

Involuntary Resettlement Assessment and Measures

Resettlement Framework
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Kiribati Road Rehabilitation Project

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The resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected people/persons
BSR	–	Basic Schedule of Rates
CEF	–	compensation and entitlement form
DMS	–	detailed measurement surveys
EA	–	Executing Agency
GoK	–	Government of Kiribati
IA	–	Implementing Agency
IR	–	involuntary resettlement
KRRP	–	Kiribati Road Rehabilitation Project
KANGO	–	Kiribati Association of NGOs
MELAD	–	Ministry of Environment, Lands and Agricultural Development
MOF	–	Ministry of Finance
MPWU	–	Ministry of Public Works and Utilities
NGO	–	nongovernmental organization
PIB	–	Project Information Booklet
RP	–	resettlement plan
RF	–	resettlement framework
TA	–	technical assistance
WB	–	World Bank

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I. INTRODUCTION

A. Background

1. The Government of Kiribati plans to implement the Kiribati Road Rehabilitation Project (the Project) with the assistance from the Asian Development Bank (ADB) and the World Bank (WB) (Annex 1). The Project will upgrade and improve the existing road infrastructure in South Tarawa. The road will be rehabilitated within the existing road corridors without realignment. Some drainage and bus-bays will require land beyond existing corridors, but their location will be known only during the detailed design phase. This Resettlement Framework (RF) has been prepared to address potential resettlement impacts associated with the drainage and bus-bays and to provide safeguards for any unforeseen impacts during project implementation (Annex 2). The Project will follow applicable laws of Kiribati and safeguard policies of ADB and WB to ensure its social and environmental sustainability. The Ministry of Public Works and Utilities (MPWU) is the project implementing agency.

2. The RF prescribes the policies and procedures to be followed to prepare the Resettlement Plan (RP) during project implementation. The RF is prepared in accordance with applicable laws and regulations of Kiribati and safeguard policies of WB and ADB on involuntary resettlement. The Resettlement Plan will be prepared once the detailed design is completed and the affected persons (APs) and inventories of affected assets are identified. The need for the RF is due to the absence of specific information pertaining to the proposed location of bus-bays, drainage easements and the like, that fall outside of the area occupied by the existing road and (ii) the absence of proper or formal titles to a large number of roadside plots that may be affected, for which proper surveying of boundaries and the clarification of titles need to be carried out first.

B. Project Description

3. The Project has the following components:

- a. Reconstruction and rehabilitation of paved roads on South Tarawa. The road from St Anne to the airport (21.5 km) and the Temaiku spur (about 2.8 km) will be reconstructed or rehabilitated. The works will pay particular attention to drainage since that is a major problem. The works will also include safety measures, such as speed humps and footpaths.
- b. Rehabilitation of paved roads in Betio. In 2008, the paved roads network in Betio was reconstructed. However, design and /or construction faults – mainly related to failure to properly consider drainage – have led to localized pavement failures. These will be repaired under the project and appropriate drainage supplied.
- c. Sealing of feeder roads. About 6 km of unsealed urban feeder roads with high traffic volumes will be sealed and provided with improved drainage.
- d. Rehabilitation of Betio causeway. The pavement on the causeway will be rehabilitated (about 3.2 km) as well as potential repairs to the bridge deck.
- e. Consulting services. Consultants will assist in project preparation to (i) prepare an environmental management plan, (ii) assist the Government with procurement, (iii) identify the appropriate compensation rates for trees and other assets affected by the Project, and (iv) undertake due diligence for resettlement, and poverty and social strategy. During implementation, a firm of consultants will provide design and supervision services. TA to support sector reforms and road safety initiatives will be provided.

- f. Equipment. Equipment will include: (i) basic material testing equipment; (ii) surveying instruments; (iii) small tools to support the establishment of micro-enterprises for road maintenance; (iv) small plant for producing appropriate patching materials; and (v) miscellaneous office equipment.

4. The Project outputs are (i) most of the South Tarawa paved road network rehabilitated or upgraded, (ii) an agreed plan for reform of road sector management and financing, (iii) trained and equipped community enterprises for road maintenance, and (iv) a road safety action plan under implementation by the National Road Safety Task Force Committee. Rehabilitation will involve regrading and resealing of the existing road, the addition of footpaths in selected locations and approximately 50 bus-stop bays, improved drainage in critical areas and repairs to the Betio causeway bridge.

5. The Project is expected to have minimal land acquisition requirements, and minimal involuntary resettlement (IR) impacts. The road upgrade will concentrate on the existing road footprint of about 10 m wide, including a 7 m sealed pavement. The footprint will accommodate the footpaths but additional land will be required for drainage and the approximately 50 bus-stop bays, which will each have dimensions of 2 m wide by 20 m long. Consistent with the safeguard requirements, bus bays and drainage will be sited in order to avoid, or at least minimize, involuntary resettlement impacts.

6. A large proportion of the land that will be affected by the construction of bus bays and drainage is already leased to the Government. The remainder, on freehold customary lands, will be acquired based on meaningful consultations with affected people and will be appropriately compensated based on current replacement/market value, which will be established for this project by a consultant. This framework sets out the consultation processes, laws, mechanisms for calculating replacement costs of land and other assets, system for addressing grievances and other institutional arrangements that will apply.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

A. Objectives and Principles

7. Consistent with ADB's Safeguard Policy Statement (2009) and WB's safeguard policy on involuntary resettlement (OP 4.12), the following objectives and principles guide the development of this Resettlement Framework and the implementation of the ensuing Resettlement Plan.

8. **Objectives:** To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pro-project levels; and to improve standards of living, or at least restore, of the displaced poor and other vulnerable groups.

9. **Principles:**

- a. Screen the project early on to identify past, present and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- b. Carry out meaningful consultations with affected persons, host communities, and other stakeholders in the design, planning, implementation, and monitoring and

evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Wherein involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

- c. Improve, or at least restore, the livelihoods of all displaced persons, to at least pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher through (i) land-based resettlement strategies when affected livelihoods are land based where possible, or cash compensation at replacement value for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- d. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secure tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transition support and development assistance, such as land development, credit facilities, training or employment opportunities; and (iii) civic infrastructure and community services, as required.
- e. Improve the standard of living, or at least restore, of the displaced poor and other vulnerable groups, including women, to at least pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- f. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- g. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of land and non-land assets.
- h. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation schedule.
- i. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- j. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

- k. Pay compensation and provide other resettlement entitlements before physical and economic displacement. Implement the resettlement plan under close supervision throughout the project implementation.
- l. Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

B. Legal Framework

10. All land in Kiribati belongs to the I-Kiribati people except for the Phoenix and Line Islands, small portions of reclaimed land owned by the Government, and lands belonging to the Church. Rights and interests in I-Kiribati land are mostly acquired by inheritance and gifting customs as codified in the Gilbert and Phoenix Islands Lands Code (1956). The various customs governing the acquisition of interests and rights to land are defined in the Code. The Code documents customs and practices as of 1956 and, despite changes to a market economy, these customs and practices continue to be highly relevant in Kiribati society today.

11. The Constitution of Kiribati and land related legislation begin with the premise that land cannot be alienated by sale, gift, lease or otherwise to a person who is not a native but do not restrict the alienation of land to the State, Local Government Council and the Housing Corporation. The State can acquire land, by agreement or compulsorily, for public purposes including roads.

12. The roads to be upgraded and improved by the Project were constructed in the early 1940s during the British colonial administration and inherited by the State when it gained independence in 1979. No records exist to inform on how acquisition took place with only limited anecdotal evidence suggesting the payment of some compensation. The public perception is, however, that roads are public property owned by the State and are for the 'common good'. There are no outstanding claims of ownership, or have been in living memory, regarding the existing road in the Magistrates Court or the People's Court. The main public issue that people raise relating to roads is its poor condition and the need for its upgrading and improvement.

13. The Project will permanently acquire a minimal amount of land adjacent to the existing road footprint for bus bays¹. Areas where drainage is poor will be temporarily acquired for improvement. The following legislation provides the legal framework for the land's proper acquisition. The most relevant documents are discussed in further detail below.

- Constitution of the Kiribati
- State Acquisition of Lands Ordinance 1954 (rev 1979)
- Native Lands Ordinance 1956 (rev edition 1977)
- The Non-Native Land (restriction on Alienation) Ordinance 1974
- Gilbert and Phoenix Islands Land Code 1956
- Magistrate's Courts Act 1978

14. **State Acquisition of Lands Ordinance 1954 (rev 1979).** Section 5 empowers the Minister to acquire "...on behalf of the republic, any lands required for any public purpose, absolutely or for a term of years as he may think proper, paying such consideration or compensation as may be agreed upon or determined under the provisions of this Ordinance."

¹ Each bus bay is 2 m wide and 20 m long, an area of 40 m² each and a total of 2,000 m² for the 50 bus bays in the Project design.

