

ABBREVIATED RESETTLEMENT ACTION PLAN (RAP)¹
MAURITIUS – URBAN INFRASTRUCTURE PROJECT

RP741

1.0 Introduction

Wooton – Belle Rive - Quartier Militaire Road, a 5.5-to-6.5 meter road, the main link between the East and the West of Mauritius, will be fully or partially rehabilitated and widened to up to 7.5 meters under the proposed project, to alleviate congestion and above all to improve road safety on this axis, largely used by trucks and buses.

The scope of works for the upgrading of Quartier Militaire Road (B6) (the Project) consists of two main components: (A) Upgrading of the existing alignment from Belle Rive junction to Quartier Militaire and (B) Construction of bypasses to inhabited areas at Valetta and Quartier Militaire. (See Annex E - Map of Planned Works for B6 road).

(A) The upgrading works include:

- ⌚ Partial realignment, strengthening and improvement of the longitudinal profile of the existing road over a length of about 7 km with 7.4 meters wide carriageway from Belle Rive junction to Quartier Militaire.
- ⌚ Construction of footpaths and drains, provision of street lighting and resurfacing of the existing road through the inhabited areas of Valetta and Quartier Militaire over a length of about 2.25 km.

(B) The Bypasses include:

- ⌚ Construction of a new road 7.4m wide to bypass the village of Valetta over a length of 1.5km inclusive of two roundabouts drainage and street lighting.(Valetta Bypass)
- ⌚ Construction of a new road 7.4m wide to bypass the village of Quartier Militaire over a length of 2.5km inclusive of three roundabouts one underpass at Bonne Veine Road, drainage and street lighting.(Quartier Militaire Bypass).

The Executing Agency is the Road Development Authority (RDA). The Ministry of Environment, the Ministry of Housing and Lands and the Valuation Department of the Ministry of Finance and Economic Empowerment will be involved at different stages and for inputs as necessary.

2.0 Statement of Problem

1. The project will necessitate minor realignments in lightly populated areas to extend the width of the road by up to 2 meters on either side. It will therefore be necessary in such areas, to ensure that Project

¹ Project Affected People are not physically displaced and less than 10% of productive assets will be lost so Abbreviated RAP process has been followed. In Mauritius, this document will be published as the Land Acquisition Plan (LAP).

Affected Persons (PAPs)² (persons occupying this privately owned land-used for residential and commercial purposes and in some cases for sugarcane cultivation) are adequately compensated or provided assistance, as the case may be.

Given that the road widening will be universally beneficial (it will make it easier and faster to transport people and goods, and will reduce traffic accidents on a highly transited road), there has been no opposition to the road widening in principle. No residential dwellings or commercial or agricultural establishments (whether legally owned and operated or otherwise) will be demolished or relocated in the area to be widened.

Inhabited areas are concentrated at Quartier Militaire and Valletta. In these areas, road widening will be restricted to 7 metres although pavements will be built to enhance safety for pedestrians. Generally, the services available within the areas will not be affected except during the construction period, when traffic will be delayed, affecting public transport. There is a school at Quartier Militaire. However, it is expected that the effect on bus services for schoolchildren will be minimally affected since the school mostly caters for students from the Eastern region and the school bus routes are generally off the Project road.

Provision has also been made, bearing in mind stakeholder concerns, for the construction of two bypasses: at Valetta (1.5 Km) and Quartier Militaire (2.5 Km). These deviations will reduce the major portion of the traffic in the villages (which is through traffic). Noise pollution, dust and accidents will be reduced thereby providing a safer and better environment for the inhabitants. The sections of the existing road through these two villages will be overlaid together with some other minor improvements (footpaths, handrails, street lighting). Provision of these amenities will greatly decrease the risks of accidents in the inhabited areas. The recommended alignment was found to be the optimum option from the economic, geometrical and road traffic safety point of view. This alternative includes the improvement of the existing horizontal and vertical alignments outside the residential areas and provision of bypasses at Valetta and Vuillemin (before the A7 road).

2.1 Alternate to Proposed Original Route

At a meeting of PAPs held on October 23rd 2008 at the Citizens Advice Bureau, Quartier Militaire, several PAPs questioned whether it would be possible to alter the design of the proposed route by improving a bypass link road, thereby minimizing heavy freight traffic in a densely populated area. Mr. Muhammad Sadruddin Diljore, Divisional Manager (Civil Engineering), representing the RDA, said that engineering studies had been undertaken for this alternate routing, and that its adoption would depend on financial cost/benefit analysis, but could certainly be considered. After consultations with the World Bank, this alternate to the original proposed route has been adopted, and this RAP has been adjusted to include these changes (See sections 1.0 and 2.0.)

² “Project Affected Persons” means persons who, solely on account of the execution of the activities under the Quartier Militaire project have or would have their: (a) standard of living adversely affected; or (b) right, title, or interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently; or (c) business, occupation, work or place of residence or habitat adversely affected. In the case of PAPs in the Project area who do not have legal right or title to land that they are occupying, assistance will be given to replace non-land assets lost (defined as fixed immovable structures and crop or agricultural produce losses in the land acquired for the project).

