

MID-TERM REPORT

KIRIBATI ROAD REHABILITATION PROJECT (KRRP):

COMPENSATION AND LAND ACQUISITION

PROCESSES

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1. Introduction

This report follows on from the second report that presented background information on land acquisition and leading up to compensation payout processes. To date much has been achieved and over 80% compensation payouts had been made with the remaining still progressing. Issues remaining to be resolved include land boundary disputes, objections to bus bay and water drainage locations awaiting further consideration to scrap or relocate. The major roadwork in terms of sealing and other features are due to commence in early 2014. Aggregate stock piling in several locations along South Tarawa by the road contractor, MacDow have begun, bush and tree trimming are progressing while seawall construction along Anaanau Causeway to protect the most affected lagoon areas in the area is also progressing. Clearing along several road areas is being done and followed by the planting of survey stakes for road alignment purposes.

Several meetings have been held, one with the WB-ADB mission team where progress on the road work was discussed and pertinent issues put on the table for further consultation to resolve them to include compulsory acquisition of some sections of the road. The Courts representative on those meetings strongly opposed the idea of compulsory acquisition, must be done cautiously through consultation as far as ownership is concerned.

Incidentally, household and community consultations in some parts of Temaiku, Ambo and Nanikaai are recent additions to those discussed above preceding seawall constructions along the ocean side, as for the former, and the lagoon coastline at the later two villages, to protect the new road from being washed away during bad weather and extreme high tides. At Temaiku, two sites identified as of 'high risk), one around Taiwan Technical Mission, the other is within the Korokota/Kekeiaki areas further up toward the Latter Day Saints compound. In Nanikaai, the new seawall at the lagoon side will connect the existing one at Naanteitera as far as 200 meters toward the current the speed hump where private homes are, and another 200 meters toward Bairiki. Construction at Ambo will be focused on badly eroded areas where water piping system is being exposed along the Stewart Causeway and connecting the existing seawall toward the eastern end. World Bank funding, through Kiribati Adaptation Program (KAP III), will provide the necessary funds for these structures.

2. Meetings post the Second Report

1. Meeting Title: Land Acquisition & Compensation Committee; Date: 29 October 2013; Venue: MWPU Boardroom

Present:

MPWU -	Toani Toatu (TT-MPWU)
Roughton -	Ian Archer (IA)
MELAD -	Lands -Boata Iabeta (BI)
KPS -	Brian Ritang (BR)
MWPU -	Koaa Ekeata (KE)
Roughton -	Moanataake Beiabure (MB)
TT-ECD -	Tiobwa Tokataake (TT)
MPWU -	Patrick Mannix (PGM)
<i>t-m'akei services</i> -	Temakei Tebano (TT-NGO)
Judiciary -	Tetiro Semilota (TS)
KFSU -	Reina Timau (RT)
TUC -	Katangiman Bio (KB)

Issues: Compensation Progress Update (BI)

BI provided an update on the progress of compensation payments made to date. Overall 77% of the payments have been made, and below is a summary of outstanding payments for each Section: -

- Section 1 – 1 outstanding payment
- Section 2 – 14 outstanding payments
- Section 3 – 20 outstanding payments
- Section 4 – 39 outstanding payments
- Section 5 – 5 outstanding payments

BI noted that most of the disputes to date relate to land boundary locations, and land title ownership. These issues are currently going through the courts and LMD is waiting for judgment to be handed down by the courts. For some of these hearings, TS requested for the name of the presiding judge.

The NGO noted that some landowners are now putting up structures close to the roadway. There should be no compensation for these structures which are now being put up in the road corridor.

In relation to these matters, it was noted that TUC issue building permits, and they need to check how close these structures are being erected to the road.

Stopping Places / Bus Stops – At present there are 166 proposed stopping places. When the road is nearing completion, MPWU/RI will need to agree with TUC about which of these stopping places will become designated bus stops.

Compensation Money – Department of Finance has agreed that the compensation monies will now be included as part of the Development Budget and hence there is no requirement for an escrow account. This will be taken up with the donors during the forthcoming KRRP donor mission.

Additional Compensation – It was noted that the number of trees for compensation may actually increase due to trees that are very close to the boundary and have grown into the road corridor, or leaning into the road corridor. Some additional funds will be required for compensation of these trees. It was also noted that the actual number of stopping places has already been reduced due to landowners not wanting stopping places and this will start to impact on road and pedestrian safety as vehicles are likely to stop anyway. Efforts need to be made to keep the proposed stopping places.

Compensation Process – Everyone was reminded that there is an agreed process for the compensation of landowners and dealing with landowner grievances. The LACC is part of that process, and all efforts need to be made to resolve any issues through discussion and negotiation. The minutes were recorded by Patrick Minnix, KRRP Technical Auditor & Advisor to MPWU

2. 6th November: Special Meeting with WB and ADB team.

Actually, the meeting was only a courtesy one to meet team members from the two banks who visited Kiribati to appraise all projects sponsored or co-sponsored by both banks. The issues discussed in the previous meeting of Land Acquisition & Compensation Committee were reiterated with assurance that all land acquisition, compensation and boundary disputes will be progressed as required before end of the year and the early part of 2014. Same representatives as for the previous meet, except the Courts, were present.

