



# Land Acquisition/Resettlement Framework

---

Project Number: 48239  
July 2014

## Solomon Islands: Transport Sector Flood Recovery Project

Prepared by the Ministry of Infrastructure Development, Government of Solomon Islands for the Asian Development Bank.

## ABBREVIATIONS

ADB	–	Asian Development Bank
CDO	–	Community Development Officer
CLAC	–	Customary Land Appeal Court
CLO	–	Community Liaison Officer
COL	–	Commissioner of Lands
CPIU	–	Central Project Implementation Unit
DMS	–	detailed measurement survey
DP/AP	–	displaced person/Affected person
EA	–	executing agency
ECD	–	Environment and Conservation Division
FTE	–	fixed term estate
IOL	–	inventory of losses
km	–	kilometer
LAO	–	Land Acquisition Officer
LAR	–	land acquisition and resettlement
LBES	–	labor-based equipment supported (maintenance)
M&E	–	monitoring and evaluation
MECM	–	Ministry of Environment, Conservation and Meteorology
MID	–	Ministry of Infrastructure Development
MLHS	–	Ministry of Land, Housing and Survey
MOA	–	Memorandum of Agreement
NTF	–	National Transport Fund
PPTA	–	project preparatory technical assistance
RF	–	resettlement framework
ROW	–	right-of-way
RP	–	resettlement plan
SDO	–	Social Development Officer
SIA	–	social impact assessment
SIRIP	–	Solomon Islands Road Improvement (Sector) Project
SOL	–	Solomon Islands
SS	–	Safeguards Specialist
TOL	–	temporary occupancy licenses
TPPD	–	Transport Policy and Planning Division (within MID)
WB	–	World Bank

The land acquisition/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.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

## CONTENTS

	<b>Page</b>
I. INTRODUCTION	1
II. OBJECTIVES, LEGAL AND POLICY FRAMEWORK AND ENTITLEMENTS	1
A. Objectives	1
B. Solomon Islands Legal Framework on Land Acquisition	2
C. ADB Safeguard Policy	5
D. Identification of Gaps between ADB Policy and Solomon Islands Law and Gap-filling Measures	6
E. The Project's Resettlement Policy Principles and Entitlements	11
III. SOCIAL IMPACT ASSESSMENT AND PREPARATION OF RESETTLEMENT PLAN	15
A. Subproject Screening	15
B. Social Impact Assessment and Preparation of Resettlement Plan	15
IV. INSTITUTIONAL RESPONSIBILITIES	16
A. Ministry of Infrastructure Development	16
B. Ministry of Land, Housing and Survey	18
V. CONSULTATION AND INFORMATION DISCLOSURE	18
VI. GRIEVANCE REDRESS MECHANISM	18
A. Resolving Disputes over Land Ownership	18
B. Grievance Redress Mechanism	19
VII. BUDGET AND FINANCING	20
VIII. MONITORING AND EVALUATION	21
ANNEX 1. PROCEDURES FOR MEMORANDUM OF AGREEMENT	22
ANNEX 2: SCREEN FORM	24
ANNEX 3: OUTLINE OF A RESETTLEMENT PLAN	26



## I. INTRODUCTION

1. The proposed Transport Sector Flood Recovery Project (the project) will support emergency rehabilitation and reconstruction of transport infrastructures damaged by flash floods in April 2014 in Solomon Islands (SOL). ADB emergency assistance comprising loans and grants will be provided through a sector project approach. The impact of the project will be improved access to socio-economic opportunities. The outcome will be restored connectivity through more disaster and climate resilient infrastructure. The project will have one output: transport infrastructure reconstructed to pre-flood levels in priority locations.

2. Subprojects under the project will be finalized during implementation. They will include repairs to bridges, bridge approaches, culverts and drainage systems in east and west Guadalcanal as well as the Gold Ridge road. Repair works under the project will be concentrated at respective locations of damaged bridges, culverts, etc. along these roads; regular maintenance of the road will be outside the project scope.

3. The project is not expected to involve significant land acquisition and resettlement impacts, as most infrastructures will be rehabilitated or reconstructed at current locations within the existing road corridor. It is unlikely that subprojects will require permanent land acquisition and physical displacement (loss of residential houses and structures). Loss of major income generating assets (e.g. businesses) are also not expected. However, civil works will require temporary land use or access during construction and may involve some impacts such as loss of trees and crops on the respective land needed for the bypass or access during construction. Specific impacts will be known only after the feasibility and detailed design according to site specific requirements of the repair works to bridges and culverts.

4. This resettlement framework (RF) has been prepared to address potential land acquisition/resettlement impacts that may arise during construction. The RF describes procedures for (a) screening of land acquisition/resettlement impacts; (b) social impact assessment and preparation of resettlement plan (RP), if needed; (c) negotiation and agreements for land access; (d) resettlement principles and entitlements; and (e) implementation and monitoring arrangements. It is based on applicable laws and regulations of the Government of Solomon Islands and ADB's *Safeguard Policy Statement* (2009). The Ministry of Infrastructure Development (MID) will be the executing agency (EA) for the project and will be responsible for implementation of the RF.

## II. OBJECTIVES, LEGAL AND POLICY FRAMEWORK AND ENTITLEMENTS

### A. Objectives

5. The objective of the project is to avoid land acquisition and resettlement impacts to a maximum possible extent; to minimize resettlement impacts by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons (DPs)<sup>1</sup> relative to pre-project levels; and to improve the standards of living of the poor DPs and other vulnerable groups. The RF provides a process of resettlement impact assessment, preparation

---

<sup>1</sup> Displaced person is the term used in ADB safeguard policy and includes any person who is physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land or on access to legally designated parks and protected areas. Terms "DPs" and "APs" are used synonymously in this document.

of the RP and implementation of compensation and income restoration measures for DPs. It covers both physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of land acquisition or restriction on land use or on access to parks and protected area.

6. To avoid and minimize resettlement impacts, the project will adopt following resettlement criteria in selection of subprojects: (i) a candidate subproject should be an existing infrastructure; (ii) preference will be given to those subprojects which can be undertaken within existing ROW/boundary or on government/public land; and (iii) if land acquisition cannot be totally avoided, only subprojects without significant land acquisition/resettlement impacts will be selected. The screening form enclosed in annex 2 will be used as the screening tool to ascertain significance or category of potential impacts.

7. If land acquisition/resettlement impacts are identified for any subprojects under the project, the MID will follow the policies and procedures spelled out in this RF in compliance with the applicable laws and regulations of the SOL government and the safeguard policy requirements of ADB on involuntary resettlement.