2.2 Summary of Actions and Next Steps

A preliminary census was undertaken by Mr. Rajendranath Khoobarry, sworn land surveyor and former Chief Surveyor in the Ministry of Housing and Lands. (See signed summary from Mr. Khoobarry, provided as Annex A.) The preliminary survey of ownership in the bypass areas has also been completed. Title deed searches at the Registrar General's Office are underway to confirm the legal ownership of each plot.

The Citizens Advice Bureau, Quartier Militaire, which falls under the Ministry of Environment and National Development, organized an informational meeting to which PAPs along the route were invited by letter (Annex C). This meeting (in which the World Bank Social and Environmental Specialist participated) was attended by over 30 PAPs, a third of the affected PAPs living along the route. Within this group village community members were represented. The meeting was chaired by The Hon. Surendra Dayal, MP for the Project Area and Chief Government Whip, and Mr. Viswadeep Karamchand Koonjul, Regional Development Officer. Mr. Muhammad Sadruddin Diljore, Acting Deputy General Manager explained the proposed project (using detailed maps and engineering designs), provided a detailed explanation of the environmental management process, the compensation process, and the grievance process and answered all queries. (The owners of land in the bypass areas were notified by letter of the intention to build a bypass and their rights for compensation, and were provided a number at the RDA to contact for queries and to voice any concerns about the Project. These letters were sent out by Friday December 5th 2008.)

The cut-off date for the purpose of identifying current occupants of the affected area along the existing road alignment (i.e. excluding the by passes) so as to establish a basis for implementation of this Resettlement Action Plan (RAP) and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance is determined to be October 8 2008, the date the preliminary census survey of stakeholders was finalized.

The cut-off date for the purpose of identifying current occupants in the bypass areas, so as to establish a basis for implementation of this RAP and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance is determined to be December 5 2008, the date the notification letters were dispatched.

Compensation for PAPs with legal right or title to land, and in the case of PAPs without legal title or right to land as of the cut-off dates above (should any such PAPs exist) assistance to replace non-land assets lost (defined as fixed immovable structures and crop or agricultural produce losses in the land acquired for the project), will be assessed as from the date of Government having completed an investigation, a precise survey and a valuation of all land and replacement cost value in the Project areas proposed for acquisition.

Once the RDA identifies precisely the extent of land affected in each individual instance, a list will be prepared providing all details on ownership and the area required for the Project. The list will be sent to the Ministry of Housing and Lands (MHL). Before any land is compulsorily acquired, the RDA will carry out and complete the abovementioned investigation and precise survey of all land concerned, and the Valuation Department will carry out a valuation of all such land, which will determine the land and replacement cost value in accordance with the Government of Mauritius' valuation method. The MHL will offer each PAP with legal right or title to land, the land and replacement cost value determined for

the respective land proposed for acquisition.³ Land Acquisition procedures are explained in detail in Section 3.0.

Where markets are active, as in Mauritius, replacement cost of affected land, in either rural or urban areas, is based on fair market value (plus transaction costs and, in rural areas, any preparation costs). The Valuation Department of the Ministry of Finance and Economic Empowerment will undertake the assets valuation work, and has a very thorough valuation process which follows international accounting and valuation methods, (the internationally recognized Modern Methods of Valuation, primarily the comparative method). The valuation method to be used qualifies as replacement cost, as required by the Bank's Operational Policy OP 4.12.⁴ "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs (as detailed in Section 3.0 below). Should the PAP wish to contest the offer, detailed procedures for counterclaims and appeals are in place in this RAP to enable this. (See Section 3.0 for details of such procedures).

3.0 Legal Framework for Land Valuation, Acquisition, and Compensation and/or Assistance

The Roads Act authorizes the Road Development Authority (RDA) to reserve land for the purpose of road construction, for road widening as well as provision of footpaths and for dealing with objections.

Under the provision of the Land Acquisition Act, the Government of Mauritius can acquire compulsorily any land, provided that:-

- (i) it is neither possible nor expedient to acquire the land by private agreement;
- (ii) the conditions of Section 8(i) (a) and (b) of the Constitution are fulfilled;
- (iii) adequate compensation is paid; and
- (iv) the land is required for public purpose.

Compulsory acquisition under the Land Acquisition Act is resorted to in case no agreement is reached with the owner on the proposed acquisition (after private negotiations have failed) or when it is not expedient to acquire the land by private agreement.

In the case of this Project, notwithstanding any provision to the contrary in the Land Acquisition Act, before any land is compulsorily acquired, the Government of Mauritius will apply the following procedure set out below:

1. RDA shall first carry out and complete an investigation and a precise survey of all land proposed for acquisition, and the Valuation Department of the Ministry of Finance and Economic Empowerment shall carry out a valuation exercise of all land concerned to determine the replacement cost value as defined in Section 2.2 of this RAP. Each PAP with legal right or title to land shall then be offered

³ PAPs without legal right or title to such land that they are occupying, if any such exist, will be provided assistance to replace non-land assets (comprising fixed immovable structures and crop or agricultural produce lost solely on account of the execution of the Project activities).

