

Republic of Suriname

# **Suriname Competitiveness and Sector Diversification Project (SCSD)**

**Resettlement Policy Framework (RPF)**

(P166187)

February 6, 2019

# TABLE OF CONTENTS

---

<b>GLOSSARY OF TERMS</b> .....	<b>3</b>
<b>ACRONYMS</b> .....	<b>5</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>6</b>
<b>1 INTRODUCTION</b> .....	<b>11</b>
1.1 OVERVIEW .....	11
1.2 STRUCTURE OF THE REPORT .....	12
<b>2 OBJECTIVES OF A RESETTLEMENT POLICY FRAMEWORK</b> .....	<b>13</b>
2.1 OBJECTIVES.....	13
2.2 RESETTLEMENT POLICY FRAMEWORK PRINCIPLES.....	13
<b>3 AREA OF IMPACT AND LAND TENURE SITUATION</b> .....	<b>14</b>
3.1 AREA OF IMPACT.....	14
3.2 LAND TENURE SITUATION .....	15
<b>4 LEGAL AND POLICY FRAMEWORK</b> .....	<b>18</b>
4.1 SURINAME LEGAL FRAMEWORK FOR LAND ACQUISITION .....	18
4.2 INTERPRETATION OF THE SURINAME LAW.....	20
4.3 INTERNATIONAL STANDARDS.....	23
4.4 COMPARISON BETWEEN LEGISLATION OF THE REPUBLIC OF SURINAME RELATING TO LAND TENURE AND WB OP 4.1224	
<b>5 IDENTIFICATION OF INVOLUNTARY RESETTLEMENT IMPACTS AND PREPARATION OF RESETTLEMENT ACTION PLANS</b> .....	<b>28</b>
5.1 IDENTIFYING INVOLUNTARY RESETTLEMENT IMPACTS.....	28
5.2 VALUING AFFECTED LANDS, STRUCTURES OR LIVELIHOODS.....	29
5.3 PREPARATION OF A RESETTLEMENT ACTION PLAN .....	30
5.4 CONTENT OF A RESETTLEMENT ACTION PLAN .....	30
5.5 RESETTLEMENT PLAN APPROVAL AND DISCLOSURE .....	31
<b>6 ELIGIBILITY AND ENTITLEMENTS</b> .....	<b>32</b>
<b>7 IMPLEMENTATION AND FUNDING ARRANGEMENTS</b> .....	<b>34</b>
<b>8 MEANINGFUL ENGAGEMENT AND GRIEVANCE REDRESS</b> .....	<b>35</b>
8.1 PARTICIPATION, CONSULTATION, AND DISCLOSURE .....	35
8.2 DISCLOSURE OF RESETTLEMENT PLANS.....	38
8.3 GRIEVANCE REDRESS MECHANISM.....	38
<b>9 MONITORING AND REPORTING</b> .....	<b>40</b>
<b>REFERENCES</b> .....	<b>42</b>

## GLOSSARY OF TERMS

Term	Definition
Census	A complete count of the population affected by a Project activity including collation of demographic and property information. This will identify and determine the number of PAPs and the help to identify the nature and levels of impact.
Community	Usually defined as a group of individuals broader than the household, who identify themselves as a common unit due to recognised social, religious, economic or traditional government ties, often through a shared locality.
Compensation	Payment in cash or in kind for an asset or resource acquired or affected by the Project.
Cut-off-date	The completion date of the household census. Structures and crops established in the impact area after this cut-off date are not eligible for compensation and resettlement assistance. Newcomers who settle in the resettlement affected area after this date are not entitled to compensation.
Economic displacement	Loss of assets or access to assets that leads to loss of income sources or other means of livelihood (see 'livelihood' below).
Entitlements	Compensation due to displaced persons to mitigate losses in cash or in-kind. Entitlements may also include livelihood restoration measures such as training or provision of crop insurance.
Grievance Mechanism	This is a process by which Project beneficiaries or Project Affected Persons can raise their concerns and grievances to Project authorities.
Household	A group of persons living together, who share the same cooking and eating facilities, and form a basic socio-economic and decision-making unit. One or more households may occupy a house.
Host community	People living in or around areas to where physically displaced people will be resettled
Involuntary resettlement	Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.
Land	Agricultural and/or non-agricultural land which may be required for the Project.
Land acquisition	The legal process of acquiring lands by the government through the compensation

	of the affected land owners.
Livelihood	The term 'livelihood' refers to the full range of means that individuals, families, and communities utilise to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
Livelihood restoration	The measures required to ensure that displaced people have resources to at least restore, if not improve, their livelihoods
Project Affected Persons	A person who has been affected due to loss of land, house, other immovable assets, livelihood or a combination of these due to project activities
Replacement cost	Equals market value of the asset plus transaction costs. For agricultural land, replacement cost is the market value of land of equal productive use or potential located near the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus cost of any registration and transfer taxes. In determining replacement cost, depreciation of the asset and value of salvage materials are not considered nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.
Resettlement	Resettlement refers to both physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) because of acquisition of land or restrictions on land use or on access to legally designated parks and protected areas. These losses and restrictions are covered whether they are full or partial, permanent or temporary.
Resettlement Action Plan (RAP)	A document designed to mitigate the negative impacts of physical displacement, identify development opportunities, develop a resettlement budget and schedule, and establish the entitlements of all categories of affected persons (including host communities).
Resettlement Policy Framework (RPF)	An instrument to be used throughout Project implementation. The RPF sets out the resettlement objectives and principles, organisational arrangements and funding mechanisms for any resettlement, that may be necessary during Project implementation. The RPF guides the preparation of the RAP to meet the needs of the people who may be affected by the Project.
Stakeholders	All individuals, groups, organisations, and institutions interested in and potentially affected by a Project or having the ability to influence a Project.
Vulnerable People	Distinct groups of people who might suffer disproportionately from project impacts such as people below the poverty line, the landless, the elderly or disabled, women and children, indigenous peoples, ethnic minorities, resettlement effects.

## ACRONYMS

---

AoI	Area of influence
BW	Civil Code ( <i>Burgerlijk Wetboek</i> )
DNA	The National Assemblée ( <i>De Nationale Assemblée</i> )
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
GoS	Government of Suriname
HI&T	Trade, Industry and Tourism, Ministry of ( <i>Handel, Industrie en Toerisme</i> )
IFC	International Finance Corporation
ITPPF	Indigenous and Tribal Peoples Planning Framework
NGO	Non Governmental Organisation
NH	Natural Resources, Ministry of ( <i>Natuurlijke Hulpbronnen</i> )
NIMOS	National Institute for Environment and Development in Suriname ( <i>Nationaal Instituut voor Milieu en Ontwikkeling Suriname</i> )
OP	Operational Policy
PAP	Project-Affected Persons
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RO	Regional Development, Ministry of ( <i>Regionale Ontwikkeling</i> )
ROGB	Spatial Planning, Land and Forest management, Ministry of ( <i>Ruimtelijke Ordening, Grond- en Bosbeheer</i> )
RPF	Resettlement Policy Framework
RSA	Rapid Social Assessment
SCSD	Suriname Competitiveness and Sector Diversification
SME	Small and Medium scale Enterprises
VIDS	Association of Indigenous Village Leaders ( <i>Vereniging van Inheemse Dorpshoofden in Suriname</i> )
VSG	Association of Saramaccas Dignitaries ( <i>Vereniging van Saramaccaanse Gezagsdragers</i> )
WB	World Bank

## EXECUTIVE SUMMARY

---

**The Project:** This document presents the Resettlement Policy Framework (RPF) for the Project activity “matching grants for shared assets for agribusiness and tourism value chains.” (Hereafter: “Value chain shared assets fund”). This activity is one of the items that will be financed under the broader “Suriname Competitiveness and Sector Diversification Project (SCSD)”; a World Bank assistance program to the Government of Suriname (GoS), and classified as a category B Project. Strengthening environmental and social standards and impact management is an essential element for all SCSD Project activities.

The SCSD project has two project components, focused on extractive industries (PC1) and on agribusiness and tourism (PC2). The Value chain shared assets fund is part of Project Component 2, which is fully named: “Investing in SMEs and value chains in emerging industries”. Within the government of Suriname, the Ministry of Trade, Industry and Tourism (HI&T) is the main implementing partner for this Project Component 2, and host of the project Implementing unit (PIU).

**The World Bank Involuntary Population Resettlement Policy (OP 4.12):** Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following: (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs. (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons and other affected persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. (c) Displaced persons and other affected persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

**RPF objectives and principles:** The objective of the RPF is to set out the provisions that will allow the Project to: (a) Identify the people and the assets affected by the Project; (b) Evaluate the impact on physical structures and economic losses generated by the Project; (c) Elaborate the mechanisms to compensate the population affected by the Project. World Bank RPF principles dictate that involuntary resettlement and land acquisition will be minimized or avoided where possible; that forced evictions will be avoided; and that Project Affected People (PAPs), including untitled land users, will be meaningfully consulted and properly compensated.

**Project designs alignment with OP 4.12 objectives:** Value chain shared assets fund activities will be selected during the project implementation phase. Once the specific investments and their locations have been selected, a Resettlement Action Plan (RAP) will be developed if necessary that includes practical guidelines to avoid, minimize, and mitigate impacts on land, resources and structures in the activity location. This practical plan will be elaborated as part of the development of the engineering designs for physical activities if required. Where and when a RAP is produced, it will be discussed with the community

and improved based on the comments received. The RAP will be implemented during the execution of the construction works, under the oversight of the PIU, assisted by the complementary technical support to be financed under the Project. Technical capacity, financial resources, and procedures have been included in the Project to ensure the implementation complies with the OP 4.12 objectives.

**Project anticipated impacts associated with World Bank OP 4.12:** It is anticipated that Value chain shared assets fund activities will, in line with OP 4.12:

- Not require population resettlement or economic displacement.
- Be limited to small-scale land acquisition and small impacts on a small number of resources or human-built structures.

