

RESETTLEMENT POLICY FRAMEWORK

Guyana Flood Risk Management Project- Additional
Financing – P147250

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Georgetown, Guyana

Table of Contents

PROJECT BACKGROUND.....4
RESETTLEMENT POLICY FRAMEWORK OBJECTIVES7
PROJECT INSTITUTIONAL FRAMEWORK.....7
ESTIMATED POPULATION8
ELIGIBILITY CRITERIA FOR DEFINING DISPLACED PERSONS8
LEGISLATIVE FRAMEWORK9
PROCESS FOR PREPARING, APPROVING AND IMPLEMENTING RESETTLEMENT PLANS12
CONSULTATIONS.....13
GRIEVANCE REDRESS MECHANISM.....14
INTERNAL AND INDEPENDENT MONITORING14
ANNEX 3: LAWS OF GUYANA, CHAPTER 64:03 DRAINAGE AND IRRIGATION, PART VII COMPENSATION18
ANNEX 5: MINISTER’S OPEN DAY INTAKE FORM24

Project Background

Guyana's coastal plain is flood-prone making the national economy and the population susceptible to the impacts of high seasonal rainfall and storm events affecting the country. Record rainfall in 2005 resulted in widespread flooding and an estimated US\$465 million in damages, which amounted to 59 percent of Guyana GDP at the time. The coastline, the population center for 90 percent of the country's population, has experienced other rainfall events which have also resulted in economic and livelihood losses. Flooding, which can be expected to increase with climate change, is a threat to Guyana's economic resilience. Recognizing that flood mitigation fosters shared prosperity and is an engine for equitable economic growth, job creation and poverty reduction, the Government of Guyana through its Ministry of Agriculture has embarked upon several interventions to address the threat. The Guyana Flood Risk Management Project (FRM) is one such intervention by the government with financial assistance from the World Bank.

The Guyana FRM project concentrates on the coastal area of the East of the Demerara River. The East Coast of Demerara is in Region 4, the most populous region of the country. The coastal plain is low-lying, below sea level and protected from inundation from the sea by a seawall along the Atlantic Ocean. Fluvial flooding on the East Coast is protected by an inland water reservoir, the East Demerara Water Conservancy (EDWC), a large, shallow water storage system with a catchment area of 571 square kilometers, dammed on three sides. The reservoir, built several centuries ago, comprises a dam which prevents storm water from the inland area from entering the reclaimed coastal land. The reservoir also provides agricultural lands and urban areas with irrigation and drinking water. In addition, the reservoir serves as a main catchment for water storage during rainfall events and regulates the drainage of the dependent coastal areas. The drainage system of the coastal area is enhanced by a series of drainage channels controlled by sluices which reduce water levels by draining the EDWC, avoiding stress to the dams and the increased the risk of structural failure.

Following the landmark floods of 2005, the Government of Guyana (GoG) re-emphasized the importance of flood risk management to Guyana's economic, social and political well-being,

increasing the budget for the National Drainage and Irrigation Authority (NDIA) of the Ministry of Agriculture (MoA) to undertake investments, maintenance and future planning.

Original Project’s Objectives, Design and Scope

The main objective of the GY FRM is to reduce the risk of flooding in the low-lying areas of the East Demerara. The GY FRM Project was designed to address several priority interventions identified by the GoG through the 2008-2013 Conservancy Adaptation Project (CAP) study and it consists of three components: 1) Priority works for flood risk reduction, 2) Institutional strengthening for flood risk reduction, and 3) Project management and implementation support. The project which commenced in October 2014 has three components. The status of the works under the various components are as follows:

Component 1: Priority Works for Flood Risk Reduction (US\$10.3 million)

Upgrading critical parts of the EDWC dams. The rehabilitation of 4 km out of the 67 km of the EDWC dam has been on-going since August 2016. Within the Conservancy, the rehabilitation of small existing irrigation structures is currently on hold because of lack of available resources.

Investments in the East Coast Demerara Drainage System. This component consisted of the construction of three pump stations at Buxton, Hope/Enmore, and Lusignan all of which were successfully completed in 2018. Overall, the pump stations cover an area of 7,800 hectares and serve more than 47,000 people directly in Region 4, thereby reducing their exposure to recurrent floods.

