

Resettlement Plan

August 2015

SAM: Renewable Energy Development and Power Sector Rehabilitation Project (Additional Financing)

Prepared by MWH New Zealand Limited on behalf of the Electric Power Corporation for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 26 September 2014)

Currency unit	–	Samoa Tala (WST)
WST1.00	=	\$0.41
US\$1.00	=	WST2.426

ABBREVIATIONS

ADB	–	Asian Development Bank
APs	–	Affected persons
DPs	–	Displaced Persons
EA	–	Executing Agency
EPC	–	Electric Power Corporation
GoS	–	Government of Samoa
IA	–	Implementing Agency
IOL	–	Inventory of losses
IR	–	involuntary resettlement
MNRE	–	Ministry of Natural Resources and Environment
MOF	–	Ministry of Finance
NGO	–	non-governmental organization
RP	–	resettlement plan
RRP	–	Report and Recommendation of the President
SHP	–	small hydropower plant
TA	–	technical assistance

WEIGHTS AND MEASURES

kWh	—	kilowatt hour
GWh	—	Gigawatt hour
MW	—	Megawatt hour
M ²	—	Square meter

NOTE

In this report, "\$" refers to US dollars.

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A. Executive Summary

1. The Renewable Energy Development and Power Sector Rehabilitation Project in Samoa under Grant 0370/0371/0373-SAM was approved by the Asian Development Bank (ADB) Board of Directors on 15 November 2013 and became effective on May 2014. One additional small hydropower plant (SHP) site is included to be co-financed by the European Union (EU) and the Government of New Zealand (NZ). A mission from the ADB for this project visited Apia, Samoa on 21-29 July 2014 to conduct an inception mission and discuss the implementation of the project and the additional co-financing. A fact finding mission was undertaken on 15-19 September 2014.

2. The objective of the project is to assist the government's efforts to reduce the country's heavy reliance on imported fossil fuels for power generation. The impact of the project will be increased energy security and reduced cost of electricity to customers. The outcome will be that customers have access to a higher share of electricity generated by hydropower. The outputs under the additional financing project include one SHP (in addition to the six SHPs under the current project).

3. This draft Resettlement Plan (RP) is thus prepared for the redevelopment of the Fuluasou SHP only under the proposed additional financing. The RP for the other six SHPs under the current project (Samasoni, Fale ole Fee, Alaoa, Faleseela, Tafitoala and Faleata) has already been approved. The Fuluasou SHP is located 5km south-west of the capital city, Apia, within the peri-urban fringe of the town. The proposed project will involve part rehabilitation and part new construction of the existing SHP and will be undertaken within the existing land. It will not require land acquisition. Households that are encroaching on the penstock have been identified in the RP and details of specific impacts and compensation will be finalized in updating the RP.

4. Consultation for the Fuluasou SHP plant was undertaken with the households and relevant agencies that maybe affected by construction. A number of households are currently encroaching on the existing penstock route and on the legal easement and discussions have been held to introduce measures to accommodate existing structures. The golf course affected by the penstock has indicated a preference to follow the route of the old penstock to reduce the damage and disruption to the golf course. Further consultations will be conducted with affected people and agencies during implementation of the project and in updating the RP. The current Entitlement Matrix of the project is included in the RP.

5. This draft RP is prepared based on the best available information in anticipation of any possible land acquisition. The draft RP will then be updated and finalized during detailed design and before civil works commences. EPC will follow measures in the draft RP to update the RP. The comparison and assessment of resettlement policies and land acquisition of the Government of Samoa (GoS) and ADB is present in the RP and strategies are in place for bridging any gaps.

6. An estimated budget for compensation of land and safeguard capacity is included in the RP. The Ministry of Finance is the Executing Agency for the project and the EPC is the implementing agency. The EPC will have overall responsibility for updating and implementing the RP with assistance from MNRE. Entitlement and compensation will be paid directly from the EPC based on the RP and the PMU will be assisted by a team of safeguard consultants funded by ADB.

