

NROCC *Resettlement Plan*

**HIGHWAY 2000
RESETTLEMENT ACTION PLAN
PHASE - 1B-1: SANDY BAY TO FOUR PATHS**

**PREPARED BY THE LAND ACQUISITION UNIT
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1. INTRODUCTION

The National Road Operating and Construction Company Limited (NROCC), which represents the GOJ, is responsible amongst other things for the acquisition of lands along the corridor for development of Highway 2000. This Resettlement Action Plan sets out the Acquisition Strategy which NROCC and the Government of Jamaica will follow during the land acquisition and displacement process. It seeks to identify a policy framework in which the organization expects to implement the principles, procedures and organizational arrangements to secure the lands as the footprint for this intended project, particularly Sub-Phases 1B-1 and 1B-2, and to guide subsequent phases. Apart from a necessary document for securing funding from major multilateral organizations with its adoption and implementation being the stage for a wider acceptance by privately owned funding agencies; this plan translates intent to actions. Far more important than securing funding it is required to make real an ethos which needs to distinctly divide between resettlement and dislocation of persons affected along the corridor. Dividing between leaving communities 'better-off' than ravaged and between leaving individuals 'no worse-off' – which is often cited as a tenet for determining compensation under the laws of compulsory acquisition framed by the provisions of the Land Acquisition Act 1947 of Jamaica or leaving individuals impoverished.

This Plan speaks to the tone of the conversation in how a nation conducts its affairs and how society will see itself; reflected in the dealings - in settling compensation and time lines agreed for securing possession between its most powerful and its most vulnerable citizens. The actions to be taken in land acquisitions for this project must therefore be carefully charted based on precepts and actions which have created experiences that point the way to a better and stronger nation, recognizing that the dealings with the weakest link in the chain of its citizenry is a measure of that strength.

As a consequence of the construction of the highway it is inevitable that communities and individuals will be affected. However, where it will be necessary to relocate persons, NROCC will involve the affected persons in the process from the outset so as to make the transition a much easier one. This RAP of the National Road Operating & Constructing Company is thus necessary at this time to advise Phase 1B, to ensure that our objectives of "no displaced persons being left in a worse-off condition and that they are dealt with fairly and permitted to share in the economic progress created by the Highway 2000 Project can be achieved".

Overview of Highway 2000 Project

The Highway 2000 Project (see Figure 1) is the vision of the Jamaican Government "to provide a modern and more efficient mode of transportation that links the major towns across Jamaica". The project is a public-private partnership between the Government of Jamaica (GOJ) and Trans-Jamaican Highways (TJH) the company awarded the project following an international tendering process. It is being implemented as a build-operate-transfer (BOT) concession scheme with a concession period of 35 years. It is expected that the Project will meet the growing transportation needs of the island's northern, southern and western corridors, open and create access to lands for new development and reduce the demands placed on the urban centres; especially the cities of Kingston

and Montego Bay. The project involves the establishment of a safe and efficient motorway axis, linking Montego Bay, Ocho Rios, Mandeville, St. Catherine and Kingston. It features a four to six lane controlled-access tolled motorway with fully grade separated interchanges and intersections built to modern international standards and will cover approximately 230 km.



Figure 1: Showing Map of Highway 2000 Project Concept

The realization of Highway 2000 will be through the construction of several phases:

1. Phase 1A – Kingston to Sandy Bay (completed in July 2006)

2. Phase 1B

The Phase Sandy Bay to Williamsfield will be further broken down as follows:

a) Sub-Phase 1B-1 – Sandy Bay to Four Paths

b) Sub-Phase 1B-2 – Four Paths to Williamsfield

3. Phase 2

a) Spanish Town to Ocho Rios with sub phases :

i. Spanish Town to Bog Walk

ii. Linstead Bypass

iii. Linstead Bypass to Moneague (Mt. Rosser Bypass now under construction)

iiii. Moneague to Ocho Rios

b) Williamsfield to Montego Bay

2. EFFORTS TO MINIMISE THE IMPACT (ANALYSIS OF ALTERNATIVES)

To determine the best route for Highway 2000 and to minimize displacement during implementation, NROCC engaged the services of several consultants to perform the required studies, and analysis. The consultants utilized several mechanisms during the alternatives analysis. Three studies were conducted to determine the best corridor for the highway, a pre-feasibility study analysis, a functional planning analysis and an Environmental Impact Assessment.

As part of the conception of Highway 2000 and during the pre-feasibility study, both the east-west and north-south links were broadly defined by corridors of one (1) kilometre widths. These possible routings were subject to Environmental Impact Assessments (EIA), which considered the likely positive and negative effects of the project being established in this general routing. The EIA focused the selection on the most feasible and the route with the least impact from amongst the likely possible routings the highway could assume within this 1 kilometre strip to indicate a general path for a 100 meter wide corridor. The result of the EIA was the final determination of an outline design strip that narrowed to between 60-100 meters to advise the actual acquisition of the land for the construction of the highway. In addition the field investigations have further redefined the routing to ensure the least possible impact and most appropriately selected routing.

The EIA involved wide participation of the public and considered the views of persons in the likely affected communities, government agencies and non-governmental organizations. Since the narrowing of the corridor to the outlined design, the National Road Operating Construction Company (NROCC) again consulted the communities and sought to incorporate the views expressed. The selected corridor that is considered to have the least possible impact reflects the concerns and needs of the communities. The meetings with the communities, the parish councils and concerned individuals (this group included land owners, renters, squatters and commercial enterprises) have added to a wealth of gathered data to advise the detailed design which will finally shape the highway's construction.

In compliance with the Inter-American Development Bank (IDB) and the International Finance Corporation's (IFC) social requirements, and as a nation sensitive to needs of its citizens, the Government of Jamaica, (GOJ) and NROCC will make every effort to minimize the impact on the livelihood and physical needs of the people living in the highway's right of way. To this end NROCC has and will continue to include the affected

groups in the planning process for Sub-Phases 1B-1 and 1B-2. To mitigate any negative perceptions and to keep the affected communities involved the agency has created local offices where the affected communities can go and obtain responses to any concerns and obtain current information. At present NROCC is operating from an office in Halse Hall, which is situated on the alignment of 1B-1.

3. IDENTIFICATION OF PROJECT IMPACTS AND AFFECTED PEOPLE

Phase 1A

Phase 1A, which extends from Kingston to Sandy Bay, was constructed in the sub-phases of:

1. Old Harbour By-pass – upgrade of existing 2 lane by-pass to 4 lanes and construction of toll plaza. This section of the alignment extends from Bushy Park St. Catherine to Sandy Bay, Clarendon.
2. Mandela Highway to Bushy – construction of a 4 lane highway with interchanges at Portmore, Mandela Highway and Spanish Town as well as the construction of a toll plaza at the Spanish Town Interchange.
3. Portmore Causeway – upgrade of existing 2 lane causeway to a new 2 × 3 lane highway and bridge, construction of a 21 lane toll plaza and the upgrade of the existing 2 lane Dyke Road which will remain untolled.

Lands which were acquired for the Old Harbour By-pass, were not acquired by NROCC, and these lands were later given to NROCC, free and clear, for the Highway 200 Project. On the other hand, 117 parcels were acquired for the Mandela to Bushy Park segment of the highway. Ninety percent (90%) of these lands were owned by the government through its various departments and agencies, namely the Commissioner of Lands and the Urban Development Corporation. This segment of the alignment had passed through 9.5 Km of active sugarcane lands, horticultural farms as well as small farm holdings. The remaining lands were degraded sugarcane lands, scrublands and waste lands. Table 1 below summaries the land acquisition impacts of Phase 1A.

Table 1: Showing a Summary of the Land Acquisition Impacts of Phase 1A

<i>Impacted Parcels</i>	<i>Numbers Affected</i>
Small Farmers	12
Squatters Resettled	23
Tenants	6
Total Number of Persons Affected	41
Government Lands	104
Private Lands	13
Total Parcels	117

All Relocations have been completed.

Portmore Causeway – Fisher-folk

Temporary Relocation

Originally Fisher-folk were located on both sides of the Portmore Causeway. With the assistance of the Fisheries Division and the Social Development Commission, a process of engagement with Fishers from the Kingston Harbour side resulted in all the vendors, Fishers and residents from the Hunt's Bay side moving to the Kingston Harbour side. This required an agreement to provide: running water, sanitary facilities, minimum clearance of mangroves, raising the level of the land to reduce coastal flooding, solid waste facilities and assistance with the relocation of structures. Given that the new Toll road was a limited access road, a ramp was contemplated from the Causeway to allow access to the fishing village as well as the private marina. This would allow the purchasers to access the village heading in a westerly direction. A walkway was also provided from the fishing village to the Fort Augusta Interchange. Based on a 2008 census carried out there are approximately 74 Fishermen (Boat Owners) and 23 vendors. In addition to the fishermen there are also employees of persons who work along with the Boat Owners

Permanent Relocation

In discussions with the Fishermen and Vendors it was agreed that 81 storage units would be provided for the Fishermen (Boat Owners). Persons who work along with the Boat Owners would be provided for in the same units. In addition stalls



for a minimum of 23 vendors would also be provided in the permanent Location.

In 2008 work commenced on a facility for the housing of these persons. This facility is now substantially completed with the exception of the dredging works which is expected to be started by the end of April 2009 and completed in August 2009. A more detailed review on the relocation of the fisher-folks is discussed in a report entitled "Relocation For Portmore Causeway Fishing Village" dated 2008.