Component 2: Institutional Strengthening for Flood Risk Reduction (US\$0.4 million)

Under this sub-component of Dam Safety Improvement, several plans and guides were produced to guide and supervise the project works. These include *the* ‘Construction Supervision and Quality Assurance Plan’, the ‘Instrumentation Plan’, and the ‘Operations Maintenance and Surveillance Plan’. This component also saw the installation and improvement of instruments to monitor and record the dam behavior and the purchase of instrumentation equipment to expand the hydro-meteorological data in the EDWC to include upstream watershed data - part of the Instrumentation Plan.

Communications. A video to support knowledge management in the disaster risk management and the drainage and irrigation sectors, highlighting the works carried out under the FRM and its impact on the population (before and after approach) is being prepared by the Project Implementation Unit (PIU) – the Agriculture Sector Development Unit (ASDU). Other communications activities are on hold. The revised Emergency Preparedness Plan (EPP), the flood modeling and capacity building activities, and the communication and outreach activities are currently on hold for lack of resources available.

Component 3: Project Management and Implementation Support (US\$1.2 million)

Component three consist of the procurement and financing of personnel/staff for the implementation of the project inclusive of project management, financial, procurement, administrative assistance and safeguards specialists.

Additional Financing

The Government of Guyana through the MoA is seeking additional financing for the project. The additional finance will be directed to the completion of the rehabilitation works of the EDWC dam i.e. completion of one activity of Component 1 (needed due to shortfalls caused by exchange losses) (US\$0.9 million), and a scaling up of components 1, namely the financing of flood-risk reduction works in the Liliendaal area (US\$2.9 million). The Liliendaal area has severe flood problems during intense rainfall events and it was identified in the CAP study as one of the coastal lowlands' priority areas for intervention. The CAP study identified various complementary potential interventions in this area to reduce the risk to flooding. These include: removing bottlenecks in the drainage system, adding more retention capacity and also adding extra pump capacity to the existing pump station at Liliendaal to allow drainage of water off the land east of Sheriff Street and its environs, which include the University of Guyana and the Cyril Potter College of Education compounds. Recent field visits and preliminary assessments revealed that the existing pump station cannot drain its maximum capacity since one of the two pumps needs substantial repair. Following the CAP study recommendations, the additional resources will be targeted to no-regret measures based on a drainage system assessment of the Liliendaal area. The scaling up is in alignment with the

overall project purpose and scope.

Remaining funds will be used to update the Emergency Preparedness Plan (US\$0.1 million) (Component 2) and contribute towards project management and implementation support (US\$0.6 million) (Component 3).

Resettlement Policy Framework Objectives

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

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

Project Institutional Framework

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

Estimated Population

For activities under Component 1, all lands within the EDWC and downstream of the EDWC dam as far as the Crown dam belong to the GoG. These lands are unused and available for use in the construction of a new dam. The pump stations described under Component 2 are also GoG property.

Additional Financing will concentrate on works to rehabilitate existing structures rather than building new ones in new sites. Social impacts of the project will be mostly positive including improved quality of life as a result of less flooding of property (less vector borne and water-related diseases), reduction in economic losses due to flooding (the project impact area with additional financing will include large sections of urban populations in Georgetown including high income residential suburbs and informal settlements), enjoyment of physical properties and the possibility of entrepreneurial activities from private properties. Negative social impacts are not envisioned. In the event of unintended and unforeseen negative impacts including resettlement a resettlement plan will be developed accordingly.

Table 1: Anticipated Costs per Component

Component	Parent Project Amount ¹ (US\$, million)	Additional Financing Amount (US\$, million)	Total (Parent + AF) Amount (US\$, million)
Component 1: Priority Works for Flood Risk Reduction	9.1	3.8	12.9
Component 2: Institutional Strengthening for Flood Risk Reduction	0.4	0.1	0.5
Component 3: Project Management and Implementation Support	1.2	0.6	1.8
Total	10.7	4.5	15.2

Eligibility Criteria for Defining Displaced Persons

Government of Guyana: Upon identification of the need for involuntary resettlement, displacement, loss of property or livelihood in an activity of the project, the GoG carries out a census to identify the persons affected by the project activity. The GoG also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons

¹ Amount available in U.S. dollars with current exchange rate (SDR/US\$) as of May 15, 2019.

will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and specifies grievance mechanisms.