B. Background of the Project

7. The Renewable Energy Development and Power Sector Rehabilitation Project in Samoa under Grant 0370/0371/0373-SAM was approved by the Asian Development Bank (ADB) Board of Directors on 15 November 2013 and became effective on May 2014. An additional small hydropower plant (SHP) site was included to be co-financed by the European Union (EU) and the Government of New Zealand (NZ). A mission from the ADB for this project visited Apia, Samoa on 21-29 July 2014 to conduct an inception mission and discuss implementation of the project and the additional co-financing. A fact finding mission was held on 13-17 September 2014.

8. The Mission discussed with the Government of Samoa (GoS), EU, and NZ and agreed on the preliminary project scope and financing plan for additional co-financing. The additional site in Fuluasou, was proposed based on (i) the largest capacity addition and energy generated and supplied to the Electric Power Corporation (EPC) grid, (ii) the best match with the available co-financing amount, (iii) the technical and financial feasibilities, (iv) the simplicity of land and environment issues, and (v) the readiness for ADB project processing. The total base cost of the additional SHP is estimated at US\$7.43 million to be co-financed by the EU and NZ.

9. The objective of the project is to assist the government's efforts to reduce the country's heavy reliance on imported fossil fuels for power generation. The impact of the project will be increased energy security. The outcome will be that customers have access to a higher share of electricity generated by hydropower. The outputs under the additional financing project include one SHP (in addition to six SHPs under the current project).

10. This draft Resettlement Plan (RP) is prepared for the Fuluasou SHP under the proposed additional financing. The RP for the other six SHPs under the current project (Samasoni, Fale ole Fee, Alaoa, Faleseela, Tafitoala and Faleata) has already been approved.

11. Table 1 provides the full list of SHPs included in the current project as well as additional financing with respective key data as per the Feasibility studies¹. The Fuluasou SHP is highlighted as the subject of this draft RP.

Table 1: List of SHPs

	Name	Island	Plan Capacity MW	KWh/pa	Type
A. SHPs under current Project					
1	Faleaseela	Upolu	0.19	1.06	New
2	Tafitoala	Upolu	0.42	1.68	New
3	Faliata	Savaii	0.55	1.05	New
4	Samasoni	Upolu	1.90	3.87	Rehabilitation
5	Alaoa	Upolu	1.05	4.78	Rehabilitation
6	Fale ole Fe	Upolu	1.90	3.34	Rehabilitation
B. SHPs under Additional Financing					
7	Fuluasou	Upolu	0.68	2.58	New/ Rehabilitation

¹ Feasibility Studies undertaken by Posch and Partners (2013)

