge	34	1	34	M
Removal	Removal of trees from construction footprint	6	1	6	NR
Construct	Construction of 8-meter-wide detour road with drain and gabion basket protection.	90.36	1	90.36	M
Demolish	Demolition of existing bridge.	20	1	20	M

<b>Action</b>	<b>Infrastructure</b>	<b>Quantity</b>	<b>Measurement</b>	<b>Total</b>	<b>Unit Of Measurement</b>
Construction	Construction of 4 cell RC box culvert	24	1	24	M
Construct	Drainage Channel. 24-meter-wide RC Concrete drain construction.	60	01	60	M
Construct	Drainage Channel. Rehab existing earth drain.	200	1	200	M
Construct	Scarifying, Grading & Shaping	90	1	90	M

#### **1.4. Social Assessment and Scope of Works**

Based on the NWA designs for Phase One, the construction works will directly impact a total of 4 properties with 6 PAPs. Their properties will be impacted to accommodate the drainage improvement works. The impact includes loss of fruit bearing and other trees, relocation of fencing and other structures on the properties. Most of the PAPs properties suffered from flooding during the last heavy rain. The works scheduled to take place on the existing bridge and river course is intended to alleviate flooding in the adjacent areas.

The Project Affected Persons explained that during heavy rains their properties have been flooded and water level becomes at least 2 meters high and take days to subside causing impacts on farm gardens, animal enclosures and increases mosquito breeding. In addition to the properties identified with the scoped project area the Myton Gully/ Old Harbour crossing main road becomes impassable during heavy rains; motorists are forced to utilize a longer alternative route through Browns Hall, which means increased travel time and vehicle operating cost. While the alternative route through the Marlie Mount and Old Harbour Glades communities is easily accessible to motorists, it is also longer, and the road is in a constant state of disrepair. The residents close to the site will also experience environmental impacts such as increased noise and dust during construction works. See consultation notes in appendices.

### **1.5. ARAP Objective**

The objective of this Abbreviated Resettlement Action Plan is to ensure that Phase 1 of the Myton Gully Drainage Improvement Project (Old Harbour Crossing) is implemented with minimal economic/ physical displacement of project affected persons (PAPs) situated along this phase of the drainage improvement works, ensuring that property and livelihoods are restored to a state equal to or better than pre-project conditions. **As this A-RAP is a publicly disclosed document as required by Operations Manual - Policy & Procedure Framework 4.12, all names and compensation amounts have been removed for confidentiality purposes.**

### **1.6. Potential Impacts Phase One**

The assessment of impacts for Project Affected Persons in Phase One takes into consideration the following potential effects of the proposed drainage improvement works:

- **Access to Property:** Works will include alignment of the Myton Gully that will cause the removal and relocation of fencing and boundary walls. Relocation of fences may be slight or major based on the amount of additional land space that will be required to satisfy the new alignment of the upgraded drainage channel. The effect on families includes temporary loss of security, and inconvenience as members navigate the fence demolition and reconstruction works in progress. At the end of the infrastructure project, however, the restored fencing and boundary walls are expected to be in the same or better condition compared to the pre-project situation. Prescribed properties will require land acquisition and fencing will be re-built away from the structure to allow easy access to the drainage for maintenance. Temporary security measures will be implemented during the tenure of works.
- **Loss of Land:** The drainage improvement works, particularly as they involve the widening of the channel, the construction of box culverts, realignment, and other engineering works will require additional land space to achieve the proposed designs. The extent of the land loss will vary depending on how the existing course of the gully will be realigned. The realignment of the existing gully will create certain displacements in addition to the loss of land. Such displacements may include the demolition or relocation of structures including animal pens or coops, and fences or walls.
- **Loss of Fruit Bearing and Other Trees:** Another impact of the proposed drainage improvement works is the loss of fruit bearing and non-fruit trees on properties located along the channel of the Myton Gully. Such loss will be inevitable as the proposed gully realignment will require additional land space upon which fruit bearing and timber trees are also located. The loss of these trees will have a direct impact on both residential and agricultural properties and their owners / occupiers.
- **Agricultural Production, Loss of Land and Husbandry Close to Myton Gully:** Related to the loss of fruit bearing and other trees, is the impact of the drainage upgrade on agricultural

production. Residents with farms close to the Myton Gully channel stand to lose sections or all their farm plots as well as animal enclosures during project implementation.

**Appendix 1** presents the design diagrams for Phase One with explanations on the impact of drainage improvement works on specified project affected persons located close to the Old Harbour Road Crossing in Phase 1 (Myton Gully Bridge).

### **1.7. Alternatives**

The natural water flow throughout the Myton Gully channel offers little alternative to the proposed design upgrade and realignment. Shifting the course of the gully away from vulnerable properties is not a feasible option as this would compound the drainage problem, particularly where natural flows occur. The costs would also be more prohibitive, and the results on flood mitigation may be ineffective. Temporary fixes to the Myton Gully drainage channel will have minimal effect on reducing the flooding in this gully and surrounding environs. Proceeding to flood mitigation without regard for the impacts on contiguous properties and their owners / occupiers is not an acceptable action. Jamaica’s legal framework (see Section 7.0 of this document) does not allow for such treatment. For example, the Land Acquisition Act of 1947 allows for the notification of and negotiation with owners of any land that would be needed for public purposes (such as for the expansion of a waterway – like the Myton Gully). The JSIF Land Acquisition and Resettlement Framework and the World Bank’s safeguards policies guided this Abbreviated Resettlement Action Plan further, to enable the consultation with project affected persons and the development of an inventory of assets for compensation prior to the implementation of the drainage improvement works. Based on the location of the channel and the natural flow of the water, “no suitable alternative is available to provide sustainable mitigative measures” . *Lise Walters, 2018; Environmental and Social Assessment of Myton Gully Drainage Project.*

### **2.6 Characteristics and Land Usage of Affected Properties**

Phase One will be implemented in Old Harbour Villas Phases 1 & 2) communities<sup>6</sup>, particularly involving properties close to the Myton Gully Bridge at the Old Harbour Crossing. Four (4) properties are situated in this phase which houses 6 Project Affected Persons/ households. All PAPs will face environmental impacts. PAPs will experience the following impacts : displaced assets /structures , economic(livelihood), & land acquisitions impacts, associated with works. <sup>7</sup>

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Information removed for confidential purpose.

<sup>7</sup> See table 2 on page 20 for detailed impact on PAPs.



**Table 1: Number of Project Affected Persons & Properties Identified in Phase One in Proximity to the Works. ( All Names and Cost have been removed for confidentiality Purposes)**

No. of Properties	Name of registered Owner (Confirmed)- Names have been removed for confidentiality purposes	Name of Occupier(s)- Names have been removed for confidentiality purposes	Title Reference No.	No. of affected PAPs/Household	Comments	Land Use
1	Name removed	Names removed for confidentiality purposes	280/43	1	Two businesses are located on this Government property - a shop "Name removed" which has been in operation for five years, and the "NB: Property is owned by the Ministry of Housing. Occupants have no formal agreement for their tenure. Neither The businesses operation nor the housing structures will not be impacted by the works, due to its distance from the channel Only 2/4 household assets will be impacted.	There are 6 buildings ( 4 residential houses) made from concrete, wood slab and board. In addition to a small for-profit grocery shop and workshop operated as a non-profit organization. The average size of these families/ is five persons, mostly headed by females in the 31 – 55 age groups and have occupied the property for 18 – 38 years However, the occupants have developed a mix of agricultural enterprises that include food, and orchard crops, small livestock rearing and fish farming. The property also carries a variety of timber and non-timber trees (guango, Almond, lignum vitae, calabash), some of which are used in the making of craft items. Given the size of the property (housing lot), the agricultural enterprises are very small in scale and mostly for domestic use. There exists a small commercial enterprise as well, in the form of a shop retailing grocery and other items of household use. It caters mostly to family and other neighbourhood customers.
280/43	1					
280/43	1					
			280/43	1	The billboard is situated on the property owned by the Ministry of Housing. A new location for the Billboard is yet to be identified.	On the reservation of the Ministry of Housing land used by the Parish Council as advertisement space.
2	Name removed	None	1341/209	1	The *** property is currently unoccupied and unused.	The property is undeveloped and covered in shrub mostly of unimproved grass and cassia trees, in the main. No squatters were seen on the property at the time of our assessment.