3. Some Observed Road Activities

October 2013: Trimming of bushes and trees along the road by MacDow; continue excavating aggregate from A1 area at Takoronga, Betio, at lagoon side of Atinimarawa Co. Ltd yard.

November: MacDow stop excavation; continue trimming and cutting trees at Ananau Causeway and other areas in TUC. Putting up solid seawalls along Ananau Causeway; cleared south-western side of Bonriki airport; widen access road behind Police and airport tarmac putting soak field (gravel and stones) and extend widening/clearing to the ocean side and end of runway.

MacDow stockpile sand and gravel at some designated areas along TUC main road.

Scraping inside of road from St. Anne Pre-school at eastern end of Bairiki removing remaining tar-sealed pavement leaving gravelly and dusty road. Also the road on Anderson Causeway has been leaving the roads in these areas gravelly and dusty.

Seawall construction along Ananau Causeway by MacDow as part of coastal protection work to protect the road from overtopping and flooding.

Household and community consultations carried out at Sites 10 and 11 in Terauku in the worst eroded shorelines at ocean side of Taiwan Technical Mission and Korokota area, likewise Sites 1 and 5, Nanikaai and Antebuka villages, respectively, were also carried out. Purpose of consultations were for coastal protection work on seawalls proposal in the areas to protect the roadwork.

Ministry of Works asks Te Atinimarawa Co. Ltd. if it can supply MacDow with much needed aggregate for the road, TACL is in discussion with MacDow and Roughton Engineering International. Household survey at Terauku, Nanikaai and Ambo . Community consultations at Terauku.

December: Community consultations at Nanikaai and Ambo on coastal protection for the roadwork. The laying of water pipes along Nippon Causeway and along the south-western side of the airport is progressing.

4. Land Acquisition and Compensation Progress

As noted in the above meetings, LANDS is working continuously to get as much compensation payments out before the end of the year. The following are updates on compensation payouts:

Table 1: Sector Compensation Payout

Section (5km)	Village	No of final compensation for each section	Compensation paid		No of unclaimed compensation	Percentage %
			Up to Sept 01	Total		
1st	Nanikai - Teoraereke - Banraeaba West (Korobu)	71	5	70	1	99
2nd	Banraeaba West (Korobu) - Ambo - Taborio - Eita West (Highest Point on STRW)	84	9	70	14	83
3rd	Eita West - Abarao - Bikenibeu West (Otintai Hotel)	74	4	70	4	95
4th	Bikenibeu West (Otintai Hotel) - Nawerewere - Terauku West (Teangana's land)	80	3	70	10	88
5th	Terauku West (Teangana's land) - Bonriki (Police Station - Airport)	30	0	27	3	90
Remaining (1.96km)	Ananau Causeway (Nawerewere - Bonriki Airport)	0	0	0	0	0
Total		339	21	307	32	91

The least problematic sectors are Anaanau Causeway and Nanikaai-Banraeaba(Korobu), the highest being Banraeab East – Eita West (highest point) and Bikenibeu West (Otintaai/Nawerewere) – Temaiku West.

Table 2: Update Payment Report - Compensation based on Resettlement Plan

Village	Total No of compensation	Paid compensation	Unpaid compensation	Payment Amount Outstanding (\$)	Comments
Nanikaai	7	7	0	\$0.00	
Teaoraereke	58	57	1	\$1,037.00	No payment had been made (Survey No 33) due to boundary dispute (Taoia vs Rota Karawaiti). Requires Lands Court to resolve the boundary.
Banraeaba	23	22	1	\$267.00	Land title ownership and boundary dispute (Survey No.97) between Tietao vs KitAr Tung : infront of former KSCL yard.
Ambo	23	21	2	\$583.00	Boundary dispute (Survey No.127 and 128C)
Taborio	32	23	9	\$1,471.00	Land title ownership and boundaries dispute (Survey No:146A,153,145,144,142,130,147A/146A and 147B
Eita	42	40	2	\$624.00	Land title ownership and boundary dispute (Survey No.157/158 - WGMC vs Nateiti and 165 - Bairebu)
Abarao	14	14	0	\$0.00	
Bikenibeu	81	71	10	\$4,739.00	See Survey No: 229, 227, 238, 250/251, 296, 246, 268/269, 281 and 294.
Nawerewere	20	17	3	\$349.00	Survey No: 317, 322, and 318
Temaiku	27	25	2	\$603.00	Survey No 328 and 348
Bonriki	12	10	2	\$306.00	Family land, requires consent of all registered landowners for Matou to receive compensation. Same land (Refer to Survey No.356A/356B)
Total	339	307	32	\$9,979.00	

In terms of village monetary compensation Bikenibeu Central and East still require greater effort to pay out over \$7,000. The issues remaining here include family land, verification of land title owner, unidentified land owner(s), land boundary disputes, await land owner to claim compensation, land owner is overseas, objections to either a bus bay or water drainage. Lesser cases have fewer but same issues.