Procedures have been included in the Project to ensure that any land loss will be replaced, lost resources will be compensated, and affected structures will be rebuilt by the Project. Where in kind compensation is not feasible or desirable, cash compensation will be considered. The RPF proposes the development of RAPs in cases where there is a risk that planned investments will have resettlement impacts. The RAPs will include measures to ensure that construction plans will entail the least impact on local area inhabitants and businesses.

**OP 4.12 required procedures:** In line with OP 4.12, measures will be taken to avoid and mitigate impacts caused by the project. This RPF documents additional procedures to ensure that any impact associated with OP 4.12 will be properly addressed. As such, this RPF states the obligations legally tied to the World Bank financing. Once specific investments in value chain shared assets have been selected, a Resettlement Action Plan (RAP) will be prepared, as appropriate. The RAP will provide information on: (a) the specific impacts that cannot be avoided; (b) consultations and agreements with affected household(s); and (c) procedures to mitigate impacts, such as rebuild affected structures or adjustments of the construction design.

**The Grievance Redress Mechanism (GRM):** In addition to the precautionary measures described above, the Project includes procedures to make a GRM available. The purpose of this GRM is to ensure that any person that feels negatively affected by the Project activities can convey her/his complaint. The GRM will be located within the Ministry of HI&T, but specifications, such as operational features, are not yet defined. It is legally required that the GRM will be of easy access and that complaints are rapidly addressed. The GRM for the RPF is the same GRM that will be used for all other aspects of the project as a whole.

**Institutional responsibilities for the Project compliance with the OP 4.12 requirements:** The Ministry of HI&T — in accordance with the legal obligations tied with the World Bank financing agreements — is responsible for ensuring that the Project implementation will be carried out in compliance with the provisions set by this RPF and future RAP, as appropriate. The Ministry of HI&T will be supported by a PIU, which will have the direct responsibility for the implementation of instruments and procedures associated with OP 4.12.

## SAMENVATTING IN HET NEDERLANDS

---

**Het Project:** Dit document omschrijft het *Resettlement Policy Framework* (“Beleidskader voor Verplaatsing- RPF) voor de Projectactiviteit “overeenstemmende subsidies voor gedeelde activa voor waardeketens in de agrosector en het toerisme” (Hierna: “fonds voor gedeelde waardeketenactiva”). Deze activiteit is één van de programma-onderdelen die gefinancierd zullen worden binnen het bredere Project “Suriname concurrentievermogen en sector-diversificatie (SCSD)”. Het SCSD Project is een Wereldbank ondersteuningsprogramma voor de Overheid van Suriname (GoS), en geclassificeerd als een categorie B project. Versterking van milieu- en sociale standaarden, en van het beheer van milieueffecten, zijn een essentieel onderdeel van alle SCSD Projectactiviteiten.

Het SCSD Project bestaat uit twee projectcomponenten, gericht op winningsindustrieën (PC1) en op agribusiness en toerisme (PC2). Het fonds voor gedeelde waardeketenactiva is onderdeel van Project Component 2, voluit genaamd: “Ondersteuning van waardeketens, en van het klein- en middenbedrijf in specifieke waardeketens”. Binnen de Surinaamse overheid is het Ministerie van Handel, Industrie en Toerisme (HI&T) de voornaamste uitvoeringspartner voor Project Component 2. Binnen dit Ministerie zal ook de projectimplementatie-eenheid (PIU) gehuisvest worden.

**Het Wereldbank beleid op het gebied van Onvrijwillige Verplaatsing (OP 4.12):** Onvrijwillige verplaatsing kan langdurige ontbering, verarming en milieuschade tot gevolg hebben, tenzij gepaste maatregelen met zorg gepland en uitgevoerd worden. Daarom is de algemene visie van de Wereldbank met betrekking tot gedwongen verplaatsing als volgt: (a) Onvrijwillige hervestiging moet waar mogelijk worden vermeden of tot een minimum worden beperkt, waarbij alle haalbare alternatieve projectontwerpen moeten worden onderzocht. (b) Wanneer het niet mogelijk is verplaatsing te voorkomen, moeten verplaatsingsactiviteiten beschouwd en uitgevoerd worden als programma's voor duurzame ontwikkeling, die voldoende middelen bieden om getroffen in staat te stellen te profiteren van de projectvoordelen.. Ontheemden en andere getroffen moeten op zinvolle wijze geraadpleegd worden, en zij moeten de kans krijgen om deel te nemen aan de planning en uitvoering van hervestigingsprogramma's. (c) Ontheemden en andere getroffen moeten worden ondersteund in hun poging om hun levensomstandigheden en levensstandaard te verbeteren, of deze in ieder geval in reële termen te herstellen tot het niveau van voor de verplaatsing of het niveau van vóór aanvang van de projectuitvoering, naargelang wat hoger is.

**RPF-doelstellingen en -principes:** het doel van het RPF is om de bepalingen uiteen te zetten die het project in staat zullen stellen om: (a) mensen en activa die door het project worden beïnvloed te identificeren; (b) de impact op fysieke structuren en economische verliezen als gevolg van het Project te evalueren; en (c) mechanismen om de door het project getroffen personen te compenseren uit te werken. Wereldbank RPF-principes dicteren dat onvrijwillige verplaatsing en onteigening zoveel mogelijk geminimaliseerd of vermeden zullen worden; dat gedwongen verhuizing zal worden vermeden; en dat personen die door het Project getroffen worden (*Project Affected People*- PAPs), inclusief personen zonder grondtitel, op zinvolle wijze zullen worden geconsulteerd en op correcte wijze gecompenseerd.



**Afstemming van het Project ontwerpt op OP 4.12-doelstellingen:** specifieke activiteiten die door het fonds voor gedeelde waardeketenactiva gefinancierd zullen worden, worden geselecteerd tijdens de projectimplementatiefase. Nadat deze specifieke investeringen en hun locaties geselecteerd zijn, wordt er een verplaatsingsactieplan (RAP) ontwikkeld met praktische richtlijnen om effecten op land, natuurlijke hulpbronnen en structuren op de activiteitslocatie te vermijden of te beperken. Dit praktische plan zal worden uitgewerkt als onderdeel van de technische ontwerpen van de activiteiten. Elke RAP die ontwikkeld wordt, zal met de gemeenschap besproken worden, en opmerkingen en suggesties vanuit de gemeenschap zullen worden meegenomen. De RAP wordt geïmplementeerd tijdens de uitvoering van de bouwwerken, onder toezicht van de PIU. Het project financiert technische ondersteuning om de PIU in deze bij te staan. Technische capaciteit, financiële middelen en procedures zijn in het project opgenomen om ervoor te zorgen dat de implementatie voldoet aan de OP 4.12-doelstellingen.

**Mogelijke Project-gerelateerde effecten in verband met Wereldbank OP 4.12:** Naar verwachting zullen de activiteiten van het fonds voor gedeelde waardeketenactiva, overeenkomstig OP 4.12:

- Geen hervestiging van de bevolking of economische verplaatsing vereisen.
- Beperkt zijn tot kleinschalige landacquisitie en minimale effecten op een hulpbronnen of door mensen gebouwde bouwsels en bouwwerken.

Binnen het project zijn er procedures opgenomen om ervoor te zorgen dat elke vorm van landverlies en/of verloren middelen gecompenseerd zullen worden, en dat bouwsels en bouwwerken die door het project beschadigd worden opnieuw zullen worden opgebouwd. Als compensatie in natura niet haalbaar of wenselijk is, zal contante compensatie overwogen worden. Het RPF schrijft voor dat er een RAP ontwikkeld moet worden in gevallen waarbij het risico bestaat dat geplande investeringen verplaatsing tot gevolg zullen hebben. De RAPs bevatten maatregelen om ervoor te zorgen dat deze investeringen minimale gevolgen hebben voor inwoners en bedrijven in de buurt.

**OP 4.12 vereiste procedures:** overeenkomstig OP 4.12 zullen er maatregelen worden genomen om mogelijke, door het project veroorzaakte effecten te voorkomen en beperken. Dit RPF rapport is opgesteld om aanvullende procedures vast te leggen, en er derhalve voor te zorgen dat alle met OP 4.12 samenhangende impacts naar behoren worden aangepakt. Als zodanig geeft dit RPF de verplichtingen weer die wettelijk verbonden zijn aan Wereldbank financiering. Zodra specifieke investeringen zijn geselecteerd zal, indien nodig, een verplaatsingsactieplan (RAP) worden opgesteld. De RAP informatie bevatten over: (a) de specifieke effecten die niet kunnen worden vermeden; (b) consultaties en overeenkomsten met getroffen huishoudens; en (c) procedures om effecten te beperken, zoals het opnieuw opbouwen van een beschadigd bouwwerk, of aanpassingen in het ontwerp van de desbetreffende investering.

**De klachtenprocedure (GRM):** naast de hierboven beschreven voorzorgsmaatregelen voorziet het project in het opzetten van een klachtenprocedure. Het doel van deze klachtenprocedure is ervoor te zorgen dat elke persoon die zich benadeeld voelt door de Project activiteiten, zijn of haar klacht kan overbrengen. Klachtenbehandeling zal plaatsvinden binnen het Ministerie van HI & T, maar specificaties zoals

operationele kenmerken zijn nog niet gedefinieerd. Het is wettelijk vereist dat klachtenprocedure gemakkelijk toegankelijk is en dat klachten snel behandeld worden.

