**TERMS OF REFERENCE**

**Consulting Services for Implementation of the Resettlement Action Plan**

 **For the Renewable Energy Sector Development Project**

# 1.BACKGROUND AND PROJECT DESCRIPTION

Saint Lucia has a population of about 180,000 and a Gross Domestic Product (GDP) of US$1.76 billion in 2021.  The country’s economic growth and development are primarily driven by the success of its tourism industry and associated activities. Presently, Saint Lucia depends mainly on the importation of petroleum products to satisfy its energy requirements. Seventy five percent of the diesel oil consumed in the economic sectors is utilized to produce electricity by the Saint Lucia Electricity Services Limited (LUCELEC). Consequently, energy security including the dependence on diesel oil in the power sector remains a matter of concern.

Additionally, the extremely high and volatile cost of electricity is a major impediment that erodes the country’s competitiveness as it seeks to attract a larger share of regional tourism revenues.  This not only undermines growth in business and services, but also creates hardship and burdens to private consumers, especially the poor.

Given these challenges, the Government of Saint Lucia (GOSL) has secured funding through the World Bank to pursue the Renewable Energy Sector Development Project (RESDP).  The Project moves the GOSL forward from phase one, the Geothermal Resources Development Project (GRDP) into phase two the RESDP.

The development objective of the RESDP is to inform the GOSL on the viability of its geothermal energy resource for electricity generation. An additional objective is to strengthen the enabling environment to scale-up clean energy investments with the private sector. The RESDP is being implemented by a Project Implementation Unit (PIU) in the Department of Infrastructure, Ports and Transport (DIPT) of the Ministry of Infrastructure, Ports, Transport, Physical Development and Urban Renewal.

The geothermal exploration project is proposed within the southwestern region of the country specifically in the communities of Parc Estate and Saltibus S5 in the district of Laborie and Belle Plaine; and Belvedere, Fond St. Jacques, in the district of Soufriere. The geothermal exploration project will include drilling of slim-hole wells to obtain geothermal reservoir resource characteristics in these areas.

Exploration drilling is a temporary activity, and the sites will be restored to their original state after the completion of drilling if the wells are decommissioned. Whether the geothermal exploratory wells will be maintained for future development of the resource, or decommissioned, the land on which the wells are located will be purchased by GOSL to ensure no development occurs at the location of the wells. The strategy to be used regarding the use of private land for the drilling well pad and other affected areas will be as follows:

1. The project will offer to purchase the land (about 1.0 acre of land) at market value;

1. If the landowner is willing to sell but the transaction cannot be completed in time for the commencement of civil works, then, the project will lease, at market value, the minimum amount of land needed for access and drilling the well. Arrangements will be made by GOSL with the landowner to purchase the land before the end of the project.

1. Alternative sites will be pursued if landowners of preferred sites are not willing to sell.

The PIU preference is to purchase the lands identified for the drilling well pad and other affected areas. The main reason is for GOSL to ensure long term safety by continuously monitoring and maintaining the wells.

 Development of the drilling, staging activities and materials storage areas, worker camp and access road construction will require temporary displacement of agricultural production on private and public lands in the target communities.

Additionally, this exploration drilling activity is expected to require the physical resettlement of housing in Saltibus S5. However, there will be no resettlement of housing or farm structures in Belle Plaine, Soufriere or Parc Estate, Saltibus, as every effort will be made to minimize and avoid resettlement.

World Bank-assisted projects that entail resettlement and/or displacement require the development of a Resettlement Action Plan (RAP). The overall intention of the RAP is to devise a plan that will ensure that the project affected persons (PAPs) are no worse off than they were before the commencement of the exploration drilling phase of the project.

The World Bank requires the preparation of a Resettlement Action Plan (RAP) to address the following:

* Compulsory acquisition of land which would give rise to relocation or loss of shelter.
* Loss of assets or access to assets.
* Loss of income sources or means of livelihood.

A draft RAP that reflects the understanding of the project and the affected areas at the time was prepared in November 2017. Because the project engineering/design and specific drilling areas had not been defined during preparation of the RAP, the draft RAP will need to be reviewed and updated, prior to project implementation. However, because it is likely that the impacts on the entire displaced population will be minor and fewer than 200 people will be displaced, an abbreviated Resettlement Action Plan (A-RAP) will be prepared instead of a RAP.