## **B. Solomon Islands Legal Framework on Land Acquisition**

8. In Solomon Islands, 87% of land is under customary tenure.<sup>2</sup> Inheritance of customary land ownership or user rights differs with custom from island to island. Some islands (including those in Guadalcanal, Central and Western provinces) typically practice matrilineal inheritance and the remaining provinces practice patrilineal inheritance.<sup>3</sup> The remaining land is considered “alienated” and is subject to registration under the Land and Titles Act (the Act or LTA). Within Honiara City Council and provincial capital boundaries, land is owned by the state and is held in the perpetual estate title on behalf of the government by the Commissioner of Lands (COL). The COL enters into 50 year fixed term estate (FTE) agreements with individuals or shorter term temporary occupancy licenses (TOL). A TOL is valid for a period of one to two years, and permanent structures or improvements are not permitted on this land.

9. The LTA governs the government’s compulsory acquisition of land as well as purchase or lease of land through agreement.

### **Compulsory Land Acquisition**

10. Sections 71 through 85 of the Act deal with compulsory acquisition of land for public purposes. Under section 71, the Minister makes a declaration that land is required for a public purpose. The declaration (including a plan or description of boundaries) is published and notice is required to be given to the landowner in case of registered land (section 72), and to all people or groups with an interest in the land for unregistered or customary land (section 73). Within three months of the date of the declaration (provided the declaration is not appealed), the person(s)/group with an interest in the land must make a claim for compensation to the COL. Under section 79 (2) the COL can either offer to pay the claim, or reject it. If the offer is accepted by the claimant, the COL has three months from the date of acceptance of the offer, to pay the claim. If the claim for compensation is rejected, or the claimant is dissatisfied with the

<sup>2</sup> Exemptions being the lands of the national capital area (Honiara), various provincial headquarters, and Tulaggi Island (which was the national capital until the 1960s and is alienated land).

<sup>3</sup> A small area on Guadalcanal – Marau – practices patrilineal inheritance due to influence of customs of Malaita through Malaitans which have relocated to Guadalcanal.

offer by the COL, the claimant has three months with which to lodge an appeal with the High Court.

11. Section 83 of the Act sets out the criteria for assessing compensation for land acquired compulsorily, and includes such things as (i) condition of land concerned; and (ii) any other matters and circumstances considered relevant, including assessment of any diminution in value to owner/occupier of contiguous. Section 84 of the Act deals with compensation for customary land, and provides for transfer or grant of other land or estate (along with terms and conditions), to person(s) or group<sup>4</sup>, in lieu of payment of compensation. Sub-section 4 says that such compensation is for the benefit of all people in the group, in the tradition of customary usage.

12. In case of improved alienated land, the Act provides for (i) compensation for permanently acquired land; or (ii) rent for temporary use or occupation of land. Compensation can be provided in two ways; (i) if requested by a lease-holder, an FTE can be granted for an alternative parcel of land; or (ii) cash compensation based on valuation of land plus improvements. The valuation is based on the current value of parcels of land for similar uses in the area and the current rent for similar FTE arrangements. For unimproved alienated land, compensation negotiation is based on the original lease price plus reimbursement of all rent payments made up to the time of the resumption. This is considered to constitute replacement cost as envisaged in the ADB safeguard policy.

13. Temporary occupation of land for public purposes – for a period of a maximum of three years - may also be acquired by the COL (under section 82). This follows a similar process to acquisition of land, with a declaration and notice being given. Agreement as to the rental follows a similar process to the claim, offer, acceptance, and assessment as compensation for land to be acquired (under section 79). Under sub-section 3, at the end of the temporary use, the land is to revert to the owner or person or group with an interest in the land. If land has been damaged or the value diminished, compensation is to be awarded.

### **Purchase or Lease (acquisition through agreement)**

14. Sections 60 through 70 of the Act deal with **purchase or lease of customary land (through agreement)** by the COL or any Provincial Assembly. The process starts with an appointment of a Land Acquisition Officer (LO) for the purpose of land purchase or lease. The LO demarcates the boundary and agrees with landowners for the purchase or lease of the land required. The LO publishes a notice, holds a public hearing and prepares necessary reports. The agreement is reached with respective landowners and it is implemented by the COL, including payment of the compensation, taking possession of the land, and registration of the land in the name of acquiring entity.

15. For the purchase or lease proceeding to be completed properly, it is important that at least four (4) meetings should be held with the public i.e. the intended landowners. The four (4) meetings are held in the following orders:

(i) First Meeting:

---

<sup>4</sup> Any disputes as to whether person(s) are a member of a group, or among members of a group about the compensation, shall be determined by the local court or Customary Land Appeals Court.

16. A public notice of appointment of acquisition officer to acquire the subject customary land will be put up. Awareness meeting for the next few days about what is expected to be done in the second meeting will also be disseminated.

(ii) Second Meeting:

17. The second meeting is a crucial one. It is during this meeting that the acquisition officer will try to find out who the true landowners are and who the selected trustees to sign forms – customary land form 2 (CL2). If there is any disagreement then the acquisition officer needs to hear the concerns of the disputing parties. This could take days or weeks.

18. Walking the boundaries of affected land parcel will also be undertaken by all concerned parties. It is also during this meeting that the acquisition officer needs the services of a surveyor to produce a sketch of land intended for acquisition and this sketch will be signed by all concerned land owners. At the end of the meeting the land acquisition officer will come up with the trustees to sign form CL2 and the sketch map.

19. The timing of this meeting is based on the outcome of discussions with all affected clans (tribes) and sub-tribes as well as the outcome of the inspection of the affected land parcels. Thus the process could take days or weeks depending on the proximity and access to the area.

20. Once the CL2 form is signed, Notices of trustees will be put on the public notice board for public viewing.

(iii) Third Meeting:

21. The LO will hold this meeting with one aim to see if there is agreement among affected landowners on the trustees chosen in the previous meetings. If there is any disagreement then the meeting will proceed to hear issues of disagreement. This can take days or weeks depending on the nature of the dispute. At the end of the hearing, the acquisition officer will ensure that the nominated trustee during the second meeting is concurred or not by all parties concerned.

Fourth Meeting:

22. Thereafter, the LO will put up a notice inviting the public that they have three months to lodge their concern to the chief magistrate of that particular province. Issues that may be raised during this time may focus on the choice of trustees or the manner by which the LO conducted the hearings or related concerns regarding land acquisition process.

23. Certificate of No Appeal: At the end of the three (3) month notice, the LO will write to the chief magistrate requesting him to confirm whether an appeal against the proceedings of the acquisition process has been lodged. If an appeal had been lodged the magistrate will set a date to hear the case. If there was no appeal then the Magistrate will release a certificate of No Appeal. At this point of the process land acquisition procedure is only half way through.

24. Document Compilation: During this period the LO will spend most of his time in Honiara working with the Surveyors who will then go back to site and carryout the legal survey work and demarcate the initial boundary identified by the landowners (clan/ tribes). After the survey demarcation the cartographer or draftsman will do the plotting of the cadastral plan and checking is done by the Surveyor General to ensure accuracy is maintained.



25. After this an application for first registration is done by the Commissioner of Lands Office and the drawing up of Vesting Order for the Commissioner of Lands to sign which signifies that all the relevant processes as required by the Lands and Title Act sub sections 61,62,63 and 64 has been fully complied with.