**Institutionele verantwoordelijkheden voor naleving van de vereisten van OP 4.12:** Het ministerie van HI & T is, overeenkomstig de wettelijke verplichtingen verbonden aan Wereldbank financieringsovereenkomsten, verantwoordelijk voor Projectimplementatie. De Projectimplementatie zal geschieden in overeenstemming met de bepalingen van deze RPF en toekomstige RAPs, indien van toepassing. Het ministerie van HI & T wordt ondersteund door een PIU, die verantwoordelijk is voor het ten uitvoer brengen van instrumenten en procedures in verband met OP 4.12.

# 1 INTRODUCTION

---

## 1.1 OVERVIEW

The Government of Suriname’s engagement with the World Bank is grounded in the Country Partnership Strategy (CPS) between the Government of Suriname and the Bank established in 2015. This CPS has the overarching goal of promoting sustainable, inclusive, and diversified growth in Suriname. The Suriname Competitiveness and Sector Diversification Project (SCSD) is one specific lending operation being prepared under this CPS. The development objective of SCSD is to facilitate private investment and strengthen value chains in targeted industries in Suriname, through three project components:

- 1) Component 1: Foundations for private investment in extractive industries.
- 2) Component 2: Investing in SMEs and value chains in emerging industries.
- 3) Component 3: Project management and evaluation

The SCSD Project has been categorized as Category B according to World Bank criteria, which means that activities are not expected to produce significant adverse environmental or social risks and/or impacts that are diverse, irreversible, or unprecedented. The GoS is preparing an Environmental and Social Management Framework (ESMF) to identify all the positive and negative effects of the Project, in compliance to Bank safeguards policies. This Resettlement Policy Framework (RPF) will be part of the ESMF.

This RPF is specifically designed for one of the activities under project Component 2, namely: “matching grants for shared assets for agribusiness and tourism value chains.” (Hereafter: “Value chain shared assets fund”). This activity is aimed at supporting groups of firms working together in a tourism or agribusiness value chain to invest in shared assets to improve value chain competitiveness, such as shared storage or consolidation facilities, e-platforms for marketing and branding, or visitor arrival location upgrades at tourism destinations. The selection of specific investments will be made during project implementation, through a selection mechanism including both the public and private sector. Six to seven investments are envisioned, ranging in size from \$150k to \$300k. Financing will also be available for requisite studies that may be required (including safeguards).

While the RPF focuses on the value chain shared assets activity, its content and guidelines apply to any situation where SCSD project activities result in physical or economic resettlement. It is designed to establish objectives and principles, organizational arrangements and funding mechanisms for impacts associated with the World Bank Operation Policy Involuntary Resettlement Policy (OP 4.12). In producing the RPF, specific reference has been made to national laws and regulations and the requirements OP 4.12.

## **1.2 STRUCTURE OF THE REPORT**

The RPF is structured according to the following chapters:

- Chapter 2: Objectives of a Resettlement Policy Framework
- Chapter 3: Potential involuntary resettlement impacts
- Chapter 4: Legal and policy framework
- Chapter 5: Preparation of Resettlement Action Plans
- Chapter 6: Eligibility and entitlements
- Chapter 7: Implementation and funding arrangements
- Chapter 8: Meaningful engagement and grievance mechanism
- Chapter 9: Monitoring and reporting

## 2 OBJECTIVES OF A RESETTLEMENT POLICY FRAMEWORK

---

### 2.1 OBJECTIVES

The purpose of the Resettlement Policy Framework (RPF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied during project implementation. Specifically, the objective of the RPF is to set out the provisions that will allow the project to:

- ✓ Identify the people and the assets affected by the project.
- ✓ Evaluate the impact on physical structures and economic losses generated by the project
- ✓ Elaborate the mechanisms to compensate the population affected by the project.

This document will guide the elaboration and implementation of concrete Resettlement Action Plans (RAPs) to compensate the population affected by the Project.

### 2.2 RESETTLEMENT POLICY FRAMEWORK PRINCIPLES

General RPF principles are:

- Involuntary resettlement and land acquisition will be minimized or avoided where possible. Where acquisition of land use rights is unavoidable, management measures will be identified to minimize adverse impacts;
- Forced evictions will be avoided;
- Lack of title will not hinder eligibility for resettlement and livelihood restoration support. Resettlement affected people without clear land titles can have access to entitlements for resettlement assistance and compensation for the loss of non-land assets and land
- Project Affected People (PAPs), including untitled land users, will be meaningfully consulted
- Negotiated settlements is the preferred Project approach
- PAPs need to be presented with choices regarding forms of compensation (cash or in kind) and resettlement assistance.
- Resettlement mitigation measures will be managed as sustainable development activities. Particular attention will be given to displaced persons without land titles, the poor, the illiterate and other vulnerable people
- Compensation levels will be sufficient to replace the assets at full replacement cost in local markets (using current market prices)
- All compensation and allowances will be paid prior to physical or economic dislocation; Payments in negotiated settlements such as leases will be made according to the signed schedules
- When livelihoods are affected, PAPs will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them to pre-project levels or to levels prevailing prior to the beginning of project implementation, whichever is higher
- Monitoring of adherence to land agreements, leases and resettlement plans will be undertaken

Specific principles in line with the Project expected impact:

- Any existing structure affected by the Project will be reconstructed by the Project.

### 3 AREA OF IMPACT AND LAND TENURE SITUATION

#### 3.1 AREA OF IMPACT

Current activities of SMEs in Agribusiness are concentrated in the coastal districts of Nickerie, Coronie, Saramacca, Paramaribo, Commewijne and Marowijne (Figure 1). The largest amount of planted area is found in Nickerie district (60,173 ha), which is mostly covered with rice (ABS, 2016). Other districts with a significant, yet much smaller, planted area are Saramacca (4,292 ha) and Wanica (1,351 ha). In 2015, on a national level, the largest share of planted area was planted with rice (50,741 ha; ABS 2016). Other relevant crops included bananas (1,993 ha) and other perennial crops (789 ha), a variety of vegetables (1,399 ha), and a variety of perennial crops (e.g. coconut, citrus, mango, etc.; 2,997 ha).

Figure 1. Suriname with its 10 administrative districts



Commercial fishing is concentrated in the maritime area and the coastal districts. Approximately 38 fish species are fished commercially in Suriname (ABS, 2018). In 2015, the commercial fishing fleet consisted of 1,142 licensed vessels. The industrial fleet consisted of 102 vessels, including fish and shrimp trawlers, and liners. The artisanal coastal fleet (*Surinaamse Kust – SK*) consisted of 418 vessels, and 622 licenses for inland and estuarine fisheries (*Binnenvaart – BV*) had been extended

Tourism takes place in all districts, including the interior districts of Brokopondo, Para and Sipaliwini. In 2015, a total of 227,699 persons classified by the Suriname Tourism Foundation as “tourists” visited Suriname. The majority of these persons (55.4%) came with the purpose of vacation. Other tourists came to visit family (20.8%), to do business (8.1%), or for other reasons. Data on shares of tourists involving in different tourist activities (e.g. city walk, stay in interior lodge) are not centrally collected. Only a small share of tourists visited protected areas in 2015 (7.1%) (ABS, 2016). Data from the Chamber of Commerce and Industry (*Kamer van Koophandel en Fabrieken - KKF*) only lists 311 hotels and guest houses in Suriname, suggesting that a large share of tourist accommodations, especially in the interior districts, have not formally registered with KKF.

Given current concentrations of Agribusiness development, it is likely that much of the project sub-activities will focus on the coastal districts. In addition, it is expected that SMEs from Para and Brokopondo districts, which host popular tourism destinations, could benefit from targeted investment programs. Exact locations and design of sub-activities under the share value chain assets activity will be determined during its implementation phase.

Illustrative examples of sub-activities include e-platforms for marketing and branding, shared storage or consolidation facilities for agricultural products, and visitor arrival location upgrades at tourism destinations.

It is unlikely that SMEs in Sipaliwini district will directly benefit from infrastructural developments. Nevertheless, it is possible that investments in, for example, a boat landing in Atjoni, indirectly benefits tourist lodge owners further land inward along the Suriname River.

### **3.2 LAND TENURE SITUATION**

As long as the exact locations of project activities are unknown, no specific data can be presented on the land tenure situation. Existing land tenure titles in the Area of Impact are listed in Table 1. A national map with the location of these land tenure titles could not be obtained. The legal procedures for the acquisition of land under these various titles is explained in Chapter 5.

When the precise locations for value chain support activities have been defined, a more specified Resettlement Action Plan (RAP) for the project activity will be developed if necessary. This RAP will include information about the land tenure situation in the target location.

It is acknowledged that Indigenous Peoples and Maroons do not have formal (collective) tenure rights to the lands they customarily inhabit and use. This land is typically classified as government domain. This situation is explained in more detail in the Indigenous and Tribal Peoples Planning Framework.

In order to minimize, avoid, and mitigate resettlement impacts, particularly on marginalized populations, it is important that the customary Indigenous and Maroon living and user territories are classified as such in the context of this Project. Several Indigenous and Maroon ethnic groups have mapped and demarcated their traditional lands in a way that has been broadly supported by both the tribal group in question and the GoS (e.g. Saamaka). In these cases, the demarcation lines will be used as a general indicator of the borders of the Indigenous/Maroon territory – regardless of legal status.