Phase 2A

The Phase 2A alignment of the Highway 2000 Project is often referred to as the North-South Link, as its main purpose is to create quick access between the northern urban centres of the island with the southern urban centres. This north-south link will incorporate the use of some existing roads that will remain untolled, and the creation of new roads that will be tolled as follows:

1. Spanish Town to Bog (Tolled)
2. Bog Walk to Linstead (Free Section)
3. Mount Rosser By-pass – Linstead to Moneague (Tolled)
4. Moneague to Golden Grove (Free Section)
5. Golden Grove to Ocho Rios (Tolled)

As stated above the realization of the Highway 2000 project will not follow a sequential construction format, given the number of hotels and other developments taking place along the northern coast of Jamaica work has also started on a section of the Phase 2 alignment from Spanish Town to Ocho Rios – Mt Rosser Bypass from the existing Linstead Bypass to Moneague. Work on this section is now approximately 47% completed and is expected to be completed in Jan 2011. This section of the Highway has involved the acquisition of 180 parcels and some 28 structures; of these inhabited structures two families had opted for relocation.

All relocations have now been completed.

Table 2: Showing Summary of Land Acquisition Impacts of Mount Rosser By-pass.

<i>Impacted Parcels</i>	<i>Numbers affected</i>
Registered Lands	89
Government	43
Private	46
Unregistered Lands	91
Government	3
Private	88
Tenants	24
Relocations	28
Self	2
NROCC	26

Phase 1B

The Phase 1B alignment stretches from Sandy Bay in the parish of Clarendon to Williamsfield in the parish of Manchester. In Clarendon, the alignment stretches across mostly flat lands with increasing elevation as it nears Manchester. The alignment in Manchester stretches across a more rugged and undulating terrain. The alignment is approximately 38km long and will cover an area of approximately 944 acres (380 Ha.).

In the current alignment 560 parcels of land and over 149 parcels with structures will be affected. The majority of these being in Sub-Phase 1B-2 (see table below). In order to mitigate this in Phase 1B2 especially in the more populated areas wider surveys are being carried out to see how modifications to the alignment can mitigate this impact. The affected persons are of varying socio-economic background, see census information. Further detailed socio-economic surveys will be carried out for Phase 1B2.

The table below outlines the parcels affected within the current approximately 100 m wide (this corridor width will vary especially in the more populated areas to minimise impact) corridor by sub-phases.

Table 3: Showing the Descriptions of the Sub-Sections for Phase 1B

Sub-Phase	Chainage (km)	Length	Area	Parcels	Parcels with Structures	Displaced Persons
Phase 1B1	33+000 – 50+000	17 km	420 acres (170 Ha)	139	34	84
<i>Sandy Bay to Savannah Cross</i>	33+000 – 37+650	4.65 km	115 acres (46 Ha)	17	6	12
<i>Savannah Cross to Four Paths</i>	37+650 – 50+000	12.35 km	305 acres (123 Ha)	112	28	72
Phase 1B2	50+000 – 71+200	21.2 km	524 acres (212 Ha)	419	115	313 est.
<i>Four Paths to Williamsfield Park</i>	50+000 – 57+000	7 km	173 acres (70 Ha)	112	-	-
<i>Clarendon Park to Trinity</i>	57+000 – 66+000	9 km	222 acres (90 Ha)	325	-	-
<i>Trinity to Williamsfield</i>	66+000 – 71+200	5.2	129 acres (52 Ha)	8	-	-

Sub-Phase 1B-1 involves the acquisition of 141 parcels of land totalling 170 hectares. Approximately 84 persons will be displaced and 34 parcels with structures (39 structures) affected by the acquisition. The construction of this phase of the project will have both environmental and socio-economic impacts.

In terms of the environmental impacts, the corridor will pass through approximately six kilometres of the Portland Bight Protection Area (PBPA), which could be of serious concern, given that the PBPA provides a habitat for several marine and protected plants and animal species. The area of the PBPA affected by the highway however, has already been impacted by human activity, therefore it is anticipated that there will be no further loss of protected or unique habitats. As the project moves closer to design,

NROCC will involve the Caribbean Coastal Area Management Foundation (CCAM) and the Natural Resources Conservation Authority (NCRA) in the process to ensure Sub-Phase 1B-1 does not impact further on the Fauna and Flora of the PBPA.

Sub-Phase 1B-1 passes mainly through secondary degraded limestone woodland and scrub, which supports limited agriculture, including coal burning activity and subsistence and market gardening. In this sub-phase the highway passes through five residential communities (Savannah Cross, Hunts Pen, Halse Hall, Curatoe Hill and Foga Road). It will impact on some structures primarily residential, including some associated small scale farming (market gardening and chicken pen farming) activity and social infrastructure. No obvious communally used recreational or green areas are directly impacted – the only possible one being a playing field on the east side of the Halse Hall Main Road, and this is only recently emerging.

This segment of the highway runs south of and roughly parallels the existing main road including the Bustamante Highway. The land use in this area is residential and commercial, comprising dwellings and business places along the main road but also extending away from the main road. Impacts on the densely populated communities will mainly arise from construction related inconvenience.

The alignment is generally not disturbing of the main land uses in the project area. Where it does impacts, it is on a limited scale. It does not significantly affect neighbouring land use even in those communities where structures are actually impacted. However, there are some communities that are divided such as Savannah Cross and significantly fragmented such as Hunts Pen. Also some communities are separated from each other in relation to informal north-south communication lines as for example the communities approaching and bordering Mineral Heights such as Hunts Pen and Top Halse Hall. One consequence of the alignment as it passes through this section is that it arrests the natural north-southward expansion and con-urbanization of the communities that is taking place. While this movement may not be totally stopped, it will impose a redirection in relation to the opportunities for crossing the highway. In the vicinity of the Rio Minho, acquisition is required of two moderately large businesses each on opposite sides of the river and whose business is quarry excavating.

The highway follows lands in the least populated areas - mostly vacant or in cane cultivation. It also borders the most densely populated areas found along its alignment. The following table shows the total populations of the communities that will be adjacent to the Phase 1B1 segment of the highway:

Table 4: Total Population Adjacent to Phase 1B-1.

Community	Male	Female	Total
Sandy Bay	1156	1,061	2,217
Savannah Cross	600	581	1181
Hunts Pen	410	387	797
Mineral Heights	584	722	1306
Halse Hall	1,027	1,115	2,142
Curatoe	128	158	286
Foga Road	120	130	250
Four Paths	464	493	957
Total	4,489	4,647	9,136

Generally the economic profile for the communities impacted is either unemployed or very underemployed. The main occupational skills reported being labouring and building skills among males and service oriented skills (mainly domestic and home based cosmetology and sewing services) and petty trading including shop keeping and market and subsistence gardening for the females. There are however some middle income skills represented in throughout the communities. The communities of Mineral Heights is middle class and in the community of Hunts Pen bauxite employment is important.

There are several possible positive impacts that can be created from the construction of Sub-Phase 1B-1. There are both short and long term employment opportunities that will be created by the construction and implementation of this sub-phase. There will be a demand for labourers to work on the construction site, some of these individuals may also continue to work for the Contractor on Sub-Phase 1B-2. In the long term new jobs will be created by the operation and maintenance of the highway as well as the increased economic activity in the surrounding communities.

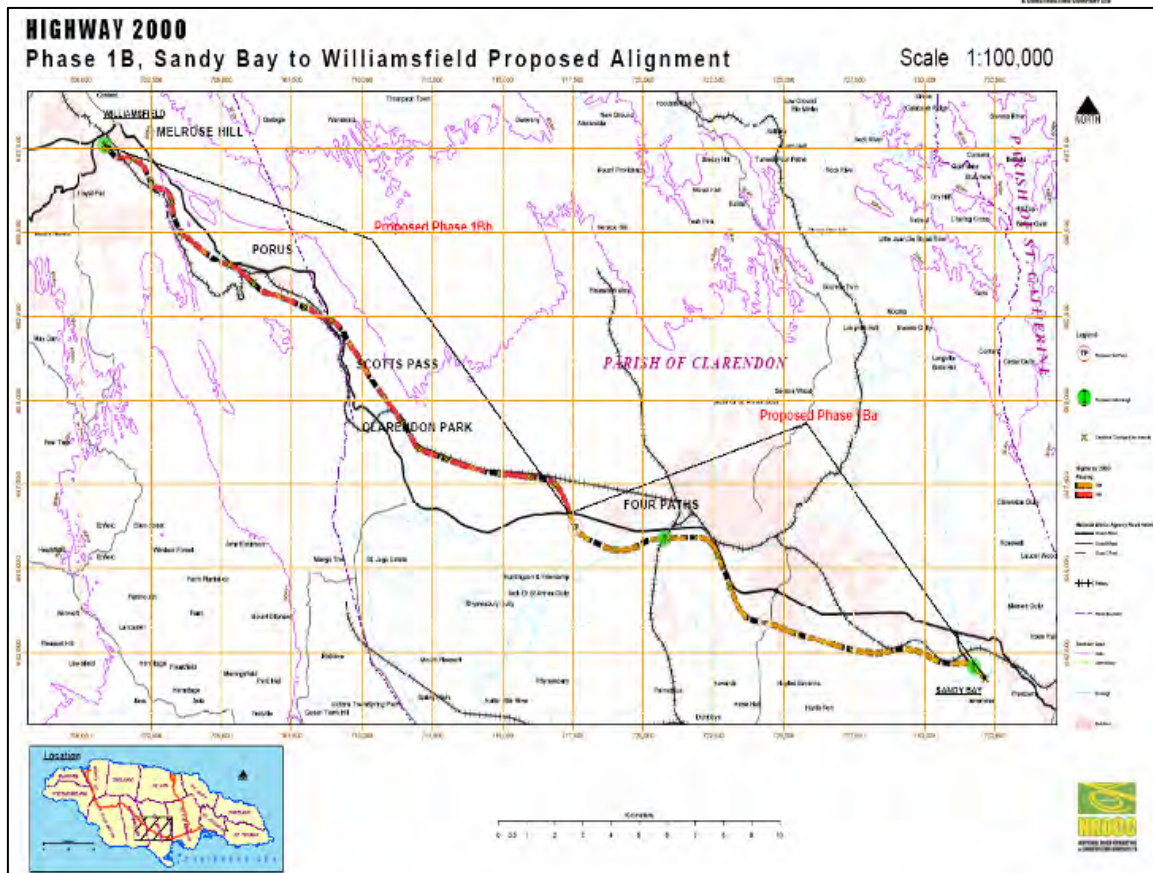


Figure 3: Map of Phase 1B – Showing the Sub-Phases 1B1 (1Ba) and 1B2 (1Bb)] of the alignment.