⁴The valuation method to be used adequately reflects two principles which are reflective of OP 4.12: (a) Acquisition of land wherever possible takes place through negotiated settlement, even if the government has the right to gain access to the land without the agreement of the landowner. (b) The procedure provides a clear description of the scope of the power of eminent domain and the nature of compensation associated with it, both the procedures for assessing compensation values at replacement cost ("fair market value"), and mechanisms for recourse for those landowners who cannot reach a negotiated settlement.

compensation, such compensation being the replacement cost value determined for the respective land proposed for acquisition as defined in Section 2.2.⁵

2. In order to carry out the preliminary investigations and surveys and to prepare plans, a Notice under Section 6 of the Act will be published in two issues of the Government Gazette and two daily newspapers, there being in each case an interval of at least seven days between the first and second publications. On or about the day of the first publication of the Notice, a copy of the Notice is served by the Authorized Officer (any person designated as such under Section 25 of the Act) on the owner of the land likely to be acquired and on the owner of any other land that may be entered by the Authorised Officer. Officers of this Ministry may then enter the land for Survey and investigation purposes fourteen (14) days after the date of the last publication of the Notice.
3. The purpose of the Notice under Section 6 is to carry out preliminary investigations and works, to enter upon the premises and to notify the owner of Government's intention to acquire his land. The Land Surveyor of this Ministry carries out the Survey of the land and draws up the survey plan to be deposited under Section 8 of the Land Acquisition Act. This notice:
 - ⌚ Describes the plot of land to be acquired with precision, in words and by reference to a plan which shall be deposited at such place as may be specified in the notice and which shall be open to inspection by the public;
 - ⌚ States the purpose for which the land is being acquired.
4. An extensive survey is conducted during the survey and valuation process. This survey will define:
 - ⌚ The exact area of land to be acquired based on the engineering estimates of the exact depth of road widening necessary (depending on gradient, curve of the road, etc. to be finalized in the engineering works, but in this instance it will never be more than 2 meters wide, and in no case in this instance will it exceed 10% of the PAP's property);
 - ⌚ Confirmation of exact ownership of title to the lands⁶;
 - ⌚ Assessed compensation for the land, using the internationally recognized Modern Methods of Valuation, primarily the comparative method: (no less than five comparisons with most recent title deeds of land sold in the same area prior to the Project cut-off date, which will be defined as the start of the survey undertaken by RDA);
 - ⌚ Assessed compensation for the loss of agricultural crops and produce, using income stream information for the past three years;
 - ⌚ The loss of parking space or commercial display area (for small businesses), based on valuation of loss of goodwill, customer base, etc;
 - ⌚ Felling of productive trees;
 - ⌚ Cost of re-siting, repair, or replacement of any outhouses or garden structures, fences, walls, etc.

⁵ See also footnotes 3 and 6.

⁶ Preliminary surveys indicate that there are no "squatters" [persons with no recognizable legal right or title to the land they are occupying] in the project affected area as of the eligibility cut-off date established by the Government of Mauritius. If the title deed survey does indeed confirm that there are PAPs in the Project area without legal right or title to land they are occupying, assistance will be given to replace non-land assets lost (defined as fixed immovable structures and crop or agricultural produce losses in the land acquired for the project). Since there is no physical resettlement or loss of livelihood, no such resettlement assistance will be provided.