Myton Gully Social Assessment and Abbreviated Resettlement Action Plan – Phase One

No. of Properties	Name of registered Owner (Confirmed)- Names have been removed for confidentiality purposes	Name of Occupier(s)- Names have been removed for confidentiality purposes	Title Reference No.	No. of affected PAPs/Household	Comments	Land Use
3	Name removed for confidentiality purposes	Name removed for confidentiality purposes	Removed <sup>8</sup>	1	This property is currently occupied by a (Name removed) . The registered owner is (Name removed) who is now deceased . The deceased property owner did not have a will at the time of her death. The title of the property was transferred in 2014.	Property is used for commercial purposes. It houses a garage that is used for motor vehicle repairs and a bar. The remaining portion of the property is undeveloped and overgrown with shrub. Please note the property was registered to ( <b>name removed</b> ), who is deceased, a transmission note was entered on ( <b>date removed</b> ), indicated that ( <b>name removed</b> ) has been granted administration of the estate as of ( <b>date Removed</b> ). ( <b>Information removed for confidentiality purposes</b> )
4	Name removed for confidentiality purposes	Name removed for confidentiality purposes	Removed	1	This is a private property, owned by( <b>name removed</b> ). numerous farming activities is operated on the property to support the household. The Farming System employed by (Name Removed) is intensive and diversified. is normally associated with small farming in Jamaica. <b>(Information removed for confidentiality purposes)</b>  In addition to the property, which is a 0.267-acre sized lot,	The property is located along the ( <b>name removed</b> ) main road, ( <b>Information removed for confidentiality purposes</b> ) The owner of the property ( <b>name removed</b> ) is an artisan probably better described as a “jack of all trades”. Located on the land are the following:  1. A well-built reinforced concrete house (multi-bedrooms) 2. A rather large multi-use structure constructed of all and sundry types of materials, some of industrial origin. This structure seems to have been built over several years and have seen many extensions. The roof is of curved metal sheeting in most parts and

<sup>8</sup> The ownership for the property is currently being contested by ( **Name removed** ) and (**name removed**) . They are currently pending a court date. The previous assigned date for ( **Date removed** ) was postponed. A new date has not been issued by the courts.

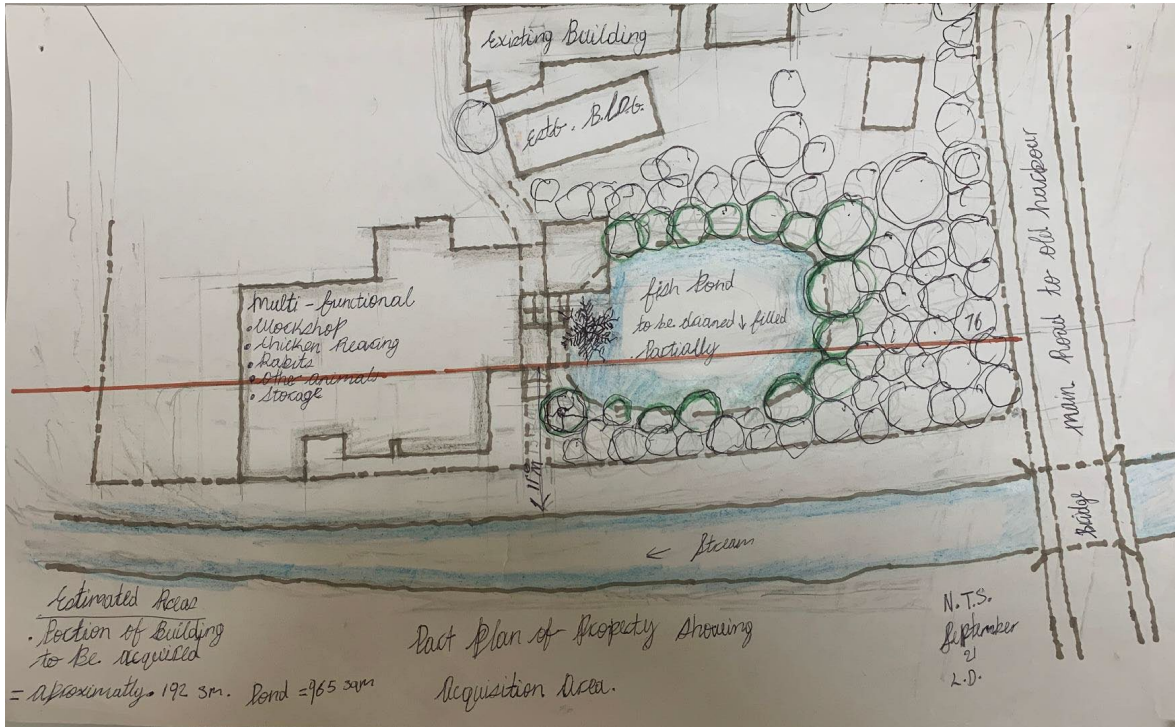
Myton Gully Social Assessment and Abbreviated Resettlement Action Plan – Phase One

No. of Properties	Name of registered Owner (Confirmed)- Names have been removed for confidentiality purposes	Name of Occupier(s)- Names have been removed for confidentiality purposes	Title Reference No.	No. of affected PAPs/Household	Comments	Land Use
					<p>( name removed ) occupies a portion of the gully Reserve Land immediately behind his boundary as well as a portion of the said Reserve Land behind his southern neighbour's boundary ( name removed ). It is enclosed by approx. 71.06m chain link and scrap metal fence with posts of railroad ties (sleepers) as the principal support</p>	<p>is supported by 2"x 4" rafters. The wall enclosure of the building consists of a variety of materials. The large multi-use structure houses a piggery (farrowing to finishing operation), (b) broiler chicken coop, c) goat rearing pen, (d) a rabbit/guinea pig rearing pen, (e) plant nursery for producing mainly vegetable seedlings, f) feed, material, and farm equipment storage facilities, (g) wastewater soak away facility; and (h) walkways.</p> <ol style="list-style-type: none"> <li>3. There is an unfinished building on the property used to host small groups for training. It also currently houses four completed barbeque pans ready for sale.</li> <li>4. The property is well fruited with bearing and non-bearing fruit trees that include pomegranate, bananas, plantains, coconuts, ackee, June plum, gungo peas, lime, cherry, sugar cane and noni; and two small vegetable gardens -producing scotch bonnet peppers, spinach (current crops, but others are grown from time to time) mainly for home use.</li> <li>5. There is also a Plant Nursery, (17ft. x 15 ft. in size) used mainly to produce vegetable seedlings. Plant Nursery is supported by a small drip irrigation system comprising PVC mains, laterals, and drip hoses. Water is supplied by the NIC through a concrete sump to which water is diverted from the nearby NIC irrigation canal. Water is then distributed throughout the farming operations by a 3" PVC piping infrastructure that runs along the outer boundary of both PAPs.</li> <li>6. There is an 111m<sup>2</sup> fishpond producing freshwater tilapia.</li> </ol>

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No. of Properties	Name of registered Owner (Confirmed)- Names have been removed for confidentiality purposes	Name of Occupier(s)- Names have been removed for confidentiality purposes	Title Reference No.	No. of affected PAPs/Household	Comments	Land Use
						<p>** Both the large multi-functional structure as well as a fishpond in part exceeds the boundary of the land and so occupies a part of the reserve land.</p>
<b>Total Number of Project Affected Persons</b>				<b>6</b>		

**Figure 1: Sketch of the Affected Section of Property Occupied by (Name Removed)**



Source : Lascelles Dixon, 2021

**(Photographs Removed)**

Section of the Property Occupied by **(name removed)** featuring the Fishpond. Photo: Lascelles Dixon, Sept. 2021.

The arrow points to the trees to be removed from the property owned by the GOJ; **(names removed)**.

One of the structures located on the Property Occupied by **(name removed)** Photo: Lascelles Dixon, Sept. 2021.

Billboard slated for relocation **(names removed)** .

Boundary wall slated for reconstruction ; **(names removed)**

## Impacts on PAPs

The works are expected to have a mix of social, economic, and environmental impacts on the properties/ PAPs. Some PAPs are impacted by multiple issues.