The map in Figure 4 below shows an aerial photograph of a section of Sub-Phase 1B1 alignment through the communities of Savannah Cross, Hunts Pen, Halse Hall and Coates Pen, going from east to west. Figure 5 is an aerial photograph of the Sub-Phase 1B1 alignment through cultivated lands (sugarcane cultivation) in the communities of Denbigh and Four Paths.

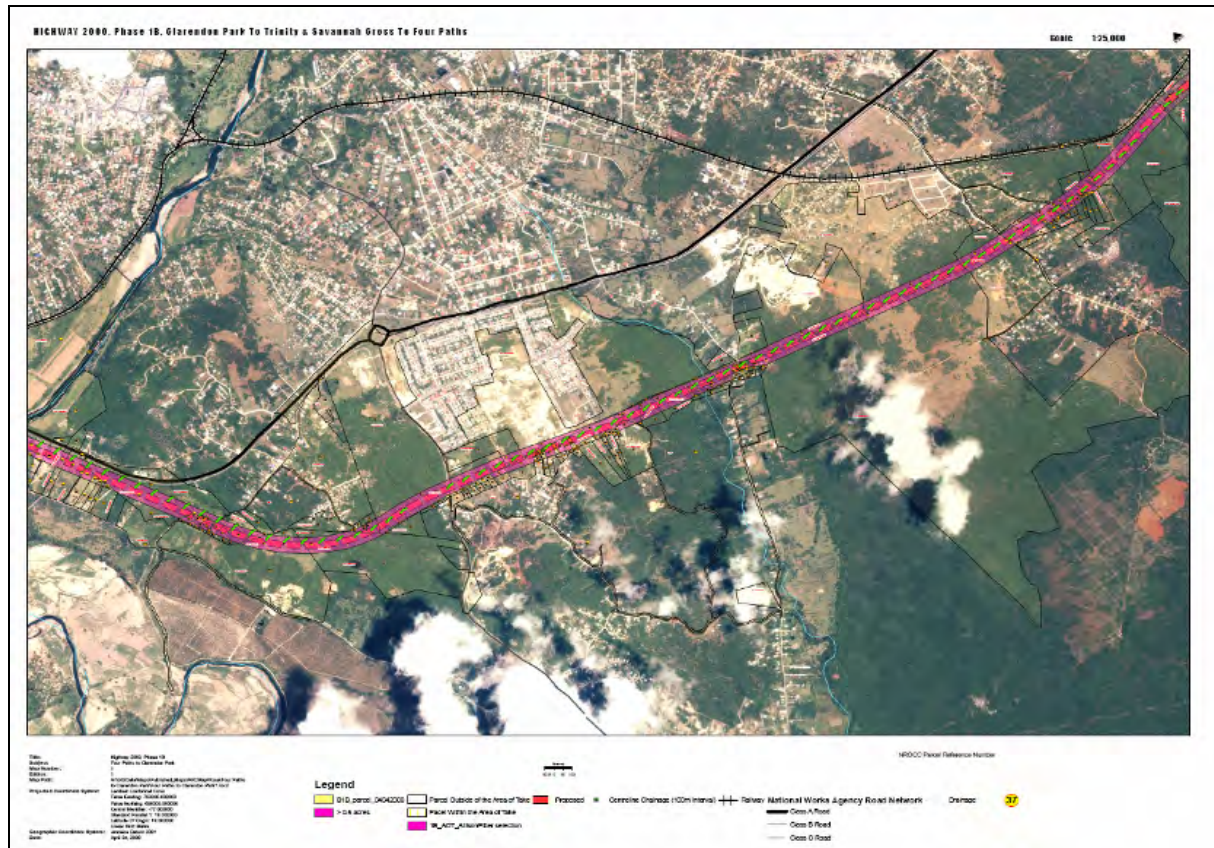


Figure 4: Aerial Photograph and Alignment of a Section of Sub-Phase 1B-1 –Showing Main Intersections and Affected Structures as well as Open Space Distribution along Route

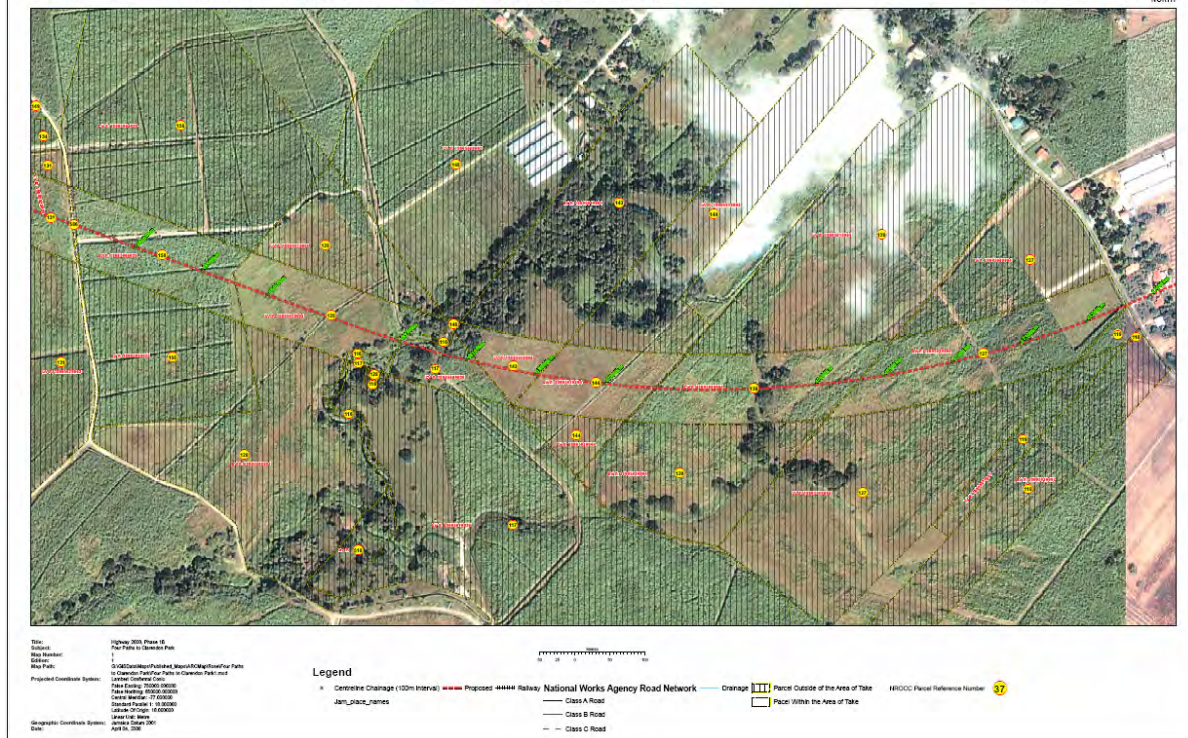


Figure 5: Aerial Photograph and Alignment of a Section of Sub-Phase 1B1 – Showing Main Intersections with Farmlands (Sugarcane).

The map in Figure 6 below shows the land parcels to be acquired for a section of Sub-Phase 1B1 alignment through the communities of Savannah Cross, Hunts Pen, Halse Hall and Coates Pen, f from east to west.