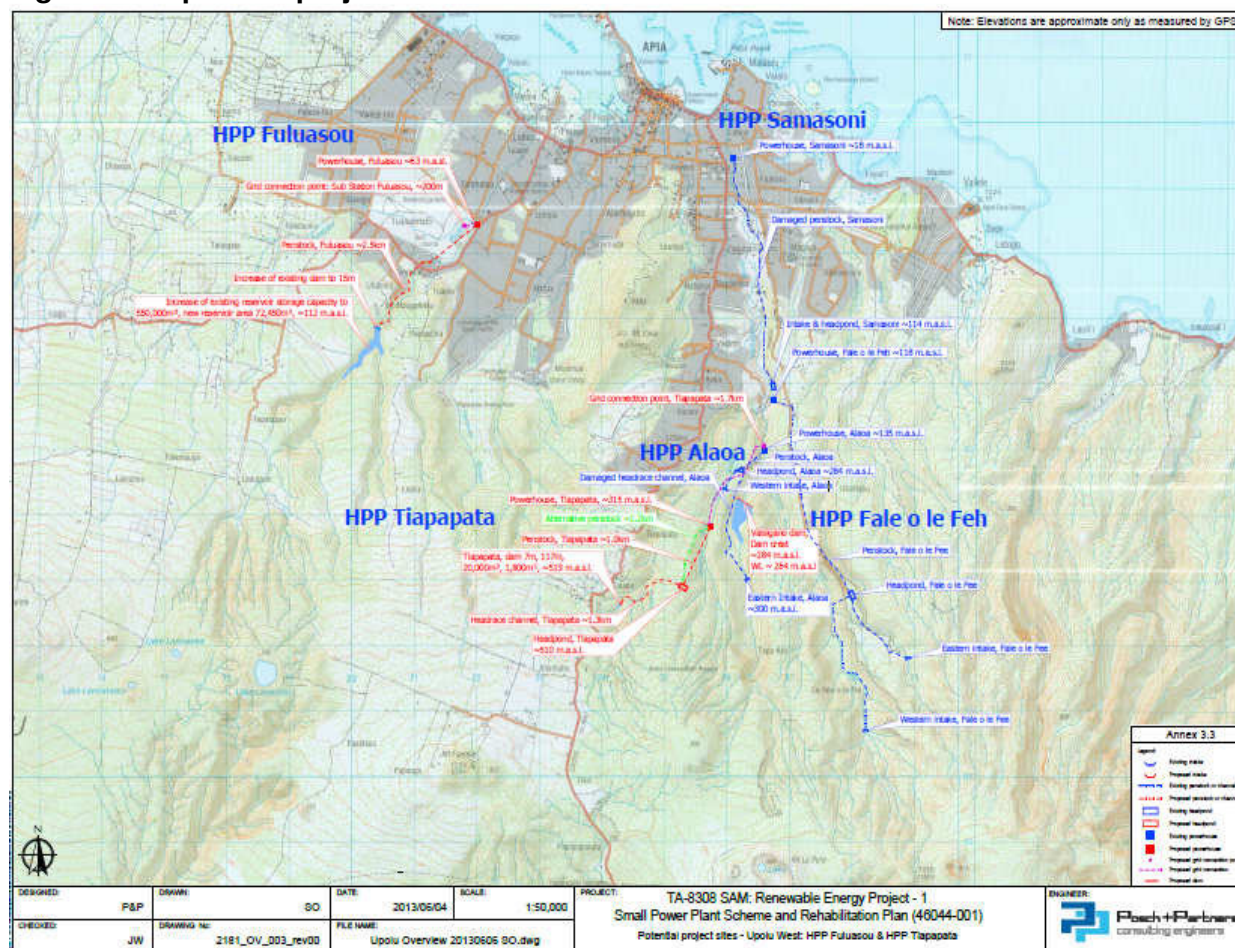
12. The Fuluasou SHP will involve part rehabilitation and part new construction of the existing SHP and will be undertaken within the existing land. It will not require land acquisition. Households that are encroaching on the penstock have been identified in the RP and details of specific impacts and compensation will be finalized in the eventual update of the RP.

13. The detailed technical design of the Fuluasou hydropower scheme will be done during implementation of the project, and an updated RP will be prepared. The project follows applicable laws of the GoS and the Safeguards Policy Statement (SPS) of ADB in preparing the draft RP. The Ministry of Finance (MOF) is the project executing agency (EA) and the EPC is the project implementing agency (IA).

C. Location and Description of Fuluasou SHP

14. The Fuluasou SHP is located 5km south-west of the capital city, Apia, in the vicinity of Tuaeфу and Ululoloa villages. The proposed project comprises the redevelopment of the existing Fuluasou SHP. The following is the Map (Figure 1) of the project area including the location of the proposed Fuluasou SHP.