**Table 2: Types of Impacts on PAPs( All Names have been removed for confidentiality Purposes).**

	Impacts	Type of Impact	Number of properties affected	Name of PAP
1	<u>Access to Properties</u> - fencing will be removed and reconstructed five(5) meters inwards from its current location to facilitate the works. The property will require temporary fences to alleviate any security concerns.	Social / Residential	1	Name removed
2	<u>Loss of land</u> to accommodate works.  Property will be impacted to facilitate the widening of the channel. The channel will run towards the back of the land. Approximately 1340 sq. metre of land is expected to be lost. This will therefore require compensation. Additionally, a temporary road will also be created to facilitate continuing vehicular and pedestrian access for road usage during the tenure of the works . In addition to the drainage being implemented on the property accounting for the loss of 1340 Sq. metre of land . The loss of land will not affect the economic viability of the remaining portion	Social .	1	Name removed
3	<u>Loss of structures</u> - Six metres of concrete wall will be demolished and reconstructed . The property size is estimated at 2.38 acres . The demolition is required to allow the contractor adequate space to operate equipment for construction of the drainage. No loss of land is anticipated.  Loss of farm buildings,(animal enclosures)-housing piggery, broiler poultry, goat, rabbit, storeroom, and plant nursery. Loss of the fishpond.	Social/ Residential  Economic	1  1	Name removed
4	Loss of bearing fruit and other trees.	Economic	3	Name removed
5	Loss of Agricultural Produce and Husbandry	Economic	1	Name removed
6	Relocation of 21' x 10' Advertising Billboard	Economic	1*	Name removed

*Figure 2: Project Affected Sites – Phase One<sup>9</sup>*

**Information and diagram removed for confidentiality purposes**

**Figure 2** above illustrates all the Project Affected Sites that have been identified for social assessment for the purpose of developing the Resettlement Action Plan for Phase One (Old Harbour Crossing). The PAPs will be further sensitised about the proposed boundaries after implementation.

Closer examination of the affected properties slated for Phase One indicates that in accordance with the designs prepared by the National Works Agency (NWA), the impact of drain widening would be utilizing more land from the parcel of lands belonging to the **GOJ** (loss of trees), **(name removed)** -(relocation of fence/boundary wall, loss of farm buildings housing piggery, broiler poultry, goat, rabbit, storeroom, and plant nursery, and loss of the fish pond), and **(name removed)** (loss of land to accommodate works).

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<sup>9</sup> Information removed for confidential purposes.



## 2.7. Eligibility

The JSIF Land acquisition and Resettlement Framework outlines the criteria for compensation and rehabilitation assistance for eligible property owners and other persons. These criteria will be applied to eligible Project Affected Persons (PAPs) who will be impacted directly and indirectly by the works to be conducted on the Myton Gully Drainage Improvement Project.

Eligibility for compensation and rehabilitation assistance will be determined by the type of impact identified, the characteristics of the PAPs, and the proposed mitigation strategy to be adopted. In accordance with the World Bank social safeguard guidelines, eligible persons include legal property owners or persons with contractual arrangements with the legal property owners in deriving profit from the land or asset, tenants and leaseholders who are resident on the land or in the house, and squatters without title or other legal arrangements who were occupants at the time of the survey, who will be eligible for the replacement costs for their assets and not costs related to the land itself.

The World Bank OP 4.12 on Involuntary Resettlement includes safeguards to address and mitigate risks resulting from involuntary resettlement under development projects and covers any involuntary land taking. Additionally, impacts for which PAPs are eligible under this project includes the loss of land, housing, other physical structures on the affected property, businesses, assets, crops, trees, farm assets, and other assets on the property.

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

- The cut-off date that has been determined during Social Assessment and agreed with the JSIF outside of which no additional persons can become eligible for assistance. This date has been identified as August 13, 2021<sup>10</sup>.
- Location/ proximity to project site, that is, the Myton Gully channel. To be eligible, the affected property must be located close to the drainage channel and deemed to be impacted by any improvement works to be performed as per the approved designs.
- Extent of impact, that is, assets lost to land acquisition and removal of structures and facilities.

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<sup>10</sup> Information removed for confidential purposes.

*Figure 3: Project Sign with Cut-off Date*



The sign above was used to ensure consistent information is being communicated to all affected persons. Additionally, the sign provided detailed contact information for persons who wish to contact JSIF directly.

Table 3: Entitlement Matrix( All Names and Cost have been removed for confidentiality Purposes)

PAPs	Types of Impact	Impacts & Required Works	Mitigation Measures	Cost JMD
<i>Name removed</i>	Economic/ Livelihood	Relocation of a 21’ x 10’ advertising billboard owned by <b>(name removed)</b> .	<b>(Name removed)</b> has agreed to relocate the board to another viable area in the community. Please see appendix 10.	None
<b>Name removed</b> <sup>11</sup>	Economic/ Livelihood/ Assets	Construction of existing fish pond	Removal of fishpond to leased lands being farmed elsewhere by <b>(Name removed )</b> or to another location on the property.	-
		Existing fishstock	The current fish stock will be sold if to facilitate the removal of the pond	-
		Loss of bearing fruit trees	Bearing fruit trees removed from the property to allow space for easement and construction.	-
		Loss of Income from existing fishstock for a period of seven (7) years	Transition cost to facilitate loss of income for a reasonable period.	-
		Removal of crops in plant nursery operated by <b>(Name removed)</b>	Plant nursery relocated to leased lands being farmed by <b>(name removed)</b> at another location in the Old Harbour area. This relocation would allow for the upgrading to current practice and technology in plant nursery construction and operation.	-
		Demolish and relocate farm buildings housing piggery, broiler poultry, goat, rabbit, storeroom, and plant nursery. <i>[Property registered to (Name removed)</i>	Animal enclosures will be demolished, and compensation payment made. PAP will be able to reconstruct after the project as sufficient land space will be available on the existing property. <b>(Name removed)</b> will also have the right to salvage items.	-
		Loss of Husbandry / livestock to facilitate construction works. <i>[(Name removed)].</i>	Discontinuation of livestock operations (piggery, broiler, goats, etc.) during the period of construction works. Cash compensation for potential income loss. Business will continue with the reconstruction of animal enclosures as normal upon completion of the project.	-
			Easement for access by construction equipment	Easement access will provide temporary access based on the Parish Councils Road Act. No land will be lost.
	Fencing will be removed temporarily and reconstructed five(5) meters inwards from its current location to facilitate the	A temporary fence will be used to secure the property.	-	

<sup>11</sup> **(Name removed)** will be paid cash for the loss of income and for infrastructures displaced. **(Name removed)** operates part of his farm on leased land on so he will relocate farming activities to that property. While he will restart his livestock operation upon completion of the project as increase dust from the site may pose as a risk to the growth and development of the animals.

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		works.( this installation will be temporary and is being done for security purposes). The fence will be reconstructed at the end of works.		
<i>Names removed</i>	Assets / Structures –	Section of wall along the Myton Gully path to be temporarily demolished. <i>[Property registered to (Names removed) ]</i>	The wall will be temporarily demolished to provide working space and a detour road. The Demolished wall is to be rebuilt in the original location when works are completed. The reconstructed wall will be equal to or better than that which is in place presently. Occupants will also have the right to salvage items.  <b>Information removed for confidentiality purposes.</b>  A manager’s cheque will be used to hold funds for the almond tree until an interest-bearing bank account can be established.	-
	Land Acquisition & Assets	<i>One Almond tree to be removed to facilitate works.</i>		-
<i>Names removed</i>	Land Acquisition & Assets	1soursop tree and 12 dasheen plants to be removed . <i>[Property registered to the GOJ</i>	Compensate residents for loss of livelihood i.e food crops. Residents are not required to be relocated during the works. However, the site will be closely monitored to ensure no other assets than what is agreed is impacted during the works.	-
	Land Acquisition & Assets	Timber, calabash and guango trees to be removed. <i>[Names removed)</i>		-
	Assets	Removal of 1 coconut and 4 banana trees to be removed . <i>[[Property registered to the GOJ]</i>	Compensate residents for bearing fruit trees. There are no livelihood impacts.	-
<i>Names removed</i>	Land Acquisition &	Loss of 1,340 square meters of land to facilitate the works. <i>[Property registered to (names removed.)]</i>	Compensation will be paid to the to the title holder via an interest-bearing account.	-
	Assets	Loss of three (3) guango trees	A Manager’s cheque will be used until an interest-bearing deposit account is activated to lodge the compensation payments. Owner is still unknown.	-

### 3.0. MECHANISMS TO MINIMIZE DISPLACEMENT

The mechanism to prevent displacement of the affected property owners / occupiers in Phase One includes a mixture of compensation, replacement of lost infrastructural assets and design considerations. Restoration of assets was explored during consultation meetings with PAPs . However, it was highly dependent on the type assets , the PAPs ability to function normally during the implementation of the project and the type of impact. The compensation methods are as follows:

- Cash compensation to be provided to persons whose livelihoods are impacted and who have lost assets such as agricultural produce. Cash compensation to be provided also in the event they are unable to earn during the tenure of the works or they have lost assets such as agricultural produce and animals being reared because of the works.
- Cash compensation for the loss of fruit bearing and other trees.
- Cash compensation for the demolition of structures (such as animal pens, coops, or agricultural storage sheds)
- Reconstruction of structures such as boundary walls.
- Facilitating temporary ramps in the event project affected persons access to their properties have been restricted.
- Implementation of measures to reduce dust and noise.
- Provision of easement