Table 1. Land tenure titles in Suriname

Tenure Title	Tenure Title (Dutch)	Description
Absolute Ownership (Civil Code); also referred to as "BW Property"	<i>Eigendom (Burgerlijk Wetboek)</i>	Property is the absolute, most complete tenure title available in Suriname. There are no limitations imposed by the State, the owner has full and unlimited enjoyment of the land within the context of the law. Only a limited amount of land was issued under this title, due to the fear that the land would be used for speculation or would be left uncultivated.
Allodial ownership and inheritable property (Known as "Allodial ownership").	<i>Allodiaal Eigendom en Erfelijk Bezit ("Allodiaal Eigendom" or AEEB)</i>	Allodial property is a land tenure title typical for Suriname. This title was issued by the Dutch during the colonial period under the conditions that the land would be developed and kept in cultivation. The owner also had the responsibility to contribute to other services that would promote the welfare of the nation, including security. Land not cultivated could be returned to the domain of the State. In practice today, the Suriname legal structures treat "allodial property" as the equivalent to absolute ownership, even though this is not legally accurate.
Land lease (since 1982; Land reform Laws of L-Decrees, 1982)	<i>Grondhuur (Landhervormingswetgeving 1982)</i>	This is the only title that can be issued after the 1982 land reforms and it is issued for land to be used for habitation, agriculture and animal husbandry, industrial purposes and for special purposes. The nature of the use is specified in the title and permission must be obtained from the government to alter the intended use of the land. Land lease is extended for a period of 40 years, and can be renewed for another period of 40 years. The tenant pays an annual fee to the state.
Leasehold (prior to 1982)	<i>Erfpacht</i>	This was the most common title issued between 1937 and 1982. The term was for a period of 75 years and the owner had to pay an annual fee. Separate leasehold titles were issued for agricultural land. Leasehold provides a similar tenure status as Land Lease and is treated as such. Persons with a leasehold title who wish to keep title to this land must file a request for transferal to a land lease title (grondhuur) prior to expiration of the leasehold.
Simple Rent	<i>Huur/ Gebruik tot wederopzegging (Land reform Act 1982)</i>	A transitional title issued by the government to individuals for land in areas of which the zoning destination has not been determined yet. Also issued in anticipation of completion of the administrative procedure to obtain a land lease title so that the person in question can begin to conduct agricultural or other commercial activities. This title is personal and not transferable.
Public land	<i>Domein-grond</i>	"All land, to which third parties cannot prove land tenure rights, is property of the state". The Decree on the issuance of Domain Land 1982, also called the Land Reform Decree of 1982 (Decreet Beginselen Grondbeleid (SB 1982 no 10); Art. 1, Lid 1). In accordance with the general provisions (Article 1) of this Act, the Minister responsible for land policy is authorized to have the disposal over domain land. Currently, the Ministry of ROGB has control over the land.



In cases where demarcation has not taken place, the Project will use the area defined in the draft law, entitled “Draft law Protection Communities and Living Environment” (Concept Wet Bescherming Woon- en Leefgebieden)<sup>1</sup> as a general indication of territorial boundaries. This law, which was drafted in 2018 as an amendment on the Decree Principles Land Policy, applies to Indigenous and Maroon communities that have been listed by the Ministry of Regional Development. Once it has come into force, the Law “Protection Communities and Living Environment” will contain annexes with maps that depict the residential and living areas of Indigenous Peoples and Maroons as “indicative circles<sup>2</sup> around the on the map indicated location of registered communities” (Art. 2.3). As of yet, the draft law “Protection Communities and Living Environment” has not been promulgated by the President of the Republic of Suriname and has not been published. Hence it is not yet a valid legal instrument. Indigenous and Maroon peoples appear to be divided over this law<sup>3</sup>.

---

<sup>1</sup> Draft law Protection Communities and Living Environment (Concept Wet Bescherming Woon- en Leefgebieden), Proposed modification of Decree Principles of Land Policy Decreet (S.B. 1982 no. 10, as last amended by S.B. 2003 no. 8).

<sup>2</sup> The Explanatory Memorandum indicates that these circles are drawn with a radius of approximately 5 km around a central point within known locations of residential and living areas.

<sup>3</sup> See Rapid Social Assessment (RSA) for detailed discussion of the contents of this law, and the concerns of Indigenous and Maroon representative groups about this draft law.

## 4 LEGAL AND POLICY FRAMEWORK

This section sets out and compares Suriname’s legal framework regarding land acquisition and the World Bank’s Operational Policy 4.12 on Involuntary Resettlement. In cases where there are gaps between the country’s resettlement policies and procedures and those mandated by the Bank, the most encompassing standards of the two apply. Given that this RPF is part of the legal documents of the Project, its standards and obligations are legally tied to the World Bank financing.

### 4.1 SURINAME LEGAL FRAMEWORK FOR LAND ACQUISITION

A summary of national legislation relevant to resettlement and land acquisition is presented in Table 1.

*Table 2. Suriname legislation relevant to land tenure and expropriation*

<p>Constitution of the Republic of Suriname (<i>Grondwet van de Republiek Suriname</i>) S.B. 1987 no.116 last amended by S.B. 1992 no.38.</p>	<p>Section 8, Art. 34, Right on Property: "1. Property, both of the community and of private persons, shall fulfil a social function. Everyone has the right to the undisturbed enjoyment of his property, subject to the limitations which originate in the law. 2. Expropriation shall take place only in the general interest, pursuant to rules to be laid down by law and against compensation guaranteed in advance. 3. Compensation need not be previously assured if, in case of an emergency, immediate expropriation is required. 4. In cases determined by or pursuant to the law, the right to compensation shall exist if, in the public interest, the competent authority destroys or renders property unusable or restricts the exercise of property rights."</p> <p>Indigenous peoples are not mentioned in the constitution.</p>
<p>Expropriation Act (<i>Ontheigeningswet</i>) G.B. 1904 no. 37, amended by G.B. 1911 no. 19, G.B. 1924 no. 47, G.B. 1935 no. 80.</p>	<p>Under expropriation is understood: depriving someone from his property, by the Government, in favour of a work for the public interest. The deprived party is entitled to compensation. This Act contains regulations, procedures and timelines regarding expropriation and related compensation (See more detail in next section).</p>
<p>Act on Expropriation in the interest of Urban Development and housing (<i>Wet Ontheigening Stedebouwkundige ontwikkeling en Woningvoorziening</i>). G.B. 1948 no. 4 as last amended by G.B. 1972 no. 96.</p>	<p>Art. 1 stipulates that without preceding declaration by law that public interest requires expropriation, expropriation against compensation can take place to have the possession of non-built and built properties, necessary for:</p> <ul style="list-style-type: none"> <li>– The implementation or enforcement of the actual condition in accordance with a Zoning Plan;</li> <li>– Surfaces in the interest of housing;</li> <li>– The execution of a building plan.</li> </ul>

L-Decrees, specifically Decree Principles of Land Policy ( <i>Decreet Beginselen Grondbeleid</i> ). S.B. 1982 no. 10, S.B. 1983 no. 103, as last amended by S.B. 2003 no. 8.	Art. 1 presents a founding principle of Suriname land policy, namely that All land to which others have not proven their right of ownership is domain of the State. Since the introduction of the L-Decrees, the only title that can be obtained on state land is that of land lease ( <i>grondhuur</i> ), which is valid for a period between 15 and 40 years with the option to renewal.
Decree L2: Decree Issuance Domain Land ( <i>Decreet uitgifte domeingrond</i> ) S.B. 1982 no. 11, S.B. 1990, last no. 3, S.B. 2003 no. 7.	Regulates the issuance of domain land. Article 7: A request for domain land can be refused if the allocated land is contrary to regional development plans or zoning plans.
Decree Origins Land Policy ( <i>Decreet Beginselen Grondbeleid</i> ), S.B. 1982 no. 10, as last amended by S.B. 2003 no. 8	The Memorandum of Understanding for Art. 3, lid 2 defines unlawful occupation as “to occupy or work the land of an entitled party, without his permission”.
Civil code,	Art 625-626 deal with ownership of property in general (Art 625) and land specifically (626). Expropriation of property for the common good is possible against prior agreed to compensation. Land ownership entails everything that is on and in the ground, with specified limitation (i.e. mining).  Art 411a-244 penalizes the person who settles on land belonging to someone else, without adequate tenure title (Lid.1). In addition to the legal sanctions, the judge will also order eviction (Lid. 2)

Several other legal provisions indirectly relate to expropriation in the context of development projects.

Additional provisions of the Constitution that are of particular significance concern the system and powers of local government. The Constitution (Articles 159 et seq.) stipulates that regional representative bodies and the regional administrative organs have the authority to participate in the preparation, creation and the execution of the regional district plans and department plans. Other specific tasks will be regulated by law. The Law on Regional Bodies<sup>4</sup> regulates the power and operating procedures of the representative bodies (District and Ressort Councils) and administrative organs, as well as the procedure for the realization of local regulations (*districtsverordeningen*) and planning.

<sup>4</sup> S.B. 1989 No.44, S.B. 2000 no. 93, as last amended by S.B. 2002 no. 54.

An Environmental Framework Act was drafted by NIMOS in 2002, and is being prepared for submission to Parliament later this year (2018)<sup>5</sup>. After acceptance by the Council of Ministers and the State Council, the bill will be considered by Parliament for promulgation (Toppin-Allahar and Del Prado, 2010).

Even though there is currently no legislative basis for the assessment of environmental impacts of development proposals in Suriname, in March 2005 NIMOS published Environmental Assessment (EA) Guidelines. An updated version of the guidelines was published in 2009. These guidelines are expected to be given legal effect shortly after promulgation of the Environmental Act. The EA guidelines are already applied by NIMOS as part of the project permitting process and project developers are expected to comply with the spirit of the guidelines (ibid.). It is common practice that for projects financed by international donors such as IDB, and multi nationals (e.g. mining firms), EIAs are being conducted either by the Companies/Banks Policy or by agreement with the Government of Suriname. See for more detail the ESMF and the RSA.

## 4.2 INTERPRETATION OF THE SURINAME LAW<sup>6</sup>

In article 34 of the Constitution of the Republic of Suriname it is regulated that property, of the community as well as of the private person, shall fulfil a social function. Everyone has the right to undisturbed use of his property subject to the limitations that stem from the law. This is not the right to own property, but only the right to enjoy existing property rights. This article further stipulates that expropriation shall only take place for reasons of public good, according to rules to be laid down by law and against previously assured compensation. Compensation need not be previously assured if, in case of emergency, immediate expropriation is required. In cases determined by or through the law, the right to compensation shall exist if the competent public authority destroys or renders property unserviceable or restricts the exercise of property rights for the public interest.