26. Statutory Declaration could also be prepared for landowners (trustees) to sign if there is a need for it. This process can take weeks or months.

27. Registration of the Perpetual Estates: The perpetual estates of the concerned land will now be registered in the landowners. The valuation work is also carried out to determine the **outright purchase** price if the perpetual estate is to be vested in the commissioner of Lands. If the land is to be **leased** the valuation should determine the premium and annual rental value to the land owners.

28. When the registration of the perpetual estate is done and the titles are released then the acquisition process would have been completed.

### C. ADB Safeguard Policy

29. The ADB *Safeguard Policy Statement* (2009) requires ADB-assisted projects to (i) avoid resettlement impacts wherever possible; (ii) minimize impacts by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all DPs in real terms relative to pre-project levels; and (iv) improve the standards of living of the affected poor and other vulnerable. It covers both physical displacement and economic displacement.

30. The key principles of the ADB safeguard policy on resettlement are as follows:

- Screen early the project's resettlement impacts and risks.
- Carry out meaningful consultations with and participation of DPs, inform all DPs of their entitlements and resettlement options. Pay particular attention to the needs of vulnerable groups. Establish a grievance redress mechanism.
- Improve, or at least restore, the livelihoods of all DPs through (i) land-based resettlement or cash compensation at replacement cost, as relevant, (ii) prompt replacement of assets, (iii) prompt compensation at full replacement cost, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide DPs with needed assistance, including: (i) if there is relocation, secured tenure to relocation and, better housing; (ii) transitional support and development assistance; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups to at least national minimum standards.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- Ensure that DPs without titles are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a RP elaborating on DPs' entitlements, income and livelihood restoration strategy and so on.
- Disclose a RP in an accessible place and a form and language(s) understandable to DPs and other stakeholders.
- Conceive and execute resettlement as part of a development project or program.

- Provide compensation and other entitlements before physical or economic displacement.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs.

**D. Gaps between ADB SPS and Solomon Islands Laws and Gap-filling Measures**

31. Table 1 summarizes the differences between ADB SPS requirements and SOL Laws on land acquisition/involuntary resettlement, and gap-filling measures.

**Table 1 – Comparison of Solomon Islands Law and ADB Policy and Gap-filling Measures**

<b>ADB SPS Requirements on Involuntary Resettlement</b>	<b>SOL Laws on Land Acquisition/ Resettlement</b>	<b>Gaps between ADB SPS and SOL Laws</b>	<b>Gap-filling Measures</b>
Avoid involuntary resettlement wherever possible. Minimize involuntary resettlement by exploring project and design alternatives.	The Constitution provides for the protection from deprivation of property. The Constitution and Land and Tittles Act (LTA) set out the conditions under which land may be compulsory acquired. The property can only be acquired for the public good, and with the payment of reasonable compensation.	No explicit reference to the need for minimizing resettlement impacts by exploring alternatives.	The RF includes measures on avoiding/minimizing land acquisition and resettlement impacts.
Enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels.  Improve the standards of living of the displaced poor and other vulnerable groups.	General principles of compensation for land and assets are set out in the Constitution and LTA.	SOL Laws do not prescribe measures to restore/improve standard of living.	The RF includes measures on compensation at replacement cost for affected land/assets and to restore/improve living standard of DPs.
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.	LTA sets out the process for land investigation which includes identification of affected clans/tribes and their assets.	No specific requirements for census, cut-off date, impact assessment and scoping of resettlement planning.	The RF includes measures on survey/census, cut-off-date, assessment of impacts and resettlement planning.
Carry out meaningful consultations with APs, host communities, and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless,	LTA sets out the process of notification, including that all landowners must be informed of the acquisition and entitlements.	No specific provisions for preparing and implementing RP based on meaningful consultations with DPs, including the poor, the landless, elderly, women, and other vulnerable groups	The RF includes measures on consultations with DPs, including vulnerable groups, during preparation and implementation of RPs.

<b>ADB SPS Requirements on Involuntary Resettlement</b>	<b>SOL Laws on Land Acquisition/ Resettlement</b>	<b>Gaps between ADB SPS and SOL Laws</b>	<b>Gap-filling Measures</b>
the elderly, women and children, and Indigenous Peoples, and 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.	LTA provides for appeal against a declaration of public purpose for compulsory acquisition and amount of compensation.	No requirements for a project-specific grievance redress mechanism.	The RF includes measures on project-specific grievance redress mechanism.
Improve, or at least restore, the livelihoods of all displaced persons 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.	<p>The Constitution requires payment of reasonable compensation for the compulsory acquisition of land for a public benefit, within a reasonable period of time having regard to all the relevant circumstances.</p> <p>LTA sets out more detailed requirements: By s79 any person who claims to be entitled to an interest in compulsory acquired land may make a claim for compensation (within 3 months); the requirements for payment are set out in s81; and the provisions for assessing compensation are set out in s83.</p>	No specific requirement for land-based resettlement, replacement of assets, and benefit sharing.	The RF includes measures of on-site relocation, replacement of affected structures, compensation at replacement cost and priority of project employment to DPs.
Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured 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	LTA provides for the provision of alternative land in lieu of compensation for customary land compulsory acquired.	SOL laws have no specific provisions on relocation, transitional support and civic infrastructure and services.	The RF includes measures on-site relocation of affected structures, transitional allowances and restoration of civic infrastructure.

<b>ADB SPS Requirements on Involuntary Resettlement</b>	<b>SOL Laws on Land Acquisition/ Resettlement</b>	<b>Gaps between ADB SPS and SOL Laws</b>	<b>Gap-filling Measures</b>
of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.			
Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. 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.	The Constitution and LTA include general principles of compensation for damages or losses.	SOL Laws do not prescribe measures on improvement of living standard and restoration of livelihoods of the poor and vulnerable groups.	The RF includes measures on restoration/improvement of livelihoods of DPs, including the poor and vulnerable groups.
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.	LTA Part V, Division 1 sets out the detailed provisions for voluntary purchase or lease of land.	SOL Laws do not specifically require third-party verification of negotiated agreement.	The RF describes procedures for the negotiation with landowner groups through memoranda of agreements (MOAs) to be verified by a third-party.
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 non-land assets		There is nothing in the SOL Laws to address the issue of displaced persons without land title or legal land rights.	The entitlement matrix for the project provides for resettlement assistance and compensation for non-land assets to non-titled DPs as well.
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.		SOL Laws have no provision of preparing RP.	The RF includes measures on preparation of RP for subprojects in case they involve land acquisition/resettlement impacts.