Table 4: Possible Risks and Objections - Phase One

Risk	Possible Alternatives	Viability	Possible objections
PAPs may object to the removal of trees/ agricultural produce /structures to be displaced to accommodate the project design	Adjust the project scope to reduce the number of trees/agricultural produces/ structures to be removed.	Long term	Consultations are done to clearly outline to PAPs the intent of works, how it will enhance their safety against disaster risks , the impacts and compensation for any related loss. Towards getting their permission to move forward.  ** GOJ legislation regarding easement allows for the government to proceed with work without the full authorization of a stakeholder; however, the World Banks OP 4.12 supersedes the legislation and requires authorization and payment if necessary. According to the World Bank’s Operations Manual 4.12, sub-projects identified before appraisal that involve land acquisition or resettlement triggers the need for preparation of an Abbreviated Resettlement Action Plan (A-RAP) that will detail the preparation and implementation of arrangements for the involuntary land acquisition and resettlement /loss of assets impacts. Compensation is required where economic impacts occurs because of the work. This Supersede the Government of Jamaica legislation on Easements.
Inability to contact landowners to negotiate easement for a section of land for drainage improvement works.	Attempts were made to contact the land owner via the newspaper, discussions with, neighbours other government agencies and through prior owners of said property. Community members were asked for information regarding the property, but they were unable to give any detail on	Long term	The size of the portion of land to be lost. Estimated value of the section of the land lost will be transferred to an escrow account.

	whom the registered owner is. . Nevertheless, Remeasurement of land segment. Negotiation and adjustment of estimated value of land will be done prior to the starts of works.		
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## Valuation

Various methodologies have been applied in the valuation of the assets for compensation or rehabilitation assistance. Such valuations was conducted by related agencies or in accordance with formulae or guidance provided by such agencies and by certified professionals. While the valuation methodology differs for each category of affected asset, it is important to consistently apply the selected methodology throughout all phases of the project, thereby mitigating potential accusations of bias by project affected persons who may harbour wildly different views as to the values of their affected assets. In turn, the avoidance of systemic bias may improve the trust between JSIF, as project sponsor, and PAPs, thereby contributing to a lessened potential for delays and disruptions in the commencement and execution of the project.

- **Land:** The valuation for land was based on the existing rates per unit provided by the National Land Agency (NLA). Differences in valuation may be applied based on the land use category, that is residential, agricultural, and commercial. The valuation is based on the unimproved value of the property as supplied by the NLA current rate for sale of land at the time of assessment( today’s market price) .<sup>12</sup> The market price refers to the current price at which an asset or service can be bought or sold. The rate used was based on National Land Agency valuation in July 2021.
- **Structures:** The existing structures that will be affected by the project was valued based on location, physical condition of the structure, size, quality of material, and workmanship in accordance with the rates provided by the Master Builders’ Association (for buildings), and existing market rates for inputs and labour costs for other structures. In preparing the valuation, measurements will be taken by a Quantity Surveyor against which the appropriate costs were applied. For structures, particularly retaining walls and fences, that will be rebuilt as part of the Abbreviated Resettlement Action Plan, consideration was given of the cost to rebuild to the previous state (or to an acceptable minimum standard if found to be inferior). The JSIF is to maintain a Cost Database which reflects current market rates for works items.
- **Crops:** Valuation on crops and fruit bearing trees that might be affected by the Myton Gully Drainage Improvement Project are based on the applicable rates provided by the Ministry of Agriculture and Fisheries (MAF) / Rural Agriculture Development Authority (RADA).
- **Trees:** With regard to non-fruit trees, such as timber, coniferous trees, and other forest tree species, that are to be affected by the drainage improvement works, valuation was conducted with assistance from the Forestry Department. In preparing the valuation, the main variables for consideration will include species, size (height and circumference), and age of the tree.

<sup>12</sup> Prices are quoted based on NLA’s current rate as at July 2021.

**Business:** Where impacts include loss of income by business operators during the period of works, the valuation will be based on the reported daily/weekly income that would have been earned during the period when the business remains closed / inoperable. For business assets that are to be demolished and rebuilt (i.e., shops, workshops, storage sheds/warehouses, and stalls), measurements will be taken and the cost for materials and labour will be applied. This will be in addition to the cost for lost income previously mentioned.

**Table 5: Description of Beneficiary Groups and Payment Guidelines in Old Harbour Crossing, Phase One ( All Names and Cost have been removed for confidentiality Purposes)**

ESTIMATED PAYMENT		
BENEFICIARY GROUPS	DESCRIPTION	PAYMENT GUIDELINES
Structures	3 structures will be displaced (one 21' x 10' Advertising Billboard), farm facilities, and fishpond.	Present Market rates
Boundary Walls and fences	Section of boundary walls and fences to be impacted by the works.	Quantity Surveyor's Estimate.
Trees	93 trees (including 60 banana trees) to be removed.	Based on RADA's recommendation
Impacts on husbandry	Distress to farm and domestic animals arising from project works.	Provisional Sum in relation to fish stock currently owned by (name removed).
	Estimated income loss for owner with removal of 111.43 m <sup>2</sup> fishpond.	Based on National Fisheries' Authority recommendation
Impact on livelihoods	Projected loss of income by business operators during the period of works or for relocation prior to the start of works .	Provisional sum as it relates to projected income from the broilers and piggery operated by (name removed).
Loss of agricultural produce	Loss of food crops because of the works	Based on RADA's recommendation
Provisional sum	10% allowance for unforeseen impacts.	Provisional sum
Loss of property	Drainage will run through the front, middle or back of the property. (Loss of 1,340 sq. metres of land registered to <b>(name removed)</b> ).	Determined base National Land agency recommendation.
<b>GRAND TOTAL</b>	Property assets impacted by the project	

## Justification & Recommended Compensation Approach

Recommendations on the compensation approaches to be adopted in the cases of the PAPs in Phase One were first presented in the Design Engineer's Report to JSIF and subsequently confirmed and expanded by the social consultants. The recommended approach was selected based on feasibility and the most suited methodology to restore PAPs livelihood in an efficient time. Costing was determined by various specialist within the selected areas.

**Land owner name removed: (names removed)** As detailed above, it is preferred to restore livelihoods rather than cash compensation. However, cash compensation is recommended in the case of **(Name removed)** occupants for the loss of fruit bearing and other trees planted by occupants, **(names removed)** (occupants of the Ministry of Housing Property) since the assets lost are mature bearing trees which will take years to re-grow. Cash compensating is more suitable. Cash compensation is also recommended for **(name removed)**<sup>13</sup> for portion of land to be lost to facilitate the works and the loss of non-fruit trees, on the estate of **(names removed)**<sup>14</sup> for loss of an almond tree.

Cash compensation is also recommended for **names removed**). However, ownership of two properties **(names removed)** has not been confirmed. Additionally, the **name removed** has not satisfied compliance requirements and therefore does not satisfy the guidelines of state entities to hold a bank account. The compensation for these PAPs was initially to be lodged in an Interest-bearing account Interest-bearing account in accordance with OP 4.12, clause 16 which reflects the following:

“where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited the funds equal to offered amount plus 10 percent in a secure form of escrow or other interest bearing deposits acceptable to the Bank, and has provided a means of satisfactory to the Bank for resolving the dispute concerning said offer of compensation in a timely and equitable manner”.

However, an interest-bearing account was not permissible. Under this exceptional circumstance, the World Bank permitted the funds to be temporarily held in the form of Manager’s Cheque until a Deposit Account is activated to lodge the compensation payments. The compensation breakdown can be found in **Appendix 8,15, &16**. Additionally, a log will be used to record the payment to these PAPs. Additionally, a log will be used to record payments to these PAPs. The overall compensation package to these PAPs is estimated to **Information removed for confidentiality purposes**).

**Name removed** : In the case of the property owned by **(names removed)**, it has been determined that the drainage works is likely to impact all the structures that house **(name removed)** various farming operations including the Fishpond and the Plant Nursery. This determination is based on an estimate of a minimum of 11m that is required from the edge of the gully into the farm building complex of **(names removed)** to facilitate the efficient movement and operation of construction equipment during the drainage improvement works<sup>15</sup>. This distance will extend well into the area of the PAP farming operations. It has been further determined, that notwithstanding the fact that only a portion of the structures will be directly impacted, removal of this section will compromise the structural integrity of the rest of **(name removed)** agricultural facilities, so the entire structures will need to be demolished. Fruit trees and crops will also be affected by the drainage improvement works. Given the proximity to the Myton Gully, this property

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<sup>13</sup> It is recommended that such funds be placed in an interest bearing account pending the location of the title owner.