The above regulations on expropriation do not apply in the case of unlawful occupation of the land. Article 441a of the Penal Code (*wetboek van Strafrecht*) penalizes the occupation of land and buildings. This includes land legally destined as government domain, where Indigenous and Maroon communities are located – though the Mining Law, the Forestry Act and the Nature Conservation Decrees acknowledge the existence of such communities. More detail about Indigenous and Maroon rights to land may be obtained from the Rapid Social Assessment (RSA).

With regard to expropriation, the different tenure titles (Table 1) are important, because these titles dictate the options for expropriation by the GoS, processes of expropriation as well as compensation mechanisms. In the case of occupation (i.e. use of the land without legal tenure title), the government is

---

<sup>5</sup> Source: G. Griffith, legal advisor at NIMOS

<sup>6</sup> Adapted from: Topin-Allahar, C. and N. Del Prado (2010) Paranam Industrial & Commercial park (PICP) Legal Support – Component I. Final Report produced for the ministry of Planning and Development Cooperation.

With confirmation and additions from Mr. Kadirbaks (sub-Director Spatial Planning) and Mr. Mac-Intosh (policy advisor) at the Ministry of Spatial Planning, pers. Com. 20/07/2018.

not obliged to offer any form of compensation. Nevertheless, out of humanitarian considerations, some form of assistance may be offered to occupants if the land they use and/or live on needs to be vacated<sup>7</sup>.

The Government of Suriname has the following legal options if expropriation is necessary:

- I. Through the **Civil Code**. One option used by the Government to bring land back in the public domain or to purchase land on behalf of a development project is by mutual agreement on the open market. In case the parties agree to exchange land, the Civil Code will be applicable. In that case, the option of “Exchange based on the Civil Code” is most common. The articles 1562 - 1667 regulate exchange. According to article 1562, exchange is an agreement, whereby parties commit themselves to give each other something instead of something else. The stipulations of the Code on sale and purchase are further applicable to exchange.
- II. Through **Resumption of Title to Allodial lands**. Most (but not all) allodial titles include a provision in which the Government reserves the right to reclaim the land by a simple procedure if the land is required for public interest (*nadering*). The Government has also certain preferential rights to the land such as the right to buy when the property is sold. Most of the land presently known as the cultivated area was granted under this form of title. The enforcement of “nadering” is very simple: it only requires a statement of the President (Resolution) that in the public interest, the land is being reclaimed in the domain. With the registration of this Resolution in the Public Registers the “nadering” is realized. Although there are different opinions amongst lawyers in Suriname about the legal meaning of the Allodial tenure title, the State has made several times use of the provision of the “nadering”<sup>8</sup>.
- III. The **Expropriation Act** only applies in the case of full property title (“BW property”) or Allodial property. Through this law, expropriation of ownership is made equal to establishing or lifting proprietary rights and using someone’s property in favour of a work to the public good. There are three mechanisms for expropriating property or property rights under the Act:
  - a. Article 2 provides that, except as provided by Article 3 and 13, expropriation can only take place under an Act which states that the expropriation is in the public interest. In addition the Act must indicate the nature and purpose, as well as the general direction of the work.
  - b. Article 3 provides that the statement by law mentioned in Art. 2, is not required when the expropriation is necessary in favour of a work ordered to be implemented pursuant to Art. 3, 2<sup>o</sup> of the Government Regulation (*Regeerings Reglement*). In that case the statement happens by Resolution of the President, after hearing the State Council. The Resolution must indicate the nature and purpose as well as the main points to determine the general direction of the work.

---

<sup>7</sup> Mr. Kadirbaks (sub-Director Spatial Planning) and Mr. Mac-Intosh (policy advisor) at the Ministry of Spatial Planning, pers. Com. 20/07/2018

<sup>8</sup> In 2013/14, this mechanism was applied by the Government for building the Saron Bridge across the Saramacca Canal. In the this case, however, *nadering* took place prior to negotiation and agreement about compensation.

- c. Article 13 provides that in case of fire, flooding, war, or threat of war and riots, the highest civilian or military Government present locally is authorized to immediately take possession, if it considers it necessary. The ownership of the expropriated good immediately goes over to the person in whose name taking possession has happened, free from all burdens and rights that rest on it. Before, or as soon as possible after taking possession an expropriation decree is made up by that authority in which the goods and the presumptive person entitled are mentioned.

Articles 5-7 deal with the right to object with respect to the purpose for which the property is being expropriated. Articles 8-11 detail the procedure for expropriation. These Articles detail that as long as the Government has not paid/assured compensation, the right cannot be transferred and therefore the ownership stays with the expropriated party.

Compensation plays an important role in the case of expropriation and is extensively regulated (articles 15-57). Art.15 expressly provides for the procedure to be followed in cases where the owners of the property, or one or more of them, are not known or live outside Suriname or their place of residence is unknown. In such cases, unless the property is under the management of an authorized person resident in Suriname, at the request of the expropriating party the court will appoint a third person to represent the landowner/s, to whom an offer can be made and against whom the proceedings to determine compensation can be carried out.

In accordance with article 15, the Government must make an offer for compensation. The expropriated party can accept the offer or decline and start a judicial process for the determination of the compensation. The articles 15-38 regulate the judicial process for the determination of compensation. The decision, whereby the expropriation has been pronounced expires, if not within six months after the verdict is final, the compensation has been paid or has been consigned in accordance with the law. The expropriating party is obliged to pay compensation due to which the expropriated party might have suffered. However, under that damage the legal costs are not included to which the expropriated party might have been sentenced, neither the loss of the advantages which the expropriated might have drawn from the expropriation. If the expropriated party refuses or is not able to accept the compensation, the expropriating party can take possession of the expropriated good, provided the compensation is offered and consigned in accordance with law.

Articles 49-53 provide provisions for compensation when third parties claim rights on the expropriated land. If the expropriation does not concern the whole land on which these rights rest, but only a part, the compensation is, according to the above rules, estimated in proportion of the expropriated part to the whole.

**IV By Expropriation in the interest of urban development and housing** (See Table 1). As under the Expropriation Act, opportunity is given to stakeholders to submit their objections. Also, the same procedure as the Expropriation Act is applicable with regard to compensation. Transfer of property takes place by registering in the public registers after an offer is made. Provisions regarding offer and request for compensation of the expropriation act are applicable.

- V Following the **Land Decrees** (L-Decrees, 1982), the State may take land that has been allocated under the tenure titles of land lease or leasehold back to the public domain, if such serves the common good. Appropriate compensation must be provided for everything that has been built on the land and/or brought to cultivation. By law, the GoS is not obliged to also compensate the person for the value of the land. Nevertheless, in practice, the government may seek an alternative piece of land for the expropriated party.

The above leads to the following general conclusions about expropriation law and practice in Suriname:

- ✓ In the case of full property and allodial property, expropriation can take place in the interest of the common good, provided adequate compensation for *both the land plus anything built on it/brought into cultivation*.
- ✓ In the case of land lease and leasehold titles, expropriation can take place in the interest of the common good, provided adequate compensation for anything built on the land/brought into cultivation. By law, *the value of the land is not taken into account*, though in practice the government may seek options to provide another piece of land as compensation.
- ✓ In the case of unauthorized occupation of either government land or the property of a legal rights owner, the occupant may be asked or forced to leave at any time, and there are no rules for compensation. Where it concerns government land, measures may be taken to help the person or household find another piece of land to live on. However, such measure are no legal obligation and primarily applied to prevent political sensitivities.
- ✓ Expropriation of full property is a very lengthy process, which is only possible through promulgation of a law, which must be approved by the Council of Ministers and the National Assembly (DNA). For other forms of land tenure, expropriation can take place through a simpler process of Presidential Resolution.

### 4.3 INTERNATIONAL STANDARDS

OP 4.12 addresses land acquisition and involuntary resettlement. It recognizes that any Project-related land acquisition and restrictions on land use can have adverse impacts on communities and people that use the land intended for a project. The OP emphasizes that efforts should be made to avoid involuntary resettlement. Where involuntary resettlement is unavoidable, OP 4.12 recommends using negotiated settlements and measures to minimize adverse impacts. Management measures for involuntary resettlement should be carefully planned and implemented.

Involuntary resettlement refers to both physical displacement (relocation or loss of shelter) and economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood). OP 4.12 defines the following groups of displaced people:

- a) Those who have formal legal rights to the land or assets they occupy or use;
- b) Those who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law;
- c) Those who have no recognizable legal right or claim to the land or assets they occupy or use

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

in accordance with guidelines set out in OP 4.12. Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary if they occupy the project area prior to a cut-off date. 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. New resettlement sites built for displaced people must offer improved living conditions. Existing social and cultural institutions of the displaced people will be respected.

OP 4.12 recommends that particular attention is paid to vulnerable groups during involuntary resettlement, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

In circumstance where land acquisition is the responsibility of the government, developers need to identify and describe government resettlement measures. Where these measures do not meet relevant requirements, the project must prepare a supplemental resettlement plan that together with the document prepared by the responsible government agency, will address the general requirements of WB OP 4.12 and the specific requirements for physical and economic displacement.

#### **4.4 COMPARISON BETWEEN LEGISLATION OF THE REPUBLIC OF SURINAME RELATING TO LAND TENURE AND WB OP 4.12**

Republic of Suriname legislation departs from the World Bank standards related to land tenure, resettlement and expropriation in various ways. A key difference between World Bank OP 4.12 and Republic of Suriname legislation is that the latter does not provide for compensation of persons who do not have tenure rights to the land they live on and/or use for livelihood or other purposes. In other words, neither irregular occupants, nor Indigenous Peoples and Maroons, are not considered eligible for any form of compensation or resettlement assistance under Suriname law. In the latter case (Indigenous peoples/Maroons), exceptions are made for very specific development projects related to mining and forestry. OP 4.12 explicitly states that individuals without recognizable legal right or claim to the land or assets they occupy or use must be provided resettlement assistance, as well as compensation for loss of assets other than land, if such would result from the project.