Figure 1: Map of the project area



Fuluasou SHP

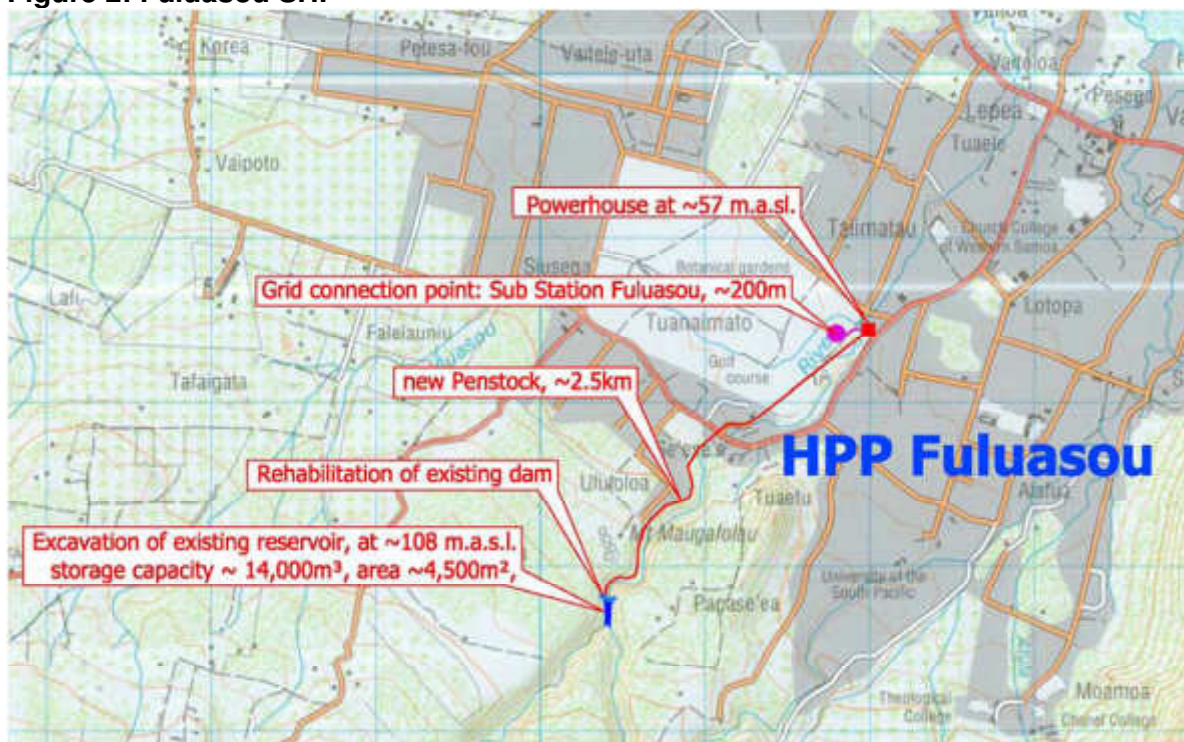
15. The Fuluasou SHP is an old plant that was commissioned in 1951 and upgraded in 1985. The plant has been out of service since May 1988 when the penstock was corroded and needed to be replaced. Further damage was caused in 1990 when part of the penstock was washed away during a cyclone.

16. The plant consists of a concrete dam forming a storage reservoir, a 2.5 km long above-ground, damaged and fully corroded penstock (DN700) and a derelict power house building. The penstock is damaged over its entire length mainly from fallen trees as it runs mostly through a forest. Re-using the pipes is not a viable option.

17. The new penstock will be laid underground to avoid future damages. It is proposed to use the existing legal easement of the penstock route, except for a section through the Craig family property where a building encroaches over the easement. Along this section the route will be realigned to accommodate the building concerned through an agreement with the Craig family.

18. The components of the Fuluasou SHP are shown in Figure 2. This RP has thus been prepared to accommodate all anticipated and unanticipated impacts of land acquisition required under this proposed project component.

Figure 2: Fuluasou SHP



D. Scope of Land Acquisition and Resettlement

Fuluasou SHP

19. Following field visits to the hydropower plant area, meetings with affected households and a review of the layout of the hydropower plant scheme, the potential impact and land area for the components of the hydropower scheme has been estimated. A total of three households and two government agencies are likely to be affected by the SHP.