**Involuntary Transactions**

The A-RAP will be prepared by a separate consulting service based on a number of activities triggering economic and/or physical resettlement. These include:

**Saltibus**

Parc Estate (MS-1)

* Construction of the temporary materials storage area on and access road to MS-1.

These activities will have an adverse impact – loss of crops and/or economic trees on several landless farmers who occupy State owned land on which the works will take place. Consequently, the PIU will appropriately resettle and compensate the PAPs.

Saltibus S5

* Civil works, construction of the well pad, drilling and testing.

These activities will all result in elevated levels of noise pollution. Because approximately three (3) households reside in reasonably proximity to the drilling well pad area, their temporary involuntary resettlement may be unavoidable. Consequently, the PIU will appropriately resettle temporarily and compensate the PAPs.

**Belvedere, Fond St. Jacques**

* Widening of an unpaved and enlarged pedestrian passageway into a motorable access road into Belvedere which would thereafter become State property.

This activity will require the acquisition of land to expand the existing pedestrian right of way into Belvedere into an access road capable of supporting the tractor trailers carrying the drilling equipment and components. Property owners along the existing pedestrian passageway will experience a small loss of land when property boundaries are adjusted to accommodate this road. The extended road would be very close to the existing homes and in view of the 24h a day movement of traffic, the PAPS will experience elevated levels of noise pollution and increased safety risks from traffic movement. This may result in temporary relocation of severely affected households.

The number of economically and physically displaced persons for each community will be confirmed in the A-RAP. Like the draft RAP, the A-RAP will be consistent with World Bank Operational Policy OP 4.12 and is in general compliance with Saint Lucia’s laws and policies governing resettlement matters. Where there is no existing legislation or official policy, the Environmental and Social Safeguards of the World Bank will take precedence.

**Voluntary Transactions**

**Belle Plaine**

No A-RAP is required for Belle Plaine because the land for the drilling well pad and other affected areas will be acquired through an open market purchase and the existing public access road is wide enough to accommodate the maximum width of 8.3m required for the semi-trailer trucks carrying the drilling rig and related components.

**Belvedere, Fond St. Jacques**

The land for the drilling well pad and other affected areas (access road) will be acquired through an open market purchase.

**Saltibus S5**

The land for the drilling well pad will be acquired through an open market purchase.

# 2. OBJECTIVES OF THE ASSIGNMENT

The objectives of the assignment are to:

* execute the A-RAP of the RESDP which includes the activities of involuntary resettlement and community relations in accordance with the legal and institutional framework that governs the project and in compliance with the Involuntary Resettlement Policy, i.e. O.P. 4.12 of the World Bank, and
* facilitate voluntary open market purchases of land for locating of the drilling well pads and other affected areas.

The consultant shall be responsible for all matters pertaining to implementation of the A-RAP, and if necessary, amendments to the A-RAP under supervision of the PIU. The tasks of the consultant will include stakeholder engagement and public disclosure of the A-RAP and its contents; facilitation of land acquisition, disbursements, collection of compensation assistance, and resettlement; and awareness building of the grievance redress mechanism (GRM) and assistance with the filing of grievances received from PAPs.

The consultant shall also facilitate the voluntary open market purchase of land to locate the drilling well pads and widening of access roads on behalf of the DIPT and GOSL . The PIU has started preliminary negotiations with landowners for the sale of lands identified for the above purposes.

All these activities will be conducted with the guidance and under the supervision of the PIU.

# 3. SCOPE OF SERVICES

The scope of A-RAP and voluntary transactions implementation is as follows:

## Consultation

* The consultant shall participate in and assist with the organization of any PIU public information campaigns prescribed by the A-RAP at which affected communities shall be consulted on the project A-RAP.
* The consultant shall contact and consult with eligible PAPs to explain the need for land acquisition, the provisions of the Resettlement Policy Framework1[[1]](#footnote-2) including approach to land acquisition, compensation rates, time frame for implementation, roles and responsibilities of implementing agencies.
* The consultant shall provide information to the PAPs on their eligibility, cut-off date for qualification as a PAP, rights, entitlements and obligations under the A-RAP and the laws of St. Lucia.
* The consultant shall provide information to eligible PAPs on the project’s GRM and facilitate the grievance resolution process as needed.
* The consultant shall gather the concerns and expectations of the PAPs in all project locations, regarding the acquisition of assets (land and crops), compensation, and the proposed relocation of farmers.
* The consultant shall seek any other information from PAPs that would assist in the A-RAP implementation exercise.
* The consultant shall keep minutes of consultations held with PAPs and other relevant authorities. These minutes shall be appended to the monthly progress updates submitted by the consultant to the PIU.