<b>ADB SPS Requirements on Involuntary Resettlement</b>	<b>SOL Laws on Land Acquisition/ Resettlement</b>	<b>Gaps between ADB SPS and SOL Laws</b>	<b>Gap-filling Measures</b>
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.	LTA sets procedures in notification of landowners at different stages of land acquisition steps.	No requirements on disclosure of an RP.	The RF includes disclosure measures, including posting of documents on ADB website as well as providing information to DPs.
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.	No equivalent provision	Gap.	Land acquisition/resettlement costs will be included and financed out of the project cost.
Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	LTA requires compensation to be paid within 3 months of acceptance of the offer.	There is nothing in the Act to require payment before displacement.	The RF includes measures on payment of compensation for affected assets before start of civil works on affected land.
Monitor and assess resettlement outcomes, their impacts on the standards 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.	No equivalent provision	Gap.	The RF includes monitoring measures, including requirements of semi-annual safeguard monitoring report.

## **E. The Project's Resettlement Policy Principles and Entitlements**

32. Consistent with the ADB SPS, this RF will apply to all three categories of DPs as follows: (i) persons with formal or legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such land that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part (as of the cut-off date) who have neither formal legal rights nor recognized or recognizable claims to such land.

33. The project will follow both the national laws and the ADB safeguard policy. In case of any gap, the ADB policy will apply. The project's key resettlement principles are: (i) it will avoid or minimize involuntary land acquisition and resettlement through careful design; (ii) DPs will receive compensation at replacement cost and/or assistance so that they will be as well-off as without the project; (iii) DPs will be consulted during project cycle; (iv) absence of formal title will not be a bar to compensation for house, structures and trees/crops, and particular attention will be paid to vulnerable groups; (v) land compensation and resettlement assistance will be completed before start of civil works; and (vi) land acquisition and resettlement will be conceived as part of the project and costs related to resettlement will be included in and financed out of the project cost.

34. For infrastructures that directly benefit local communities, the MID often consults with the communities and landowner groups to get their agreement in constructing such infrastructures on the community/customary land. If the landowners and any other persons who claim an interest in the land agree on use of the land for the project purpose, the agreement is documented in the form of a Memorandum of Agreement (MOA) which is signed by the members of the community/landowner group and the government. The MOA sets out the agreed terms and conditions, including details of compensation to the landowners to be provided by the MID in return for use of the community land for the project. While the MID wishes to continue this tradition of consultation and MOA, the project will follow adequate safeguards and legal process in obtaining community/customary land, including: (i) local communities will be consulted on selection of subproject location/alignment and on options to minimize resettlement impacts; (ii) landowners will not be forced to give their land; (iii) affected persons/households will be provided compensation (at replacement cost) for their loss of individual structures and other improvements such as crops, trees, etc., in addition to in-kind compensation to community/groups for affected customary land, (iv) procedures on purchase or lease of customary land in compliance with the Land Act will be followed, as relevant; (iv) a written MOA will be signed with all members of the landowner group(s); and (v) the MOA will be validated by a third party such as a civil society organization or a magistrate. The procedures on obtaining community/customary land through MOA are in Annex 1.

35. The project will follow eligibility and provisions in the RF for compensating all types of losses resulting from land acquisition or restriction on land use or access. DPs will receive compensation at replacement cost, and other resettlement assistance such as shifting allowance. Titled DPs will receive compensation for land acquired by the project. Non-titled DPs are not eligible for compensation of land, but will receive compensation for assets attached to land and other assistance as required. Households headed by women and other vulnerable households will receive further assistance. Table 2 presents the entitlement matrix.

**Table 2 – Entitlement Matrix**

<b>Impact/Type of Loss</b>	<b>Application</b>	<b>Entitled DPs</b>	<b>Entitlement</b>
Loss of use of land through temporary occupation by the project including any damages within land used temporarily  Loss of access during construction causing inconvenience to APs or impacting livelihoods	Customary land required during repair/ rehabilitation activities	Landowners/users of customary land	Rent as negotiated with landowners. All temporary use of land will be through written agreement with the landowner/lease-holder and land will be returned to the landowners after rehabilitation to original or better condition.  Compensation at replacement cost for any damages within land used for project.  The project will ensure that APs have uninterrupted access to their land and livelihood sources. In case of any unavoidable loss of access, APs will be provided compensation for their losses at replacement cost.
	Alienated land (FTE, etc.) required during repair/rehabilitation activities	Lease-holder	
Permanent loss of residential or homestead land	Customary land required for the project construction	Landowners/users of customary land	Landowners will be provided equivalent size and quality of land, or cash compensation at replacement cost.
	Alienated land (FTE, etc.) to be resumed for the project construction	Lease-holders	Cash compensation as agreed between the COL and lease-holders; OR New FTE lease for alternative land, with no cost to DPs for relinquishing original lease and/or processing alternative lease.
Permanent loss of various types of land (other than residential)	Customary land required for project construction	Landowners/users of customary land	In-kind compensation or cash compensation, at replacement cost, to landowners group, as agreed between MID and landowners.
	Alienated land required for the project construction	Lease-holders, tenants and users of land	Cash compensation to leaseholders for affected land. New FTE lease for alternative land, with no cost to DPs.  Cash compensation for affected crops at replacement cost.  A portion/share of compensation amount will be provided to sharecroppers/tenants for portion of land sharecropped according to sharecropping/rental agreement.
Loss of gardens, trees, crops, perennials, and/or productive trees/plants	Standing crops, trees in the ROW	Owner(s) of crops or trees	Compensation at replacement cost as determined by the Forest Division for timber trees and the Department of Agriculture for crops or productive plants/trees.



Partial or total removal of structure (house or commercial structure)	Structures in ROW	Owner of structure	<p>Compensation for structures affected or removed at replacement cost without deductions for salvaged materials; and assistance in locating suitable alternative housing or commercial building.</p> <p>Shifting allowance<sup>5</sup> for relocating household or business goods.</p>
---	-------------------	--------------------	---

---

<sup>5</sup> The shifting/relocation allowance will be agreed between the MID and the household/DP on a case-by case basis. The shifting allowance will be adequate to cover (i) dismantling of the structure; (ii) transport of structure/housing materials salvaged and all household effects/commercial goods; and (iii) costs of alternative accommodation, if required, while the structure is being re-built.

Impact/Type of Loss	Application	Definition of DPs	Entitlement
Affected vulnerable households	Vulnerable households losing assets to the project	Vulnerable households identified through consultation with community leaders. In the project's context vulnerable groups include households headed by women, elderly, disabled, poor households, and physically relocating households.	<p>Access to training programs developed under the Project; Employment during construction and maintenance for two household members (one male and one female). Vulnerable groups will get priority in these activities.</p> <p>Additional cash assistance depending on extent of disruption to vulnerable AP's livelihood mechanism. Amount to be specified in the RP.</p>
Displacement of community structure	Community structure or resources within ROW if removed for project interest	Community representatives as identified by the social impact assessment	<p>Replacement as agreed with community or cash compensation under law with additional grants as required to meet replacement cost without deductions for any materials salvaged.</p> <p>Assistance with dismantling and reconstructing structure or property.</p>
Unforeseen or unintended impacts	Any impact identified during implementation	Concerned affected people	Determined as per the spirit of this resettlement framework.