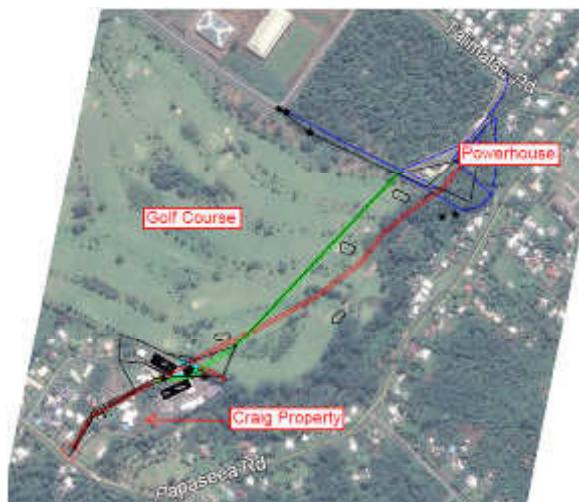
20. The survey map of the Ministry of Natural Resource and Environment (MNRE) for the existing components of the Fuluasou SHP shows that 44 acres of land was acquired in the present reservoir area by the colonial administrator, Government of New Zealand, between 1947 and 1949. The dam and penstock built in 1949, is within the acquired area. According to the EPC, compensation was paid before the independence of Western Samoa from the Government of New Zealand, however no records of payment is available.

21. Three households are encroaching on the acquired Government land area on part of the existing penstock. Two of the households represented by Mr Vaitagutu Faumuina have built two houses by the existing penstock. These are both located south of Papaseea Road. The first property has built the main house and kitchen within half a meter of the penstock. The second property has built a kitchen and cultivated a garden a few meters away from the penstock. With the construction of the new penstock, both households will be affected but detailed design will try to avoid impacts on the houses, if possible.

22. A site investigation and assessment of crops in the area undertaken on 20 October 2014 indicated that previously identified crops are no longer relevant. In this context there will be no crop losses as a result, and no compensation will be required.

23. The Craig Family Construction Company, located next to the Faleata Golf Course, built an apartment building in 2011 which encroaches over the easement of the old penstock. The extent of the Craig Property and the Golf Course affected by the penstock route is shown in Figure 3. The existing penstock route is indicated in red. An alternative route that is being considered is shown in green.

Figure 3: Route of the penstock through the Craig Property and the Golf Course



24. A section of the new underground penstock will pass through the Faleata Golf Course. The new penstock will follow the route of the old penstock (red route on the plan). This land is managed by the Samoa Land Corporation (a Government Agency).

25. The Samoa Water Authority (SWA) has a water spring intake upstream of the existing dam for their main water supply feeding the western part of Apia and the northern west coast and industrial area. SWA maintains a metal road across the dam to access the spring intake. This road access will need to be considered and catered for when de-silting the dam to increase the dam's storage capacity. SWA's backup water supply is extracted directly from the dam from the existing outlet. Existing water rights will be maintained in the new power plant design.

26. Table 2 outlines the components of the scheme, estimated number of households affected and the land ownership status of the Fuluasou SHP.

Table 2: Fuluasou SHP Components, No. of Affected Households, Land Status & Land Area

Fuluasou Hydropower Plant & components	Estimated No. of Households or agencies Affected	Name	Land Ownership Status	Land Area
Dam (rehabilitation)	N/A	Samoa Water Authority	Government land (already acquired in 1949)	Existing land
Power line (extension) to dam	N/A		Government land (already acquired in 1949)	200 meters
Power house (new)	Old powerhouse site		Government land (already acquired in 1949)	2500 m ²
Penstock (part rehabilitation and part new)	Three households Samoa Land Corporation	Mr Francis Craig Mr Vaitagutu Faumuina (caretaker for two of the household properties) Mr Lemi Johnson and Mr Matalau Soialo Samoa Land Corporation	Government Land (already acquired in 1949)	2.5 kms
Tailrace from powerhouse (rehabilitation or new)	N/A		Government Land (already acquired in 1949)	Same land used for power house will

Fuluasou Hydropower Plant & components	Estimated No. of Households or agencies Affected	Name	Land Ownership Status	Land Area
				be used
Power line to power house (new)	N/A		Government Land (already acquired in 1949)	100 meters underground cable
Access road to power house (new)	N/A		Government Land (already acquired in 1949)	50 meters
Access road to dam (rehabilitation)	N/A		Government Land (already acquired in 1949)	1.5 km approximate
Access road to water intake (new /rehabilitation)	Samoa Water Authority		Government Land (already acquired in 1949)	
	Total no. of households affected is three; 2 Government Agencies will be affected			

40. It is noted that in early implementation and before civil works commences, the draft RP will be updated. The EPC will thus confirm detailed assessment of the land parcels likely to be affected by the additional SHP scheme. Following surveys, the boundaries will be clarified and the legal status of all land parcels affected by the SHP and compensation amounts will be confirmed.