15. Section 10 (Acquisition of Lands for Roads), deals explicitly with the acquisition of lands for roads. Sub-section (1) states that "...the Minister may acquire on behalf of the Republic, by agreement or compulsorily, land which in his opinion is required for or in connection with the construction, maintenance or improvement of any road designated a highway (in this Ordinance referred to as a "public highway"). Section 10(2) requires the Minister to obtain landowners agreement (irrespective of powers assigned to him under Section 10 (1)) to acquire land on either side of a public highway so as to provide a total width including the road surface exceeding 18 meters."

16. Section 6 (1) and 6 (2) empowers agents of the Minister to access land to be taken for public purposes for purposes including surveying and marking of boundaries, but also define limits to protect the privacy of land occupants in their homes.

17. Kiribati's policy for the determination of compensation for affected peoples and their assets are set out in Section 16 – Matters to be considered in determining compensation. Section 13 sets out the mechanism and process for the redressing of grievances related to title and or compensation.

18. **Native Land Ordinance 1956.** Part VI of the Native Lands Ordinance provides for leases. It reaffirms the inalienability of native land to a person who is not a native, but grants exemptions for their alienation to the State (Crown) for public purposes (Section 5(2)). The Native Lands Ordinance complements the State Acquisition of Lands Act and provides for the legal basis for the State to lease native (private) lands when and if necessary.

19. **Magistrate's Courts Act 1978.** Section 58 of this Act gives the Magistrate's Court the power to hear and adjudicate in all cases concerning land matters in accordance with the provisions of the Code, and where the Code is not applicable, in accordance with customary law. Land matters concerning land boundaries, transfers, registration of native lands and any disputes concerning the possession and utilization of native land are dealt with by the Magistrate's Court.

C. Comparison between the ADB's and WB's Land Acquisition and Involuntary Resettlement Policy Requirements with those of the Government of Kiribati

Kiribati's Land Acquisition Policy	Scope of ADB's and WB's Land Acquisition and Involuntary Resettlement Policy Requirements	Gaps and Consistencies between the Government of Kiribati (GoK) and ADB/WB Policies
<p>The Constitution of Kiribati generally guarantees against deprivation of property without adequate compensation (s.3). In situations where property is compulsorily taken, possession of or an interest or right over property is compulsorily acquired, compensation must be paid (s.8).</p> <p>The Native Lands Ordinance 1956 makes clear that native land cannot be alienated to a native, and the Non-Native Lands Ordinance 1974 restricts the alienation of non-native</p>	<p>Involuntary resettlement should be avoided wherever feasible.</p>	<p>Both the Constitution and the State Acquisition of Lands Act 1954 safeguards against the deprivation of property without compensation. There are no explicit provisions preventing against involuntary resettlement but the restrictions on the alienation of native lands to non-natives, and the mechanism for reacquiring non-native lands by the State potentially provide for the State the opportunity to intervene in these situations to prevent involuntary resettlement. Kiribati's policy is therefore consistent with</p>

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<p>land except to the State.</p> <p>The State Acquisition of Lands Ordinance 1954 empowers the Minister to acquire land compulsorily on behalf of the Republic, or with the agreement of landowners, any land which is required for the construction, maintenance or improvement of any road designated as a highway (S.10(1)). The Ordinance also prohibits the Minister from acquiring land on either side of a public highway, except by agreement with landowners (S.10(2)).</p>		<p>ADB/WB's policies. The provision for prior agreement of landowners is important in this regard.</p>
<p>The Constitution and State Acquisition of Lands Ordinance guarantees compensation for land, crops and other assets vital to livelihoods that are damaged.</p> <p>The 1954 Ordinance also provides for prior notice to all affected people of no less than 6 months to yield up possession of such lands, unless the Minister considers it urgently required (s.7 and s.8).</p> <p>In the conduct of preliminary investigation preceding the acquisition of any land for public purpose, agents of the Minister are authorized to enter the land, take measurements, soil samples, etc., to ascertain if land under consideration is 'adapted for such purpose' (S6(1)) but shall not enter into any building or upon any enclosed land attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least 7 days notice of the Minister's intention to do so.</p>	<p>Where population displacement is unavoidable, it should be minimized by providing viable livelihood options.</p>	<p>The requirement for prior notice and the duration of no less than 6 months is clearly intended for affected people to relocate in a prepared and orderly manner, with compensation. Likewise the restraints on the Minister's agents from entering homes during preliminary investigations are to minimize disturbance and adverse impacts.</p> <p>There is no explicit statement requiring the provision of viable livelihood options, but the intent of the legislation to minimize hardship on affected people is clear. In this regard, Kiribati and the ADB/WB's policies are consistent.</p>
<p>The State Acquisition of Lands Ordinance 1954 (S.5) empowers the Minister to acquire lands for any public purpose, "...paying such consideration or compensation as may be agreed upon or determined under the provisions of this Ordinance."</p> <p>Section 16 (a) lists all matters to be</p>	<p>Replacing what is lost. If individuals or community must lose all or part of their land, means of livelihood, or social support systems, so that a project might proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or in kind, so that their economic and</p>	<p>The Ordinance is consistent on the principal of replacement cost based on the market value. The Ordinance is also cognizant of the secondary impacts of any land acquisition on the affected persons' livelihood and source of income, which is an important aspect of the ADB and WB's policies.</p>

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<p>considered in determining compensation which covers the market value of land at the date of notice of intention to take such land, damage to crops and trees, damage by reason of severing such land from his other land, damage by reason of the acquisition injuriously affecting his other property, or his earnings, and if changing his residence or place of business, the reasonable expenses, if any, incidental to such change.</p> <p>Section 17 also provides for compensation to affected people for loss of rents and profits.</p>	<p>social circumstances will be at least restored to the pre-project level. All compensation is based on the principle of replacement cost.</p>	
	<p>Each involuntary resettlement is conceived and executed as part of a development project or program. The executing agencies or project sponsors, during project preparation, assess opportunities for affected people (AP) to share project benefits. The APs need to be provided with sufficient resources and opportunities to reestablish their livelihoods and homes as soon as possible, with time-bound action in coordination with civil works.</p>	<p>The government has no written policy consistent or equivalent with that of ADB and WB.</p>
<p>State Acquisition of Lands Ordinance 1954 (S.7) – provides for prior notification of no less than 6 months during which time, the affected people may seek compensation or otherwise lodge a complaint with the High Court should there be disagreements over the amount of compensation or disputes over evidence supporting the claim.</p>	<p>The APs are to be fully informed and closely consulted on compensation and/or resettlement options, including relocation sites, and socioeconomic rehabilitation. Pertinent resettlement information is to be disclosed to the AP at key points, and specific opportunities provided for them to participate in choosing, planning, and implementation options.</p>	<p>Close consultation regarding compensation is implied in the Ordinance as part of the process of reaching agreement or otherwise, in which case the matter is referred to the High Court for resolution.</p> <p>While less explicit, GoK policy is consistent with that of ADB/WB. The only difference is that the GoK puts the onus on the affected people to seek compensation, while the ADB/WB's policies ensure that the project is proactive in paying due compensation to people.</p>
<p>S.13 of the State Acquisition of Lands Ordinance 1954 – Dispute as to compensation and title to be settled by High Court.</p>	<p>Grievance redress mechanisms for APs are to be established. Where adversely affected people are particularly vulnerable groups, resettlement planning decisions will be preceded by a social preparation phase to enhance their</p>	<p>The Ordinance clearly establishes the mechanism for resolving disputes and grievances. But there is no explicit provision for safeguarding the interests of affected people that are particularly vulnerable.</p>

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	participation in negotiation, planning, and implementation.	Government will put in place specific strategies for ensuring the timely redressing of all grievances as part of Project design.
<p>Under S.28 of the Native Land Ordinance 1956, the Gilbert and Phoenix Islands Lands Code was declared to be the code of laws governing native land rights from 1 March 1963 in each of the 18 populated islands of Kiribati. The Code, codifying custom, describes the system of native land tenure and regulates the distribution or transfer of native lands, fish ponds and fish traps to the owner's spouse and children (legitimate, illegitimate and adopted). The Code also regulates gifts of land for nursing a landowner who is incapacitated by illness; gifts for wet-nursing babies (that is where a child is cared for and raised by persons other than the child's natural parents), and gifts of land by a husband to his wife or a wife to her husband during marriage. Customs pertaining to land have changed and cognizant of this, the Minister (under S.8 of the Native Lands Ordinance) is obliged to lay before Parliament at its next meeting, any of the orders made incorporating the changes.</p>	<p>Institutions of the affected people, and, where relevant of their hosts, are to be protected and supported. Affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.</p>	<p>The Land Code is consistent with the ADB/WB's policies.</p>
<p>Kiribati has no ethnic minorities. In the State Lands Act 2001, the transfer of rights to land via leases distinguishes between natives and non-natives.</p> <p>Unlawful occupation of native lands is an offense under S.35 of the Native Lands Ordinance. The unlawful occupant may be ordered by the Court to pay to the proprietor compensation for the period of the unlawful occupation (S.35 (2)).</p> <p>In terms of State-owned lands, the Minister under S.13 may allow a third party with close family connections to the lessee to occupy the land or part of it. This family member or owner may receive financial compensation, at the sole discretion of the Minister,</p>	<p>Indigenous groups, ethnic minorities, pastoralists, people who claim for such land without formal legal rights, and others, who may have usufruct or customary rights to affected land or other resources, often have no legal title to their lands. The absence of a formal legal title to land is not a bar to ADB/WB policy entitlements.</p>	<p>For leased State-owned land, affected people permitted to occupy land under S.13 of the State Lands Act 2001 are entitled to compensation for any improvements on the land. For native lands, occupants without title have no such rights.</p> <p>There is inconsistency between ADB/WB policies and those of the Government of Kiribati with respect to occupants without titles on native lands.</p> <p>The project will ensure that any affected people who have legitimate claims to crops, trees and/or land are compensated regardless of whether they have formal legal title.</p>