In this context, establishment and communication of a cut-off date is an important procedure in World Bank resettlement guidelines. The purpose of this cut-off date is ensure that persons who encroach on the area after a publicly communicated and understood cut-off date are not entitled to compensation or any other form of resettlement assistance. The Suriname Expropriation Act does not refer to a cut-off date or similar procedure to prevent encroachment for the sake of seeking compensation. Furthermore, in the Suriname legal system there are no provisions that specifically protect Indigenous groups or recognize their special connection with ancestral lands. The Suriname legal framework concerning land tenure and expropriation treats all citizens as equal and does not distinguish on the basis of ethnicity (Indigenous or otherwise), gender, age, income status or other socioeconomic indicators. World Bank OP 4.12 requires special attention to be paid to vulnerable groups.



The World Bank policy requests that appropriate and accessible grievance mechanisms are established for displaced groups. Suriname's Expropriation Act does indicate that the displaced/expropriated party can start a judicial process in case he or she disagrees with expropriation or related compensation. However, such procedures are for many persons, especially the most vulnerable groups, not "appropriate and accessible". Table 3 further details and complements differences between World Bank OP 4.12 and Republic of Suriname legislation. This section, including the Table, reveal several relevant gaps between the laws of the Republic of Suriname relating to land tenure and the WB OP 4.12. The principles and procedures stipulated in the WB OP 4.12 will prevail and supplement the gaps.

Table 3: Comparison of Suriname Legislation and WB OP 4.12

Issue	Suriname legislation	WB OP 4.12	Mitigation measures to address gaps
Project design	National legislation does not reference this issue. Nevertheless, the NIMOS EA guidelines do request consideration of alternatives during the ESIA process.	Consider feasible alternative project designs to avoid or minimize physical and/or economic displacement	Make the avoidance of physical displacement a siting principal for future land acquisition.  Describe alternative designs in RAPs.
Compensation	The expropriation law does not explicitly recommend either in kind or cash compensation.	In-kind compensation (land for land and house for house) recommended.	In RAPs for the specific sub-activities, describe compensation measures in line with WB OP 4.12
	Compensation is based on actual current value of the property. In case of a leasehold/land lease of the expropriated land, the compensation will only consider built and cultivated property; and not the value of the land itself.	Compensation is based on full replacement cost (current market value plus any transaction fees), with no deduction for depreciation or salvaged material.	
	The value of the damage to property to the owner and third party rights holders will be determined by the executing agency, in this case the Ministry of HI&T. In case of disagreement, both the GoS and the expropriated party will hire an asset valuer, and efforts are made to reach agreement. If necessary, the case will be taken to court.	Replacement cost surveys undertaken by the executing agency and shared with assessors when determining compensation.	
	<i>Nadering</i> (expropriation of allodial lands) can take place prior to agreement on compensation.	Agreements about compensation must be made and agreed upon by both parties prior to expropriation.	
Community engagement	Suriname legislation does not reference this issue. ESIA guidelines have been formulated by NIMOS do refer to the need for community engagement, but these guidelines are not legally binding.	Consult potentially displaced persons about likely impacts, finalization of award and payment of compensation.  Disclose RAP and its updates, as applicable.	Develop Communication and Consultation strategy as part of the ESIA. Proactively engage with land owners and users with relevant information. Share regular updates on project status and project impacts.  Disclose this RPF. Public consultation feedback will be incorporated into the final RPF.

Grievance mechanism	In case of disagreement with expropriation or related compensation, the displaced/expropriated has the possibility of objection. If this procedure does not generate results that satisfy both parties, the expropriated party can start a judicial process.	Provide a resettlement mechanism that is accessible locally and available throughout RAP implementation.	Appropriate grievance mechanisms must be developed by the client, as agreed under the Project. This mechanism must involve an accessible contact person for local stakeholders, a complaints log, and procedures for dealing with stakeholder complaints.
<i>Vulnerable groups</i>	The plans for expropriation must be available for public consultation for a period of three weeks, at one or more locations published in the Government Advertisement Paper.	Prepare and disclose a Resettlement Action Plan (RAP).	Once the specific sub-activities have been defined, and screening has noted the need for development of an RAP, ensure that any census includes information about vulnerable groups in the affected communities  Consider conducting separate consultations with vulnerable groups as part of the RAP
	The legislation does not reference the rehabilitation of livelihoods, only the value of property.	Rehabilitate livelihoods, and provide support during the relocation process. Cover transitional period costs. Displaced people to regain the same or an improved livelihood standard.	
	The Law on expropriation does not distinguish specific groups on the basis of gender, ethnic background, or income level.	Pay particular attention to the poor and vulnerable groups, including women.	
<i>Displacement (physical and economic)</i>	Legal land tenure (property or lease) is a precondition for compensation and resettlement assistance.	Do not let lack of title be a bar to compensation, resettlement and rehabilitation support. Provide equal treatment for the loss of non-land assets to those without clear land titles, for example, in terms of their entitlements for resettlement assistance and compensation.  Compensate crops irrespective of the land registration status of the affected farmer/share cropper. Tree losses are to be compensated according to market rates based on productive age or wood volume, depending on tree type.  Prepare and disclose monitoring reports.	Whatever the legal recognition of their occupancy, land users will be entitled to compensation so that they may maintain or raise their levels of well-being and income.

## 5 IDENTIFICATION OF INVOLUNTARY RESETTLEMENT IMPACTS AND PREPARATION OF RESETTLEMENT ACTION PLANS

---

### 5.1 IDENTIFYING INVOLUNTARY RESETTLEMENT IMPACTS

Project activities aiming at strengthening value chains for agribusiness and tourism are not expected to require population resettlement or economic displacement. The expected impacts are limited to potential small-scale land acquisition. In addition, it is possible that the shared value chain assets affect a limited number of structures built on places where, for example, a road, a boat landing or a storage facility would be planned. Reasons for this limited impact are:

- (i) There are no large-scale infrastructural works planned/ Small activity footprint.
- (ii) In selecting specific investments, there will be a preference on selecting locations where no resettlement will be necessary.
- (iii) Financing is available for requisite studies that include safeguards. Hence in the design phase, where relevant, alternative project designs will be considered to avoid or minimize impact.

In order to image the type and scale of resettlement impacts that could result from this project, consider the following hypothetical examples;

- A storage facility is built on a location where a local person has planted crops or is mending livestock;
- A temporary shelter used by fishers has to move to make place for a new boat landing, or;
- Local site improvement of a popular tourist destination requires moving a small road-side stand where fruits are sold for a couple of meters.

By principle, as part of activity selection and design, alternatives will always be considered so that resettlement would be a last resort. Nevertheless, if screening of a specific investment indicates that there is a risk that this activity would cause resettlement impacts, a RAP will be developed that includes a practical plan to minimize impacts on existent structures. This practical plan will be elaborated as part of the development of the engineering designs for activities. Where and when an RAP is produced, it will be discussed with the community and improved based on the comments received. The RAP will be implemented during the execution of the construction works, under the oversight of the Ministry of Trade, Industry and Tourism, assisted by the complementary technical support to be financed under the Project.

A simple questionnaire will help identify key issues to be addressed in a Resettlement Action Plan. Any checklist row for which “not known” is checked indicates that additional data gathering, probably including a site observation and consultations, are required. Table 4 presents a checklist for reviewing involuntary resettlement effects.

Table 4: Involuntary Resettlement Checklist

Potential Involuntary Resettlement Impacts	Yes	No	Not Known	Remarks
1. Will there be land acquisition?				
2. Will there be loss of shelter or structures?				
3. Will there be loss of agricultural or other productive assets?				
4. Will there be loss of income sources and means of livelihoods?				

## 5.2 VALUING AFFECTED LANDS, STRUCTURES OR LIVELIHOODS

If the screening of Project designs identifies any affectation in terms of land, structures, or economic livelihoods then the PIU will need to value these impacts. OP 4.12 requires that full replacement cost be used for involuntary resettlement impacts. Replacement cost means that the affected person can replace the affected asset to the same condition. Full replacement cost typically reflects market value (when a property market exists) without deduction of transaction costs, transfer or retitling fees, or depreciation and salvageable materials. The PIU will use full replacement cost as a basis for identifying fair and transparent negotiated settlements for permanent and temporary land acquisition.

If internal capacity with regard to World Bank Resettlement safeguards is not available within the PIU, specific social assessment capacity will be hired to inform RAPs. This social specialist will also support the PIU in proper valuation any potential affected assets such as land, structures, crops and trees, or sources of livelihood. Land is normally appraised taking into consideration productive value, location (closer to roads is generally higher value), recent land transactions, and official notices related to property values by land departments.

For trees and crops, the PIU will consult the Ministry of Agriculture, Animal Husbandry and Fisheries (*Landbouw, Veeteelt en Visserij*, LVV), staff from the Directorate Agricultural Development of the Interior from the Ministry of Regional Development (RO), market traders, and/or government and academic specialists regarding full replacement cost. Where trees will be lost, replacement cost will need to consider value of productivity and number of fruit bearing years for fruit trees, and the age and value of the timber/fuel for wood trees. All resettlement plans should aim to allow harvesting of existing crops on the land and include notice to not plant new crops or trees. To the extent possible, trees on plots should be kept in situ and not removed.

The full replacement cost of small huts/shelters, fences, and other human-built structures in the AoI will be assessed through consultation with wood markets (for the raw materials), local craftsmen, and area residents with similar structures. The replacement of these structures will be carried out by the implementing firms under the supervision of the PIU.