### **III. SOCIAL IMPACT ASSESSMENT AND PREPARATION OF RESETTLEMENT PLAN**

#### **A. Subproject Screening**

36. Each subproject will be screened for its land acquisition and resettlement impacts (screening form attached as Annex 2). The screening will reflect if there will be any such impacts. This means that at least preliminary designs are required to indicate the type and extent of works. The screening form will be completed after site visits, and, as relevant, in consultations with potential DPs to understand land use/ownership arrangements.

37. The screening will be conducted as a first step to see wherever resettlement impacts can be avoided, mitigated or minimized as much as possible. Where the screening identifies that a subproject will require land acquisition/resettlement, an assessment of social impact needs to be undertaken to prepare an RP.

#### **B. Assessment of Social Impact and Preparation of Resettlement Plan**

38. Any subprojects that involve involuntary land acquisition and resettlement impacts will follow the guidelines set out in this RF in respect of assessment of impacts (census of DPs, inventory of losses, and socioeconomic survey) and preparation of an RP. The scope and level of detail of an RP will vary depending on the magnitude and complexity of land acquisition and resettlement issues. This RF includes an outline of a RP (Annex 3) and, where required, RP will be prepared accordingly.

39. A comprehensive assessment of impacts based on reliable information about the scope of land acquisition and its impacts on DPs will be a prerequisite for preparation of an RP. In coordination with the COL, the MID will carry out consultations with village leaders and DPs and necessary surveys including inventory of losses (IOL) and census of DPs. The IOL and census will be undertaken covering all DPs during feasibility study and updated after detailed design. It will be conducted in a participatory manner to estimate the losses and impacts. A cut-off date will be established as the date of the commencement of an IOL and this will be publicized in advance by the MID. The landowners and/or users that have documented claims to affected land, crops, trees and/or structures as of the cut-off date will be eligible for compensation and/or rehabilitation assistance.

40. The IOL will document the losses and impacts resulting from the land and/or resource/asset acquisition. The survey form will also contain a number of questions about the socio-economic status of DPs in order to furnish information required for the elaboration of livelihood restoration and stabilization measures. The form will cover the following:

- Information of DP/household – number of people in household; gender and age of head of household; tenure of land; ownership of assets; education of household members; livelihood activities (paid and unpaid); cash income; subsistence production;
- Loss of land – by type of land affected (i.e., residential; agricultural; commercial; fishpond, etc.); total area of land (including other plots), area of land affected; tenure of land;
- Loss of assets - by type, i.e., structures, crops and trees (type, area affected, number lost, etc.); time required to rebuild or relocate;
- Loss of, or impacts on livelihood activities – type, dependency, how impacted, restoration measures required; and
- Other impacts or losses.

41. Each of survey forms will be entered onto a database, and analyzed to provide a profile of DPs, to describe the losses and impacts, and assist in the calculation of compensation for the losses and impacts. Data will be disaggregated, as relevant, by gender, ethnic group and income group. The conditions, needs, and priorities of women will be analyzed to ensure that land acquisition and resettlement does not disadvantage women and other vulnerable groups.

42. A RP will be prepared based on the assessment of impacts and finalized in consultation with DPs. The RP will summarize the scope of land acquisition and resettlement; socio-economic information; consultation process; legal and institutional framework; entitlements; and implementation arrangements. It will also identify gender concerns and ensure that it does not disadvantage women. The plan will include sufficient budget and specify source of funds. The budget will be based on published rates from relevant government authorities and include additional grants, if required, to ensure that compensation rates for affected land and assets are at replacement cost. The RP will also include an implementation schedule linked with the civil works to ensure that civil works will not commence until compensation and/or assistance has been paid to DPs. The draft RP will be disclosed to DPs and other stakeholders for their comments. The RP will be finalized incorporating comments from DPs. The final RP will be produced in English, with summaries in local language, as needed.

43. The RPs will be endorsed by the MID and will be submitted to ADB for review and approval. A “no objection” for the RPs will be received from ADB prior to implementation of a subproject.

44. The preparation of the RP will be coordinated with the government's formal land acquisition procedure in accordance with the Land and Titles Act, as relevant.

#### **IV. INSTITUTIONAL RESPONSIBILITIES**

##### **A. Ministry of Infrastructure Development**

45. The Ministry of Infrastructure Development (MID) is the executing agency (EA). The MID has overall responsibility to manage the land acquisition/resettlement aspects. The MID will undertake the surveys and prepare the RP with the help of qualified experts and relevant authorities. The MID will ensure that entitlements and measures in the RP are consistent with this RF and suitable budgetary provisions are made for timely implementation of the RP. The MID will also coordinate with the COL and other relevant government agencies in land acquisition process.

##### **Project Implementation Unit**

46. The MID will implement the project through the existing Central Project Implementation Unit (CPIU). The CPIU will be responsible to implement the overall project. The MID will assign a project manager at CPIU to manage the project, including social safeguard activities. The project manager will ensure that all relevant safeguard plans are implemented so as to meet their intended requirements. The project manager, assisted by safeguard staff and consultants, will undertake the following activities to fulfill the CPIU/MID's role:

- Screen and assess subprojects.
- Prepare RPs for subprojects, if required, to meet the project's requirements according to the safeguard policies of ADB and the government.

- Undertake adequate consultations with and dissemination of relevant information to DPs, including public disclosure of draft and final safeguard plans, in accordance with the RF.
- Ensure that the CPIU's design engineers take into account safeguard issues and try to avoid or minimize social impacts through appropriate design. The social safeguard team will brief CPIU technical design team in this regard.
- Address any project-related grievances of DPs and facilitate in resolving disputes on landownership.
- Undertake public consultation to inform DPs of the subproject scope and schedule of the sub-project activities, including land acquisition and compensation activities.
- Following the award of the civil works contract, the safeguard team will arrange a briefing to the contractors to raise their awareness on safeguard requirements.
- Coordinate with relevant authorities including the COL to ensure that land acquisition and compensation activities are completed prior to start of the construction activities.
- Undertake regular monitoring and reporting on implementation progress of safeguard plans.
- Implement relevant community development and income generation activities to restore and improve the living standards of DPs.

47. MID/CPIU has established a safeguard unit (SU). The SU comprises a social safeguards officer (unit head), an environment safeguards officer, a community development and gender specialist, and three community liaison officers. In addition, a part-time international safeguard specialist (ISS) has been engaged to train and provide guidance to national staff. The project will continue safeguard capacity support within the MID/CPIU.

48. The SU guided by ISS will be responsible for preparation and implementation of the resettlement plans, to negotiate settlements and prepare MOAs, prepare other safeguard plans, and facilitate consultations as required at various stages of the project.