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up to no more than the current value of improvements on the plot, when the plot is transferred and registered under a new owner (S.16).		
All lands (native, state-owned) are registered in the register of native lands (S.2 Native Lands Ordinance) and State-owned lands respectively (S.4 (1) State Lands Act 2001). The Leases Register and Sub-Leases Register are also maintained for native lands (S.2 Native Lands Ordinance).	The APs are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date, preferably at the project identification stage, to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.	Existing registers allow for the early identification of affected people and facilitates the establishment of their eligibility. There are also unsurveyed plots with titles unconfirmed, which need boundary surveys before inventory of assets and census of affected people can be finalized.
Under S.28 of the Native Land Ordinance 1956, the Gilbert and Phoenix Islands Lands Code was declared to be the code of laws governing native land rights from 1 March 1963 in each of the 18 populated islands of Kiribati. The Code, codifying custom, describes the system of native land tenure and regulates the distribution or transfer of native lands, fish ponds and fish traps to the owners spouse and children (legitimate, illegitimate and adopted). The Code also regulates gifts of land for nursing a landowner who is incapacitated by illness; gifts for wet-nursing babies (that is where a child is cared for and raised by persons other than the child's natural parents), and gifts of land by a husband to his wife or a wife to her husband during marriage. Customs pertaining to land have changed and cognizant of this, the Minister (under S.8 of the Native Lands Ordinance) is obliged to lay before Parliament at its next meeting, any of the orders made incorporating the changes	Particular attention must be paid to the needs of the poorest APs, and vulnerable groups that may be at high risks of impoverishment. This may include those without legal title to the land or other assets, household headed by female, the elderly or disabled and other vulnerable groups, particularly indigenous peoples. Appropriate assistance must be provided to help them improve their socio-economic status.	The Gilbert and Phoenix's Land Code under the Native Land Ordinance 1956 provides for vulnerable groups including women, children and the elderly. It is consistent with ADB/WB policies.
Kiribati legislation (State Acquisition of Lands Ordinance) provides for compensation of land at the date of notification of intent to take such land. Government lease rates for Government leased lands are determined at market rates and reviewed every three years. Compensation for crops is similarly valued.	The full resettlement costs are to be included in the presentation of project costs and benefits. This includes cost of compensation, relocation and rehabilitation, social preparation and livelihood programs as well as the incremental benefits over without-project situation (which are included in the presentation of project costs and benefits). The	Kiribati policy for calculation of compensation for land, crops and other assets is based on current market value, i.e., consistent with the ADB/WB's replacement value policy. Kiribati will be updating its compensation values for assets in 2011 with the assistance of a valuation specialist to be financed by the Project. These updated rates will be used to provide

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	<p>budget also includes cost for planning, management, supervision, monitoring and evaluation, land taxes, land fees, and physical and price contingencies. Where loans include subprojects, components or investments prepared only after project approval and loans through financial intermediaries that are likely to cause involuntary resettlement, sufficient contingency allowance must be allocated for resettlement prior to approval of the loan. Similarly resettlement plans should also reflect the timeframe for resettlement planning and implementation.</p>	<p>compensation for assets impacted by the Project.</p>
	<p>Eligible cost of compensation, relocation and rehabilitation may be considered for inclusion in ADB/WB loan financing for the Project, if requested, to ensure timely availability of the requested resources and to ensure compliance with involuntary resettlement procedures during implementation.</p>	<p>The Government of Kiribati has budgetary provisions for lease payments on existing lands leased by the State for public purposes.</p> <p>For all compensation arising out of the Project, the Government will be requested to include eligible costs of compensation, relocation and rehabilitation in the ADB/WB loan financing for the Project.</p>

D. Strategies for Bridging Gaps between the GoK and ADB/WB Policies

20. In bridging gaps between the GoK and the ADB/WB policies on land acquisition, the following Project principles and policies will govern the RP for the Project, with due consideration to the customs and traditions of the local communities.

- a. Acquisition of freehold customary lands shall be minimized and resettlement of people avoided, as much as possible.
- b. Where population displacement is unavoidable, it will be minimized by providing viable livelihood options.
- c. All APs will be systematically informed and consulted on the acquisition and compensation of affected land, other affected assets, the rights and options available to them on the proposed mitigating measures, and to the extent possible, APs will be involved in the decisions to avoid any delay in RP implementation.
- d. In the consultation process, the MPWU will include leaders of AP communities, and will encourage the participation of women, the elderly and vulnerable people. Local NGOs will also be invited to participate.
- e. The customs and traditions as well as the religious practices and observances of the local communities will be respected and historical or cultural landmarks and reservation areas will be preserved and protected.

- f. Using a consultant financed by the Project, the Ministry of Environment, Lands and Agricultural Development (MELAD) will review and update existing land rates and rates for crops and trees, to comply fully with the ADB's and WB's requirement for compensation at replacement value.
- g. Compensation rates for physical assets, i.e., house, building and other structures, and non-physical assets like lost income from productive assets or jobs will be calculated at replacement cost or at current market rates in the project area at the time of compensation.
- h. Lack of formal legal rights to assets lost will not deprive any APs from receiving compensation and entitlement. The census of APs will be appropriately designed to ensure APs without title to land are clearly identified.
- i. Particular attention will be given to the socially and economically vulnerable groups like the women-headed households, children, the landless, and the elderly people without support structures and people living in extreme hardships during the resettlement plan implementation process.;
- j. The titleholders will be involved in decision making related to land acquisition and resettlement and they will be assisted by the IA to mitigate the adverse impacts of resettlement.
- k. The full cost of land acquisition and resettlement will be included in the project cost and benefits and adequate budgetary support shall be committed and made available by the EA during implementation. Costs for land acquisition, compensation and relocation of APs may be considered for inclusion in World Bank loan financing for the project, if requested by the EA.
- l. Appropriate internal reporting (including auditing and redress functions), monitoring and evaluation mechanisms will be established by the IA as part of the resettlement management system.
- m. Finally, land acquisition, compensation, resettlement and rehabilitation activities will be satisfactorily completed and the project areas are cleared of all obstructions before civil works begin.

E. Involuntary Resettlement Categorization and Measures to Avoid and Minimize

21. The Project is categorized for involuntary resettlement (IR) as Category B; involuntary resettlement impacts are "not significant". Category B projects include involuntary resettlement impacts that are not deemed significant and require a short resettlement plan.

22. For anticipated IR impacts, the Project will seek to avoid and or minimize them in the following ways:

- By confining the road upgrade to the existing footprint of about 10.0 m.
- By minimizing land acquisition to that required for 50 bus bays of 40 m² each (2 m wide by 20 m long), requiring a total of 2,000 m².
- By minimizing the number of drainage easements required.
- By locating bus bays and drainage where no disturbance and or damage to roadside assets will incur, and away from locations where landowners may express non-consent.
- By restoring all disturbed areas and areas temporarily used to their former state or better.
- By conducting meaningful consultations in the preparation and finalization of the resettlement plan.

F. Number of Affected Persons and Level of Physical and Economic Displacement

23. No persons are likely to be physically displaced due to the project. Similarly, level of potential economic displacement is insignificant. This is because impacts are temporary and limited, in the majority of cases, involving only the loss of roadside trees and crops.

24. The number of affected people and their affected assets will be finalized when the detailed measurement surveys (DMS) are completed.

G. Eligibility Criteria and Entitlement for Affected/Displaced Persons

25. The cut-off date after which APs eligibility for compensation will cease will coincide with the date of public disclosure of the resettlement framework (20 September 2010). Having a cut-off date is required to discourage parties from taking advantage of the opportunity for compensation. All structures and crops/trees constructed and planted after the cut-off date are not eligible to receive compensation.

26. The following categories of persons might be affected by land acquisition based on the assessment of the core project components:

- a. Category 1: Rightful owners whose land is acquired permanently or used temporarily by the Project.
- b. Category 2: Occupants of affected lands whose crops and or trees are affected irrespective of whether or not they have titles to the land.
- c. Category 3: Community people whose access to a common property resource is affected (temporarily or permanently).