- ⌚ In cases where the PAP believes that the land remaining to him/her is no longer viable (if the PAP is deemed to suffer injurious affection), he/she will be paid for the full plot of land, at a price that will reflect the market value of the land and any injurious affection.⁷ Should a business owner have no option but to move (and if this fact is confirmed by the local municipal authority) he/she will be compensated for loss of goodwill, established customer base, etc. (detailed matrix of entitlements attached as Annex B).
5. On completion of the survey of the plot of land to be required, a Notice under Section 8 of the Land Acquisition Act is published in two issues of the Government Gazette and two daily newspapers, there being in each case an interval of at least seven days between the first and second publications. In that Notice, any interested person is requested to submit within fourteen days of the second publication of the Notice, a written declaration of the nature of his interest in the land and of the amount and details of his claim for compensation. On or about the date of the first publication of the Notice, a copy of the Notice is served by the Authorised Officer on the owner of the land. The object of the Notice under Section 8 is to make a precise survey of the land to be registered, and to obtain title of ownership to the land by transcription of the Notice under Section 8. In the instance of this Project, an offer of the value of the land proposed for acquisition (such value determined based on the method discussed in Section 2.2 above) will be made to the PAPs with legal right or title to land proposed for acquisition. These PAPs will be given 21 days from the date of notice of the offer to consider the offer.
 6. Under Section 10 of the Act, any interested person may challenge the legality of the compulsory acquisition within 21 days from the second publication of the Notice in the Gazette and appeal to the Supreme Court within the said period and in such manner as provided by the rules made by the Supreme Court for the purpose. If no challenge has been made, the Notice under Section 8 is transcribed under Section 11 of the Act by the Conservator of Mortgages and the transcription of the Notice shall constitute in favour of Government title to the land, free from all charges and encumbrances.
 7. If the compulsory acquisition is challenged under Section 10 of the Act, the Notice under Section 8 is not transcribed. The judgment of the Court in favour of Government is awaited for transcription of the Notice under Section 8 for Government title.
 8. Under Section 10 of the Act, [challenge to the Compulsory Acquisition], the PAP files within 21 days from the second publication of the Notice under Section 8 in the Gazette, in the Registry of the Supreme Court a Notice of appeal in writing setting forth the grounds of his appeal. The judgment of the Court is awaited whether to acquire or not the said land.
 9. Under Section 12 of the Act, any interested person whose land has been compulsorily acquired shall be entitled to payment of compensation. As discussed in paragraph 1 of this section, in the instance of this Project, such compensation shall be offered to the PAPs with legal right or title to land prior to the transfer of title to Government. The PAP will be given no less than 21 days from the date of notice to accept this offer or alternatively to make a counterclaim. If the legality of the compulsory acquisition is not challenged (as discussed in paragraph 6 above), after the 21 day period, the Government may transfer the title of ownership for the land concerned through compulsory acquisition; such land will thereafter be vested in the Ministry of Public Infrastructure, Land Transport and Shipping (for use by the RDA for the Project). If the offer of payment made by the Government is accepted by the PAP, upon the approval of the Minister of Housing and Lands, the

⁷ Alternately, the government may offer a comparable plot of land if available and pay compensation for moving.

Solicitor-General is requested to appoint a Notary Public (or a Notary Public chosen by the PAP) to draw up the deed of acquittance. The Government will draw a check for the accepted amount in the name of the PAP and send it to the Notary Public, with clear instructions to the Notary Public indicating that, upon signature of the deed of acquittance by the PAP, the Notary Public shall promptly present the payment to the PAP, which shall in any event be no later than 60 days of the date of the Ministry of Housing and Lands' receipt of the PAP's notice of acceptance, unless the payment is reasonably delayed due to the existence of one or more of the circumstances described in paragraphs 14 and 15 below.

10. If the initial offer is not accepted, the PAP and the Government may seek agreement on another amount ("Counter Offer"). If the PAP submits a Counter Offer, the views of the Chief Government Valuer will be sought. Through meetings between parties concerned, an agreed price can be finally settled. Thereafter, following approval of Minister of Housing and Lands, a new offer on the agreed price is made and upon acceptance, and through the procedure described in paragraph 9 above, the Government will draw a check for the agreed amount in the name of the PAP and deliver it to the Notary Public, with express instructions to promptly present payment to the PAP, which should be no later than 60 days from the PAP's notice of acceptance of the offer⁸ and once the deed of acquittance is signed by the PAP (unless the payment is reasonably delayed due to a circumstance described in paragraphs 14 and 15 below). Any delay of payment of compensation is compensated by granting interest at the legal rate as from date of acquisition to date of offer/award.
11. In case no agreed price is reached between the PAP and the Chief Government Valuer, the said claim is, after approval of the Minister of Housing and Lands, referred to a Board of Assessment having as Chairman, a person holding or having held judicial office in Mauritius, to be designated by the Chief Justice and two members appointed by the Minister of Housing and Lands. At the conclusion of the inquiry, under Section 17, the Board shall make an award on the claim for compensation. There may be one or several sittings of the Board prior to the delivery of the Award. The Government will promptly draw a check for the amount awarded by the Board of Assessment in the name of the PAP and deliver it to the Registry of the Supreme Court, and make best reasonable efforts to ensure that the funds are paid to the PAP within 60 days of the decision of the Board of Assessment, unless either the PAP or the Ministry of Housing and Lands files an appeal with the Supreme Court against the award within 21 days of the date of delivery of the award.
12. If an appeal is made to the Supreme Court, the Government will promptly draw a check for the amount of the Supreme Court judgment in the name of the PAP and deliver it to the Registry of the Supreme Court and make best reasonable efforts to ensure that the funds are paid to the PAP within 60 days of the judgment of the Supreme Court, unless either the PAP or the Government files an appeal with the Privy Council. If an appeal is made finally to the Privy Council, the Government will promptly draw a check for the amount of the Privy Council judgment in the name of the PAP and deliver it to the Registry of the Supreme Court and make best reasonable efforts to ensure that the funds are paid to the PAP within 60 days of the judgment of the Privy Council.
13. In the event that a PAP does not respond to the initial offer made by the Ministry of Housing and Lands (see paragraph 5) the Ministry of Housing and Lands shall continue to hold the amount of the offer in the account set up in the Ministry of Housing and Lands, until at least the completion of this Project.