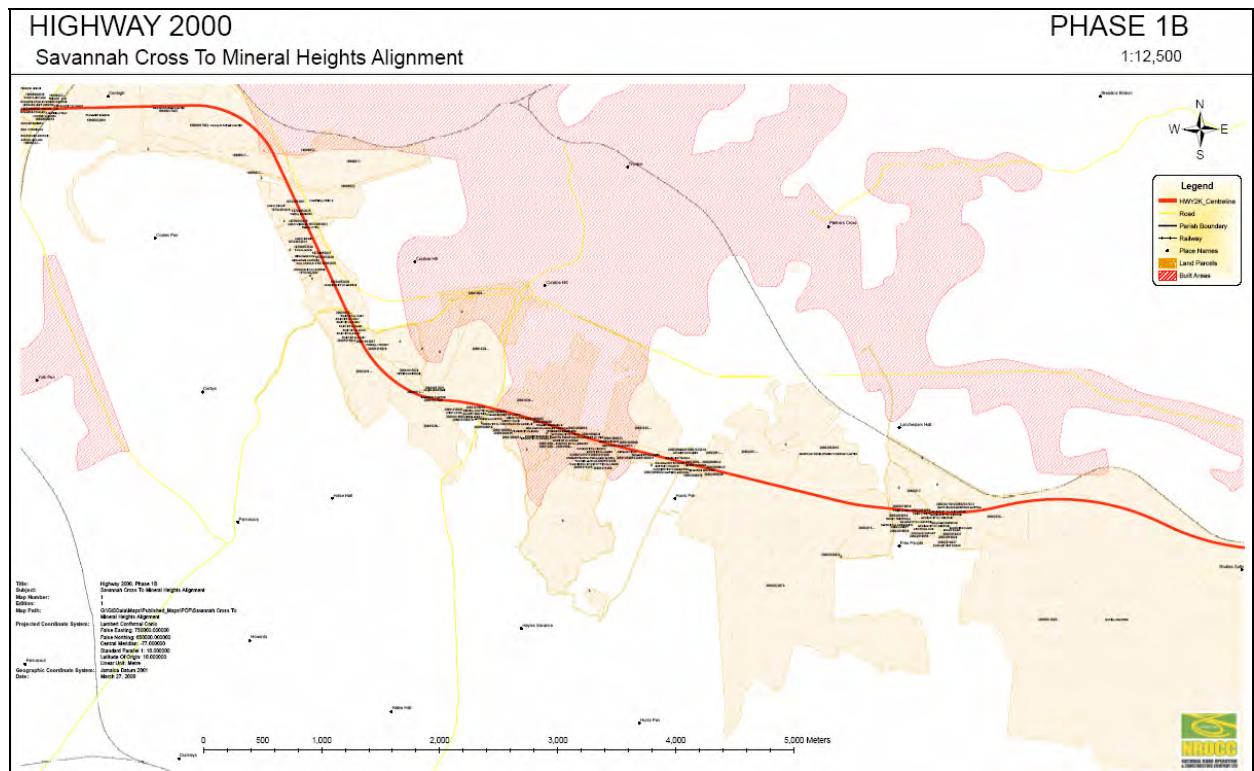


Figure 6: Map of Phase 1B-1 – Showing Alignment from Savannah Cross to Mineral Heights and Outline of Affected Land Parcels for Acquisition

5. CENSUS AND INVENTORY OF AFFECTED ASSESTS

To determine the overall impact of the proposed route of Sub-Phase 1B-1, NROCC has conducted census, surveys and assessments. This census is expected to represent the cut-off date for the identification of those eligible for compensation. Similar census will also be conducted for Phase 1B2.

The following are the results of these studies.

The socio-economic survey of 1B-1 was carried out from November 11 to November 19, 2008. The following outlines the profile of the persons identified:

1. 59% of the respondents are male, while females account for 41%.
2. The highest percentage (50%) of the respondents are the head of the household, while both joint heads and those who are not the head of the household each account for 25%.
3. A high percentage of the respondents are single (34%) with 31% being married, and 22% having unions at common law. There is a low percentage (12%) of widows and widowers.
4. There is a high rate of unemployment among the respondents, accounting for 53%, while 25% of the respondents were employed at the time of the survey. The remaining 22% did not provide any response.
5. The majority of the respondents (56%) have dependents, while 31% do not have any dependents. No response was received from the remaining 12% for this question.
6. Most respondents (44%) did not want to discuss their incomes and felt it was unnecessary to the acquisition process. However, when they did respond, both their income and combined income levels were low. Equal numbers of respondents (25 %) had a monthly income of below \$15, 000.00 and between \$16,000.00 to \$25,000.00. The remaining respondents (6%) had a monthly income between \$36,000.00 to \$55,000.00.

Other findings of the survey are in the charts below. The following were noted:

1. Educational attainment is low (figure 7) this could be as a result of the population being an aging population as is noted in figure 8 where most respondents are over the age of 45 years old..
2. Most respondents have a long term period of occupancy of over 20 years (figure 9), and they mostly own the lands and dwellings they occupy (figure 10 & figure 11),

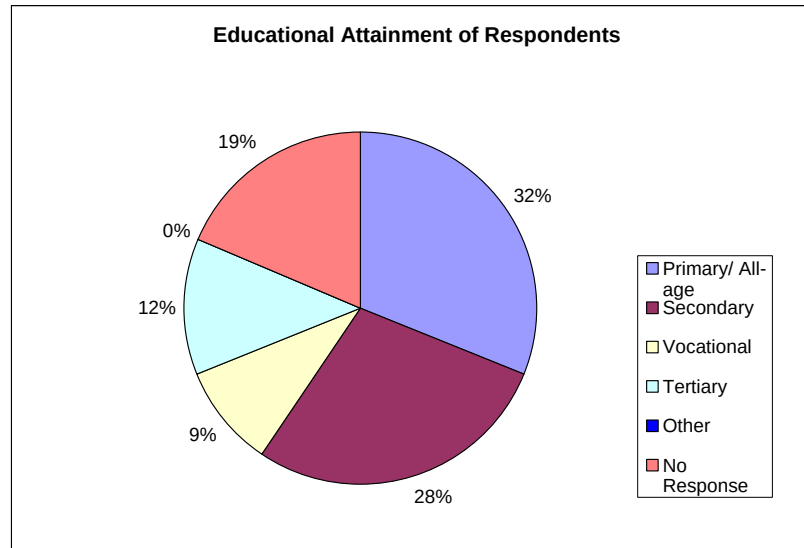


Figure 7: Showing the Highest Educational Attainment of Respondents.

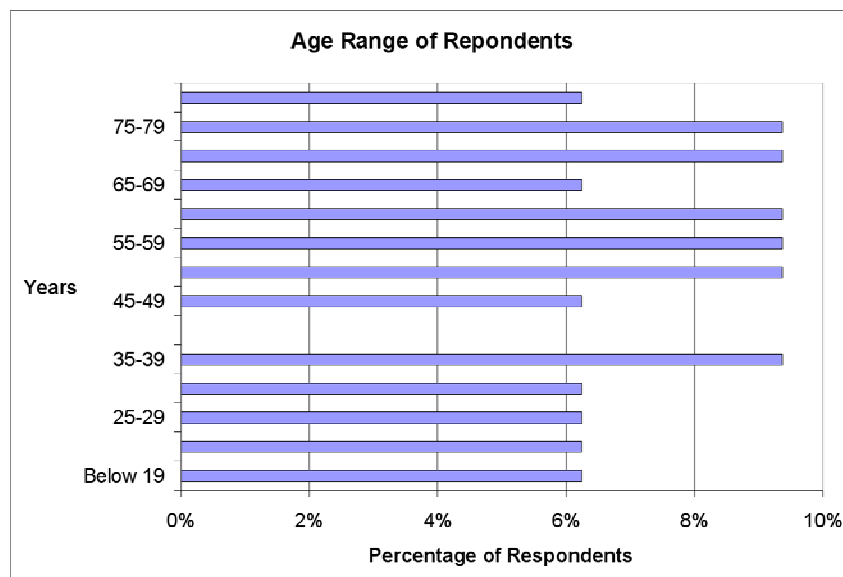


Figure 8: Showing the Age Range of Respondents.



Figure 9: Showing the Years Respondents Live in Area.

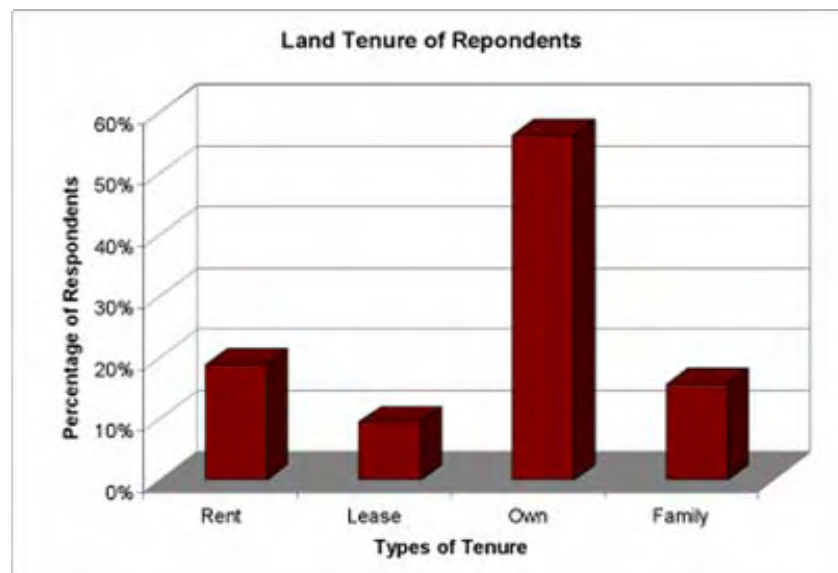


Figure 10: Showing the Land Tenure of Respondents.

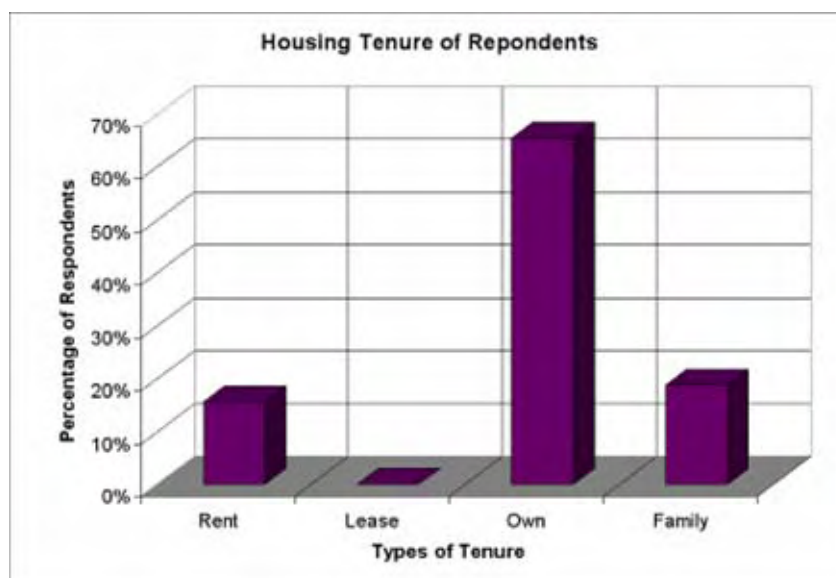


Figure 11: Showing the Housing Tenure of Respondents.