<sup>14</sup> **(Name removed)** is noted as an Administrator of the estate of **(name removed)** rather than an owner of the property.

<sup>15</sup> This estimate of was provided by the JSIF’s Project Engineer during a field visit to the site on September 3, 2021.



will also be impacted by the dust and noise created by the movement of heavy equipment during construction.

In the circumstances, the following are recommended:

1. **(Name removed)** is to allow Easement to 24.75m<sup>2</sup> of his property to facilitate movement of heavy equipment during construction. This Easement is necessary to secure the minimum of 11m required to ensure adequate space for equipment movement. *The period of the Easement should extend for the duration of the implementation period of this portion of drainage improvement works.* His fence will be restored at the end of the project. However, a temporary fence will be put in place for the tenure of construction.
  - Cash compensation for the demolition of the entire building complex that houses the piggery, broiler poultry, goat, rabbit, storeroom, and plant nursery.
2. Cash compensation for the demolition of approximately 71m of ‘boundary’ chain link fence located on the Reserve Land. (Cash compensation is in lieu of reconstruction.) There are no impacts related to this.
3. Restore 5.5m of chain link fence and 24.75 M<sup>2</sup> of the lands to a state of productive agricultural use after the Easement period. (*Either 5.5 m of chain link fence will be reconstructed in equal or better size and quality<sup>16</sup>, or Cash compensation in lieu of reconstruction of fence.*)
4. Cash compensation for the loss of existing 111m<sup>2</sup> fishpond, value of existing fish stock, and estimated loss of income over seven years. (Based on estimates provided by National Fisheries Authority)
5. Cash compensation for the loss of fruit trees and other agricultural crops (on Gully Reserve Land and affected portion of property) equivalent to the estimated production value over seven years. Based on RADA estimates.
6. Cash compensation for the loss of income from the operation of broilers and piggery at present market valuation (based on Jamaica Pig Farmers Association and an informal survey of selected Pig Farmers) over seven years plus 10% Premium

***NB: (Name removed) will have the right to salvage any materials without affecting the compensation for demolition.***

These recommendations would affect the assets owned by **(name removed)** in the following ways:

1. No loss of land (given that impacted land is Reserve Land and the Easement would be temporary).

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<sup>16</sup> **(Name removed)** opted for the reconstruction of the fence by JSIF.

2. Loss of one hundred percent (100%) of farm buildings housing piggery, broiler poultry, goat, rabbit, storeroom, and plant nursery
3. Removal of the ‘boundary’ fencing (along the Gully)
4. Dumping/filling up of fishpond
5. Loss of fruit and other trees, and agricultural produce as follows: 3 mature and bearing coconut trees, 2 young coconut trees, 55 bananas trees with sprouts (suckers), 2 mature and 1 young pomegranate trees, 1 sweetsop tree, 2 lemon/lime trees, 5 fruit bearing plum trees, 1 june plum tree, 2 cherry fruit bearing trees, 2 ackee fruit bearing trees, 1 pineapple plant, 1 bank yam, 2 bank Sugar Cane, 1 mature and 1 young, and 5 banks lemon grass. Additionally, the following are assessed to be of no timber value given their sizes: 1 guango tree, 2 almond trees; and 1 moringa tree.

The following are the mitigating actions that are will be considered based on consultation with **(name removed)**

1. The 17ft. x 15 ft. plant nursery can be relocated to leased lands being farmed by **(name removed)** at another location in the Old Harbour area. This relocation would allow for the upgrading to current practice and technology in plant nursery construction and operation.
2. The pig production operation is based upon a **farrowing** to **finishing** system comprising of three sows, and two boars. At the time of visit there were four weaners (eight weeks old), five piglets (four weeks old) and five finishers (five months old) being fattened for sale. The piggery operation may be discontinued with the sale of all animals before the construction works commence. Halting operations will not pose any serious challenges to **(name removed)** because breeders are changed occasionally, and the current batch are scheduled to be changed in the upcoming months. As a result , **(name removed)** will be paid for loss of income for the tenure of the works and has opted to restart operation at the end of the works. Compensation is being made for the animal enclosures. In the event business was not halted the animal could have been relocated to an ideal location determined by the PAP. The PAP has indicated that hosting the animals elsewhere is not feasible and has indicated that it is more cost effective and safer to halt the operation.
3. The capacity of Broiler Chicken operation is 200 birds, raised in two batches of 100 birds each on a 6–8-week production cycle before being processed (onsite) and sold to local retail markets. There should be no loss of birds resulting from this planned and orderly closing down of these operations.
4. 12 rabbits and two guinea pigs are reared for recreational purposes. These are to be relocated on the PAP’s property where adequate space is available.
5. Seven goats complete the livestock population on the PAP farming operation. Goats are raised on a free grazing/roaming basis in which they are penned at nights for security reasons. The goat pen will be relocated onto **(name removed)**property, adequate land space is available, so this enterprise will continue uninterrupted.
6. The complete loss of the fishpond means the discontinuation of tilapia production. Compensation provisions are being proposed for the recovery cost of existing fish stock, construction cost of the existing pond area, and loss of income from the discontinuation of the fish production enterprise.

The overall compensation package to **(name removed)****Information removed for confidentiality purposes)**

**Advertising Billboard:** The relocation of an advertising billboard from the path of the expanded Myton Gully is also recommended. This billboard, which was planted on the edge of the property belonging to (names removed) to the Old Harbour Main Road, belongs to (name and addressed removed). The company will be relocating the billboard to a new location in the community.

It was determined that **(name removed)** has erected a 21’ x 10’ advertising billboard at the boundary of the property occupied by (name removed) (owned by the late name removed), after August 13, 2021, the cut-off date after which “no encroachment” on the project site is allowed. The operators of the company were contacted by JSIF on the matter and efforts will be made to have them voluntarily remove the billboard on or before January 31, 2022, if they are unable to execute then JSIF will remove the billboard “No Cash” compensation is being recommended for this company. Please see annex 11.

### 3.3 COMPENSATION

Table 6: Compensation Costs - Old Harbour Crossing, Phase One( All Names and Cost have been removed for confidentiality Purposes).

ACTIVITY	COSTS (Information removed for confidentiality purposes)	COMMENTS (Information removed for confidentiality purposes)
<b>INFRASTRUCTURE/ WORKS</b> (details to be included based on the estimates Unit cost estimated)		
<i>Structures to be displaced, demolished, reconstructed, or paid in cash or cheque. One 21’ x 10’ Advertising Billboard.</i>		
<i>Fences to be demolished, reconstructed, or paid in cash or cheque.</i>		
<i>Farm structures (farmhouse complex) to be demolished.</i>		
<i>Removal of 111.43 m<sup>2</sup> fishpond or paid in cash or cheque</i>		
<b>SUBTOTAL</b>		
<b>Trees, crops, and livestock</b>		
<i>Fruit &amp; other trees to be removed for the implementation of project works. Owners will be given cash /cheque payment</i>		
<i>Value of crop in plant nursery operated by (Name removed), and Information removed for confidentiality purposes)</i>		
<i>Provisional sum for Husbandry -in the event an animal becomes injured because of the works being implemented the JSIF will facilitate cash payment upon mutual agreement after investigation and discussion with the stakeholders on the ground.</i>		<b>Information removed for confidentiality purposes)</b>
Provisional sum		
<b>SUBTOTAL</b>		
<b>Impacted Livelihoods</b>		

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Projected loss of income by business operators during the period of works.		Provisional sum as it relates to projected income from the fishpond, broilers, and piggery operated by <b>Name removed</b> .
<b>Loss of Land</b>		
Loss of land to facilitate works: Compensation to title holder for section of land lost.		
<b>GRAND TOTAL</b>		