49. Specifically during the land acquisition and resettlement process, the SU will ensure that entitlements and mitigation measures established in the RP are consistent with this RF; and suitable budgetary provisions are made for timely RP implementation. The SU will also ensure that funds for compensation and entitlements under the RP, provided through the MID or its contractors, are fully provided to DPs prior to the commencement of works/activities. For each subproject, the SU will prepare either (i) a satisfactory RP as per the agreed RF for subproject's involving land acquisition and resettlement; or (ii) a due diligence report (DDR) documenting the screening and consultation process when an RP is not required.

50. The ISS will train and supervise the national safeguard staff and other relevant personnel in carrying out safeguard activities. The ISS will take overall responsibility in implementation and monitoring of the project's safeguard activities in compliance with this resettlement framework and ADB safeguard policy. During the initial stage of the project implementation, the ISS will organize a training program for relevant CPIU/MID staff and government officials to orient them on: (i) the government policies and procedures for acquisition of land; (ii) ADB policies and procedures on social safeguards; (iii) applying the government and ADB policies in the project; and (iv) methods on surveys and data collection to prepare an RP and conduct community consultations and awareness programs. The training will target people from the MID, the COL, provincial and district authorities, and other organizations involved in land acquisition and compensation activities.

## **B. Ministry of Land, Housing and Survey**

51. The Ministry of Land, Housing and Survey (MLHS) and its relevant divisions, including the COL, will provide necessary support to the MID in carrying out land acquisition activities. If any subprojects require acquisition of land, the COL will appoint a Land Acquisition Officer (LAO) to undertake land acquisition activities. The MID assisted by the SU and LAO will identify land, landowners or lease-holders, participate in consultations, prepare declarations and notices as required, and undertake a land acquisition survey.

52. For subprojects involving land acquisition and resettlement, the SU and LAO will undertake a census and IOL survey, prepare an RP. In addition, for subprojects affecting community/custom land, following consultations, an MOA will be prepared and signed by custom owner(s) and a representative of the government (the MID and the COL to decide) on use of community land for the project. The SU will be responsible for documenting the process, the MOA will outline the responsibilities of each party and what compensation will be provided to the landowners/community for loss of land and identify individuals/households who are using the land and the compensation they will receive for any lost or removed assets.

## **V. CONSULTATION AND INFORMATION DISCLOSURE**

53. Consultation will be undertaken during preparation and implementation of subprojects. The MID, primarily through the SU, will consult affected households, leaders, and representatives of communities to ascertain their needs and concerns about land/asset acquisition. The MID will carry out surveys in a participatory manner with the head of the household working with the SU to estimate the losses and impacts. The MID will ensure participation of DPs in planning and implementation of the process, and specific consultations in relation to land/asset acquisition will be detailed in the RP. Individual meetings with directly affected households will also be undertaken and recorded in the RP.

54. In respect of information disclosure, the MID will publicly disclose project-related information at various times during the project cycle. The MID will inform affected communities of their entitlements through public consultations and the entitlement matrix will be translated into Pidgin and be made available in the MID head office in Honiara, Provincial Government offices, and in subproject areas. This RF (and a summary of it) and any RPs prepared under the project will be publicly disclosed as per the disclosure policy of ADB and current practice of the MID to DPs and other stakeholders.

55.

## **VI. GRIEVANCE REDRESS MECHANISM**

### **A. Resolving Disputes over Land Ownership**

56. Any disputes arising over alienated land, usually in relation to compensation as ownership is clear, are referred to the Magistrates Court and follow the procedure set out in the Land and Titles Act and Civil Code. Disputes over the award of compensation for resumed title, or where an FTE holder seeks to get compensation for “unimproved” land, are settled in the High Court.

57. For disputes over customary land, there is a two-step process: (i) the civil procedure through the Magistrates Court, and (ii) the customary procedure. The hearing in the Magistrates

Court will determine whether the case can be dealt with through civil proceedings or whether the case is better handled through the customary process. If the case cannot be resolved after the Local Court hearing, it is presented as a case before the Customary Land Appeal Court (CLAC), which usually settles the case.

## **B. Grievance Redress Mechanism**

58. During the course of the project, it is possible that people may have concerns with the project's safeguards performance including implementation of any RPs. The following process will be used to address concerns quickly and transparently at project level based on the existing system for dispute resolution.

- DPs discuss their complaint with the Chief in their village. APs or both AP and Chief take the complaint to the subproject office. Straightforward complaints will be resolved by determination of issues locally on the spot. All such issues are recorded by the subproject staff.
- If the DP is not satisfied with the outcome, the complaint is next discussed by the complainant and the CPIU/MID assisted by the SU, Ward Advisory Committee Members, and the head of the land owning group (in respect of customary land). The SU will record all complaints (date, complainant, grievance, attempts to resolve the complaint, and outcomes) and have a maximum of 1 week to resolve the complaint and convey a decision to the DP. If the complaint of the DP is dismissed, the DP will be informed of their rights in taking it to the next step. A copy of the decision is to be sent to next level of authority.
- Should the DP not be satisfied with decision of the CPIU/MID, depending on the nature of the complaint, the DP may take the complaint to the MLHS, who will appoint the COL to review the complaint. The MLHS will have 2 weeks to make a determination.
- If a satisfactory conclusion cannot be obtained through this process or at any times, the DP can take the matter to the courts (Magistrates Court, High Court or CLAC). This will be at the DPs cost but if the court shows that the government ministries have been negligent in making their determination, the DP will be able to seek costs.

59. The complaints and grievance redress procedures will be outlined in the RP prepared for an individual subproject to ensure stakeholder participation in the implementation process and to ensure there is a publicly acceptable forum with which to deal with any issues or complaints arising through land acquisition. Through public consultations, DPs will be informed that they have a right to complaint/grievance resolution. The record of the grievance redress mechanism will be the subject of monitoring.

60. In addition, during construction/implementation, a grievance register will be held at each subproject site office, maintained by the subproject manager and monitored by the SU. All complaints arriving at a site office are to be entered in a Register (by, date, name, contact address and reason for the complaint) that is kept at site. A duplicate copy of the entry is given to the DP for their record at the time of registering the complaint. The Register will show who has been directed to deal with the complaint and the date when this was made together with the date when the DP was informed of the decision and how the decision was conveyed to the DP.

61. The Register is then signed off by the person who is responsible for the decision and dated. The Register is to be kept at the front desk of the site office and is a public document. The duplicate copy given to the DP will also show the procedure that will be followed in

assessing the complaint, together with a statement affirming the rights of the DP to make a complaint. For anybody making a complaint no costs will be charged to the DP.

62. In the event of grievances that cannot be resolved at the local level, the MID and COL will hold the compensation amounts in escrow or trust account. Compensation will be paid in full upon final resolution of the case in the courts or other forum, in accordance with the entitlements of the DP.

## **VII. BUDGET AND FINANCING**

63. All land acquisition, compensation, resettlement, and income restoration costs (if needed) for the project will be financed by the government using counterpart funds. The budget for such activities will be estimated during feasibility based on interviews with affected communities. This will be updated after the detailed survey and investigation, and further consultations with DPs. The government will release sufficient budget for implementation of compensation, resettlement and rehabilitation activities in an appropriate and timely manner.