Sub-Phase 1B-1 Land Acquisition Inventory

The Land Acquisition program for Sub-Phase 1B-1 of Highway 2000 involves acquisition of lands forming a corridor of between 60-100 meters wide (Narrower corridor widths are used in more populated areas to minimise impacts on the community) for the most part and stretches from chain age 33+000 km (the end point of Phase1A in Sandy Bay) in the east to chain age 50+000 km (the link with the A2 at Four Paths). Some 170 Hectares are needed, including the necessary acquisition of 39 structures. 35 of the structures are residential most of which are modest - mainly one, two and three bedroom type units. 28 families have been identified as being affected, giving a total of 84 persons who are displaced and needing to be relocated. There is a shop in Savannah Cross which at the time of the survey was non-operational, and one church, no longer used by the community. There are two quarries in this section involving some five hectares, farm type lands cover some 45 hectares, agricultural/natural vegetative open fields 40 hectares, and residential type lands of 80 hectares. Appendix 1 gives a listing of the affected properties.

6. OBJECTIVES AND CRITERIA

Objectives

All resettlement activities carried out by NROCC will be sustainable in nature by providing sufficient resources or alternatives to those who are displaced. All persons affected will be consulted and given the opportunity to participate in the planning and implementation of their own resettlement. Assistance will be provided in helping individuals to restore their standard of living or even to raise them, but no individual should suffer a lowering of their standard of living as a consequence of the project. The legal tenure of affected persons will determine the type of compensation and resettlement assistance to be received. Particular attention will be given to groups such as the elderly, unemployed, those living below the poverty line, women and children, and those without land tenure.

Those persons, businesses and activities to be accommodated in the Resettlement Action Plan (RAP) will include the following:

1. Dwellings, businesses and other facilities that are directly in the highway's right of way
2. Dwellings, businesses, farms lands and other facilities where the access to the properties may be affected
3. Farm lands and recreational areas are affected
4. Person who suffer temporary or permanent income loss during construction
5. Persons whose community facilities may be affected.
6. Public utilities whose assets are affected (power lines, telephone lines and optical fibre lines, water distribution networks, irrigation channels etc.

Displaced persons, and owners of business and activities will be informed of their rights and be given options. There will be consultations with them and economically viable resettlement alternatives will be offered. Compensation will be prompt, effective and at full replacement cost for losses such as lands, structures, crops, trees, businesses and incomes lost, at present open market values.

Criteria

In accordance with the size of the lot, NROCC will either acquire the total lot or compensate the owner for that portion of land and other assets that will be affected. The following guidelines are applicable to determine whether the entire property will be acquired :

- a. Farm lands, when the remaining lands are smaller than 5 acres or where there is no access to the remaining lands
- b. Residential Lots, when the remaining lands are less than 6000 sq.ft.

Where access to properties is affected NROCC will seek to identify alternative access so as to ensure that there is no loss in value of the properties or impact on the businesses affected. Where no alternative access is possible then these individuals affected will be offered the same compensation packages and resettlement options provided for the dwellings and businesses located in the highway's ROW.

Stakeholder meetings will be held with the owners of the businesses and dwellings to determine what will be required to ensure their livelihood is restored.

In addressing the farm lands and recreational areas that will be affected by the highway, NROCC will compensate the farm owners for the portion of property affected along with crops being cultivated. This compensation will be at market values determined by a third party knowledgeable in land, structures, crops and plants valuation.

In the instance where recreational fields (football fields, cricket pitches, and walking/running tracks) are affected NROCC will seek to rebuild these recreational facilities in close proximity to the original facility.

For individuals temporarily affected, efforts will be made to provide an alternate route to their place of business/employ. Signage informing the general public about changes in traffic flows and routings will be erected in visible locations. As indicated also compensation will also be made for the loss of income faced during their relocations.

For the individuals that will experience a permanent loss of income an offer to link them with organisations involved with skills training or re-training, will be made and financial support given to offset the associated expenses. This is currently being conducted by the Jamaican Infrastructure Operators (JIO) in the communities affected by Phase1A.

7. RESETTLEMENT OPTIONS/TYPES OF COMPENSATION ASSISTANCE PROVIDED

Recognizing the importance of the individual's right to choose and make the best decisions for themselves, the resettlement options will be explained and the person being relocated will be given help to understand the implications of each option. The following are the two broad relocation strategies :

Self relocation:

Individuals will have special needs, likes and dislikes. Affected persons can choose to accept payment for structures, lands and crops, and can then use the compensation to carry out their own relocation. These persons will also benefit from other forms of assistance such as a transportation grant, temporary rental assistance of up to six months and transitional grants to cover some transitional costs such as loss of income.

Relocation by NROCC:

NROCC will seek to acquire houses and house lots with the intention to relocate persons who choose this mode of compensation; or because of varying reasons, such as age, gender, unemployment, and legal rights to the land, may not be able to access the open property market. Persons will be taken to visit the proposed relocation units or sites and these will be agreed with the persons prior to relocation.

Types of Compensation and Resettlement Assistance

- Cash for structures and/ or crops/trees only
- Cash for land, structure, crops/trees
- Cash for land only,
- Cash for crops only
- An exchange of lands and/or buildings this involves NROCC purchasing house lots or houses, which by agreement with the affected person is exchanged for possession of the lands/structures they occupy.
- Relocation Grant
- Restoration or cash compensation for restorative works to fences, adjustments to buildings or rebuilding
- Transportation assistance in relocation

- Alternative accommodation where the person wishes to be relocated.
- Temporary rental income.

In most cases compensated persons will be able to salvage all the movable objects on the land, such as all crops, buildings and fixtures for use elsewhere. In some cases affected persons will receive more than one type of compensation.

Compensation cheques are delivered mainly through the attorneys representing vendors where the assets are registered under the Registration of Titles Act or by the Negotiators and lastly by members of the Acquisitions Unit where there has been prior interaction and confirmation of identity is not an issue.

Surveys and Legal Costs

The fees to carry out land surveys, crop assessments and land assessments will all be paid by NROCC. Under the Land Acquisition Act all agreement for the sale and transfer of lands are exempted from stamp duty and transfer taxes and so will not be applicable in the preparation of the sale agreement and for the transfer of Titles to NROCC.

Eligibility for Assistance and Compensation

The land acquisition strategy has been developed based on experience and reflects the various classes of ownership and title status. The following are the broad categories of classes of ownership and the options available to persons who wish to do their own relocation :

- a. Informal Settler/Squatter – Person in Possession does not claim ownership or rights to the property.

In this scenario an independent assessment of the value of the structures based on current replacement costs is developed, as well as current market value of crops.. These valuations are then agreed with the persons who are in possession of the lands.

Persons will have the following options :

1. To relocate to another portion of the said lands where this is possible, both legally and physically.
2. To relocate to other lands identified by the individual, these could be lands owned by family members/relatives within the community or lands where the individual has worked out some form of arrangement to utilise.
3. To relocate to other lands identified by NROCC, which are either government owned or are being purchased as part of the acquisition/relocation exercise.

Persons may also benefit from temporary rental assistance, transportation assistance as well as assistance in the preparation of new roadway access to the properties identified.

b. Informal Purchaser/Family Lands – Person in possession of the land claims to have purchased the land or have inherited the property, however, no formal receipts or title exist to confirm this position.

The initial treatment of this person is similar to the previous scenario with an independent market valuation and a relocation grant being paid initially to the person in possession.

The options available for relocation are similar to the foregoing :

1. To relocate to another portion of the said lands where this is possible.
2. To relocate to other lands identified by the individual, these could be lands owned by family members/relatives within the community or lands where the individual has worked out some form of arrangement to utilise.
3. To relocate to other lands identified by NROCC, which are either government owned or are being purchased as part of the acquisition/relocation exercise.

In addition to the foregoing assistance can also be provided to help the person to document his ownership in the property. Once the person is able to establish ownership of the land itself, payment is made for the lands.

Similar to the previous scenario persons may also benefit from temporary rental assistance, transportation assistance as well as assistance in the preparation of new roadway access to the properties identified.

c. Registered Owner – Owner has a registered title in their name.

Valuations of the lands and crops carried out. Payments made for the lands and crops in exchange for title in the name of NROCC. Persons may also benefit from temporary rental assistance and , transportation assistance to carry out their relocation.

d. Tenants/ Tenant Framers – person in possession by short term rental agreement or long term lease.

For these tenants valuation of any structures identified to be owned by tenant framers as well as any crops grown by them is carried out. The valuations are then agreed with the tenant farmers and the monies paid as compensation in keeping with the previous scenarios. Similar to the previous instances these persons are also allowed to reaps any crops and salvage any existing structures owned by them.

The options available for relocation are similar to the foregoing :

1. To relocate to another portion of the said lands where this is possible.
2. To relocate to other lands identified by the individual, these could be lands owned by family members/relatives within the community or lands where the individual has worked out some form of arrangement to utilise.
3. To relocate to other lands identified by NROCC, which are either government owned or are being purchased as part of the acquisition/relocation exercise.