*NB: All Names and Cost have been removed for confidentiality purposes*

NAME OF ENTITLED PERSON ( )	ASSET ACQUIRED	COST	ANNEXES
Name removed	6m of Block wall fence to be demolished and reconstructed by the works contractor.	-	Appendix 2, 3 & 5,9
	Loss of one Almond Tree	-	
	<b>SUB -TOTAL -</b>		
Name removed	Demolition & reconstruction of farm enclosures and fencing	-	Appendix 2,3 9,10
	Loss of income from broiler and piggery	-	
	Loss of Income from fishpond (7 Years)	-	
	Existing Fish Stock	-	
	Reconstruction of Fishpond to be done by PAP after the project	-	
	Demolition and reconstruction of the of chain-link fence	-	
	Loss of fruit trees	-	
	Loss of food crops	-	
	Provision 6-11m of temporary easement	-	
	<b>SUB -TOTAL -</b>		
Name removed	<ul style="list-style-type: none"> <li>• Removal of 1 Calabash tree</li> </ul>	-	Appendix 9,12,
	<ul style="list-style-type: none"> <li>• Removal of 1 Guango tree</li> </ul>	-	
	<ul style="list-style-type: none"> <li>• Removal of 1 Almond tree.</li> </ul>	-	
	<b>SUB-TOTAL -</b>		
	1 Soursop tree	-	
	12 Dasheen Plants	-	
	<b>SUB -TOTAL -</b>		
Name removed	<ul style="list-style-type: none"> <li>• Removal of 1 bearing Coconut tree</li> </ul>	-	Appendix 9,12,
	<ul style="list-style-type: none"> <li>• Removal of 4 Banana trees</li> </ul>	-	
<b>SUB -TOTAL -</b>			

NAME OF ENTITLED PERSON ( )	ASSET ACQUIRED	COST	ANNEXES
<i>Name removed</i> <sup>17</sup>	<ul style="list-style-type: none"> <li>Loss of 1340 square meters of land</li> </ul>	-	<b>Appendix 8</b>
	<ul style="list-style-type: none"> <li>Removal of three guango trees</li> </ul>	-	
	<b>SUB-TOTAL -</b>		
<i>Name removed</i>	Relocation of a 21*10 advertising billboard	-	<b>Appendix 11</b>

## 4.0 CONSULTATIONS / METHODOLOGY AND DATA COLLECTION WITH AFFECTED PERSON

### CONSULTATIONS

All PAPs were directly engaged with an introduction to the planned project and given an overview of the likely social impacts and the corrective measures that will be undertaken. The PAPs were advised of the issues and allowed to give their opinions on how they can be managed. The consultations were done in accordance with the World Bank and JSIF Covid Guidelines.

The consultation process started with the JSIF identifying properties likely to be impacted by the drainage improvement works based upon their location. BRAC followed up by validating the properties' location and ownerships through GPS mapping, Land title search of the NLA database as well as that of Tax Administration Jamaica. This process confirmed that there are four properties that are likely to be affected with a total of six ( 6) Project Affected Persons . two of these properties are occupied by tenants, one by its owner and the other, owned by a Company, is unoccupied. Please see table below with consultation dates and outcome.

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<sup>17</sup> A trustee is a person who takes legal ownership of assets held by a trust and assume responsibility for managing those assets.

**NB: Information was removed for confidentiality purposes. i.e names, statements, addresses etc.**

PAPS NAMES	CONSULTATION DATES	FEEDBACK	RECOMMENDATIONS	STATUS OF AGREEMENT
Name removed	April 21,2021 June 15 & 30 2021 May 25,2022	Information removed for confidentiality purposes)	Both parties to sign on proposed mitigative measures.	Proposed measures signed by <b>(name removed)</b> on June 30,2021. However, the second “no objection”- from <b>(name removed)</b> is outstanding.
Name removed	April 21,2021 June 23,2021 July 07,2021 August 01,2021	The PAP is an occupant of the property owned by the <b>(name removed)</b> Compensation is required for assets identified for displacement.	Compensation for assets slated to be impacted by the project.	Proposed mitigative measures signed on August 01, 2021.
Name removed	April 21,2021 June 23,2021	The PAP is an occupant of the <b>(Information removed for confidentiality purposes)</b>	Compensation for assets slated to be impacted by the project. “No objection was retrieved from	Proposed mitigative measures signed on August 08, 2021
Name removed	August 18 &21, 2021 April 21,2021 June 15,23,30 2021 September 3,16,2021	<b>(Name removed)</b> is optimistic about the project goals. However, he expressed that he wished his assets could have been avoided given that it took him may years to construct and the joy he gets from rearing his animals.	The PAP will temporarily halt operation for the tenure of works. transition and reconstruction cost will be paid out.	Proposed mitigative measures signed on February 01,2022.
Name removed	Several calls were made within a 4 month period to multiple agencies trying to identify the	Based on leads received upon posting a notice in the newspaper. <b>(Name removed)</b> was identified as a	Engage the Municipal Corporation to utilize their national road construction policies in terms of acquiring land required for	Pending owners’ response to the proposed measures and proof of ownership.

PAPS NAMES	CONSULTATION DATES	FEEDBACK	RECOMMENDATIONS	STATUS OF AGREEMENT
	owners of the vacant property.  February 23,2022 (JSIF finally contacted the alleged owner)	trustee for ( <b>Name removed</b> ). As such the project plans were discussed via a phone call of which she requested a time to discuss the matter with the legal team.	construction of roadways/ sidewalks.	
Name removed	November 15, 2021 (Consultant engaged)  January 18, 2022 (JSIF engaged)	The signed is also located on the property owned by the ( <b>name removed</b> ). The company has agreed to relocate the billboard as requested.	The company will be updated on the project schedule to allow timely removal of the billboard.	On January 18, 2022, ( <b>name removed</b> ) confirmed their commitment to relocate the billboard adjacent to the gully.

**METHODOLOGY**

A transect walk with JSIF representatives, members of the CDCs and other community representatives took place on June 10, 2021. Consultations were done according to the Government of Jamaica and the World Bank COVID-19 guidelines. During this walk, which commenced at the Old Harbour Crossing at the Myton Gully Bridge, the consultants visited some of the affected properties, spoke to the community representatives, and noted key features of the proposed design of the gully that are noteworthy. A follow-up Sensitization Meeting with CDC and community representatives was held via the ZOOM on June 17, 2021. This meeting was an opportunity for the consultants to meet the CDC representatives, most of whom were not present during the transect walk and introduce the social assessment objectives and features to the group. Interviewers were also recruited from the target communities and given two days training prior to field deployment. Deployment of these interviewers commenced with another walk-through of the affected communities on June 21, 2021.

In the absence of contact information for the PAPS, i.e., address and telephone numbers, the Land Title search mentioned above was used to obtain the registered names as well as the street addresses of the project affected properties. Using this information and with the assistance of the JSIF, SDC and the Old Harbour CDC officers on the ground, our team of interviewers were able to locate the occupants of these properties for purposes of detailed interviews and other data collection including their telephone numbers and other contact information.

In keeping with the relevant section of the data collection protocol established by BRAC Consultants for this Project, the interview team contacted the owners and occupants by telephone, set mutually convenient dates for interviews, using the Questionnaire designed for the purpose. Interviews were conducted between June 23 and July 12, 2021, by the Interview team.

## **DATA COLLECTION**

Demographic data as well as an inventory of assets and description of impacts were collected. The data and information collected during the detailed interviews were analysed with a view to determine preliminarily those properties and assets that were deemed likely to be impacted directly by the drainage works. This analysis generated a list of these properties and accompanying assets. Using this list, the consultants conducted a second, and for the most part multiple visits to each of these properties to validate, assess and value assets identified during the interview stage. The quantity surveyor as well as the specialist agencies such as the Forestry Department, the Fisheries Authorities, RADA as well as specialists in the commercial Plant Nursery installation were engaged in the valuation process. The validation, assessment and valuation processes also entailed intensive discussion and consultations with occupants and or owners where applicable. The results of this process led to the completion of a draft Consultation Form. This form also included a summary of the detailed interview conducted by our interviewers at the start of the consultation process.

In a final visit to the assessed properties, the Consultants presented and discussed the consultation report with the occupants and requested that they confirm their agreement with its contents by signing in the space provided on the Form. A copy of the signed form was also left with each PAP who signed on August 1, 2021.

Where it was determined that no asset belonging to a particular property would likely be affected, the owner/occupant was advised and requested to validate the other data provided by them at interview, by signing. Three properties fall in this category, and in one case the occupant was unavailable for a terminal discussion, having allegedly left the community due to an unfavourable circumstance. The resident has not been found but there are no impacts to the property so no hindrances to proceeding with the project.

Four families occupy the property owned by the GOJ but only two families' assets will be physically impacted. The consultation process in this case involved identifying affected assets belonging to each of the tenant (household), as well those belonging to the Ministry, including land. Agreements were reached in terms of who owns what assets. As per consultation of the asset's a detailed description of the owners and assets are listed in the entitlement matrix.

It was determined that land and timber trees belonging to the **(name removed)** would be affected. The consultants were unable to locate any representative of this Company initially but nevertheless proceeded to value the identified assets and made provision within the budget for compensation. The trustee was later identified for this property and is now being engaged and sensitized about the upcoming works and impact of the property.