World Bank: World Bank policy states that displaced persons may be classified in one of the following three groups:

- (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan
- (c) those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) are provided compensation for the land they lose, and other assistance.

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

Legislative Framework

World Bank Land/Asset Acquisition Policy (OP 4.12)

The World Bank's Policy, 4.12 Involuntary Resettlement, will guide the social safeguards (land acquisition and involuntary resettlement) planning and compliance during implementation of the project. Prior to and during the project implementation period,

screening for potential land acquisition/resettlement will be conducted and the necessary mitigation and management measures in keeping with the agreed RFP will be developed.

In the event that the project entails land acquisition, and causes the involuntary taking of land resulting in the loss of assets, the GoG must implement measures to ensure that the affected persons are:

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

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

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

Guyana’s Legal Framework

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

operated and maintained in a sustainable manner. The Act also allows for public participation in the planning, management and operation of drainage and irrigation facilities.

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

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

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

The Acquisition of Land for Public Purposes Act 2001 (Chapter 62:05). This Act empowers the Government of Guyana through the Minister of public Works to acquire any area for the proposed construction of a public work whether or not there is any building or erection on said land. The Act also provides mechanisms for the compensation to owners for the acquisition and damage done to such lands during public works and allows them if dissatisfied with the compensatory measures to use arbitrators to settle grievances. Assessment of compensation is done by the courts and the assessment may include disturbance to lessees of the land.

The Town and Country Act Planning Act (Chapter 20:01). This Act empowers the Minister of Local Government to access and acquire lands for public use including roads, passageways and other uses. It provides for the compensation of injured parties in an entire section Part 1V which outlines the mechanisms for compensation and betterment including the terms of assessment of damages and injuries. The area of the Lillendaal pump falls under the jurisdiction of the City of Georgetown and this Act will also be applicable.

Fit Between World Bank Policy and Government of Guyana Legislation

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

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

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

Process for Preparing, Approving and Implementing Resettlement Plans

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

Land Acquisition Screening Procedures

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

1. The Ministry of Agriculture (MOA) and the relevant **Regional and Neighborhood Development Councils and City Council** will lead the process to screen the preliminary selected sub-projects for potential social safeguard impacts (land acquisition) and determination of safeguards documents required according to Guyana legislation and the World Bank policies.
2. If land acquisition is required then sub-project resettlement plans consistent with the policy framework are developed and submitted to the Bank for approval after specific

planning information becomes available (see [OP 4.12, para.29](#)).

3. Review of safeguards screening by World Bank
4. Preparation of safeguard documents (resettlement plan), consultation and disclosure.
5. Review and clearance of the safeguard documents within the Government and the Bank
6. Implementation of agreed actions; and supervision, monitoring and evaluation

Method for Valuing Affected

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

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

Sources of Funding and Estimated

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

Consultations

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

Public Disclosure and Consultations

This RPF will be disclosed in-country through the Ministry of Agriculture website and will also be made available at the World Bank's website. Relevant subproject-specific safeguard documents/mitigation plans prepared subsequently will also be disclosed. Stakeholders will be periodically consulted and kept informed about any land acquisition-related information during design and implementation stages. As a matter of strategy, public consultation shall be an on-going activity. Public consultation and participation shall take place through local community meetings and public explanations of the project ideas and requirements.

Consultation with Displaced Persons

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

Grievance Redress Mechanism

A grievance redress mechanism for the project is necessary for addressing legitimate concerns of affected individuals and groups who may consider themselves deprived of appropriate treatment under the project. The the ASDU has developed a mechanism which includes:

- (i) According and reporting system with multiple access points, including grievances filed both verbally and in writing,
- (ii) Designated staff with responsibility at various levels of governments including a social specialist assigned to the project, and;
- (iii) A timeframe to address the filed grievances.

The functioning of the grievance redress mechanism is regularly monitored and evaluated by the ASDU and a grievance log is in existence.