⁸ Proof of receipt is indicated by an official date stamp on the PAP's notice of acceptance, stamped on the document by the Ministry of Housing and Lands upon the Ministry's receipt of the document.

14. In the event that the ownership of land is in dispute, the Ministry of Housing and Lands shall continue to hold the amount of the offer in the account set up in the Ministry of Housing and Lands, until either the disputing parties come to a mutual agreement on the matter of ownership, or there is a final judicial settlement of the dispute, and thereafter, the Ministry shall promptly implement the measures stipulated in paragraph 9.
15. In the event that compensation payments cannot be made because the PAP must take certain actions to (a) resolve an encumbrance, such as a claim, lien, charge or other liability attached to the land concerned, or (b) furnish appropriate evidence such as proof of identity or ownership of the land, or (c) be present, or alternatively provide appropriate power of attorney, for the purposes of accepting payment and signing the deed of acquittance, the Government shall provide instruction to the relevant authorities that such payment shall be promptly made to the PAP upon the PAP's resolution of such issue(s).

4.0 Census of Affected Properties, Families and/or Businesses

A door to door survey has been carried out (See Annex A). Title deed searches are underway to confirm the legal ownership of each plot. Under World Bank OP 4.12, *Annex A- Involuntary Resettlement Instruments* fn 6, the RAP covers a socioeconomic survey and income restoration measures, in the case where PAPs lose more than 10% of their productive assets or require physical relocation. Though this situation is believed not to apply in the case of this Project, should the situation arise socioeconomic data (including income stream, age of household members, etc) will be gathered by the Valuation Office, in order to ensure proper compensation is provided.

The total area of land to be acquired in built up regions is 5,175 m², along sugar cane fields is 65,416 m², and in the bypass areas is 180,390m².The exact amount of land to be acquired per owner will only be available once the precise survey pursuant to the Land Acquisition Act is carried out. However, only land and boundary walls will be affected.

The bypasses go through agricultural land. Only sugar cane fields will be affected and there will be no displacement of people, resettlement or demolition of inhabited houses or buildings. Regarding the extent of loss of livelihood, preliminary surveys indicate it is unlikely there will be any loss of livelihood. If it can be established that loss of livelihood occurs as a result of the Project, compensation will be made according to the laws of Mauritius and as detailed in this RAP.

Table 1: Property (Goods and Assets Affected).

A preliminary door-to- door census survey has been completed, and will be made available at the office of the RDA and/or the Citizens Advice Bureau. It is also available in the World Bank project files. A title deed search is underway to ascertain legal ownership of each plot. (It is expected that only boundary walls will be affected). Table 1 is provided separately to this RAP, and will be available to interested parties upon request, once title deeds have been confirmed. A preliminary census survey of landowners along the bypass routes has also been provided to the World Bank, and will be made available to interested parties upon request, once title deed information has been confirmed.

5.0 Impacts Caused By Project

There will be no physical displacement of families or households as only minimal land acquisition is required to ensure that the road is widened to at least seven meters. Footpaths, handrails, speed bumps, and adequate safety measures will be adopted during construction and are detailed in the Environmental Management Plan.

Sound engineering practice will be followed to ensure any impacts occasioned by construction - damage to walls, foundation and structures- will be kept to a minimum. In the case such damage occurs, the usual procedure is for the RDA will repair such damage, and this is the preferred option historically. Alternately, the PAP may opt for cash compensation (as assessed by the RDA) to undertake repairs themselves.

Table 2a: Impacts Caused by Displacement (Households) *This table will be completed when engineering design is finalized- impact will be limited to loss of land and boundary walls, and possible loss or decrease in income.*

Household Number	Loss of land	Loss of house	Loss of or decrease in income	Loss or difficulty of access to educational services	Loss of access to health services	Loss of access to public services	Loss of social networks	Comments
		N/A		N/A	N/A	N/A	N/A	

Table 2b: Impacts Caused by Displacement (Businesses) *This table will be completed when engineering design is finalized.*

Business Number	Loss of land	Loss of Business place	Loss of or decrease in income	Loss of economic networks	Comments

6.0 Public Participation and Consultation

The RDA is working closely with the Citizens Advice Bureau and the local MP and community leaders, for public consultation and public information dissemination. Consultations and public participation will be carried out regularly as an ongoing process throughout Project planning, design and implementation stages. Preparation of appropriate documents and planning and implementation for the acquisition of land and other assets will be carried out in consultation with the PAPs and the PAPs will receive prior information of the compensation, relocation and other assistance available to them including:

- ⌚ The relevant details of the Project;
- ⌚ The Resettlement Action Plan and various degrees of Project impact;
- ⌚ Details of entitlements under the Resettlement Action Plan and what is required of PAPs in order to claim their entitlements;
- ⌚ Compensation process and compensation rates;
- ⌚ Implementation schedule with a timetable for the delivery of entitlements; and
- ⌚ Information concerning grievance procedures and how to use them.