### **5.3 PREPARATION OF A RESETTLEMENT ACTION PLAN**

In case an impact associated with the OP 4.12 is identified, a Resettlement Action Plan (RAP) must be prepared. Compensation or livelihood restoration measures must be put in place prior to any impacts being experienced. The first step will be to carry out a census of all land, resources and structures affected, including information on the owners of these items, as well as on the any economic activity and/or income associated with the affected land/resources/structures. This information will be the basis for calculating replacement costs and/or lost of livelihood if appropriate.

### **5.4 CONTENT OF A RESETTLEMENT ACTION PLAN**

The scope and level of detail of a resettlement plan varies with the magnitude and complexity of the resettlement involved. It is anticipated that any resettlement plan for this Project will reflect minimal land acquisition and very limited impacts on resources or structures. The minimum information a resettlement plan for this Project will present is:

- An introduction to the Project and regulatory framework.
- A description of the Project activity that create resettlement impacts and actions to minimize resettlement.
- A census of affected persons and valuation of assets.
- A detailed description of compensation and other resettlement assistance to be provided.
- Results of consultations with affected people (land owners and land users) about acceptable alternatives.
- A description of institutional responsibility for implementation and procedures for grievance redress.
- Arrangements for implementation and monitoring.
- A timetable and budget detailing all costs, including relocation, compensation, administrative costs and monitoring fees.

In the case that Project activities would result in physical displacement of people, a RAP will provide detailed information including host community baseline, relocation site physical attributes (should be similar or better than existing site), preferred design for housing and infrastructure services, relocation assistance, and security of tenure and implementation details. Compensation via in kind replacement should be considered preferable to cash. WB OP 4.12 identifies that payment of cash compensation may be appropriate if:

- 1) Livelihoods are not land based;

- 2) Livelihoods are land-based but the land taken for the project is a small fraction of the asset and the residual land is economically viable; or
- 3) Active markets for land, housing and labor exist and the PAPs can use the markets because there is sufficient supply of land and housing.

A RAP will also include information regarding impacts to structures and economic impacts. Project-Affected Persons (PAPs) whose livelihoods or income levels are adversely affected will be provided opportunities to improve or at least restore their means of income- earning capacity, production levels, and standard of living.

## **5.5 RESETTLEMENT PLAN APPROVAL AND DISCLOSURE**

The PIU will be responsible for organising the production of resettlement plans. Any RAP will need to be approved by the Ministry of HI&T and the World Bank. Once an acceptable draft has been prepared, the RAP must be publicly disclosed in Suriname, with a summary in Dutch, and via the World Bank project information portal. During the public disclosure period, the RAP will be presented to relevant GoS Ministries (incl. ministry of HI&T, Ministry of NH, Ministry of ROGB, Ministry of RO), local government stakeholders (incl. appropriate Resort Council members), and NIMOS, and made available in a summarised or full form as appropriate for the public consultation audience. Feedback from public disclosure will be incorporated in the final document and then it will be re-disclosed.

## 6 ELIGIBILITY AND ENTITLEMENTS

---

Each Resettlement Action Plan will need to identify who is eligible to be considered for compensation or Project assistance due involuntarily experienced impacts. For each activity, eligibility will be based on a cut-off date, which will typically be the completion date of the household census and detailed measures of assets affected by the Project.

Project-Affected Persons (PAPs) who are identified in a Project area prior to the cut-off-date will be entitled to compensation for their affected assets and to restoration measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity, and production levels. Those who encroach into any Project area after the cut-off date will not be entitled to compensation or any other assistance.

The PAPs and formal and informal community leaders will be informed of the cut-off date at the time of the census. Notification will aim to ensure PAPs do not make improvements to their property and to advise any people who illegally settle in the Project area after the cut-off date that they will not be entitled to compensation or assistance under the Project.

For the Project, PAPs eligible for compensation and Project assistance include:

- Land owners or users with a land title for the land to be acquired
- Persons who do not currently possess legal rights but have a claim that is recognisable under customary or national law
- Persons who do not have any title or recognisable claim to the land lost

PAPs included under i) and ii) will be compensated for the affected land and assets on the land. PAPs included under iii) will not be entitled to any compensation for affected land, but will be entitled to compensation for their non-land assets and other assistance. If any businesses are affected, they will also be entitled to compensation.

Where possible, compensation for affected land, resources and structures is proposed to be in-kind. In the case of structures, it means that these structures will be rebuilt by the Project. In the case of land, options will be assessed to provide an alternative land area of similar or better qualities than the land acquired for the Project. In the case of resources (e.g. fruit trees, crops), in kind compensation will be more difficult. In all cases where in kind compensation is not feasible or undesirable, cash compensation will be considered, taking contemporary Suriname market prices as a guideline. A proposed schedule for any mitigation and/or compensation measures will be available, discussed with the community, and the comments received will be incorporate in the proposed scheduled.

Although it is not anticipated, sufficient notice will be given to any entity using land who is not eligible requesting them to vacate premises and dismantle any structures prior to the Project's mobilisation and implementation. As necessary, for instance if the affected persons are identified as being vulnerable, shifting assistance can be provided.



Even though the project design of value chain asset investments is not yet known, it is not expected that any Project land acquisition will impact existing community facilities, such as water pipelines, energy distribution towers, schools, health units, or market places. The Project will make all efforts to avoid such impacts in the future. Should such a situation occur, lost community resources will be eligible for compensation and the PIU will take necessary steps guided by this RPF and WB OP 4.12 to prepare mitigation.

## **7 IMPLEMENTATION AND FUNDING ARRANGEMENTS**

---

The implementation of the RAP will be carried out under the Ministry of HI&T oversight, assisted by complementary technical resources financed by the Project. The funds for the reconstruction of affected assets have been allocated under the Project total funds. The implementation of the RAP will be monitored and the information will be kept on the Project records. The RAP will include detailed information on the affected land/resources/structures, and on compensation measures. Project related construction works that have potential resettlement impacts as described in this RPF will not start before the RAP has been produced, reviewed and approved.

## 8 MEANINGFUL ENGAGEMENT AND GRIEVANCE REDRESS

---

### 8.1 PARTICIPATION, CONSULTATION, AND DISCLOSURE

While the Project's impacts associated with OP 4.12 are expected to be minimal, the views of Project-Affected Persons (PAPs) on any potential resettlement matters will be considered when planning any Resettlement Action Plan (RAP). The RAP preparation process will be managed in a participatory manner. Potential conflicts and communication channels for grievances will be addressed via meaningful consultation and a grievance mechanism. Consultations will specifically be carried out with all PAPs whose asset is affected.

The PIU will undertake the following activities:

- Dissemination of information about the Project and its affectations;
- Meetings with PAPs to inform them of their rights, entitlements, and the grievance mechanism and to solicit feedback on the planned resettlement activities;
- Incorporation of feedback from PAPs into resettlement planning and Project activity planning and design;
- A meeting to inform PAPs about the census and how it is part of the establishment of the cut-off date;
- Sign off by PAPs of household census;
- Engage with PAPs individually about their preferred compensation (in cash or in kind) ;
- Inform PAPs when in kind compensation will be completed, and/or when payments will and have been made into their bank accounts;
- Include PAPs perceptions about effectiveness and logistical efficiencies in monitoring livelihood restoration;

In line with NIMOS guidelines, any Public Hearing or other public meeting with PAPs will be published in the media with a minimum of 15 business days in advance. To ensure that the PAPs are able to participate in the hearing, the Public Hearing will take place in the most accessible location in the region where the project is going to be implemented;

All consultation and disclosure efforts will be documented. If appropriate, the views of men and women will be recorded separately. Vulnerable groups such as pregnant women, women headed households, the elderly, children, and the disabled, will be identified and special measures will be put in place to enable their contributions to resettlement planning.

As appropriate, the PIU will actively engage with other key stakeholders in resettlement planning and monitoring.

**Consultations are required to inform stakeholders about the SCSD Project, the identification of its potential social and environmental impacts and mitigation, and how to involve them in developing and implementing the Project solutions and mitigation measures.** Effective consultation is a two-way process that is based on the prior disclosure and dissemination of

relevant, transparent, objective, meaningful and easily accessible information in a format and language that the target group is most comfortable with.

**Initial public and private sector stakeholder consultations were held for the draft environmental and social safeguard framework documents that were developed during SCSD Project preparation, including this RPF.** These consultation sessions were organized by MTIT and MNR, with safeguards capacity support provided by the WBG. Lists of stakeholder attendance at the various sessions are included in Annex 4. These initial consultations aimed:

- to ensure there is a clear understanding of the SCSD Project and of the RPF and other safeguard documents for further dissemination to other stakeholders;
- to ensure detailed consultations on the RPF and other safeguard documents, providing opportunity to raise questions and doubts and how these might be addressed in the final versions of the safeguard instruments.

**The first consultation session held on November 13, 2018 focused on public sector stakeholders.**

These consultations included representatives of the ministries of Trade, Industry & Tourism; Natural Resources; Regional Development; and Agriculture, Livestock & Fisheries, as well as NIMOS. The MTIT and MNR project preparation teams hosted the sessions and were supported by WBG safeguards specialists to present the frameworks through PowerPoint Presentations. The participants gained an understanding of background, objectives, content, and practical implications of the ESMF, RPF, and other instruments, and they broadly confirmed the value of the frameworks. Some minor issues for clarification about the safeguards instruments overall were raised, which the GOS and WBG teams addressed. NIMOS expressed its willingness to cooperate in future developments of ESMPs during sub-project design and implementation. Questions were also posed about how community involvement would occur practically during the project, especially regarding indigenous and tribal communities, and the meeting discussed how consultations would be held with specific communities when particular subprojects and their scope of influence are identified.