27. Their compensation and entitlements are described in detailed in the Entitlement Matrix below.

Kiribati Road Rehabilitation Project – Entitlement Matrix

	Type of loss	Application	Entitled Person	Compensation Policy	Implementation issues
1a	Loss of land	Homestead land, agricultural land, or vacant plot	Owner(s) with legal title	<ol style="list-style-type: none"> a) Compensation at replacement value or land-for-land where feasible. If the replacement cost is more than the compensation, as determined by the MELAD, then the difference is to be paid by the project in the form of "assistance." b) Provision of stamp duty, land registration fee, capital gains tax, and value added tax incurred for replacement land. c) Option to be compensated if remaining land is no longer viable. d) Transitional allowance based on three months minimum wage rates. e) Shifting assistance for households. f) Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. g) Additional compensation for vulnerable households (item 4). 	Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.

	Type of loss	Application	Entitled Person	Compensation Policy	Implementation issues
1b	Loss of land	Homestead land, agricultural land, or vacant plot	Tenant(s) and or leaseholders	<ul style="list-style-type: none"> a) Compensation equivalent to up to 3 months of rental. b) For agricultural lands, 60 days notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. c) Additional compensation for vulnerable households (item 5). 	<ul style="list-style-type: none"> a) Landowners will reimburse tenants and leaseholders land rental deposit or unexpired lease. b) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.
1d	Loss of land	Homestead land, agricultural land or vacant plot	AP(s) without legal titles	<ul style="list-style-type: none"> a) 60 days advance notice to shift from occupied land. b) Resettlement assistance (land, other assets, cash, employment, etc.) in lieu of compensation for the land they occupy. c) Additional compensation for vulnerable households (item 5). 	<ul style="list-style-type: none"> a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.
2a	Loss of structure	Residential/commercial structure and other assets	Owner(s) with legal titles	<ul style="list-style-type: none"> a) Cash compensation equivalent to replacement value of structure (or part of structure). b) Option to be compensated for entire structure if remaining structure is no longer viable. c) Rights to salvage materials from structure. d) Provision of all taxes, registration costs, and other fees incurred for replacement structure. e) Transfer and subsistence allowance (up to 3 months). f) Additional compensation for vulnerable households (item 5). 	<ul style="list-style-type: none"> a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.
2b	Loss of structure	Residential/commercial structure and other assets	Tenants and/or leaseholders	<ul style="list-style-type: none"> a) Cash compensation equivalent to replacement value of structure (or part of structure) constructed by the AP b) Rights to salvage materials from structure. c) Provision of all taxes, registration costs, and other fees incurred for replacement structure. d) Transfer and subsistence allowance. e) Lease /rental agreements to be continued after the reconstruction of the structure. f) Additional compensation for vulnerable households (item 5). 	<ul style="list-style-type: none"> a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan. b) Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.
2c	Loss of structure	Residential/commercial structure and other assets	AP(s) without legal titles	<ul style="list-style-type: none"> a) Cash compensation equivalent to replacement value of structure (or part of structure) constructed by the affected persons. b) Rights to salvage materials from structure. c) Provision of all taxes, registration costs, and other fees incurred for replacement structure d) Transfer and subsistence allowance. e) Additional compensation for vulnerable households (item 5.) 	<ul style="list-style-type: none"> a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.

	Type of loss	Application	Entitled Person	Compensation Policy	Implementation issues
3	Loss of livelihood	Livelihood/ source of income	Business owner (s), tenant (s), leaseholder(s), employee(s), agricultural worker(s), hawker(s)/ vendors(s), APs without legal title	a) Assistance for lost income based on three months lost income or minimum wage rates. b) Additional compensation for vulnerable households (item 5).	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.
4	Loss of crops and trees	Standing crops and trees	Owners with legal titles, tenant(s), leaseholder(s), APs without legal title	a) 60 days advance notice to harvest standing seasonal crops, if harvest is not possible, cash compensation for crops (or share of crops) equivalent to prevailing market price b) Cash compensation for perennial crops and fruit bearing trees based on annual net product market value multiplied by 5 years. c) Cash compensation equivalent to prevailing market price of timber for non-fruit trees.	a) Work schedule to allow harvesting prior to acquisition and avoid harvest season. b) Market value to be determined.
5	Impacts	All Impacts	Vulnerable	a) Additional allowance for loss of land or structure b) Vulnerable households will be prioritized in any employment required for the Project.	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan.
6	Temporary loss of land	Land temporarily acquired for the Project	Owner(s) with legal title, tenant(s), leaseholder(s), APs without legal title	a) Temporary use will happen only with agreement with affected people/landowners b) 60 days advance notice c) Provision of land rental value during the duration of temporary acquisition d) Restoration of affected land	
7	Temporary loss of access	Temporary loss of access to land, structure, utilities, common property resource	Owner(s) with legal title, tenant(s), leaseholder(s), APs without legal title	a) 60 days advance notice b) Provision of temporary access where possible c) Restoration/enhancement of affected land, structure, utilities, common property resource.	
8	Temporary loss of livelihood	Temporary loss of livelihood/ source of income	Business owner(s), tenant(s), leaseholder(s), employee(s), agricultural worker(s), hawker(s)/ vendor(s), APs without legal title	a) 30 days advance notice regarding construction activities, including duration and type of duration. b) Contractors action to ensure there is no income/access loss through provision of access, etc. c) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. d) For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater. e) Restoration of affected land, structure, utilities, common property resource.	
9	Any other loss not identified			Unanticipated involuntary impacts shall be documented and mitigated based on the principles provided in ADB/WB's safeguard policies.	

III. SOCIO-ECONOMIC INFORMATION

28. The following information gathering activities and surveys will be conducted.

A. Land Acquisition Survey

29. MELAD will conduct a review of land records and ownership deeds for all affected plots on the alignment of the roads. This will determine plot ownership, those that are currently leased to Government and those in private customary ownership that have not been formally surveyed.

B. Boundary Surveys

30. Boundary surveys will be carried out for all affected registered freehold customary lands that have not been surveyed. These boundary surveys must be completed to determine ownership of land and affected assets. MELAD surveyors will conduct surveys together with MPWU planners, in consultation with landowners. Boundary markers will be established and coordinates will be stored in MELAD's mapping database.

C. Census of Affected People and Inventory of Affected Assets

31. The purpose of the census and inventory is to register and document the status of affected persons within the affected area. The census will cover 100% of affected persons. It will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood. A sample questionnaire for the Census of affected persons is provided as an Annex 3.

D. Baseline Socio-Economic Survey

32. A socio-economic survey questionnaire will be designed by MPWU for capturing the socioeconomic information on affected people. The survey instrument, sampling 10-20% of APs, will generate data that will facilitate the analysis on the following: (i) demographic and socioeconomic characteristics of the respondents and their families, such as age, civil status, occupation and education as well as monthly income that can be disaggregated into gender specific information; (ii) nature of land acquisition requirements, i.e., temporary and permanent, the use of land and the tenure arrangement; (iii) the impacts of land acquisition if there are trees and crops that would be affected; and (iv) classification of vulnerable people, if any. Using this information and census and inventory data, MELAD will design a compensation and entitlement form (CEF) that will serve as the ledger of the APs and the entitlements.

IV. FORMULATION OF RESETTLEMENT PLAN

A. Preparation of Resettlement Plan

33. The Resettlement Plan will be prepared based on the results of the census and inventory as well as from information drawn from the baseline socio-economic sample survey. Primary data from survey questionnaires will be processed and summarized to give the following key information – name of AP, cadastral lot number, type of tenure, type of land acquisition (temporary or permanent), current use, and inventory of affected assets. Socio-economic data will identify gender and vulnerability status of each AP. Using this information, a Compensation Entitlement Form can be formulated with each APs entitlement computed.

34. The database of affected persons should be completed before resettlement plan preparation.

35. The Resettlement Plan will be prepared by the MPWU. The MPWU's designated Safeguards Officers, working jointly with MELAD, with the assistance of consultants that will be embedded in the MPWU for this Project, will be guided by this framework to develop a Resettlement Plan. On completion of a draft, the resettlement plan will be brought to the notice of affected persons and comments will be addressed in subsequent revisions of the resettlement plan. An Abbreviated Resettlement Plan outline is included in Annex 4.

V. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Mechanisms for Meaningful Consultations

36. The following mechanisms will be used to ensure meaningful consultations with affected persons, and for enabling their informed participation in preparing, implementing and monitoring resettlement plans.

1. Project Disclosure

37. The Project will be formally disclosed to the public in three community meetings on the 20 and 21 September 2010 in South Tarawa. The three meetings will be held in separate locations, strategically selected to ensure easy access for all interested people. The meetings will be advertised well in advanced using the local radio stations and newspaper, and by word of mouth through churches. MPWU will also ensure that local community leaders and NGOs (through the NGO association) are informed and invited.