The Citizens Advice Bureau, Quartier Militaire, which falls under the Ministry of Environment and National Development, organized an informational meeting to which PAPs along the route were invited by letter (Annex C). This meeting (in which the World Bank Social and Environmental Specialist participated) was attended by over 30 PAPs, a third of the affected PAPs living along the route. Within this group village community members were represented. The meeting was chaired by The Hon. Surendra Dayal, MP for the Project Area and Chief Government Whip, and Mr. Viswadeep Karamchand Koonjul, Regional Development Officer. Mr. Muhammad Sadruddin Diljore, Divisional Manager (Civil Engineering) explained the proposed project (using detailed maps and engineering designs), provided a detailed explanation of the environmental management process, the compensation process, and the grievance process and answered all queries.

Two concerned voices were raised: one PAP who wanted assurance that if it was determined that some of his land would be bought, he would be provided with enough cash to purchase a comparable plot of land that would suit his family's needs; and a PAP who questioned whether it was really necessary to widen the road at all. All other PAPs were in favor of the Project proceeding as soon as possible. Mr. Dayal has in fact raised this question in Parliament on numerous occasions, as is available in Parliamentary records.

(The owners of land in the bypass areas were notified by letter of the intention to build a bypass and their rights for compensation, and were provided a number at the RDA to contact for queries and to voice any concerns about the Project. These letters were sent out by Friday December 5th 2008 and many queries have been received since then, to which the RDA has given a full and transparent response.)

7.0 Proposed Assistance to Affected Families

There will not be any resettlement of persons under this Project. During construction whenever access to a property is affected temporary solutions will be provided to ensure that the PAPs are least affected. As per current practice, demolition and reconstruction of boundary walls and gates will be undertaken under the Project.

Table 3: Agreed Solutions (will be completed per Annex B when survey and valuation is finalized.)

Household or business number	Land Acquisition Solution	Comments

8.0 Responsible Agencies

The Road Development Authority (RDA) is undertaking the Title Deed Check. The RDA will also repair and reconstruct any personal property that is damaged or affected. On Government obtaining title to plots of land, the land will be vested in the Ministry of Public Infrastructure, Land Transport and Shipping for use by the RDA for the project

The Valuation Department of the Ministry of Finance and Economic Development will undertake the assets valuation work.

The Ministry of Housing and Lands is responsible for advertising the process and making compensation, using funds earmarked to the Ministry in the Budget.

9.0 Source of Budget and Cost Estimate

Table 4.a Preliminary estimate of Land Requirement and Estimated Cost of Land Acquisition:

[This information has been provided to the Bank and is kept separately in project files until final land acquisition costs can be determined and ultimately disclosed].

TABLE 4b: Detailed Budget (to be completed after Project is approved, compensation funds earmarked, and valuation process commenced)

Item	Cost (MUR)	Comment	Timing	Source of Funds	Channel of Disbursement
Operations					
Salaries		Management seconded from Project staff and support staff			
Office/ Administration		Equipment, supplies, and communications			
Consulting Services		Plan preparation including mapping, census and surveys, consultation, monitoring and evaluation			
Miscellaneous					
Compensation					
Compensation to land owners for residential land					Ministry of Land and Housing (MLH)
Compensation to land owners for agricultural land					Ministry of Land and Housing (MLH)
Compensation for lost crop production					Ministry of Land and Housing (MLH)
Compensation for enterprises					Ministry of Land and Housing (MLH)
Compensation for structures affected					Ministry of Land and Housing (MLH)/RDA
Compensation for productive trees					Ministry of Land and Housing (MLH)
Compensation for moving/disturbance					Ministry of Land and Housing (MLH)
Compensation for injurious affection					Ministry of Land and Housing (MLH)
Site Planning					

Item	Cost (MUR)	Comment	Timing	Source of Funds	Channel of Disbursement
Site Planning		Surveying, land use assessment, master plan, demarcation, and check of title deeds			
Infrastructure		Drains, pavements, handrails, speed bumps			
Monitoring and Evaluation					
Plan Monitoring					
Plan Final Evaluation					
Total					
Sub-total all items					
Contingency		10% of sub-total			
TOTAL					

10.0 Land Acquisition Schedule

Table 5: Land Acquisition Schedule

Activities	Dates	Budget	Comments
Planning of census and surveys	9/2008		
Information to people affected	10/2008-		
Conduct census	10/2008-		
Valuation process			
Payment of compensation commences			
Follow-up Visit by Responsible Agency			

11.0 Monitoring/Follow Up Activities

For the duration of the Project, the Government of Mauritius shall open and maintain a separate ledger account in the Ministry of Housing and Lands of an amount equivalent to the aggregate value of the land and replacement cost value, as detailed in Section 2.2 of this RAP. Full and timely release of the funds recorded in this account shall be made to the PAPs, as detailed in Section 3.0 of this RAP.

Any activity such as demolition and reconstruction of boundary walls and gates will be carried out under the project, in accordance with an established calendar which will involve liaison with PAPs. Grievances may be voiced to the local Citizens Advice Bureau, who will hold regular periodic meetings on the project, and can also be voiced to the Contractor Engineer as well as directly to the RDA, which will ensure that necessary corrective measures are taken under the contract.