E. Socio Economic Information of the Affected Areas

27. According to the 2011 Population and Housing Census, the total population of Samoa is 187,820 which comprise 96,990 males, and 90,830 females. This is an increase of 3.9 percent of the population when compared with the population census in 2006 with 180,741 persons. The population is divided into four major statistical regions namely: Apia Urban Area (AUA), North West Upolu (NWU), rest of Upolu and Savaii. The 2011 census shows that the AUA region constituted 19 percent of the total population with the remaining 81 percent constituting the rural population. The proposed SHP is well positioned within the AUA where the demand for power is highest.

28. The Samoan way of life or '*fa'a samoa*' is based on the traditional village set up, managed and operated under the Village Council known as Pulega Mamalu a Alii ma Faipule. The Village Council plays a significant role in the village such as establishing the village protocols and disciplinary actions to manage and maintain peace and harmony amongst the villagers.

Fulusou – Community profile

29. The Fulusou scheme located within the peri-urban area of Apia will supplement the current power supply for the AUA which covers approximately 60 km². Apia is characteristically urban with nonagricultural activities and a growing population. Rapid urbanization of the AUA is occurring within the areas of Vaimauga East (comprising village settlements such as Laulii, Letogo, Vailele, and Fagalii) and Faleata West (comprising village settlements such as Vaitele, Saina, Siusega, Ululua, and Tuanaimato) with mixed land uses less characteristic of more rural areas.

30. The following table shows the four urban districts where the urban population has increased by more than 21 percent.

Table 3: Population of Apia

<i>Population Indicator</i>	<i>1981 Pop.</i>	<i>1991 Pop.</i>	<i>2001 Pop.</i>	<i>2011 Pop.</i>	<i>Change</i>
Total Population	156,349	161,296	176,848	187,820	Growth
Apia Urban Area (two districts)	33,170	35,489	38,836	36,735	Decline
Greater Urban Apia (four districts)	45,881	48,616	60,872	73,470	Growth
% change (four districts)	NA 1971-1981	5.9% 1981-1991	25.2% 1991-2001	20.7% 2001-2011	Static
% share of national population (four districts)	29%	30%	34.4%	30%	Static

Source: The Samoa National Urban Policy, Planning and Urban Management Agency, Ministry of Natural Resources and Environment (October 2013)

31. Apia presents a substantial challenge with rapid development and settlement changes that have occurred over the past 50 years. This has resulted in increased demand for power for urban activities. Figure 4 indicates the urban intensification that has taken place between 1954 and 2010.

Figure 4: Urban Intensification, 1954 - 2010



Source: The Samoa National Urban Policy, Planning and Urban Management Agency, Ministry of Natural Resources and Environment (October 2013)

32. The community profile and any additional socio-economic information for the Fuluasou SHP will be further updated in the RP during the detailed design as prescribed in the following section.

Guidance on Household Socio-economic Survey and Updating the RP

33. The detailed measurement survey including census, baseline socio-economic survey and inventory of loss (IOL) for the SHPs will be conducted and their findings included in the updated RP following the SPS. The community profile will be clarified, the land ownership status will be reviewed and surveys will be conducted for the preparation of the updated RP. The following are key steps in this regard.

a. Land Ownership Status Review

34. During the updating of the RP, the EPC will conduct further due diligence of the land parcels likely to be affected by the Fuluasou SHP. Land records held with MNRE have been reviewed but given that the plans date back to early part of the 1900s, the exact boundaries will need to be confirmed and it will be necessary to determine the legal status of all land parcels affected by the SHP.