38. Presentations supported by maps, will explain (i) the scope and various components of the Project, (ii) the main environmental issues based on the Initial Environmental Examination Report, and (iii) land related issues. The draft resettlement framework will also be presented for comments and views. A local facilitator will encourage views and comments, and will ensure all comments and views expressed are properly documented.

39. The MPWU will also submit the following documents for disclosure on ADB/WB's website:

- a. Project Information Booklet
- b. resettlement framework endorsed by the MPWU and MOF before project appraisal;
- c. resettlement plan endorsed by the MPWU and MOF after the census of affected persons has been completed; and
- d. updated resettlement plan, and corrective action plans prepared during project implementation, if any.

2. Project Information Booklet

40. A Project Information Booklet (PIB) will be prepared and made available in English and Gilbertese to all interested people and organizations. The PIB discusses the rationale, scope, impacts, benefits, compensation for affected people and their affected assets, and the mechanism for addressing any complaints or disputes that may emerge. Copies of the PIB will be distributed to all participants during Project Disclosure meetings. Copies will also be available to any interested member of the public from MPWU.

3. Consultations with Affected People

41. Further consultations with affected people will take place (i) during the socio-economic surveys and (ii) when the draft Resettlement Plan is prepared. Consultations during the socio-economic surveys will allow the MPWU and MELAD to obtain agreement from the landowners as to their agreed boundaries, allowing boundary surveys to proceed. At the same time, landowners will be consulted on the possible location of bus-bays and drainage on their land. If there is no consent, alternative locations will be investigated until there is landowner agreement.

42. Consultations to discuss the draft Resettlement Plan will involve explaining the entitlement matrix, the principles governing the calculation of compensations, processes and arrangements for the payment of compensation and for lodging grievances. The objective is to gain AP's endorsement. Any AP expressing disagreement at this point over entitlements will be advised of the procedures for lodging complaints.

Table 1: Community Consultation and Participation Framework

Stage	Subject of Consultation	Role of Affected People	Reasons for community participation
Pre-Implementation			
Consultation and focus group discussions	Understanding the Project	<ul style="list-style-type: none"> Participate in project disclosure, public meetings and consultations Invite and encourage the participation of women in Project disclosure, public meetings and consultations 	<ul style="list-style-type: none"> Ensure that APs fully understand the proposed project and its benefits to the community. Promote an informed and inclusive decision-making process.
Planning for the Resettlement Framework/Plan	Land acquisition and project technical design	<ul style="list-style-type: none"> Agree on land acquisition and the technical design of project components by writing joint resolutions and signing their names at the back of the technical plans. 	<ul style="list-style-type: none"> Generate a sense of local ownership of the Project.
Formulating compensation and entitlement packages	Compensation and entitlement packages.	<ul style="list-style-type: none"> Agree on the compensation and entitlement packages by issuing joint resolutions. 	<ul style="list-style-type: none"> These measures will lessen conflicts and disruption during project implementation.
Agreeing on the content of the Resettlement Framework/Plan	Explain the contents of the Resettlement Framework/Plan	<ul style="list-style-type: none"> Agree on the contents of the Resettlement Framework/Plan before submission to ADB/WB. 	<ul style="list-style-type: none"> To confirm their participation in the development of the RF/RP and their agreement to its contents.
Implementation			
Additional assistance to APs	Employment in the Project	<ul style="list-style-type: none"> AP and the local community shall be employed during the construction of the project whenever feasible. 	<ul style="list-style-type: none"> Generate interest in and support for the Project during implementation, and provide an opportunity to enhance income.

Grievances and redress	Grievances and redress mechanism	<ul style="list-style-type: none"> Provide background of the issues 	<ul style="list-style-type: none"> Ensure that problems are addressed within reasonable time.
Post Implementation			
Monitoring and Evaluation	Monitoring and evaluation system	<ul style="list-style-type: none"> Provide inputs to monitoring and evaluation 	<ul style="list-style-type: none"> To capture any lessons learned that may be helpful in shaping future resettlement policies for similar Kiribati projects in the future.

B. Institutional Responsibilities for Public Consultations

43. **Ministry of Public Works and Utilities (MPWU).** MPWU will have the following responsibilities:

- Coordinate the Public Disclosure consultations including presenting an overview of the Project. Ensure wide dissemination of consultations date and venue (including reaching out to NGOs and church groups) to maximize participation.
- With MELAD and representatives of the MPWU, consult with APs to finalize the location of bus bays. This will be done concurrently with the census of APs and inventory of affected assets.
- Organize and lead consultations with APs to discuss and explain the draft resettlement plan.
- Working with MELAD, prepare the RP once affected people are identified.
- Monitor RP implementation and prepare compliance and monitoring reports to be submitted to the ADB/WB.

44. **Ministry of Environment, Lands and Agriculture Development (MELAD):**

- Cooperate with MPWU in the Public Disclosure consultations, and in these consultations, make presentations on the environmental assessment of the Project based on the Initial Environmental Examination Report (Environment and Conservation Department), and on land issues (Department of Lands).
- Assist MPWU in consultations with AP to determine boundaries and buy-bay locations.
- Assist MPWU in consultations with AP to discuss the draft resettlement plan.
- Have lead responsibility for boundary surveys and socio-economic surveys including census of APs and inventory of affected assets.

VI. COMPENSATION, INCOME RESTORATION, AND RELOCATION

45. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the Entitlement Matrix. Compensation for loss of land will be determined on the basis of replacement value and a land valuation review (incl. crops, trees, etc.) will be carried out to ascertain current market values.

46. Based on initial reconnaissance, no houses, buildings or structures will be affected. The most common asset in and around the area targeted are trees and, to a lesser extent, crops.

47. The replacement values for affected assets will be arrived at as follows:

- *Trees* - Compensation for trees will be based on their market value in case of timber bearing trees and replacement value in case of fruit bearing trees, based on rates to be confirmed by the proposed valuation exercise.

- *Other Assets* - Compensation for other assets (concrete fences, etc.) will be based on replacement value.

48. Compensation will be paid and resettlement of affected persons will be completed before taking possession of land/properties and prior to the start of civil works. The affected persons will hand over to the Government, land and properties acquired free from all encumbrances such as mortgage and debt.

49. Besides direct compensation, various income restoration measures for APs such as employment in project construction and skills training will be included in the RP.

VII. GRIEVANCE REDRESS MECHANISMS

50. All project related grievances will be addressed by the Magistrates Court (MC). A nominal fee of \$3.00 is required to file a grievance. Grievances do not have to be in writing. Anyone with a complaint can go to the MC and one of the Court staff will take note of their case. If a lawyer is needed and the complainant cannot afford one, a lawyer will be provided at no cost to the complainant.

51. If the number of complaints increases such that their resolution will delay the project, the MC will appoint a Magistrate to deal only with project related cases, until normal flow of processing grievances is restored. This is an arrangement that was reportedly done in the past with other specific compensation cases, and was found to work well. The procedures for filing grievances will be discussed and explained during project disclosure and subsequent consultations, and during the disclosure management system.

VIII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

A. Government Agencies and Organizations

52. The Ministry of Finance (MOF) and the Ministry of Public Works and Utilities (MPWU) are the Executing Agency (EA) and Implementing Agency (IA) respectively for the Project. As the IA, MPWU will have overall responsibility for resettlement planning. Because of its important statutory role in the management of land in Kiribati, the Department of Lands of the Ministry of Environment, Lands and Agricultural Development is also a major player in information gathering, consultations on land matters and in the payment of compensations prescribed by the Resettlement Plan.

1. Ministry of Public Works and Utilities

53. MPWU will appoint a Project Manager who will have overall supervision of the Project. He will be supported by MPWU staff and consultants who will be embedded in the Ministry and funded under the Project. For RP planning and implementation, two senior officers – Civil Engineer and Project Officer – will be assigned safeguards responsibility and will have direct responsibility for resettlement planning and implementation. They will be responsible for the following tasks:

- working with MELAD, coordinate the public disclosure and RF consultations.
- work closely with surveyors from MELAD and landowners to determine land boundaries, and to finalize the location of bus bays.
- develop the Resettlement Plan using this Framework and information from socio-economic surveys.

- After the draft RP is formulated, carry out consultations with all APs to discuss the finalized compensation and entitlement matrix and to explain how compensations were derived. In this meeting, it will also re-explain the grievances and redress procedures.
- oversee RP implementation.
- monitor RP implementation to ensure that the RP is implemented fully, and that all affected people eligible for compensation and other entitlements do receive their compensation.
- compile and submit to ADB and WB progress reports on RP implementation, during and at the end of the project implementation.