**The second consultation session held on November 15, 2018 focused on private and civil society stakeholders.**

This session included representatives of the Trade and Industry Association, Association of Exporters of Agricultural Products, Chamber of Commerce, Economists Association of Suriname, and of the private sector in tourism, agricultural production, and livestock. As with the public sector consultation meeting, the MTIT and MNR project preparation teams hosted the session and were supported by WBG safeguards specialists to present the frameworks, and participants gained an understanding of background, objectives, content, and practical implications of the instruments. All participants confirmed the need for the safeguards plans, but raised concerns about threshold levels regarding the safeguard instruments and procedures in general. The participants noted that levels of both environmental and social requirements should be appropriate in relation to the scope, size, and nature of potential sub-projects under the SCSD Project. SME representatives expressed concern about the additional administrative burden related to the safeguards requirements in general and requested for the inclusion of financial facilities through which the SCSD Project will cover the costs for the hiring of administrative and E&S support. The meeting acknowledged these concerns and discussed how project resources would be available to support the implementation of safeguards requirements during project

implementation. This would include provision of capacity support of project environmental and social specialists through the MTIT PIU to work with project beneficiaries, and the eligibility of using grant resources to implement subproject environmental or social measures that are required for compliance or that enhance the sustainability of the subproject.

**Following this initial round of consultations, all draft safeguard documents (ESMF, RPF, RSA, and ITPPF) and the PowerPoint Presentations that have been prepared in support of the initial consultations were distributed among the representatives of ministries and NIMOS and the participating private sector representative organizations.** It was agreed that they will now further consult their staff on these policy frameworks aiming to raise and provide general support to these SCSD Projects' safeguards. This document distribution and review process will continue with other line ministry stakeholders, civil society organizations, and business support organizations, which may request MTIT and MNR for additional clarification or provide additional comments for consideration.

**The primary next step to be taken in the further consultation and dissemination of the SCSD Project safeguard framework documents is public disclosure.** Public disclosure of the SCSD Project safeguard documents will be done by placing these draft documents on the websites of (i) the Competitiveness Unit Suriname (CUS) ([www.surinamecompete.org](http://www.surinamecompete.org)), (ii) the website of NIMOS ([www.nimos.org](http://www.nimos.org)) and (iii) the facebook page of MTIT (<https://m.facebook.com/Ministerie-van-Handel-Industrie-en-Toerisme>), allowing civil society and potential stakeholders a period of 15 days to review and provide input on these safeguard policy frameworks.

During implementation of the SCSD Project and the sub-projects that will be supported by it, the stakeholder consultation processes and the engagement of Project Affected Peoples (PAPs) during the early design and implementation phases of the sub-project activities are firmly anchored in the ESMF and the ITPPF safeguard documents.

## **8.2 DISCLOSURE OF RESETTLEMENT PLANS**

After its drafting, this RPF will be disclosed by the World Bank and the GoS. It is planned that the RPF will be disclosed alongside the ESMF for at least 30 days, in line with NIMOS guidelines for ESIA studies for Category B projects<sup>9</sup>. NIMOS allows public disclosure through their office and website for the general public. In addition, the PIU will forward copies of the RPF to the local government authorities, and other relevant governmental agencies.

The RPF will be addressed during the consultations of the ESMF and at future public consultation events. The draft RPF will be made available at relevant accessible locations in the Project area together with the ESMF documentation. Public consultation feedback will be incorporated into the final RPF. The final RPF will be cleared by both World Bank and government authorities and then disclosed on their respective websites.

Any RAP produced for the Project in the future will also need to be disclosed in alignment with World Bank requirements. The World Bank must approve a RAP before its implementation.

## **8.3 GRIEVANCE REDRESS MECHANISM**

The PIU, via this RPF, commits to engaging with PAPs and other stakeholders on resettlement issues in a manner that is conciliatory, fair, and transparent. Care will always be taken to prevent grievances rather than going through a redress process. By ensuring full participation and consultation with the PAPs, and by establishing communication and coordination among the various implementation entities, the Project aims to try to prevent grievances. Nonetheless, PAPs may disagree with a decision, practice or activity related to land acquisition and resettlement. Hence the Project will need to establish a resettlement grievance redress mechanism. The sections below describe grievance redress mechanism recommendations in more detail.

A resettlement grievance mechanism, consistent with the requirements of WB OP 4.12, will be established to prevent and address concerns and grievances related to land acquisition and resettlement impacts. The mechanism is integral part of effective social performance. It aims to be accessible to all stakeholders, including the poor and the vulnerable, so that the issues raised are resolved effectively and expeditiously.

The resettlement grievance mechanism is based on the following resolution principles: proportionality, cultural appropriateness, accessibility, transparency and accountability. The processes of the grievance mechanism include:

- Receive and register comments
- Review and investigate complaints and grievances
- Develop resolution options

---

<sup>9</sup> NIMOS (2017). Guidance Note NIMOS Environmental Assessment Process. URL: <http://www.nimos.org/smartcms/downloads/Final%20Guidance%20Note%20NIMOS%20EIA%20Process%202017.pdf>

- Respond to grievance and agree on resolution
- Monitor implementation of resolution
- Finish tracking as closed out
- Evaluate lessons learned

The most common grievances related to impacts associated with OP 4.12 include: valuation amounts, boundary disputes, and ownership objections. PAPs will have the right to appeal the valuation provided it is within a 30-day calendar period from receipt of notification of the valuation.

Face-to-face meetings, telephone conversations, or e-mail will be made available to PAPs for raising issues, concerns and grievances. The processes identified will be tracked from acknowledgement, investigation and verification, to remedial action. Grievances will be sorted, categorised by risk level (related to delay of Project activities or increased budget needs), and logged. Based on the grievance topic and its risk categorisation, the PIU will identify an appropriate team of one to three people to undertake an investigation. As appropriate, one of the three will be external to the PIU.

After investigation and agreement on the action plan, remedial activities will be monitored and evaluated. Feedback on the investigation results, action plan, and results of remedial activities will be provided to the complainant.

A PIU staff member will be responsible, and trained appropriately, for managing the grievance process. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the Project.

If no solution identified by the Project is acceptable to the complainant, within two weeks the Project will organise a committee under the auspices of the District Government with about five members who are considered familiar with the topic but not familiar with the case. The committee should result in a solution acceptable to all, and identify responsibilities and an action plan. The Project should begin implementation of the agreed redress solution and convey the outcome to the World Bank within seven working days.

If the complainant is still dissatisfied, the Project will invoke a legal resolution process based on the Suriname legal framework described above, complemented by the World Bank guidelines. The use of the resolution initiates a negotiation process. The PIU will identify, describe and report any associated OP 4.12 grievance, investigation, and remedial actions and results to the WB in periodic progress reporting.

## 9 MONITORING AND REPORTING

The overall objective of monitoring resettlement and compensation is to evaluate the process to determine:

- If PAPs have been meaningfully consulted and compensated in full and before implementation of resettlement-related project activities
- If PAPs are now living at a higher standard than before, living at the same standard as before, or are poorer than before
- Indicators for monitoring will cover process, outputs and impacts. Typical resettlement monitoring indicators are presented in Table 5. Each RAP will identify its own key issues for monitoring.

*Table 5. Indicators for Monitoring*

Monitoring Indicators	Basis for Indicators
Budget and timeframe	<ul style="list-style-type: none"> <li>▪ Have resettlement implementation activities been achieved according to the agreed plan?</li> <li>▪ Are funds for resettlement being allocated as agreed and on time?</li> <li>▪ Has all land required been acquired in time for project implementation?</li> <li>▪ Have PAPs been informed sufficiently in advance about public Project meetings?</li> </ul>
Delivery of PAP entitlements	<ul style="list-style-type: none"> <li>▪ Has any displacement taken place and if so, have the specific guidelines to minimize impacts on vulnerable peoples been followed?</li> <li>▪ Have all PAPs received complete entitlements according to the amount and categories of loss?</li> <li>▪ Has compensation been disbursed to the PAPs according to the plan?</li> </ul>
Consultation, grievance and special Issues	<ul style="list-style-type: none"> <li>▪ Has consultation taken place as scheduled?</li> <li>▪ Has any PAP used the grievance redress procedures? If so, what was the grievance and what were the outcomes?</li> <li>▪ Have conflicts been resolved?</li> <li>▪ Are there any special issues related to land acquisition or resettlement that affect other Project activities or create new Project risks?</li> </ul>

Once specific share value chain asset investment activities have been identified, and preliminary screening suggests that there is a risk that project activities involve physical or economic resettlement, the PIU will identify a land acquisition and resettlement focal point. This person will be the primary contact person for PAPs and other stakeholders, and serve as a liaison between affected persons and the PIU. The focal point also will be responsible for undertaking internal monitoring and reporting on resettlement plan implementation.



During implementation, each month an internal monitoring report will be produced. Key monitoring findings will be included in progress reports to the World Bank. When the resettlement plan implementation is complete, the Ministry of HI&T will produce a completion audit report. The completion audit report should address the requirements presented in OP 4.12, namely an: executive summary; background with information about the monitoring process, impacted communities, legal framework, summary of eligibility criteria and entitlements, restoration and compensation, any outstanding issues; review objectives; key findings and conclusion and key recommendations or corrective actions.

## REFERENCES

---

NIMOS (2009). Richtlijnen voor Milieu Effecten Analyse. Deel I : Algemene Richtlijnen. Nationaal Instituut voor Milieu en Ontwikkeling in Suriname, Office of Environmental and Social Assessment.

NIMOS (2017). Guidance Note NIMOS Environmental Assessment Process. Nationaal Instituut voor Milieu en Ontwikkeling in Suriname, Office of Environmental and Social Assessment.

Topin-Allahar, C. and N. Del Prado (2010) Paranam Industrial & Commercial park (PICP) Legal Support – Component I. Final Report produced for the ministry of Planning and Development Cooperation.

World Bank (2001). OP 4.12 - Involuntary Resettlement