Additionally, the property registered to **(name removed)** the registered owner who is now deceased. However, the property ownership was transferred to **(name removed)** in 2014. **(Names removed)** shares a familial relationship. It is understood that **(Names removed)** did not have a "will" in place at the time of her death. As a result, ownership of the property will be contested through the local court by means of mediation which will held in the upcoming months followed by a case management conference The occupant, **Information removed for confidentiality purposes**). The payment will be held in the form of



manager's cheques until an account can be established. The administration of the manager's cheques and subsequent payment to the PAPs or deposit to the bank account will be guided by the JSIF policy and procedures for unidentified PAPs. The payment schedule (Appendix 16) will be updated with each payment information from the reserved funds.

Having determined that this property is likely to have a portion of a wall temporarily demolished and reconstructed as well as the loss of an almond tree, the matter has been discussed with both claimants to the property. The compensation strategy to be implemented includes reconstruction of the wall to previous state and payment for the loss of an almond tree. The payment was initially to be lodged in an interest-bearing account, however due to the time required for processing and approval from external entities, an interest-bearing account was not permissible. Under this exceptional circumstance, the World Bank permitted the funds to be temporarily held in the form of a Manager's Cheque until a Deposit account is activated to lodge the compensation payments until the ownership of the property is settled by the local courts.

**Consultation- Information removed for confidentiality purposes.**

With regards to the remaining affected property owned and occupied by (name removed), and in discussion with the JSIF, it was agreed that the gully drainage works would likely impact farming operations being conducted on this property.

The Consultants revisited with PAP on *Wednesday, August 18, 2021*, and again on *Saturday, August 21, 2021*. During this latter consultation period the consultants were able to definitively establish the legal boundary between (**Name removed**) property and the Myton Gully, through discussion and identification of surveyor's monuments. Based on this discovery it was established that (**Name removed**) farming operations were not on his property but on the Reserve, Lands adjoining (**names removed**). The identification of the boundary also allowed for a more accurate assessment of assets belonging to (**names removed**) that are likely to be affected by the drainage improvement works. Further visits with (**name removed**) were conducted between *September 3<sup>rd</sup> and September 10<sup>th</sup>, 2021*, to finalise the items for which his agreement is being sought. He was also provided with a draft of the Consultation Report for perusal prior to final signature.

The recommendations and actions have been discussed with (**name removed**) who has indicated his agreement, evidenced by his signature to the letter and revised Consultation Report. **Appendix 4-5** presents the signed consultation reports for PAPs in Phase One<sup>18</sup>.

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<sup>18</sup> Sign copies of the Consultation Reports will also be submitted separately as hard copy / scanned documents.

## 5.0. MONITORING ARRANGEMENTS

The successful implementation of Phase One of the Myton Gully Drainage Improvement Project depends on the administration of applicable components of a robust monitoring mechanism by the JSIF and partner institutions and groups. Within this Abbreviated Resettlement Action Framework, monitoring assumes an important function<sup>19</sup>. This function will ensure that arrangements for project assistance, compensation, and relocation are honoured to the mutual satisfaction of the PAPs and the executing agencies. For each community project, information on land requirements and the means of obtaining any land required by a project component will be recorded in the Management Information System ( MIS) for different stages of the project cycle as presented in **Table 9** below.

**Table 8 : Monitoring Arrangements for the ARAP**

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

<sup>19</sup> JSIF noted that the social Consultant’s contract may be extended to facilitate monitoring during the works.

## 6.0. GRIEVANCES REDRESS MECHANISM

Potential grievances that may arise during the implementation of this Abbreviated Resettlement Action Plan during Phase One include the following issues:

To prevent physical, psychological or sexual abuse of workers on site mitigative measures such as providing workers with workplace environment training will be explored. Additionally, the GRM will provide information to the to the Ministry of Gender Affairs and Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) hotline for reporting of sexual offence grievances. The agencies has private spaces for meeting with clients which are disclosed to the public. Intervention is developed based on the client needs more over clients are referred to other agencies such as the Legal Aid Clinic for legal representation or advise, the Ministry of Health for medical support etc. The approach to be used is determined on a case by case basis, and the agencies are equipped to respond according to best practices. The team members which will be receiving the initial complaints will be sensitized about the confidential nature of the situations and that they will be referred to a hotline.

Land acquisition impacts, such as the amount of land required for the expansion / realignment of sections of the Myton Gully; the assigned cost of the land or portion to be acquired; authorised persons to enter into agreements.

Compensation amounts, delays in compensation payments, provision of several types of resettlement assistance to affected persons and their families.

Land ownership rights, particularly among relatives of deceased landowners, or among occupiers of land for which there are no registered titles, squatter's right to occupancy and redress.

Resolution of distinct types of grievances regarding resettlement will be attempted at various 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 to find technical solutions that avoid or further minimize the need for further land acquisition.

The JSIF is expected to work closely with the stakeholders on the ground. Solutions to grievances related to compensation, delays in compensation payments or provision of several types of resettlement assistance will be pursued directly by the designated land acquisition and resettlement team in JSIF through the following stakeholders:

Social Development Commission (SDC)  
The Social consultant contracted by JSIF  
Member of Parliament (MPs)  
Community Councillors,  
Community Liaison Officers.

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  
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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 through the JSIF MIS, community meetings or via the listed communication mediums. 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 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.

PAPs were informed where to make complaints through consultations and a sign erected where works will take place. PAPs were informed that they can make complaints using the following channels:

**Social Media:** Facebook: Jamaica Social Investment Fund (JSIF); Instagram: @jsifja,  
**JSIF website:** [www.jsif.org](http://www.jsif.org) **Email:** [info@jsif.org](mailto:info@jsif.org)  
**Contact number:** Phone: 876-968-4545, 876- 926-6238  
**Address:** Ground Floor- The Dorchester Apartment Complex, 11 Oxford Road, Kingston 5.

**Table 9: Grievance Procedures**

<b>GRIEVANCE PROCEDURES</b>	<b>Timeline</b>
Acknowledgment of complaint	3 days
Investigation of complaint <sup>20</sup>	1 – 2 weeks
Determination (and approval) of appropriate solution/response	2 weeks
Engagement of PAPs and agreement of response strategy and appeals mechanism	2 weeks
Resolution of issue	4 weeks
Acknowledgement of appeals by aggrieved party (where solutions are not satisfactory)	2 weeks
Activate arbitration mechanisms	4 weeks
Resolution of issue	1 – 3 weeks
Updating of Grievance Log	Ongoing

<sup>20</sup> Complaints relating to compliance issues will be actioned by the JSIF team in 1-2 weeks. Issues classified as urgent or because of non-compliance will be reported to the World Bank with 48 hours.

***WB's Grievance Redress Service***

The GRS for individuals and communities to submit complaints directly if they are or believe they will be adversely affected by a WB-supported project that is under preparation, active, or has ended for less than 15 months. The GRS should ideally only be accessed if the project grievance mechanism has first been utilized without an acceptable resolution. The GRS ensures that grievances are promptly reviewed and addressed. The complaint must be submitted in writing and addressed to the GRS. The process to submit complaints to the GRS is provided at <http://www.worldbank.org/GRS>. The process on how to submit complaints to the WB Inspection Panel is provided at <http://www.inspectionpanel.org>. Completed grievance forms will also be accepted by email at [grievances@worldbank.org](mailto:grievances@worldbank.org), or fax at +1-202-614-7313, or by letter addressed to:

The WB Grievance Redress Service (GRS)  
MSN MC 10-1018 NW, Washington, DC 20433, USA

## 7.0. LEGAL FRAMEWORK

The compensation and resettlement mechanisms are guided by the following pieces of legislations:

The 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 way compensation is determined and given ii) provides right of access to a court to determine questions of rights, entitlements, and compensation.<sup>21</sup>

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.

Flood Water Control Act, 1958 (amended 1995) includes provisions for compensation of land that may be affected or acquired for the purpose of any construction or alteration of water ways for the purpose of flood control.

In consideration of the Municipal Corporation legal framework and how it interacts with lands to be impacted in Phase One, the primary issue relates to the existence or not of easements on the titles of the affected property holders, particularly for **(names removed)** Easements entered on the titles of registered property owners set out the allowances to the Parish / Municipal Councils or Government agencies for their access and use as they see fit without consideration for the compensation of the property owners. There will be no economic impacts or land loss from the easements.