35. The review will also determine land affected by river reserves as declared by the Water Act 1965, existing easements and ROWs and any land that may have been gifted to the Government by landowners and evidence of such gifts.

b. Land Surveys and Measurements

36. Land proposed for acquisition for the SHP will be re-surveyed and legally described. GIS coordinates will be taken for MAP and information will be processed and stored in EPC's digital land resources database.

c. Baseline Socio-Economic Survey

37. A socio-economic survey will be conducted by EPC for capturing the socio-economic information of affected households. The survey of affected persons will facilitate the analysis of the following: (i) demographic and socio-economic characteristics of the respondents and their households, such as age, civil status, occupation and education as well as monthly income that will be disaggregated into gender specific information; (ii) nature of land acquisition requirements, i.e. temporary and permanent, the use of land and the tenure arrangement; (iii) the impacts of land acquisition and trees, crops and small structures that could be affected; (iv) classification of vulnerable people, if any; and (v) gender division of labor. The Questionnaire for Household Survey for the census, inventory of losses and socio-economic surveys is presented in Appendix 1.

d. Updated Resettlement Plan

38. After the detail designs of the SHPs have been completed, the updated RP will be prepared based on the confirmed results of the census and inventory of losses as well as information drawn from the baseline socio-economic survey. Primary data from survey questionnaires will be processed and summarized to give the following key information – name of affected persons (APs), cadastral lot number, type of tenure, type of land acquisition (temporary or permanent), current use, and inventory of affected assets. Socio-economic data will identify livelihood, gender, gender division of labor, and vulnerability status of each affected household. Using the information from the survey, an Entitlement and Compensation plan will be formulated for each of the affected households. The database of affected persons will be completed before the preparation of updated RP. The updated RP will be prepared by the EPC assisted by consultants (Resettlement Specialist, Land Surveyor, Valuation Officer) included in the project. The EPC will also designate a Safeguards Officer, who will coordinate the updated RP preparation. The draft updated RP will be prepared in consultation with affected people and will be disclosed in a formal meeting with the relevant affected people, agencies and comments received will be taken into consideration in subsequent revisions.

F. Consultations, Participation and Disclosure

Consultation with the Affected Households and the Relevant Agencies:

39. The following is the result of the consultations on the proposed SHP. Further consultations will be conducted with the affected people and the agencies during the implementation of the project in updating the RP. The guidance of this consultation is included in Appendix 2.

Fuluasou Consultation

40. As mentioned above, the existing Fuluasou hydropower scheme includes the following

components: dam, penstock, power house, and access road. In Fuluasou, a new penstock and power house will replace the old derelict penstock and power house. The new penstock will follow the existing route for most of the way. Consultation for this hydropower plant has been undertaken with the households and agencies that will be affected by the construction of the new penstock.