2. Department of Lands, MELAD

54. The Department of Lands of MELAD will undertake the land acquisition survey using its land registers, boundary surveys, and socio-economic surveys including the census of APs and inventory of assets. The Department's Survey and Mapping Division (14 staff) has 6 qualified surveyors and 5 surveying teams but are constrained by the lack of surveying equipment. For this reason, the Department of Lands will work conjunctly with the designers housed in MPWU to carry out the boundary surveys. The Land Management Information Division maintains land titles and leases databases and deals with land management issues in general. It has a staff of six (6). This Division will take the lead responsibility for the land acquisition survey, census and inventory. It may have to co-opt personnel from the Land Planning Division to augment its current staff of 5. The Land Management and Information Division will need a Valuation Specialist consultant to review current land and crop rates. This will be financed by the project. The Accounts Section has two accounts clerks to handle compensation. The Director of Lands will have overall coordination and will be the point of contact with MPWU.

55. MELAD will be responsible for the following:

- Conduct land acquisition survey.
- Conduct boundary surveys and Detailed Measurement Survey (socio-economic survey)
- Conduct Census of Affected People
- Conduct Inventory of Affected Assets
- Process data. Develop database and store raw and processed data.
- Make available data from socio-economic surveys to MPWU (Project Manager) who will oversee the development of the Resettlement Plan.
- Participate in consultations with APs to explain compensation and entitlements and to present computed list of APs and compensation.
- Receive compensation fund from EA.
- Notify APs and deliver/pay out cash compensations.
- Compile reports on RP implementation (payment of cash compensation) for MPWU, providing supporting documentation of payment.

56. The Department's capacity will be strengthened in the following areas. The Land Surveying and Mapping Division will work together with the designers working at MPWU to undertake the land surveying of affected people. For the Land Management and Information Division, the Project will provide a Valuation Specialist (consultant) to review land values and lease rates. Staff will also be provided with preparatory training before conducting the social surveys including the census of APs and inventory of assets.

3. Magistrates Court

57. The Magistrates Court has a complement of 19 Court staff including three Magistrates. It is not anticipated that the level of complaints from the Project will be significantly high such that current resources of the Court will be stretched. Should this situation arise, the Court will appoint a Magistrate to deal specifically with Project related cases, to avoid lengthy delays.

Table 2. Allocation of Responsibilities

#	Activity	Responsible Agencies
A	Pre Implementation of RP	
1	Project disclosure and consultations	MPWU with support from MELAD (Dept of Lands and ECD) and ADB/WB
2	Hire Valuation Specialist & commence review of existing compensation rates	MELAD (Dept of Lands)
3	Finalize project design (esp locations of bus bays)	MPWU and MELAD with design consultants
4	Conduct staff training in data gathering using prepared questionnaire	MELAD (Dept of Lands)
5	Conduct Detailed Measurements Survey (DMS), census of APs and Inventory of affected assets.	MELAD (Dept of Lands)
6	Mobilize Grievance and Redress mechanism to address grievances and disputes as they arise.	Magistrates Court
7	Develop RP using RF and using confirmed compensation rates, census and inventory data.	MPWU to recruit consultant, and working closely with MELAD
8	Conduct consultation with APs on draft RP	MELAD/MPWU
9	Finalize RP, endorse by IA and seek WB/ADB approval.	MPWU
B	RP Implementation	
1	Approval and release of funds for compensation	Ministry of Finance
2	Verification of APs	MELAD
3	Internal monitoring of RP to start	MPWU
4	Grievance and Redress	Magistrates Court
5	Payment of compensation	MELAD
6	Acquisition of affected lands	MELAD
8	Submit compliance documents to ADB/WB	MPWU
9	Validate compliance documents of RP implementation	ADB/WB
C	Construction Stage	
1	Confirm 'No Objection' for the award of civil works	ADB/WB
2	Tendering and award of civil works	MPWU
3	Hiring of APs and mobilization of labor force	Civil works contractor
4	Compensation for any land temporarily used by contractor	Civil works contractor
5	Core project construction	Civil works contractor
D	Post Construction	
1	Restoration and return of temporarily affected lands	Civil works contractor

B. Organizational Procedures for Delivering Entitlements

58. Cash compensation will be paid out directly from the Department of Lands (MELAD) cashier based on the Compensation Entitlement Form (CEF) that will list all APs and their corresponding entitlements. APs will be required to provide means to verify their identity and will sign on prepared forms to confirm receipt of compensation payment.

59. MELAD will announce over the radio and the local newspaper the date, times and place for compensation payment, and requirements for verifying identification.

60. The delivery of other entitlements (e.g., restoration of temporarily occupied or disturbed sites, alternative access etc) will be coordinated by MPWU and will be delivered as work progresses, before working crews and machinery shift to new locations. MPWU will liaise directly with project contractors to ensure their delivery.

C. Implementation Process and Schedule

61. Table 3 below presents the preliminary implementation process and schedule.

Table 3. Preliminary Implementation Process and Schedule

#	Activity	Responsible Agencies	Timelines
A	Pre Implementation of RP		
1	Project disclosure and consultations	MPWU with support from MELAD and ADB/WB	20-21, September 2010
2	Hire Valuation Specialist & commence review of existing compensation rates	MELAD	Jan – early Feb 2011
3	Finalize of Project design (esp locations of bus bays)	MPWU and MELAD with design consultants	Jan – April, 2011
4	Conduct Detailed Measurements Survey (DMS), census of APs and Inventory of affected assets.	MELAD (Dept of Lands)	Jan – Apr, 2011
5	Mobilize Grievance and Redress mechanism to address grievances and disputes as they arise.	Magistrates Court	Apr, 2011
6	Develop RP using RF and using confirmed compensation rates, census and inventory data.	MPWU to recruit consultant, and working closely with MELAD	Apr – May, 2011
7	Conduct consultation with APs on updated RP	MELAD/MPWU	First half June, 2011
8	Finalize RP, endorse by IA and seek ADB/WB approval.	MPWU	Later in June, 2011
B	RP Implementation		
1	Approval and release of funds for compensation	Ministry of Finance	May-June, 2011
2	Verification of APs	MELAD	Jul, 2011
3	Internal monitoring of RP to start	MPWU	Jul, 2011
4	Grievance and Redress	Magistrate Court	Jul 2011-onwards
5	Payment of compensation	MELAD	Jul – Oct 2011
6	Acquisition of affected lands	MELAD	Jul-Oct, 2011
8	Submit compliance documents to ADB/WB	MPWU	Nov, 2011
9	Validate compliance documents of RP implementation	ADB/WB	Nov – Dec, 2011
C	Construction Stage		
1	Confirm 'No Objection' for the award of civil works	ADB/WB	Dec, 2011
2	Tendering and award of civil works	MPWU	June 2011, award Sept 2011
3	Hiring of APs and community members whenever feasible and mobilization of labor force	Civil works contractor	Nov 2011
4	Compensation for any land temporarily used by contractor	Civil works contractor	Nov 2011 and on-going
5	Core project construction	Civil works contractor	Nov2011-April 2013
D	Post Construction	MPWU	
1	Restoration and return of temporarily affected lands	Civil works contractor	April 2013

62. All activities in implementing the RP will precede² and will not overlap with the activities in the construction of the core project. The responsible agencies (MELAD and MPWU) will satisfactorily complete the payment of compensations and the land is acquired and free of all obstructions and encumbrances before civil works begin.

IX. BUDGET AND FINANCING

63. Detailed budget estimates for involuntary resettlement will be prepared in the Resettlement Plan. It will include (i) detailed costs of land acquisition, and where relevant, relocation, livelihood and income restoration and improvement; (ii) sources of funding; (iii) arrangements for approval; and (iv) the flow of funds and contingency arrangements.

Table 4. Broad Estimate of Resettlement Costs

Components and Activities	Indicative Budget (US\$)	
	GoK	ADB/WB
1. Resettlement Preparation & Compensation		
1.1 Census and surveys of affected people and inventory of assets, and socioeconomic assessment	\$30,000.00	\$5,000.00
1.2 Public consultations		\$20,000.00
1.3 Compensation for assets lost	\$70,000.00	
2. Administrative costs		
2.1 transport, materials, etc	\$15,000.00	
2.2 operation staff (managers & technical staff)	\$30,000.00	
2.3 Technical assistance - Valuation Specialist and Resettlement Planning Specialist.		\$50,000.00
2.4 Grievances	\$5,000.00	
1. Contingencies		\$20,000.00
2. TOTAL	\$150,000.00	\$95,000.00

X. MONITORING AND REPORTING

64. MPWU will monitor RP implementation on an on-going basis and submit monitoring reports to ADB/WB on a semi-annual basis. It will request from MELAD periodic reports that will include a list of all APs, their entitlements and the status of delivery of cash compensation. It will use the following indicators to gauge progress in RP implementation.

65. Budget and timeframe:

- Evidence of resettlement staff being mobilized for field and office work (from both MPWU and MELAD).
- Report of Valuation Specialist.
- MELAD reports on land acquisition survey, census of APs and inventory of assets
- Record of resettlement funds being received, indicating date of receipt.