5. An assessment of the land acquisition and compensation process

Although the roadwork had already commenced there is yet need to step up efforts focusing on 5 km-sector which include the second (2nd) and fourth (4th) Sectors as shown in Table 1. By village, Bikenibeu is the most problematic with over \$7,000 compensation payouts to be made, followed by Teoraereke and Taborio, over \$1,000 each, Ambo, Eita and Temaiku with over \$500 each worth of compensation.

Family land appears to be the most difficult issue as far as compensation is concerned as no compensation can be paid out until the rightful owner(s) are identified and title is verified in court; if potential land title owners never agree on who should inherit the land or how the land is going to be sub-divided the issue will remain unresolved, hence that section of the road is left unpaved or Government acquires it with compensation put aside.

Unidentified land owner(s), or land owner is overseas, or land owner has not made claims to compensation could also become obstacle to a roadwork, however compensation money could be put aside and paid out when titles and claimants are identified.

Objection of land owners for bus bays and drainages can be approached in three ways; the first is to scrap the feature if the area is unpopulated, second is to relocate if other land owners will agree, and third is compulsory acquisition which Government may exercise in the interest and welfare of the public. All three options are open and whichever deems the most appropriate, as far as public welfare is concerned, should be adopted. However, the preference to date is to do more consultation with land owners, which is progressing well, to minimize the number of deleted bus bays and drainages. One of the latest meetings of LACC agreed unanimously that Lands continue dialogue with land owners.

Land boundary disputes are not a major hurdle to roadwork as compensation money can be put aside and paid out when a case is settled in court or outside of court. In other words, land owners allow their part(s) of land to be compensated for but for how much the court is yet to settle. It appears from the records that none is opposed to clearing of fruit trees, however few owners have not come forward for claim.

As far as grievances there are no cases put to the Road Rehabilitation Grievance Committee, consequently, no need for *t-m'akei services* to do dialogue on behalf of affected people. Court cases to deal with land boundary disputes are outside of the agency's jurisdiction. Similarly, other issues discussed above only require concerted effort by Lands Department to consider speedier strategies to address them.

6. The Current Situation

The road contractor, MacDow is stockpiling its excavated aggregate at its yards cross TUC main road. Heavy plants are parked at its main compound at Takoronga or at other locations. Roadside clearing and other primary work, including coastal protection along Anaanau Causeway and other proposed site at Temaiku, Nanikaai and Ambo are progressing or are in the pipeline.

Some portions of the road have been scraped by the Ministry of Works in light of easing budgetary lines for continued and ineffective maintenance sourced to communities. The particular section of road in question stresses from St. Anne Pre-school at eastern end of Bairiki to eastern end of Anderson Causeway between Nanikaai and Teoraereke.

Land acquisition and compensation payouts need to continue in parallel with road works currently running. It is hoped that by early 2014 planned coastal protection work along TUC area should have been completed followed the actual roadwork which starting points are yet to be finalized. Below are some pictures capturing some road work related activities.



(1) public are learning about road signs; (2) some part of road behind Bonriki police cleared and widened with soak pit; (3) clearing at lagoon side of terminal at south-western end (photos by Temakei Tebano)



(1) MacDow's heavy vehicles parked close to construction sites; (2) coastal protection work along Anaanau Causeway; (3) one of community consultations held at Temaiku for proposed seawall constructions (photos by Temakei Tebano)

7. Other roles

t-m'akei services has been advised that its current contract, which should have finished in November, has been extended into 2014 in light of monitoring requirement by the World Bank. Communication remains open between the Project Manager – Fiduciary Unit - Finance (Ms Reina Timau), Lands Department (MELAD) and the Ministry of Works and Public Utilities (MWPU) relating to road-related businesses. Good working relationship is maintained through a series of meetings, personal dialogues, emails and phone communications. The contents of this report could not have been compiled without effective and constant communication with principal stake holders listed above.

Two more reports are expected after this mid-term report. Because of delays in the commencement of the project tentative submission dates need to be rescheduled as follows.

Report	Submission Date	Status
Inception	2012	Submitted 2012
Second Draft	August, 2013	Submitted (reviewed version available)
Mid –Term Report	December, 2013	This One
Final Report	Toward end of road work –, December, 2014?	Yet to be drafted

8. Summary of Main Issues with Recommended Actions:

1. A rigorous effort needs to be stepped up by Lands Division in resolving outstanding issues that may hinder progress of roadwork in the second (2nd) and fourth (4th) sectors namely Banraeaba East – Eita West, Bikenibeu West – Temaiku West, respectively.
2. Similarly, attention should also be given to other sectors in the TUC area in order to enhance a smooth and unhindered work environment by the Contractor and stakeholders.
3. Effective communication means be identified whereby all land owners can be contacted as soon as possible or a safe means of transferring compensation money is adopted.
4. So far there are no road work plans or advertisements being put out to the public to inform them and calling for closer cooperation in ensuring any aspects and features of the roadwork are protected from vandalism.

It remains in the hands of Government to apply compulsory acquisition in cases that appear non-resolvable to ensure the roadwork is completed on time without any further delays.

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