12.0 Evaluation

Six months to one year after the completion of the Project, the project authorities will contract an independent assessment to summarize PAP views of the acquisition process, and to provide a status report on any ongoing legal cases regarding land acquisition.

ANNEX A. LETTER FROM SURVEYOR



ROAD DEVELOPMENT AUTHORITY

2nd Floor, Jhugroo Building, St Paul Road, Vacoas, Mauritius

My Ref.: RDA/P/1408 vol 5

Date: 20 October 2008

Your Ref.: _____

Ms Noreen Beg.
Africa Carbon Finance Team.
World Bank,
1818 H St. NW,
Washington DC 20433

Subject: **Survey in connection with the Upgrading of B6 Road Project from Belle Rive to Quartier Militaire**


With regard to the Quartier Militaire Road Project (B6) in the first week of October 2008 I traversed the villages on the proposed route to collect names and gather data of the persons whose land is likely to be affected by the Road Project.

I introduced myself as a Land Surveyor working on the project. I informed them that the purpose of my visit is to gather names of all persons who owned land on both sides of the road. I explained the objective of the project, namely to improve the footpaths and drains, and possibly some enlargement of the road. I explained that this enlargement would entail the Government's acquisition of land for which they would be compensated in due course according to the laws of Mauritius, and after valuation of assets undertaken by the Valuation Office attached to the Ministry of Finance. When asked about compensation, I explained the negotiation and compensation process followed by the Government of Mauritius, and that if they were not agreeable with the price, they could go to court to have a review of the valuation price.

Some people asked about the price offered for compensation and whether there would be delays in payment. I informed them that the Government would pay interest at the legal rate from the date of acquisition to the date of payment. Many of the people of the affected localities expressed their frustration about project delays. Nobody that I met expressed any indication that they were against the project itself. On the contrary, they were keen to see the Project come to fruition as soon as possible.

I am currently undertaking research to confirm/determine ownership of the land as indicated by the Title Deeds. This is being done at the Registrar General's office.

I will visit the Sugar Insurance Fund Board to obtain the names of the sugar cane planters along the agricultural parts of the land to be affected by the road. I will then officially contact the planters to inform them about the project, and the compensation and appeal procedures.


R. Khobbarry
For Officer in Charge.

All correspondence to be addressed to the Officer in Charge, Road Development Authority
Tel: (230) 686 6630 - Fax : (230) 686 7552 - Email : registry@rda.intnet.mu

ANNEX B – MATRIX OF ENTITLEMENTS

	Type of Loss	Application	Entitled Person	Compensation
1..	Agricultural land	Loss of agricultural land	Eligible landholder	<ul style="list-style-type: none"> • Cash compensation for lost land at market replacement cost, or in some cases where appropriate (e.g., in case of injurious affection) land for land. . “Land for land” will be provided in terms of a new parcel of land of equivalent productivity and free of taxes, registration and transfer cost; at a location acceptable to PAP; and with long-term security of tenure. • Eligible for economic rehabilitation assistance and other allowances, as applicable.
			Non-titled but possessory landholder/Agriculture laborer	<ul style="list-style-type: none"> • No compensation for land but additional assistance given so that they are not worse off due to the Project and to enable them to replace loss of assets other than land (fixed immovable assets and crop and agricultural produce lost in land acquired as a result of the Project).
			Lease holder	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement cost of gross harvest for ---- year(s).
		Temporary Acquisition and easement	Eligible landholder	<ul style="list-style-type: none"> • Cash compensation based on opportunity lost during the period
2	Residential land	Loss of residential land	Eligible landholder	<ul style="list-style-type: none"> • Compensation in cash at replacement cost or, if applicable, replacement land of minimum plot of acceptable size or a plot of equivalent size, whichever is larger, in a nearby resettlement area with adequate physical and social infrastructure. • Replacement land to be free from taxes, registration and transfer costs. • Eligible for relocation assistance and other allowances as applicable.
			Non-titled but possessory landholder	<ul style="list-style-type: none"> • No compensation for land but additional assistance given so that they are not worse off due to the Project and to enable them to replace loss of assets other than land (fixed immovable assets and crop and agricultural produce lost in land acquired as a result of the Project).
			Lease holder	<ul style="list-style-type: none"> • Eligible for relocation assistance and other allowances, as applicable.
3	Commercial land	Plots used for business affected	Eligible landholder	<ul style="list-style-type: none"> • Compensation in cash at replacement cost for the affected portion or, where appropriate, replacement land of sufficient size for business continuation in market area of resettlement area or at location comparable to previous site. When the affected premises are larger than the relocation plot, cash compensation at replacement cost to cover the difference in area. • Eligible for relocation assistance and other allowances, as applicable.