66. Delivery of AP entitlements:

² Exception will be temporary leases of areas for storage or parking of heavy machinery, etc., which will be on-going as construction crews shift from one location to another during the project.

- CEFs showing names of APs, date, time, amount of compensation received and signatures.
67. Consultations, grievances and special issues:
- Reports of all consultations held, listing names of participants, summary of views expressed and photographs of meetings.
 - Copies of PIB in English and Gilbertese.
 - Evidence of endorsement by APs of draft RP
 - Court record of all APs who lodged complaints, nature of complaints and outcomes.
68. At the completion of RP implementation, MPWU will report to the ADB and WB that it has complied fully with all the requirements of the RP and will submit the following compliance documents to support its claim:
- Completed CEFs
 - Copy of PIBs in English and Gilbertese
 - Minutes of consultations with APs
 - Minutes of consultations with women (if a separate consultation is conducted)
 - Minutes of consultations agreeing to the content of the RP
 - Individual agreement on compensation reached with APs
 - Evidence of transfer of titles of acquired lands
 - Journal voucher(s) or equivalent document(s) showing payment for compensation and entitlements to APs.
69. Civil works will commence once the RP has been satisfactorily completed.
70. The MPWU will also recruit qualified and experienced external experts or qualified civil society organizations to verify its internal monitoring report, if significant safeguard issues arise during implementation. The MPWU will recruit such experts or organization in consultation with ADB and WB and submit external monitoring reports to ADB and WB.

ANNEX 1: PROJECT INFORMATION BOOKLET: KIRIBATI ROAD REHABILITATION PROJECT (KRRP)

1. **The Kiribati Road Rehabilitation Project (KRRP).** The Government of Kiribati has applied for financial assistance from the Asian Development Bank (ADB) and the World Bank (WB) to finance the Kiribati Road Rehabilitation Project. The project involves upgrading and rehabilitation of about 27.5 km of roads in Southern Tarawa. The Kiribati Road Rehabilitation Project (KRRP) will be implemented by the Ministry of Public Works and Utilities (MPWU).

2. ***What are the objectives of this public meeting?*** The first objective of this meeting is to **inform** the public about the Kiribati Road Rehabilitation Project. The second objective is to provide the public with the opportunity to express any views, concerns and comments they may wish to voice. All views and comments from this meeting will be considered in the project preparation and design.

3. ***What constitutes the road upgrade/rehabilitation?*** Road rehabilitation involves, regrading and resealing of the entire road from St. Anne to the airport, including the Temaiku spur. It also involves the provision of drainage and footpaths in selected areas, and the addition of about 50 bus-stops bays. The footpath and roads on the Betio Causeway will also be rehabilitated. Unsealed urban feeder roads with high traffic volumes will be sealed and provided with improved drainage.

4. ***Why is this project needed?*** The existing road has suffered extensive damage due to several factors including prolonged periods of wet weather over the past years, and increasing volume of traffic. While parts of the South Tarawa road network were rehabilitated in 2008, remaining paved roads have received no major maintenance in over 20 years, and more and more have reached the end of their economic life. Damage to the road has had a strong impact on travel in South Tarawa, affecting the whole population. Average vehicle speed is reduced to 20km/hr, vehicles economic lives are severely reduced, the dust along unpaved sections is reported to be contributing to respiratory problems amongst local residents, and large pools of stagnant water present a public health risk as breeding grounds for mosquitoes. In the most densely populated island of Betio, with an estimated 12,500 people per km², virtually the entire population lives close to the road and is affected its poor condition. Poor infrastructure also raises costs to businesses, constraining employment creation.

5. ***What benefits will the project generate?*** In the long-term, improved roads in South Tarawa will reduce travel times, be safer for motorists and pedestrians, reduce maintenance costs on vehicles, and reduce health risks associated with dust and poor drainage. It will be a boost for business and for the image of South Tarawa as the center of government, trade, commerce and tourism in Kiribati. In the short-term, jobs will be generated during road construction and preference for employment in the project will be given to affected people or members of their families.

6. ***Will the people in the villages participate in the planning of the project?*** Definitely yes. Local people will, and in some cases have already been, consulted regarding environmental and social impacts of the project. Further consultations will be carried out when detailed assessments of environmental and social impacts are conducted in the coming months. Similarly, views expressed in this meeting will be taken into account in project design. Additional consultations with affected people will be conducted when detailed designs for the project are completed and affected people are identified.

7. ***Will the project require additional land?*** The Project will concentrate on upgrading the existing road footprint. However a minimum amount of land adjacent to the existing road, will be required for bus-stops. To minimize land acquisition and impacts on roadside assets and crops, footpaths and bus-stop bays will be constructed where land is unoccupied and available. Where additional land will be acquired, this will be done in consultation with landowners.

8. ***What direct impacts will the project have on people of South Tarawa?***

In the long term:

- A minimum amount of land might be required (as explained in no. 7) for bus bays. Appropriate compensation payments will be made.
- Some crops (e.g., coconuts, pandanus, etc.) that are currently standing very close to the road might be damaged or destroyed. Appropriate compensation payments will be made for these assets.

During road construction:

- Some areas may be used temporarily by the road contractors to store or park heavy machinery and to establish facilities.
- Dust is likely to increase in the location of road works, causing air quality to decrease.
- Noise will increase during working hours.
- No waste will be generated, as the existing seal will be mixed back into the sub-grade, or used as fill in low spots - it will not need a disposal area.
- The risk of accidents to pedestrians and motorists from increased vehicle and machinery movement will increase.
- Access into some private properties will be temporarily disrupted.
- Access into some public areas and parks will also be temporarily disrupted. Under the guidance of the Environmental Management Plan, the project will try to minimize dust and noise levels, as well as minimize the disruption to schools, maneabas, churches and other important locations.

9. ***Will affected people and their assets be compensated?*** Yes. Compensations will be paid as follows:

- Rightful owners of small sections of land alongside the existing road that may be taken to accommodate bus-bays will be compensated for that section of land.
- Assets along the roadside such as crops that will be removed or damaged will be compensated. Compensation will be payable to the present occupant of the land.
- Other land that will be required temporarily for the project or disturbed as a result of the project will not be paid compensation but the land will be returned to their original condition or better.
- For land that will be used as temporary work stations or storage of construction materials, there will be payment of rent to the owners by the construction contractor.

10. ***What is the basis of compensation for affected land and assets?*** Compensation for affected assets such as land and crops will be based on the prevailing market price. The project will be financing a Valuation Specialist to assess the current rates of compensation and where necessary, revise them accordingly. Compensation will be paid to people who have a rightful claim to the land as of the date of this consultation (20 September 2010). Crops or structures planted or constructed on the acquired land after this cut-off date will not receive compensation.

11. **Who will pay the compensation?** The Ministry of Environment, Land and Agriculture Development (MELAD).
12. **If there are disputes or grievances associated with the Project, how will they be addressed?** There are procedures for grievance and redress provided for in the Kiribati legislation. MELAD will ensure that all grievances or complaints from Affected People will be solved quickly and to the satisfaction of all parties. A dedicated Unit will be set up within the Magistrates Court to deal only with grievances related to this project, to make sure they are addressed promptly.
13. **What if the compensation is refused?** Disputes that do not get resolved by the dedicated Unit will ultimately be referred to the High Court as per Kiribati's legislation.
14. **How does the Project determine assets for compensation?** A census of Affected People and inventory of all assets that are affected will be conducted. Before the census is conducted, MPWU and MELAD will work closely with local communities and landowners to mark project boundaries and to conduct detailed measurement survey of lands which boundaries have not been surveyed before. The census/inventory will use a questionnaire format to record all Affected People and their affected assets. The assets recorded in the questionnaire will form the basis for calculating compensation.
15. **What if my assets are impacted and they have not been properly surveyed?** While a great deal of land in Tarawa has been properly surveyed and mapped, a lot of plots have not. It is important that these lands are properly surveyed and mapped if they are impacted by the project to formalize boundaries and confirm ownership so that appropriate compensation payments can be made. Teams of surveyors from MELAD will survey and map all land impacted that is not yet surveyed.
16. **When will surveys and inventory of assets be conducted?** The measurement survey and inventory of affected assets will follow public meetings and project disclosure. An inventory questionnaire will be used to record each lot, owner, present occupants and the crops thereon that will be removed and/or affected by the project and for which compensation will be paid. The expectation is that few assets along the road will be impacted. This record will form the basis for calculating compensation. MELAD surveyors will liaise closely with all villages in advance before and during the surveys and inventory.
17. **Will there be further consultations for the project?** YES. There will be other public meetings similar to this to be conducted once surveys and inventories have been conducted. These consultations will directly involve those that the project will affect. The purpose of those consultations is to explain how compensations are determined and calculated, and how entitlements for land owners and occupants are determined.
18. **What is a Land Acquisition and Resettlement Framework and Plan?** The project is preparing a Land Acquisition and Resettlement Framework that will describe the project and provide instructions and methods for the development of a Resettlement Plan. The Resettlement Plan, once finalized, will identify all affected people, their affected assets, how much compensation they will be paid, and how that compensation was calculated and arrived at. It will also define how any grievances arising out of the project will be resolved. The aim of the Framework and Plan is to ensure that impacts of the project are minimized if they cannot be avoided, and that any affected people and their assets are properly compensated and assisted.