64. Any RP prepared under the project will be required to identify the costs of resettlement including: compensation (including in-kind compensation), describing the valuation of land and assets and how replacement cost will be achieved; livelihood restoration, where this is required; costs of implementing the plan (including administration charges and contingency); and, monitoring.

65. Compensation for any land or assets lost will be at replacement cost. The value of the free hold land to be resumed is valued through the MLHS. Valuation reports are prepared based on the size and condition of land, any improvements made to the land, and assessment in respect of the closest comparable values that are obtainable. The valuation of all improvements to land is done through the Valuer General's office, with assistance from relevant other Ministries as required.

66. For removal of crops and trees, compensation will be based on the published schedules of the Ministry of Agriculture (Agricultural Extension Division) for root crops and tree crops and the Forestry Division for plantation trees and wood/timber trees. The rates for root crops are based on value of product per square meters and tree crops are valued according to age, size and productivity of individual trees. The MID has also established compensation rates for certain types of trees and crops on other similar projects such as SIRIP, and these will be used as a starting point for negotiations.

67. Structures (houses and commercial structures) are valued through MLHS (Housing Division). Government buildings are valued according to government rates. Private and community buildings and assets are valued at replacement rate plus relocation expenses.

68. During RP preparation, the SU (with the help of a valuation specialist, as needed) will undertake a market rates appraisal to determine if the official rates applied will meet the threshold of replacement cost for any assets affected. If the official rates are insufficient, additional grants or payments will be clearly identified in the RP budget and cost estimate. The budget section of the RP will also describe the flow of funds for compensation payments and the process for recording payments. The process of compensation award will be the subject of monitoring.



## VIII. MONITORING AND EVALUATION

69. The RP will contain a monitoring framework consistent with the generic parameters/indicators set out in this RF. The safeguard staff and consultants will assist the CPIU/MID in monitoring the progress of all aspects of land acquisition/RP implementation, if any. It will particularly monitor the delivery of resettlement entitlements to DPs. The SU will involve leaders and representatives of community associations to assist with the monitoring. The monitoring will also cover DPs' satisfaction with consultation, timeliness of compensation payment, and restoration of livelihoods (ability of DPs to restore livelihoods to at least pre-project levels).

70. The CPIU/MID will submit progress reports on land acquisition/RPs to ADB on semi-annual basis, and the findings will be incorporated into the progress reporting of the CPIU. ADB review missions will specifically check the progress of any resettlement and land acquisition undertaken for subsequent investments or subprojects.

**Table 3 – Generic Indicators for Monitoring**

Aspect	Indicators
RP implementation	<ul style="list-style-type: none"> <li>• General and overall compliance of resettlement activities with the RP, including payment of compensation: (i) full payment to be made to all affected persons before commencement of works; (ii) adequacy of payment to replace affected assets; and</li> <li>• The level of satisfaction of DPs with various aspects of the RP process.</li> </ul>
Consultation, participation, disclosure and grievance redress	<ul style="list-style-type: none"> <li>• Public information dissemination and consultation procedures conform to the process established in the RP;</li> <li>• The participatory process and various mechanisms as well as measures taken, both in terms of the quality and meaningfulness of this process, and the extent that primary stakeholders actively participate in the process;</li> <li>• The disclosure of the RPs, whether DPs know their entitlements and whether they have received all of their entitlements; and</li> <li>• Monitor the effectiveness of the grievance mechanism, types of grievances, if and how resolved, and satisfaction of DPs with the process.</li> </ul>
Gender issues	<ul style="list-style-type: none"> <li>• The institutional and staffing mechanisms;</li> <li>• Collection and disaggregation of gender sensitive data;</li> <li>• Women's representation and participation in the detailed planning and implementation process;</li> <li>• Gender inclusiveness such as technical training to both men and women;</li> <li>• Delivery of replacement leases or land titles in the names of both husband and wife;</li> <li>• Whether compensation has been delivered to both husband and wife, together; and</li> <li>• The effectiveness of livelihoods programs for restoring and developing women's income and living standards.</li> </ul>
Vulnerable groups issues	<ul style="list-style-type: none"> <li>• Assessment of the appropriateness and effectiveness of various entitlements, programs and activities and methods of delivery for various vulnerable households and groups, and the need for adjustment or additional measures.</li> </ul>
Transparency	<ul style="list-style-type: none"> <li>• How information is distributed and to whom, in order to make sure that all DPs have the proper information and access to knowledge; Functioning of decision-making bodies and how this information is properly recorded and made available.</li> </ul>

71.

## ANNEX 1. PROCEDURES FOR MEMORANDUM OF AGREEMENT

1. **Appointment of land acquisition officer (LAO).** The Ministry of Infrastructure Development (MID) will coordinate with the Commissioner of Lands (COL) to appoint a LAO to undertake project related land acquisition activities, including purchase or lease of customary land, as needed.

2. **Identification of land requirement and survey:** The MID will identify the land requirement based on the detail engineering design. The MID will undertake survey of land and other properties required for the subproject through private or government surveyors and will get the survey reports approved by the surveyor general, if needed. The MID will also consult with local communities/stakeholders in selecting the subproject location(s). The MID's safeguards unit (SU) will facilitate consultations with customary land owners and other relevant people.

3. **Consultation with landowners:** The MID through LAO and the SU will identify landowners and their representatives. The MID will inform land owners about land requirements for the subproject. LAO and SU will obtain views of the land owners as to whether they support the subproject and are willing to provide the land for the subproject. In cases where the land owners are willing to further discuss, LAO and SU will document the considerations requested by the land owners.

4. **Publication of notice:** Public notices are publicly disclosed through publication in newspaper and/or being put up in the villages of the land owners and villages adjacent to the subproject area. The public notice will document: (i) the objectives of the overall project; (ii) the nature, scope, and timeframe, of the subproject (including a map if applicable); (iii) a list of the land owners as identified; (iv) that cash compensation to be provided for crops, trees or structures as per the project's resettlement framework; (v) types of in-kind compensation being considered in return for the customary land. In the event that additional land owners come forward, their validity as land owners will be verified, and if they found to be landowners, they will participate in the process. Responses to any written or verbal comments on the public notices, if required, will be made by the MID.

5. **Memorandum of agreement (MOA):** One month after the public notices have been published, LAO will prepare a valuation report and a draft agreement on land use (lease or purchase). Discussions will be held with the landowners about whether the transaction will be through lease arrangements or complete purchase. Once agreed, MOA will be signed by all the parties: the landowners, representative(s) of the government (the MID and the COL will decide), and representative(s) of Provincial Government. The MOA will establish obligations of each party to the agreement. The determination of compensation of crops, trees or structures, if required, will follow the project's entitlement matrix in the resettlement framework.