The property owner will be instructed to give their tenants official notice and a date agreed with the tenants, by when they must give up complete possession of property. Temporary rental assistance may also be provided to the tenants.

The options for people affected by the ROW of the highway are summarised below in the entitlement matrix.

Table 5: Showing the Entitlement Matrix

Persons affected	Option 1	Option 2	Transitional Costs	Notes
Non-resident owners of farm lands and/or houses	Full replacement value for the land that is affected	A house and house plot of at least equivalent value to the one affected. This could be an existing house or could be constructed by NROCC	Exemption from taxes and stamp duty in accordance with the Land Acquisition Act. The owners will be compensated for permanent and standing crops and will be allowed to harvest the crops wherever possible	The owner will be compensated for the entire property if it is classified as "fully affected"
Resident owners of houses and house plots that are affected	Full replacement value for the land and all structures	A house and house plot of at least equivalent value to the one affected. This could be an existing house or could be constructed by	Exemption from taxes and stamp duty in accordance with the Land Acquisition Act. Owners will be paid an amount	The owner will be compensated for the entire property if it is classified as "fully affected"

Persons affected	Option 1	Option 2	Transitional Costs	Notes
		NROCC	equivalent up to 6 months rent If necessary NROCC will provide transport to move the family's personal effects to another site Owners will be compensated for any permanent or standing crops and will be allowed to harvest the crops wherever possible.	
Affected residents with no claims to the land they are living on (squatters)	Full replacement value for all improvements (houses, other buildings, permanent and other crops)	Relocation in a house that is better than their existing house either (i) in the same land, if this is legally feasible, (ii) on another plot, belonging to relatives or where the person has another arrangement, (iii) on government land or (iv) on a remaining area or other land acquired by NROCC	Exemption from taxes and stamp duty in accordance with the Land Acquisition Act. An amount equivalent to up to 6 months rent If necessary NROCC will provide transport to move the family's personal effects to another site They will be compensated for any crops and will be allowed to harvest them	Squatters will only be compensated for any improvements they made to the land.

Persons affected	Option 1	Option 2	Transitional Costs	Notes
			Owners are allowed to salvage structures for which they have received compensated	
Resident owners with irregular titles (informal contracts or on "family lands")	Full replacement value for all improvements (houses, other buildings, permanent and other crops) NROCC will help the affected person to acquire full title to the land and will compensate him/her for the land once the title has been regularized	Relocation in a house that is better than their existing house either (i) in the same land, if these is legally feasible, (ii) on another plot, belonging to relatives or where the person has another arrangement, (iii) on government land or (iv) on a remaining area or other land acquired by NROCC	Exemption from taxes and stamp duty in accordance with the Land Acquisition Act. Owners will be paid an amount equivalent of up to 6 months rent If necessary NROCC will provide transport to move the family's personal effects to another site Owners will be compensated for any crops and will be allowed to harvest them Owners are allowed to salvage structures for which they have received compensated.	
Tenants working land belonging to	Full replacement value for any	Alternative measures for restoration of	Exemption from taxes and stamp duty in	Wherever possible tenant farmers will be

Persons affected	Option 1	Option 2	Transitional Costs	Notes
others or living in houses belonging to others	assets belonging to the tenant and support to find a secure tenancy in another place	livelihoods (for people who depend on the land they are renting for their livelihood)	accordance with the Land Acquisition Act. Owners will be paid an amount equivalent to 6 months rent If necessary NROCC will provide transport to move the family's personal effects to another site Owners will be compensated for any crops and will be allowed to harvest them	offered the alternative of another plot of land that is equal to or better than the land that is affected.
Affected businesses	Compensation at full replacement value for all land and/or buildings belonging to the business that have to be acquired, and Compensation for loss of earnings during the relocation process		Exemption from taxes and stamp duty in accordance with the Land Acquisition Act NROCC will pay for or provide transport to move the business and its equipment to a new site Owners are allowed to salvage structures for which they have received compensated	NROCC will provide vending facilities for some vendors where its feasible to have a 'Rest Stop' along the highway..

8. CONSULTATION WITH AFFECTED PEOPLE CONCERNING ASSISTANCE BENEFITS AND DEVELOPMENT OPPORTUNITIES

Community engagement is pivotal to the Highway 2000 Project.

A hallmark of the acquisition process has been consultation, involving the persons in the communities and the affected land owners in the process of finding solutions going forward. Active community participation has been vital to Ngoc's land acquisition strategy.

The objectives of this community engagement are the following :

1. Inform Persons and to keep them informed about the Proposed Project
2. Elicit feedback from them about their concerns and suggestions for improvement and to minimise impact
3. Inform them as to the options which are available
4. Identify persons with special needs.

Review of Previous Community Engagement Programme

Several formal and informal community meetings have been held within the affected communities to keep residents informed and to address their issues as a collective and cohesive community.

Formal meetings were held in :

1. Mandeville
2. Pours (two meetings)
3. Scots Pass
4. May Pen
5. Savannah Cross
6. Mineral Heights/Halse Hall

These formal meeting took the form of a presentation by NROCC on the project, options available followed by questions and answers. Persons were also provided with flyers providing basic information. A wide cross section of persons were invited to attend these

included, individuals, businesses, environmental groups, utilities, elected representatives, civic organisations, etc.

Typical issues coming out of these meetings relate to :

1. Employment during construction
2. Possible Dust Impacts
3. Formal and Informal Ownership
4. How will persons be compensated.
5. Existing Areas susceptible to flooding
6. Suggestions for improvement
7. Access to the Highway

In the communities impacted and stemming from the community meetings a small team from each community has been identified. These smaller teams have subsequently been involved in smaller meetings to review particular issues raised.

The issues of land acquisition and ownership are addressed in this RAP while the issues associated with construction are being addressed as part of the detailed design and the construction process.

Community Engagement Programme

NROCC's main offices are located outside the project areas where land acquisition activities are currently being carried out. Consequently, field offices have been opened in the project area. This has resulted in NROCC's officers being more accessible to affected persons who may visit our field office to discuss their concerns, contribute to the planning and to obtain information. NROCC officers also visits affected persons at their homes or at a convenient location to discuss the process and how it will impact them.

Depending on the information to be disseminated, different methods will be used to communicate to the different stakeholders. These are as follows:

1. Public/Community Meetings: an important medium through which we will keep the general public and affected communities informed about the current status of the Highway 2000 Project.

The meetings will involved a question and answer session through which the concerns of the public/community will be identified and a plan of action determined to address the concerns. Meetings will involve open discussions with comments and questions invited form those present.

Due to the intense land acquisition activities ongoing in Sub-Phase 1B1, community meetings will be held in each of the communities affected. These meetings will be held even after land acquisition is completed, during the construction of the highway.

In Phase 1B2 given the preliminary nature of the alignment meetings will be held with the smaller committees supported by flyers to the various affected persons and the community as a whole.

2. Flyers & Posters: In between meetings flyers and posters will be utilized to keep persons informed about the progress of the project and activities to be expected.
3. Letters: an important means by which affected persons or the general public are communicated to or may communicate with NROCC. Letters will be used to formalize and document the acquisition of lands and to address concerns.
4. Door to Door: project affected persons will be visited frequently during the process of land acquisition. The frequency of the visits will be varied based on the issues to be addressed and the progress of the acquisition. Meetings may be as much as weekly where warranted.
5. Public Communication Media: if determined appropriate the media of radio, newspaper and television will be used to advice and inform the public. An example of when such media will be used is during road closures and detours.
6. Telephone / Cellular Phones: phones are a useful means by which instant communication can and will be made especially in the interest of time and distances creates a barrier.
7. Faxes & E-mails: facsimiles and emails are a quick and useful means of sending large amount of information in the interest of time and when distances create a barrier.

Schedule / Stages

The following table sets out the acquisition contacts with affected persons

Table 6: Showing the Schedule of Contact with Project Affected Persons.

Stages	By	How	Stage
Pre-Survey	NROCC	• Public and Community Meetings • Meetings with Political and Community Representatives. • Advisories through the public communication media. • Letters and Notices	
Survey	NROCC, valuers, surveyors and Contractors	• Letters of Advisory of NROCC's intent to acquire lands for construction of highway. • Serving of Section 3 & 5 Notices on the land, to person in possession and/ or property owner. • Socio-economics Surveys • Centreline Pegging • Inspections and Valuation Assessments •	Initial
Negotiation and Agreement	NROCC, and valuers	• Property boundary identification and area of take surveys. • Door to Door Negotiations • Offer Letters • Compensation payment • Relocation	Secondary
		• Transfer of title	Post
Follow up	NROCC and contractors	• Meetings, Flyers	

9. LEGAL FRAMEWORK

The following are the relevant legislations that must be taken into consideration for the acquisition of the lands and the resettlement of the affected individuals and businesses:

Town and Country Planning Act (1958)

Section 5 of the Town and Country Planning Act authorizes the Town and Country Planning Authority to prepare, after consultation with any local authority, the provisional development orders required for any land in the urban or rural areas, so as to control the development of land in the prescribed area. In this manner, the Authority will be able to coordinate the development of roads and public services and conserve and develop the resources in the area.

Land Development and Utilization Act (1966)

Under Section 3 of the Land Development and Utilization Act (1966), the Land Development and Utilization Commission is authorized to designate as agricultural land, any land which because of its "situation, character and other relevant circumstances" should be brought into use for agriculture. However, this order is not applicable to land, which has been approved under the Town and Country Planning Act for development purposes other than that of agriculture.