19. ***Will the Land Acquisition and Resettlement Framework and the Abbreviated Resettlement Plan be accessible to the public?*** These documents will be uploaded by ADB and the World Bank on their respective websites. The Government of Kiribati will also make these documents available at the Department of Lands. The Abbreviated Resettlement Plans, detailing the specific assets impacted, will be translated into local language. ADB and WB will ensure that the project allows for stakeholders' feedback during implementation and that relevant information about any major changes to project scope is also shared with the affected peoples and other stakeholders.

20. ***How will the project ensured that the Government is complying with the requirements for compensation of the resettlement plan?*** A local and independent body, possibly a local NGO, will be appointed to monitor the implementation of the Resettlement Plan to ensure full compliance on the part of the Government.

**YOU ARE WELCOME TO EXPRESS VIEWS AND ASK QUESTIONS
ON ANY ISSUES RELATED TO THE PROJECT.**

ANNEX 2: TERMS OF REFERENCE – RESETTLEMENT SPECIALIST

Objective/Purpose of the Assignment:

The objective of the assignment is to support the Asian Development Bank and the World Bank's preparation of a loan to the Government of Kiribati for the proposed road rehabilitation and upgrading works in South Tarawa.

Scope of Work:

The consultant will assist the Government to prepare a resettlement plan meeting ADB and WB's requirements as set out in their safeguard policies. The consultant will use the Resettlement Framework (RF) developed during the Project Preparation phase. The RF covers all roads to be upgraded which comprise (i) airport to St Annes' school, Bairiki, (ii) Betio causeway, (iii) Teimaku (2 km from junction only), and (iv) miscellaneous access roads (about 6 km). Work will also be carried out on existing roads in Betio and Bikenibeu for which drainage easements may be required.

Detailed Tasks:

The Resettlement Planning Specialist will –

1. Review and finalize questionnaires for socio-economic survey, census of affected persons and inventory of affected assets.
2. Conduct a one-day workshop for staff of MELAD and MPWU to familiarize them with questionnaires to be used and in basic surveying techniques, and in the analysis of survey data.
3. Provide advice and technical support in the implementation of socio-economic surveys.
4. Analyze socio-economic data and compute compensation entitlements for each APs based on the RF Entitlement Matrix. Develop a Compensation Entitlement Form summarizing this information for each AP, including a signature space for APs to sign on when receiving compensation.
5. Develop a Resettlement Plan using the Outline in Annex 3.
6. Working with MPWU and MELAD, conduct consultations with APs to discuss the draft Resettlement Plan.
7. Finalize Resettlement Plan taking into account comments received and in consultations with MPWU and MELAD.
8. Submit finalized Resettlement Plan to MPWU.
9. Disclose the final Resettlement Plan in English and Gilbertese and ensure it is located in an accessible place for local communities.

Output/Reporting Requirements:

The following outputs are required:

- (i) A Resettlement Plan
- (ii) Brief consultant's report discussing the work undertaken, issues faced and conclusions with recommendations on how similar work can be improved in future. Include as annex a report of training conducted for MELAD and MPWU staff.
- (iii) Documentation of the consultations, noting attendees, feedback and concerns.

ANNEX 3: DRAFT SOCIOECONOMIC AND CENSUS/INVENTORY QUESTIONNAIRE

Kiribati Road Rehabilitation Project (KRRP)									
Census of APs and Inventory of Losses									
Village: _____			Street Name: _____						
Name of Head of Household: _____									
<p>Introduction: The purpose of this census and inventory is to identify and list the names of all affected persons and the assets that will be affected as a result of the Kiribati Road Rehabilitation Project (KRRP). The Implementing Agency for the Project is the Ministry of Public Works and Utilities (MPWU). The Ministry of Environment, Lands and Agricultural Development (MELAD) is undertaking the survey.</p>									
DEMOGRAPHIC AND SOCIO-ECONOMIC CHARACTERISTICS									
A									
A1 Name of Respondent: _____									
2 Age: _____		3 a. Gender: Male _____ Female _____							
4 Civil Status: _____		a. Married _____		d. Single _____					
		b. Widower/Widow _____		c. Divorced _____					
5 Occupation : _____									
6 Education: _____		a. Primary _____			b. Secondary _____			c. Tertiary _____	
7 Monthly Income: _____									
A2 Name of Spouse: _____									
1 Age: _____	2 Occupation: _____								
3 Education: _____		a. Primary _____			b. Secondary _____			c. Tertiary _____	
4 d. Monthly Income: _____									
Type of Tenure									
Landowner _____			Leaseholder _____			Non-title holder _____			

A3 Members of the Family:									
Name	Age	Relationship	Sex or Gender			Occupation/ Type of Work	Monthly Income		
			Male	Female	Total				

B. LAND ACQUISITION

a. Cadastral Lot No. _____		<i>(this number should be obtained from the Land Registry)</i>			
b. Temporary Land Acquisition		1. Private Customary Land _____		2. Government leased land _____	
Use of Land		Total Size of land in sq. meters		To be Acquired	
				Area in m ²	% of total size of land
a. Residential					
b. Commercial					
c. Water Reserve					

3. The temporarily affected land is under lease: a. YES _____ b. NO _____	
4. If YES, how long is the period of the lease? _____	
5. Amount of the lease: \$ _____	6. Periodic payment of lease? _____
7. Is the lease of land mortgaged to a financial institution? a. YES _____ b. NO _____	

Permanent Land Acquisition – (Freehold customary lands not currently leased to Government)			
a. Cadastral Lot No. _____		<i>(this number should be obtained from the Land Registry)</i>	
Use of Land	Total Size of land in sq. meters	To be Acquired	
		Area in m ²	% of total size of land
a. Residential			
b. Commercial			
c. Water Reserve			

8. The land to be acquired is under lease: a. YES _____ b. NO _____	
9. If YES, how long is the period of the lease? _____	
10. Amount of the lease: \$ _____	11. Periodic payment of lease? _____
12. Is the lease of land mortgaged to a financial institution? a. YES _____ b. NO _____	

3. IMPACTS OF LAND ACQUISITION			
Impacts mean the adverse effects to the objects presently established on the affected lands, whether the acquisition is temporary or permanent.			
Names of Affected Trees & Plants	Number	Unit cost	Total Replacement Cost
1. Coconut Tree			
Fruit bearing			
Non-bearing with trunk			
Non-bearing without trunk			
2. Pandanus tree			
Fruit bearing			
Non bearing			
Newly planted			
3. Te Bero tree			
Fruit bearing			
Non bearing			
Newly planted			
4. Breadfruit tree			
Fruit bearing			
Non bearing			
Non bearing without trunk			
5. Bwabwaia tree			
Fruit bearing			
Non bearing and above 3 feet high			
6. Bwaukin			
Per square metre			
7. Bokeke			
Fruit bearing			

8. Banana			
Fruit bearing			
Non fruit bearing			
9. Kumwara			
Per square metre			
10. Bwabwai Pit			
Filling in (per cubic meter)			
11. Bwabwai Plant			
Per pound			
Buildings			
Permanent per sq meter			
Semi permanent per sq meter			
Local building (per sq meter)			
Assessment of the AP			
a. An elderly (i.e., 65 yrs and older)	YES _____	NO _____	
b. Heads very poor family	YES _____	NO _____	Use level of income and state of dwelling as indicators.
c. Has physical disability	YES _____	NO _____	If yes, indicate disability _____
d. A woman who is separated from her husband and head the family	YES _____	NO _____	
e. A woman who is a widow and head the family.			

Interviewer _____

Date of Interview _____

ANNEX 4: OUTLINE OF ABBREVIATED RESETTLEMENT PLAN

1. Introduction
2. Scope of Land Acquisition and Resettlement
3. Socio-economic information of Affected People (AP)
4. Policy Framework, Objectives and Entitlements for Project
 - a. Applicable Legal and Policy Framework
 - b. Objectives
 - c. Entitlement Matrix
5. Information Dissemination, Consultations, Participation and Disclosure
6. Gender Impacts and Mitigation Measures
7. Grievances Redress Mechanisms
8. Compensation and Income Restoration
 - a. Valuation and Compensation Determination
9. Institutional Arrangement
10. Resettlement Budget and Financing
 - a. Cost of compensation of assets
 - i. Cost of compensation of land
 - ii. Cost of compensation of trees
 - iii. Cost of compensation of structures
 - b. Cost of rehabilitation support
 - c. Total cost estimate for Resettlement Plan
11. Implementation Schedule
12. Monitoring and Evaluation
13. Conclusions