Examination of the related titles did not confirm the presence of explicit easements, although the title for **(Names removed)** includes a section of the Myton Gully (labelled “**Name removed**” in its diagram for the Commissioner of Lands, and the title for (name removed) includes several restrictive covenants of which the following are noteworthy:

#5. *“The registered proprietor shall not in any manner restrict or interfere with the discharge of storm water from any road in the said land and the road authority shall not under any circumstances be liable to the registered proprietor or occupier of the said land for any damage occasioned by storm water flowing from roadways.”*

#8. *“No new building or any other permanent structures shall be constructed within 15.24 metres and 12.19 metres of the centre line of the main road and reserved roads respectively and not less than 1.5 metres (5 feet) from adjoining fences.”*

# 13. *“The 6.10 metres reserved road shall be held as private property to be maintained by the lotees and shall not be taken over or maintained by the said council (Saint Catherine Parish Council).”*

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<sup>21</sup> JSIF Resettlement Policy Framework

Other pieces of legislation that may become relevant in the execution of the Abbreviated Resettlement Framework in Old Harbour Crossing , Phase One (and subsequent phases) relate to the status of properties registered to owners who are deceased.

## 8.0. INSTITUTIONAL FRAMEWORK

The institutional framework to be used to support the resettlement activities includes agencies and policies in government as well as the donors. No resettlement activity is envisaged in Phase One as discussed earlier. The agencies and roles outlined in **Table 11** have been identified as support for the compensation activities previously outlined.

**Table 10: Institutional Framework for the ARAP - Phase One**

<b>AGENCY</b>	<b>ROLE IN RESETTLEMENT</b>	<b>POLICIES</b>
Rural Agricultural Development Authority	The provision of farm gate prices and technical coefficients (yields) for crops likely to be lost due to project activities to guide compensation payments.	Development of agriculture and rural farming.
National Land Agency	To provide information on property owners and to assist in identifying new properties for relocation.	Land titling, valuation, and security of tenure
Ministry of Finance	To ensure displaced PAP's assets are paid for in full and at current market price.	Provision for raising resources for the overall expenditure of the government.
Jamaica Social Investment Fund	Ensure all guidelines outlined in the Safeguard Policies / Environment and Social Standards are adhered to.	Land Acquisition and Resettlement Policy Framework
	Project Manager – Stacey-Ann Preston	
	Risk Reduction Component Lead - Rhian Holder	
	Community/Stakeholder Engagement – Tammoyia Miller	
	Environmental Safeguards – Milton Clarke/Stacey Preston	
World Bank	Approval of Resettlement Plan	Environmental and Social Standards



## 9.0 A-RAP IMPLEMENTATION AND MONITORING

*Table 11* outlines the projected implementation schedule for Phase One of the Abbreviated Resettlement Action Plan for the Myton Gully Drainage Improvement Project. The projected schedule is made on the assumption that this phase is a priority and is at the best state of readiness for early implementation.

Officers from the Jamaica Social Investment Fund will have responsibility for the efficient and effective execution of project activities during the project cycle. 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 Officers 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 measures

### 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 each PAP with signed documentation to include an acquisition agreement, cheque number, date, signed receipt, wire transfer payment summary, from the recipients.
- The JSIF Policy and Procedure for Reserving Funds for Unidentified Project Affected Persons will be utilized in the event an Unknown PAP is identified.
- The completion of works for displaced infrastructures will be monitored through attending the project site meetings and making site visits. Consultation will be done with the homeowner regarding the proposed design, paint, and other finishing.
- The GRM mechanism will also be utilized to capture any issue that may arise during implementation.

Upon completion and implementation of the A-RAP, a beneficiary survey will be completed to ascertain information on JSIF' performance , the PAPS' Satisfaction level, etc. In the event the project is completed prior to making payments to all PAPs (i.e., monies held has a manager's cheque/ an interest bearing account), a short A-RAP completion report (i.e. three pages) will be shared with the World Bank outlining a follow-up action plan, including a timeline and JSIF's procedures to follow-up and pay the PAPs.

Table 11: ARAP Implementation Schedule - Phase One

## Myton Gully Social Assessment and Abbreviated Resettlement Action Plan – Phase One

<b>Activity</b>	<b>Responsible</b>	<b>Timeline</b>	<b>Cost</b>
Phase 1 Social Sensitization and Survey with Cut-off date of August 13, 2021	SO / Social Consultant	June 23 – August 2022	N/A
Phase 1 Social Assessment and extensive data collection on PAPs	Social Consultant / SO	June 28 – August 15, 2021	N/A
Finalize Designs/ Approval from the bank	PE	August 2021	N/A
Completion of Abbreviated & Resettlement Plan (Payments done per deliverable)	Social Consultant/ SO/PM	Mar 2023	N/A
Submission of draft A-RAP to WB	PM/ Safeguard Specialist	Nov 22, 2021, Mar 25, May 26,2022 , Sept 02,2022 & Sept. 26,2022 Feb 2,7 &17,2023	N/A
Board Approval of Overall Project	PE/ PM	September 2021	N/A
Final consultation, and signing of Acquisition and Resettlement Agreements for Identified PAPs	SO	October 2022	N/A
Continuous attempts to contact Unidentified PAPs- signing of Acquisition and Resettlement Agreements and Payment for asset loss.	SO	Ongoing	N/A
JSIF Approval (Bid Evaluation Committee) of Compensation Package	PM	October 2022	N/A
Procurement & Contracting of Works	PM	October 2021- February 2022	N/A
Compensation presented to JSIF Board	SO	October 30, 2022	N/A
Project Provisional Sum ( to be used if required)	PM	July 2024	N/A
Payment to Project Affected Persons(PAPs)	SO/PM	November - December 2023	
Works cost	JSIF	November 2022- July 2024	N/A
Project Implementation	Contractor	March 02, 2023- July 2024	N/A
Monitoring of works and Consultation PAPs and preparation of addenda as required	SO/TO	Ongoing	N/A

PE – Project Engineer  
PM – Project Manager

EO – Environmental Officer

SO – Social Officer

## 10.0. LESSONS LEARNT

Important lessons learnt during this phase include:

1. A clear distinction must be made between project affected properties and project affected persons as they are not one and the same. The assessment reveals that for several properties there are multiple households that will be directly impacted by the gully upgrading project. Given that each household may lay claim to the different asset on the property then each household must be assessed as a Project Affected Person.

2. In the light of the cultural dynamics surrounding land tenure issues in Jamaica; issues that often lead to community conflicts, it was the view of the Consultants that the land valuation number was not sufficient to ascertain the legal owners on the list of properties provided for the social Impact Assessment and that there was a clear need to verify the current registered owners of each or the Project Affected Property. In the circumstances the Consultants engaged the National Land Agency and using their E-Land online platform, conducted a search find operation and purchased the titles or other registration documents for each of the identified Project Affected Property. This allowed for objective and factual discussion with the occupants or occupants of project affected properties leading to clarification of their legal status with respect to the assets that will be impacted.

3. The Assessment has also revealed that there are community facilities that will be directly impacted by the drainage works but were not previously included on the list of Project Affected Properties. These include Churches, Community Centres, Billboards, and other community facilities. The owners of these assets need to be engaged and assessed as project affected persons.

Also, on some project affected properties there are assets that are installed underground and may have been missed during the early inspection phase. Perhaps the most noteworthy of these are septic or soak-away pits that must be relocated during the construction phase.

## APPENDICES

### List of Appendices Information removed for Confidentiality Purposes

**Appendix 1:** Project Affected Properties Diagrams against Proposed Gully Design

**Appendix 2:** Estimated Costs for Relocation of Fence / Boundary Wall and Removal of Trees - Phase One

**Appendix 3:** Selected Photographs of Assets to be Removed PAPs Phase One

**Appendix 4:** Consultation Reports, Phase One (Signed Copies)

**Appendix 5:** Letter Received from **(name removed)** lawyer explaining his status on the property he occupies for commercial activities.

**Appendix 6 :** Letter sent to **(name removed)** to sensitize her about the upcoming project and to gain no objection.

**Appendix 7:** Notice Published in the Jamaica Gleaner to identify the owner of the property registered as **(name removed)** & Letter sent upon identifying potential owner .

**Appendix 8 :** Notes from consultation held **(name removed)** representative.

**Appendix 9:** Entitlement and Compensation Costing Matrix for PAPs Phase One

**Appendix 10:** JPFA Costing Schedule for Pork Production

**Appendix 11:** Email Response from **(name removed)**

**Appendix 12:** Correspondence from the Ministry of Housing , Urban Renewal , Environment & Climate Change

**Appendix 13:** Correspondence Sent to **(name removed)** for Removal of Recently Erected Billboard

**Appendix 14:** Attempts to engage absent Project Affected persons (PAPs)

**Appendix 15:** Policy and Procedure for Unidentified Project Affected Persons (PAPs)

**Appendix 16:** Unidentified PAPS Payment Schedule