6. **Documentation and third-party validation:** The project's safeguards specialist(s) will document the consultations and agreements reached. A third party, such as a civil society organization or a magistrate, will provide independent verification/validation that (i) the consultations have been undertaken, meaningfully, freely, and in good faith; (ii) the landowners are willing to provide land to the subproject; and (iii) the in-kind compensation for land and cash compensation for other improvements have been agreed to by the land owners. The process of third party verification/validation will include following tasks:

- Undertaking interviews and meetings as required;

- Review of the process for identification and verification of relevant land owners;
- Review of any and all meeting minutes and documentation of the consultation process leading up to the signing of the MOAs;
- Validation that the agreement is voluntary;
- Validation that the land owners speak for, and reasonably represent, the community;
- Verification that the provision of the land to the project will not cause hardship to any individual;
- Validation that any crops, trees or structures belonging to individuals have been identified and sufficiently compensated;
- Validation that in-kind compensation for loss of customary land being provided by the MID to the landowners/community represent a fair and reasonable replacement value for the affected land; and
- Documentation of the foregoing in a short report.

7. **Documentation of due diligence:** The MID will include in the RP (or a separate due diligence report, as relevant) descriptions of the process followed and outcome achieved through the process mentioned above. The MID will submit the RP/due diligence report to ADB for approval and provide agreed compensation package to affected people/communities before awarding the civil works contracts for the respective subprojects.

## ANNEX 2: SCREEN FORM

<i>Project Title:</i>		<i>ADB Grant No:</i>			
Project Component:		Date:			
Location and impact area:					
Probable Land Acquisition/Resettlement Effects		Yes	No	Not Known	Remarks
Acquisition of Land					
1. Will there be land acquisition?					
2. Is the site for land acquisition known?					
3. Is the ownership status and current usage of land to be acquired known?					
4. Will easement be utilized within an existing Right of Way (ROW)?					
5. Will there be loss of shelter and residential land due to land acquisition?					
6. Will there be loss of agricultural and other productive assets due to land acquisition?					
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?					
8. Will there be loss of businesses or enterprises due to land acquisition?					
9. Will there be loss of income sources and means of livelihoods due to land acquisition?					
Involuntary restrictions on land use or on access to legally designated parks and protected areas					
10. Will people lose access to natural resources, communal facilities and services?					
11. If land use is changed, will it have an adverse impact on social and economic activities?					
12. Will access to land and resources owned communally or by the state be restricted?					
Information on Displaced Persons:					
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____					
Category for IR impacts <sup>6</sup> :    A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>					

<sup>6</sup> Impacts are classified as Category A when 200 or more persons experience major resettlement impacts either through being physically displaced from housing, or losing 10% or more of their productive (income generating) assets. Not significant impacts (i.e. other than Category A) will be classified as Category B. No impacts will be classified as Category C.

Are any of them poor, female-heads of households, or vulnerable to poverty risks?
---

<input type="checkbox"/> No <input type="checkbox"/> Yes
--

Are any displaced persons from indigenous or ethnic minority groups?
--

<input type="checkbox"/> No <input type="checkbox"/> Yes
--

Note: Please attach additional information on the project, as necessary.

### ANNEX 3: OUTLINE OF A RESETTLEMENT PLAN

A resettlement plan is required for all subprojects involving land acquisition and resettlement impacts. Its level of detail and comprehensiveness will be commensurate with the significance of potential resettlement impacts and risks.

- A. **Executive Summary:** This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.
- B. **Project Description:** This section provides a general description of the project, discusses projects components that result in land acquisition, involuntary resettlement, or both and identify the projects area. It also describes the alternatives considered to avoid or minimize resettlement include a table with quantified data and provide a rationale for the final decision.
- C. **Scope of Land Acquisition and Resettlement :** This section:
  - i. discusses the project's potential impacts, and includes maps of the areas or zone of the impact of the project components or activities;
  - ii. describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
  - iii. summarizes the key effects in terms of assets acquired and displaced persons; and
  - iv. provides details of any common property resources that will be acquired.
- D. **Socioeconomic Information and Profile:** The section outlines the results of the social impact assessment, the census survey, and other studies, with information and /or data disaggregated by gender, vulnerability, and other social groupings, including:
  - i. define, identify, and enumerate the people and communities to be affected;
  - ii. describe the likely impacts of the land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
  - iii. discuss the project's impacts on the poor, indigenous and /or ethnic minorities, and other vulnerable groups; and
  - iv. identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.
- E. **Information Disclosure, Consultations, and Participation:** This section:
  - i. identifies project stakeholders, especially primary stakeholders;
  - ii. describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
  - iii. describes the activities undertaken to disseminate project and resettlement information during the project design and preparation for engaging stakeholders;
  - iv. summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
  - v. confirms disclosure of the draft resettlement plan to displaced persons and includes arrangements to disclose any subsequent plans; and
  - vi. describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

- F. **Grievance Redress Mechanisms:** This section describes mechanisms to receive and facilitate the resolution of displaced persons' concerns and grievances. It explains how the procedures are accessible to displaced persons and gender sensitive.
- G. **Legal Framework:** This section:
- i. describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirement; and discuss how any gaps will be addressed;
  - ii. describes the legal and policy commitments from the executing agency for all types of displaced person;
  - iii. outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost of assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
  - iv. describes the land acquisition process and prepare a schedule for meeting key procedural requirements.
- H. **Entitlements, Assistance and Benefits:** This section:
- i. defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
  - ii. specifies all assistance to vulnerable groups, including women, and other special groups; and
  - iii. outlines opportunities for displaced persons to derive appropriate development benefits from project.
- I. **Relocation of Housing and Settlement:** This section:
- i. describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and /or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
  - ii. describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
  - iii. provides timetables for site preparation and transfer;
  - iv. describes the legal arrangements to regularize tenure and transfers titles to resettled persons;
  - v. outlines measures to assist displaced persons with their transfer and establishment at new sites;
  - vi. describes plans to provide civic infrastructure; and
  - vii. explains how integration with host populations will be carried out.
- J. **Income Restoration and Rehabilitation:** This section:
- i. identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
  - ii. describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets)
  - iii. outlines measures to provide social safety net through social insurance and /or project special funds;
  - iv. describes special measures to support vulnerable groups; and

- v. describes training programs.
- K. **Resettlement Budget and Financial Plan:** This section:
- i. provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training loan implementation;
  - ii. describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
  - iii. includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
  - iv. includes information about the source of funding for the resettlement plan budget.
- L. **Institutional Arrangements:** This section:
- i. describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
  - ii. includes institutional capacity building program, including technical assistance, if required;
  - iii. describes roles of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
  - iv. describes how women's groups will be involved in resettlement planning and management.
- M. **Implementation Schedule:** This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.
- N. **Monitoring and Reporting:** This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of displaced persons in the monitoring process. This section will also describe reporting procedures.