## Verification

* The consultant shall, with the RESDP Community Liaison Officer, verify the PAPs eligible as per the cutoff date for entitlement and shall update, if necessary, the asset inventory database in consultation and with the participation and agreement of PAPs.
* The consultant shall verify the information contained in the schedule for compensation within the A-RAP on asset losses and compensation and validate and recommend suitable changes, if necessary.

## Land Acquisition

* The consultant shall negotiate with landowners, on behalf of the GOSL and in consultation with the PIU, for voluntary open market purchases of lands for locating the drilling well pads and other affected areas.
* In cases where the ownership of land which the project has an interest in is unclear, the consultant shall assist PAPs, such as heirs or buyers who do not have formal legal title to their lands, to establish ownership and acquire legal title to their lands by taking them from where they are in the ownership process to the point at which they possess formal titles. Extent of assistance shall include title searches, application to the court for grant of letters of administration or testamentary, preparation of deeds and payment of legal fees, where possible.
* The consultant shall assist PAPs losing land, access to their lands, assets or access to assets or income, or access to means of livelihood to complete the relevant documentation to access compensation.

## Disbursement of Entitlements

* The consultant shall sensitize the PAPs on the procedure for payment and receipt of entitlements.
* The consultant shall assist the PIU in ensuring that all PAPs obtain their full entitlements under the A-RAP before being dispossessed of their land/assets.
* When necessary, the consultant shall assist the PAPs in opening bank accounts prior to payment of entitlements and inform them of the procedure for accessing these entitlements.

## Support for Relocation and Livelihood Restoration

* The consultant shall identify available lands and support displaced farmers by securing land rent or lease arrangements for them to restore their livelihoods on the said lands during the duration of the project.
* The consultant shall assist the above PAPs in ensuring a smooth transition to the resettlement lands. All resettlement associated costs will be borne by the Project.
* The consultant shall implement in consultation with the PAPs and with support from the PIU and any other government departments, as needed, any livelihood restoration strategies in a timely and effective manner and monitor the outcomes of its implementation.
* The consultant shall assist displaced PAPs in identifying and relocating to temporary housing and returning to their homes before the end of the project. In consultation with the PAPs, the consultant shall inform the PIU about the date of relocation as suggested by the PAPs.
* The consultant shall assist the above PAPs in ensuring a smooth transition to the resettled houses. All resettlement associated costs will be borne by the Project.
* Relocation activities at the drilling sites will be determined by the drilling and testing schedule and is not expected to be a continuous process. Relocation activities are expected to take place at four (4) sites: Saltibus (S5), Saltibus (MS-1), Belle Plaine and Belvedere.

## Grievance Redress

* The consultant shall make PAPs aware of the GRM and assist them in filing grievances.

## Support for Landless Farmers

* The consultant shall assist project affected landless farmers of Parc Estate, Saltibus, with securing land leases with Crown Lands for the period beyond the project.

## Support with Access to Government Institutions and Public Services

* Whenever necessary, the consultant shall assist displaced PAPs to establish linkages with relevant government institutions and programmes and to access public services for livelihood restoration and improvement.

##  Other Services

* The consultant shall assist the PIU in all other matters deemed necessary to implement the A-RAP in its spirit and entirety.

# 4. CONDITIONS OF SERVICE

## Contract Period

* The duration of services will be twenty (20) months, commencing after the resettlement strategy is defined, cleared and disclosed (by the PIU). The period of service shall be extended, if necessary and on the basis of satisfactory performance of the consultant, for a period mutually agreed to by both parties.

## Location of the Consultant

* The consultant shall be provided with office space within the Saltibus Community Centre and the RESDP office within the Public Utilities and Energy Division of the DIPT in Castries or Soufriere.

## Reporting

* The consultant shall report to the Social Development and Safeguards Officer of the PIU.

Reports are to be submitted to the PIU. All documents such as photographs, video and audio recordings and primary and secondary information generated and collected in the conduct of this assignment, will be the property of the GOSL. These will be submitted in support of monthly reports, along with an electronic copy of the documents. No information gathered or generated during and in carrying out this assignment shall be disclosed by the consultant without the express permission of the GOSL. The following deliverables must be submitted:

### Inception Report

* The Consultant shall submit to the PIU an Inception Report detailing the plan of action, time schedule and detailed methodology.