Jamaica National Heritage Trust Act (1985)

The Jamaica National Heritage Trust Act of 1985 established the Jamaica National Heritage Trust (JNHT). The Trust's functions outlined in Section 4 include the following responsibilities:

1. To promote the preservation of national monuments and anything designated as protected national heritage for the benefit of the Island;
2. To carry out such development as it considers necessary for the preservation of any national monument or anything designated as protected national heritage;
3. To record any precious objects or works of art to be preserved and to identify and record any species of botanical or animal life to be protected.

During the Environmental Impact Assessment (EIA) the JNHT was contacted to advise them of the project to determine if there are any relevant listings on their Sites and Monuments Records.

Land Acquisition Act (1947)

Where all efforts to come to a voluntary agreement with the person in possession fails, or where no owner can be identified, then compulsory acquisition is carried out in keeping with the requirements of the Land Acquisition Act of 1947.

This process has three main stages:

- a. Service of a notice under Section 3 of the Act: This notice advises persons that their lands maybe required for public purpose. It also allows for the carrying out of the necessary topographic surveys which are required
- b. Service of a notice under Section 5 of the Act: This notice advises persons that their lands will be required and the approximate areas which will be required.
- c. Service of a notice under Section 9 of the Act: This notice provides for a hearing to take place with the affected persons. After the completion of the hearing the Commissioner of Lands is empowered to make an award taking into account the fair market value of the property. Once the award is made then NROCC is put into possession.

Once the Commissioner enters into possession of any land under the provisions of this Act, the land is vested in the Commissioner of Lands and is held in trust for the Government of Jamaica in keeping with the details outlined in Section 16. The Commissioner shall provide the Registrar of Titles with a copy of every notice published as well as a plan of the land. The Commissioner will also make an application to the Registrar of Titles in order to bring the title of the land under the operation of the Registration of Titles Act.

Registration of Titles Act (1989)

The Registration of Titles Act of 1989 is the legal basis for land registration in Jamaica, which is carried out using a modified Torrens System (Centre for Property Studies, 1998). Under this system, land registration is not compulsory, although once a property is entered in the registry system the title is continued through any transfer of ownership.

The Mining Act Regulations (1947)

The Mines and Quarries Division of the Ministry of Mining and Energy is responsible for administering the Mining Act and Regulations. The Mining Act requires that the directions of the Conservator of Forests must be obtained before any trees are cut or removed on lands leased for mining. The Mining Regulations require restoration of mined land to pre-disturbance productivity and use, and make specific provisions for afforestation.

The Main Roads Act (1932)

The Main Roads Act gives power to the minister to declare other roads to be main roads. The director can from time to time add or remove from the Schedule any other road. The director is to manage main roads and the funds thereof. The director may grant permission for works across, above and under main roads.

The Toll Roads Act (2002)

This is an Act to provide for the designation of specified roads as toll roads, the establishment of the Toll Authority, the operation and maintenance of toll roads, the collection and retention of toll, and for other connected matters. (1) The Minister may, by order- (a) subject to subsection (2) designate any road as a toll road for purposes of this Act; and (b) authorize any person, in return for undertaking such obligations as may be specified in an agreement with respect to the design, construction, maintenance, operation, improvement or financing of a toll road, to enjoy the rights conferred in the order, including the right to levy, collect and retain toll in respect of the use of the toll road. (2) No road shall be designated as a toll road under subsection (1) (a) unless in the area which the toll road is to be established there is an alternative route accessible to the public by ferry, vehicular or other traffic.

10. COMPENSATION FRAMEWORK AND THE ACQUISITION PROCESS

All compensation for lands, structures and crops will be based on the current open market values determined by the preparation of a valuation report. Valuations will be prepared by an independent company registered with the Real Estate Board of Jamaica and comprising chartered surveyors. The valuation report for lands will assess the entire land, the area to be taken by the highway and the replacement costs of all structures. These valuations will also take account of modifications to fence and utilities if these are required.

Assessments are either in full narrative report format or completion of a standardized form. Where structures are affected the assessments indicate the full costs of replacement of the facilities; hence, appraisers use the very latest construction costs to carry out assessments ensuring the vendors are not in any worst-off position.

In addition provision exists for compensation to be made where there are losses of incomes while the replacements of structures are being effected and such assessments

are also addressed by the valuations. NROCC also provides additional cash compensation to assist in relocation, temporary rental, transportation, etc.

A separate valuation will be prepared for crops and the rates will be based on the current market rates being used by the Rural Agricultural Development Agency (RADA). Depending on the type of mature crops assessed, compensation will be made for an average period of 3-5 years.

Valuation of Properties

To ensure transparency and that the affected persons, businesses and activities are treated fairly and to also expedite the acquisition of lands for Phase 1B, two main companies supported by other companies were awarded contracts to carry out the majority of the valuations following a tender process. The two main companies were:

1. Henry Rose & Associates with responsibility for acquiring lands in Sandy Bay to Savannah Cross, Four Paths to Clarendon Park and Trinity to Williamsfield.
2. Allison Pitter & Company with responsibility of acquiring lands in Savannah Cross to Four Paths and Clarendon Park to Trinity.

The roles of the contractors are as follows:

- Re-enforce the message presented at the community meetings by advising the persons about the process and how the highway will impact on their properties.
- Carry out inspections and valuations of the properties to be affected.
- Negotiate with the affected persons to try and achieve an amicable settlement.
- Serve notices as required under the Land Acquisition Act.
- Provide feedback to NROCC on whether relocation will be required.

In all instances the negotiators advise the owners of their right to secure their own independent opinions should they not have done so or feel incapable of concluding acquisition terms for the sale of any asset.

The Valuations will take account of the following :

- a. Buildings Only – The full replacement costs of the buildings including designs, fees, etc.
- b. Commercial enterprises – In addition to the facilities themselves owners will also be compensated for loss of income during the period of relocation of these facilities.
- c. Properties (Lands with or without Buildings) – The current market value of the property based on what similar properties are being sold for in the same vicinity. This will also include any modifications to fences and utilities which may be required.

- d. Crops – The current market value of the crops and trees taking into account their age and expected life.
- e. Farm Lands – Current value of similar lands taking into account the type of soils, costs to prepare the soil, irrigation, fencing, utility modifications and other facilities available.

In those instances where only a portion of the lands is to be acquired depending on the size of the lot NROCC will either acquire the total lot or compensate the owner for that portion of land that will be affected. The following guidelines are applicable to determine whether the entire property will be acquired :

- a. Farm lands, when the remaining lands are smaller than 5 acres or where there is no access to the remaining lands
- b. Residential Lots, when the remaining lands are less than 6000 sq.ft.

Where access to properties is affected NROCC will seek to identify alternative access so as to ensure that there is no loss in value of the properties or impact on the businesses affected. Where there is no alternative access possible then the entire property will be acquired. These individuals will be offered the same compensation packages and resettlement options provided for the Lands, dwellings and businesses located in the highway's ROW.

In all instances Transfer taxes, Registration fees, etc. for these transactions are the responsibility of NROCC

Land Documentations & Eligibility for Assistance and Compensation

The majority of the lands to be acquired are not formally registered under the Registration of Titles Act. Consequently the planned action of acquiring these lands is to establish the level of ownership involved; whether informal settlers - squatters, informal purchasers or family lands. All interested parties are then identified and documented.

Where ownership of lands are in dispute or unknown this information is sent to the Commissioner of Lands who will arrange for hearings to be held and a ruling made as to who should be compensated for the lands. This process does not exclude persons who are unable to show legal ownership who are dealt with separately see compensation framework.

Copies of the following documents are required from persons claiming interest to lands or are researched by the acquisitions unit and or the negotiators:

1. Valid Identification such as passport, driver license, national ID etc.

2. Taxpayer Registration Number (TRN)
3. Survey diagram preferably prepared in affected person's name
4. Will preferably probated
5. Registered Title or Common Law Title
6. Sales Agreement and or Purchase Receipts
7. Current and past Tax Receipts
8. Subdivision Plans or titles to adjoining lands showing their occupation

11. BUDGET AND IMPLEMENTATION SCHEDULE

The overall budget for Land Acquisition on Phase 1B is approximately US\$24 M. This is broken down as follows :

- a. Phase 1B1 – US\$ 8.5 M
- b. Phase 1B2 – US\$15.5 M

The following table highlights the land acquisition phasing program:

Table 7: Showing the Target Completion Date by Different Phases.

Phase/ Section	Segments of Highway	Chainage (km from start)		Target Date for Agreements with Land Owners
		From	To	
IB-1 1	Sandy Bay to Savannah Cross	33	38	April 2009
1B-1 2	Savannah Cross to Four Paths	38	50	May 2009

12. ORGANIZATIONAL RESPONSIBILITIES

Apart from responsibility for the acquisition of the lands needed to construct the highway, NROCC has the responsibility for the relocation of graves and utilities:

Relocation of Graves

Special attention will be given to graves, which have sentimental, emotional and cultural values attached to them. All graves will be interred by licensed undertakers contracted by NROCC. Re-internment will be in an approved family plot or cemetery. Approval for the re-internment of graves will be sought from the Parish Councils and Health Department within the parish.

Utilities Relocation

Where utilities such as water and electrical infrastructures are affected, NROCC will notify the relevant authorities in charge of the affected utilities to carry out the necessary works to relocate them at NROCC's cost. Approval will also have to be sought from the utility companies, for NROCC to provide the basic physical infrastructures of road, electricity and water to any new subdivision we will use to carry out resettlement activities. The respective utility companies are:

1. National Water Commission – in charge of water and sewer systems
2. Jamaica Public Service – in charge of electricity
3. National Works Agency and Parish Councils – in charge of main roads and parochial roads respectively
4. National Irrigation Commission – in charge of the provision of irrigation channels and related infrastructures for farmlands.
5. Local Cable Companies – provides cable services

13. LAND ACQUISITION STATUS

The tables which follows summaries the land acquisition status as of April 1, 2009 for Sub-Phase 1B1..