Internal and Independent Monitoring

Internal monitoring will be conducted by the Programme Monitoring Committee (PMC) on a quarterly basis. During project implementation, staff of the ASDU will prepare progress reports on all aspects of land acquisition, compensation and resettlement activities and operations. Technical staff from the ASDU and NDIA will be assigned to the project to

oversee the implementation of the resettlement plan and to supervise activities carried out during preparation and implementation of civil works. Short monitoring reports will be prepared in conjunction with each World Bank supervision mission and will document activities such as site visits, consultations with communities and any land acquisition processes in progress.

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

External monitoring is expected to be conducted by the World Bank through its supervision missions. As part of the capacity-building for implementation of the proposed project, relevant staff of the ASDU and NDIA will also receive training in the RPF's application from a World Bank Safeguards Specialist during project preparation and implementation. During supervision of this project the World Bank will assess the implementation of the RPF and recommend additional strengthening if required.

**Annex 1: Laws of Guyana, Chapter 64:03 Drainage and Irrigation, PART VI CONSTRUCTION,
ACQUISITION AND MAINTENANCE OF WORKS**

**PART VI
CONSTRUCTION, ACQUISITION AND MAINTENANCE OF WORKS**

Construction of
new works.

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

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

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

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

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

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

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

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

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

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

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

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

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

Erection of fences.

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

Right to enter opposition to apply to compensation only.

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

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

Powers of Authority in connection with construction of works.

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

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

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

No.11 of 1996.

Special powers in case of threatened flood.

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

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

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

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

Acquisition
of works.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PART VII
COMPENSATION**

Right to be paid compensation.

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

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

Amount of compensation.

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

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

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

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

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

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

Power of magistrate to assess compensation.

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

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

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

Right of appeal from decision of magistrate.
Cap. 3:04.

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

Annex 4: Grievance Redress Process

Grievance Address Procedures	
Access Point	<ul style="list-style-type: none"> • The Minister of Agriculture holds weekly meetings with farmers each Wednesday, called Open Day. These meetings can also be opened to include the public at large but specifically communities living around the project area or affected by the project. • The Project Coordinator in the ASDU will also be accessible via telephone, email, and verbal communication and will be responsible for intake of any grievances. • This access point will be advertised through the Ministry’s website. Additionally, a sign board with all the relevant contact details will be posted on each project site. • The Permanent Secretary of the MoA shall be responsible for leading responses to grievances related to this project.
Grievance Log ¹	<ul style="list-style-type: none"> • Grievances can be made verbally to the Minister and/or the designated representative of the Minister. In this case, the grievance shall be accurately documented and verified as a true account by a third party. • Grievances can be made in writing addressed to the Project Coordinator in the ASDU and copied to the NDIA, defined as a relevant authority in the Drainage and Irrigation Act, 2004. • All grievances must be signed and dated by the aggrieved person. • All grievance records shall be copied to the relevant authority as defined in the Drainage and Irrigation Act, 2004.

<p>Assessment and Timeframe</p>	<ul style="list-style-type: none"> • The ASDU should acknowledge within 5 working days, receipt of the complaint and should include notification of the period necessary to address the grievance to the aggrieved person. • If the aggrieved person does not receive a response within the agreed time or is not satisfied with the outcome, he/she can refer the matter to the Programme Monitoring Committee (PMC) for redress. • The PMC should acknowledge within 10 working days, receipt of the letter of appeal and should include notification of the period necessary to address the appeal. • If the aggrieved person does not receive a response within the agreed time or is not satisfied with the outcome he/she can refer the matter to the responsible Minister for redress. • If the aggrieved person is not satisfied with the outcome he/she can refer the matter to the Court of Law for redress. • The grievances should be categorized by type (compensation, resettlement etc.). The first assessment of the grievance should be conducted by a Grievance Committee comprising of the Permanent Secretary, the ASDU Project Coordinator, technocrats from the NDIA and the lawyer based in the Ministry of Agriculture. • Where agreement is not reached at the level of the Grievance Committee, the steps outline above should be followed.
<p>Resolution and Follow-up</p>	<ul style="list-style-type: none"> • An Implementation Plan should be developed for resolution of grievances.

	Data should be shared with the World Bank (raw grievance and/or monthly reports). On the spot resolution should be encouraged. However, the process and results should be documented.
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¹ This log should constitute a data base containing the origin of the grievances and associated issues, number of complaints received, resolved, and gone to mediation. This document should be publicly accessible via the MoA website.