### Periodic Progress Updates and Reports

The Consultant shall submit monthly progress updates in an agreed format on activities carried out during the month as detailed within the Scope of Services, the Implementation Schedule of the Inception Report, and an updated work plan. Monthly progress updates shall be submitted to the PIU between the first (1st) and the third (3rd) (inclusive) working day of every month. Monthly updates must include:

* *Land Acquisition*

Number of PAPs/GoSL lease or purchase agreements successfully negotiated, signed and compensation settled.

* *Resettlement*

Numbers of PAPs successfully resettled, livelihoods restored, and compensation settled.

* *Compensation*

Classification of compensation, number of PAPs compensated, amount of compensation money disbursed, number of PAPs not yet compensated in prescribed time and reason, and projected disbursements for next month and quarter.

* *Consultations*

Number of community consultations held via the various media, number of individual engagements held with eligible PAPs and total number of participants disaggregated by gender.

* *Grievances*

Numbers and types of grievances reported to GRM disaggregated by gender and number of grievances resolved.

The Consultant shall provide a summary of progress updates via reports covering Deliverables 2, 3, 4 and 5 in the Deliverables Table below.

1. Draft Final Report
* Consultant shall submit a Draft A-RAP Completion Report summarizing the actions taken and completed in implementing the A-RAP; methods used to carry out the assignment; achievement of targets; summary of support, compensation and assistance given to PAPs; feedback from and adjustments made based on public consultations; tangible socio-economic impacts of the project; challenges; lessons learnt and recommendations.

### Final Report

* Consultant shall submit final A-RAP Completion Report addressing comments of the PIU on the Draft Final Report.
1. Voluntary Land Acquisition Report
* Consultant shall submit a Voluntary Land Acquisition Report summarizing the actions taken and completed in acquiring all land through voluntary open market purchases, challenges, lessons learnt and recommendations.

**Services to be Provided by the PIU**

* The PIU shall make available to the consultant copies of the project’s A-RAP, RPF, PAPs database, Land Acquisition Act, land registers and cadastral maps of project affected areas in Saltibus, Belle Plaine and Fond St. Jacques and any other documents relevant to implementation of the A-RAP.

**Participation in Weekly Project Update Meetings of PIU**

* The consultant shall participate in the weekly meetings of the PIU and shall update the team on the progress of assigned tasks and challenges, issues and constraints in implementation.
1. **DELIVERABLES, TIMELINE AND PAYMENT**

The payment to the consultant will be made against acceptance of deliverables as given in the schedule below.

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| **Schedule of Deliverable** | **Submission Timeline** |
| 1 | Inception report  | 10 working days after contract effectiveness |
| 2 | Report on * completion of items 3A and 3B, and
* update on progress on item 3F
 | 50 working days after contract effectiveness |
| 3 | Report on * completion of item 3C, and
* update on progress on item 3F

  | 120 working days after contract effectiveness |
| 4 | Report on * completion of item 3D, and
* update on progress on item 3F
 | 190 working days after contract effectiveness. |
| 5 | Report on * completion of Items 3G and 3H, and
* update on progress on items 3E and 3F
 | 230 working days after contract effectiveness |
| 6 | Report on * completion of Items 3E, 3F and 3I
 | 408 working days after contract effectiveness |
| 7 | Draft A-RAP completion report  | 418 working days after contract effectiveness |
| 8 | Two reports* Final report addressing feedback provided on the draft ARAP completion report.
* Voluntary Land Acquisition Report
 | 428 working days after contract effectiveness |

**6. CONSULTANT QUALIFICATIONS AND EXPERIENCE**

An individual consultant is required to have the following minimum qualifications and experience:

* Post-graduate degree, preferably in social sciences or law.
* Demonstrated knowledge of prevailing World Bank’s OP 4.12 and involuntary resettlement policies.
* At least five (5) years’ experience in the implementation of resettlement plans in line with Multilateral Development Bank (MDB) standards or previous experience working with the World Bank or similar MDB.
* Demonstrated knowledge of Saint Lucia’s Land Acquisition Act and land acquisition process.
* A least one (1) year experience in conducting stakeholder engagement and public consultations.
* Demonstrate fluency in speaking Kwéyòl.
1. A copy will be provided to the consultant by the PIU on commencement of services. [↑](#footnote-ref-2)