Table 8: Showing the Land Acquisition Status of Sub-Phase 1B1 as of April 1, 2009.

Overall we now have a agreement or are in possession of approximately 82 parcels of land representing 59%. There are a further 50 parcels where the owners cannot be located or may have deceased. This leaves approximately 7% where we are finalising negotiations.

Sandy Bay to Four Paths		
Overall Status	Number	%
Properties with Agreement or in possession	82	59%
Properties Owner cannot be located - Section 9	50	36%
Properties with no agreement	7	5%

Overall Properties	139	

The following shows the breakdown in relation to Vacant lands.

Sandy Bay to Four Paths		
Status of Vacant Lands	Number	%
Vacant Properties with Agreement or in possession	53	50.48%
Vacant Properties where No Owner or representative has been located to date	50	47.62%
Vacant Properties where Negotiations are being finalised	2	1.90%
Total Vacant Properties	105	

The following shows the breakdown in terms of structures

Sandy Bay to Four Paths		
Status of Agreement on Structures Affected	Number	%
Structures with Agreement or in possession	29	85%
Structures without Agreement	<u>5</u>	15%
Total Number of Structures	34	

To date a total of approximately 25 properties have been referred to the commissioner of lands for a Section 9 notice (hearings with the Commissioner) under the land acquisition act. Typically these typically include unregistered lands, lands where the owners cannot be found or where the previous owners have died.

The following shows the breakdown in terms of unregistered parcels versus registered parcels.

Sandy Bay to Four Paths		
Overall Distribution	Number	%
Unregistered Parcels	44	32%
Registered Parcels	<u>95</u>	68%
No of Parcels	139	
Number of Parcels with Structures	34	24%
Vacant Lands	105	76%

14. GRIEVANCE MECHANISM

Wherever individuals affected by Highway 2000 are dissatisfied with any aspect of the resettlement process these persons may address their issues. These issues can be raised in any form, oral or written. A log will be created to keep track of these issues and to ensure that these are dealt with. It is the objective of NROCC to respond to all issues raised within 21 days.

The following outlines the hierarchy for dealing with issues :

1. NROCC Land Acquisition Coordinator who is typically in the field
2. NROCC's Land Acquisition Manager – Where issues of valuation are concerned NROCC will pay for an independent assessment from a list of Chartered Valuation Surveyors.
3. NROCC's Managing Director – If the Land Acquisition Manager feels he is not able to meet the request of the persons or if the persons are still dissatisfied, then the issue will be turned over to the Managing Director to settle the matter.
4. Commissioner of Lands – In the event that no agreement can be reached between NROCC and the affected persons, the matter will be referred to the Commissioner of Lands as contained under the Land Acquisition Act to determine compensation.
5. Courts – In the event that there is still a dispute as to the compensation to be received, the Commissioner of lands will refer the matter to the Court to make a ruling.

15. MONITORING AND EVALUATION

Monitoring of Relocation Works/Activities

Once NROCC has entered an agreement to acquire lands and the affected persons relocated, there will be continued dialogue. In the event where the affected persons will carry out self relocation, we will meet with them as frequently as required to keep abreast of the progress being made to either find housing or to carry out construction activities.

Any works to be carried out by NROCC for resettlement (construction of alternate accommodation) will also be inspected weekly and a report on the progress being made completed in keeping with the reporting requirements below. Efforts will be made to meet all deadlines and where problems arise they will be dealt with as promptly as possible. Fort-Nightly meetings will be held to review the progress being made and to find solutions to arising issues.

Reporting

Monthly reports on the progress of the acquisition and resettlement activities will be prepared and filed. These reports will be integral in tracking the development and problems associated with the project. The reports will detail the status of all parcels being acquired and persons to be relocated.

The monthly reports will then be used to prepare a quarterly summary on the land acquisition status of the Phase 1B project, until all land acquisition activities are fully completed. These quarterly reports will be submitted to the Inter-American Development Bank / the International Finance Corporation.

The quarterly reports will be followed during the first year of the highway's operation by two six-monthly reports on the status of the people that have been resettled and compensated. Within two years of being in operation, NROCC will prepare a final report on the status of the people that have been resettled and compensated.

It is also proposed to be established clearly defined arrangements, responsibilities and indicators required to conduct an ex-post resettlement completion report by an independent third party to assess whether NROCC's effort to restore the living standards of the affected people have been effective and livelihood restoration has been achieved and allow for identification of any additional mitigation measures, if necessary.

Monitoring Indicators

The following monitoring indicators for livelihood restoration will be utilised .:

- Household/land size (i.e. number of sq. ft, number of rooms)
- Land productivity (small farmers)
- Building materials (wood, blocks)
- Land tenure status (without legal titles/security of tenure)
- Public services (potable water, electricity, transportation, etc)
- Social services (distance from school, health care facilities, etc)
- Income (when possible)

Appendix 2 outlines the Time frames for various activities.

17. APPENDIX 2- TIME FRAMES FOR ACTIVITIES

Table 11: Outlining NROCC's Performance Monitoring Indicators.

Activities	Procedures & Actions	Results Achieved	Completion Period in Months
1. Property research, Identification of parcels and surveys	• Identification of affected parcels on ground. • Locating property owner • Determining fragmentations with consultation of owners and community. • Property surveyed to determine area of take and establish property boundaries.	• Initial listing of affected properties. • Listing of contacts for each parcel to be acquired. • Refinement of the listing of affected properties. • Area of take defined and established. • Creation of files for each parcel affected.	4 – 7 months
2. Preparation and Serving of Section 3 & 5 Notices	• Request preparation of Section 3 & 5 Notices from the National Land Agency • Weekly progress on notices being prepared • Follow up to ensure notices get to Printery. • Collect Notices from Printery • Service of Section 3 & 5 Notices on the respective lands and property owner.	• Government Gazette (publishing) of lands determined to be needed for public purpose • Initiation of land Acquisition on the service of Section 3 & 5 Notices	4 – 6 months
3. Detailed Property Inspection & Assessment and Identification of Assists to be	• Contractors visits and carry out detail inspection of property. • Photograph of property	• Completion and submission of Inspection and Valuation Reports by contractors on a	6 – 9 months

Activities	Procedures & Actions	Results Achieved	Completion Period in Months
Acquired.	and all assets affected will be taken. • Person to be compensated for each assets identified.	regular basis (fortnightly) • Internal completion of progress reports and progress meeting fortnightly. • Listing of assets to be acquired and respective person to be compensated.	
4. Negotiations and Agreement by Private Treaty	• Contractors make initial offer and refer to NROCC by submission of offer letter forms. • NROCC makes formal offer to property owner.	• Agreement for Sale prepared and executed in triplicate by NROCC and property owner.	3 – 6 months
5. Reference to Commissioner of Lands where Private Treaty fails, Lands Unregistered or early possession needed.	• Request made to the Commissioner of lands to settle matter. • Preparation and service of Section 9 Notices. • Hearings held and Rulings made by Commissioner of Lands.	• All relevant documents submitted to the Commissioner of Lands on parcel to be compulsory acquired. • Compensation and apportion determined. • Section 15 Notice giving possession prepared and served.	4 – 6 months
6. Payment of Compensation	• 100% payment for affected crops once agreed. • Initial 70% payment for Structure once agreed.	• All affected crops cleared from the land on payment. • Payment of the outstanding 30% balance made on proof	4 – 6 months for initial payments 9 - 12 months for

Activities	Procedures & Actions	Results Achieved	Completion Period in Months
	• 10 % deposit on the acceptance of offer for land. • A further 40% deposit on the execution of the Agreement for Sale to purchase land.	that structure is vacated. • NROCC given physical possession of lands. • Outstanding purchase monies for land paid on the transfer of title to NROCC for land being acquired.	transfer of title
7. Relocation of affected persons	• Relocation site identified and agreed with affected persons. • Relocation date determined. • Relocation site prepared. • Payment of agreed transitional costs	• Fortnightly progress reports on land and structures vacated and NROCC given physical possession.	6 – 9 months
8. Grievance & Redress	• Grievance of individuals or communities received and noted. • Grievance addressed by NROCC's Land Acquisition Manager or Managing Director. • Grievance refer to Commissioner of Lands if not resolved by NROCC.	• Log kept of any grievance received by telephone, or by written or oral communication with any of NROCC's officers or contractors. • Report on steps taken to address grievance and the results achieved.	2 – 3 months
9. Relocation of Utilities	• Notification of relevant utility company when utilities are affected. • Payment made to the relevant utility company	• Affected Utilities relocated by agreed date.	6 – 9 months

Activities	Procedures & Actions	Results Achieved	Completion Period in Months
	for the removal of utilities.		
10. Acquisition of Lots for relocation	• Lots identified for relocation. • Affected persons agree to relocated site identified. • Lot acquired for affected persons.	• Lot prepared for affected persons. • Affected persons given full possession and has relocated to lot.	6 – 9 months
11. Public Meetings	• Public Meetings held to advice of the alignment of Phase 1B. • Meetings held within affected communities. • Regular meetings with individuals directly impacted.	• Political and community representatives invited to meetings along with private enterprises and general public. • Issues are Identified, addressed and resolved. • Community and individuals kept informed.	• 2 months for Sub-Phase 1B1 • 3 months for Sub-Phase 1B2. • Fortnightly for persons displaced.