	Type of Loss	Application	Entitled Person	Compensation
				<ul style="list-style-type: none"> • Eligible for economic rehabilitation assistance.
			Non-titled but possessory landholder	<ul style="list-style-type: none"> • No compensation for land but additional assistance given so that they are not worse off due to the Project and to enable them to replace loss of assets other than land (fixed immoveable assets and crop and agricultural produce lost in land acquired as a result of the Project).
			Lessee	<ul style="list-style-type: none"> • Assistance for finding new commercial place. • Eligible for relocation assistance and other allowances, as applicable. • Eligible for economic rehabilitation assistance
4	Structure	Structures affected	Owners	<ul style="list-style-type: none"> • Compensation in cash for affected portion of the structure and other fixed assets at replacement cost, without depreciation and without deductions for salvaged material. • Assistance in restoration of any remaining structure, if applicable. • Eligible for relocation assistance and other allowance.
5	Loss of business/incomes/employment	Loss of business/incomes/employment	Affected PAPs	<ul style="list-style-type: none"> • Cash compensation for the loss of business, incomes and wages. • Assistance during the transition period. • Eligible for rehabilitation assistance and other allowances, as applicable.
6	Standing crops, trees	Crops or trees affected by land acquisition or temporary acquisition/easement	Owner of crops or trees	<ul style="list-style-type: none"> • Compensation in cash calculated on the basis of type, age and productive value of affected crops or trees. • Other allowances as applicable.
7	Common resources	Loss of access	PAPs	<ul style="list-style-type: none"> • Arrangement for new resource or rehabilitation assistance.
8	Electric and/or water connection	Loss of, or damage to, affected assets, partially or entirely.	PAPs	<ul style="list-style-type: none"> • Replacement or compensation to cover cost of restoring the facilities.
9	Public facilities	Loss of, or damage to, public infrastructure.	Concerned agencies	<ul style="list-style-type: none"> • Replacement or compensation in cash at replacement cost to respective agencies.

ANNEX C – INVITATION TO PUBLIC MEETING

Ministry of Environment and National Development Unit
National Development Unit
Citizen's Advice Bureau
QUARTIER MILITAIRE

CAB/QM/8/AR

DATE : 20 October 2008

.....
.....
.....
.....

Dear Sir

In the context of the enlargement and upgrading of the Wooton/Quartier Militaire road, you are kindly requested to attend a joint Road Development Authority/National Development Unit meeting on **Thursday 23 October 2008 at 16.30 hours at the Citizen's Advice Bureau of Quartier Militaire.**

Yours faithfully

(V Koonjul)
For Permanent Secretary

ANNEX D
SAMPLE LETTERS FROM MINISTRY OF HOUSING AND LANDS

05 July 2004

REGISTERED POST
Construction of Round About at Bel Air

Sir,

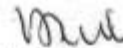
Under the terms of Section 8(3) of the Land Acquisition Act, I hereby serve upon you copy of a Notice published in the Government Gazette of the 26th June 2004.

If you wish to challenge the legality of this acquisition you may appeal to the Supreme Court within such time and in such manner as provided by the rules made by the Supreme Court for the purpose.

You are hereby called upon to deliver to me, within fourteen days of the date of the service of this notice, a statement in writing specifying so far as is within your knowledge the name of every other interested person and the nature of your own and that of such other interested person's interest in the land and the amount and details of your claim for compensation for the land.

In case the land being acquired is burdened by any charges you should make arrangements to have these erased so as not to cause undue delay in the finalisation of the transaction.

Yours faithfully



V Seebun

for Permanent Secretary

FILE NO.....

14 October 2008

**Permanent Secretary, Ministry of Housing and Lands
Solicitor General**

**Construction of Round About at the Junction of Montagne Blanche – Bel
Air Road (B27) with Flacq Mahebourg Road (B28) in connection with
South Eastern Highway Project**

Government has compulsorily acquired, in terms of a Notice published under Section 8 of the Land Acquisition Act registered and transcribed on 23 December 2004 in Volume T.V, 5724 No.9, a portion of land of the extent of sixty nine and forty one hundredths square metres (69.41m²) being Portion No.3 (Serial No.3) and intends to acquire the surplus of land of the extent of one hundred and sixty eight square metres (168m²), situate at Bel Air in the district of Flacq for the implementation of the above mentioned project.

2. Agreement has been reached with the former owner on the amount of compensation in full and final satisfaction as follows (i) rupees (Rs.....) for Portion No.3 of the extent of 69.41m² and (Rs.....) for the acquisition of the portion of land of the extent of 168m².

3. The memorandum of survey in respect of the abovementioned subject site is herewith enclosed at Annex I.

4. I should be grateful if you would issue instructions to a Notary Public for the drawing up of the deed of acquittance for the plot of 69.41m² and deed of sale for the plot of 168m² and kindly copy your letter to me in order that the former owner may be informed of the Notary appointed. The heirs of former owner have suggested the name of Notary Public, to finalise the said deeds.

5. The address of the former owner is:-

.....
.....
.....

.....
for Permanent Secretary

Encl.

ANNEX E
MAP OF PLANNED ROADWORKS FOR B6 ROAD