Consultation with the affected households

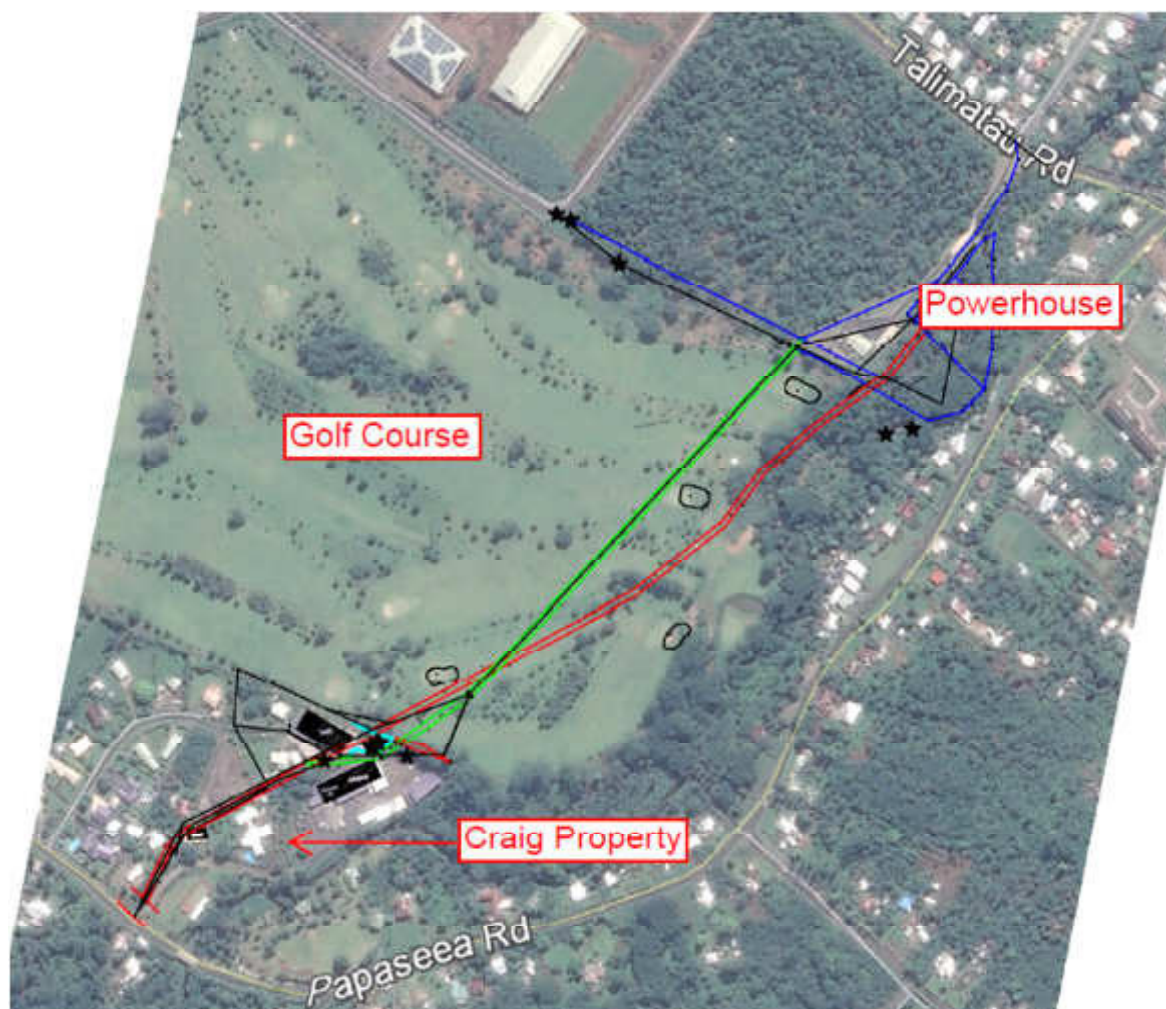
41. Three households and the golf course are affected by the penstock. Meetings have been held on a number of occasions with the affected households. A recent meeting was held with the family representative, Mr Vaitagutu Faumuina, of the two households living by the penstock south of Papaseea Road. One household has built the main house and kitchen within half a meter of the penstock. The other household has built a kitchen and cultivated a garden a few meters away from the penstock. With the construction of the new penstock, the houses may be affected but it is noted that detailed design will try to avoid impacts on the houses, where possible. The exact effects will be known when the design and construction methodology have been confirmed.

42. The third household is the Craig family who manages a construction company from a large residential complex located off Papaseea Road. The existing penstock traverses their land along a legal easement already registered with MNRE. Mr Francis Craig has been consulted a number of times and acknowledges that he has built across the legal easement. A survey has been undertaken of the easement and the buildings on his property to clarify where encroachments have taken place.

43. Figure 5 (overleaf) indicates a survey of the existing penstock route illustrated by the red line. The green line indicates a considered route that can be confirmed during detailed design. The most recent meeting was held with Mr Craig on 17 September 2014. During this meeting it was agreed that the penstock would follow the existing legal easement (indicated by the red line in Figure 7) from the dam to the powerhouse except for a slight realignment inside his property (green line). It was noted that a house and a new apartment were encroaching over the existing easement. The EPC agreed to resurvey the realignment to avoid impacts on these buildings, and also to ensure that the proposed penstock would be 2 meters away from the corner of the warehouse. EPC will register the new realignment of the legal easement on Mr Craig's property in exchange for the original legal easement at no cost.

44. The old penstock is currently above ground and it was explained that the new penstock would be placed underground. Mr Craig had concerns that his property could be damaged by the construction works and requested that there be minimal damage and disruption during the works. He agreed that there would be adequate space on either side of the penstock easement to allow for equipment to access the site during the construction of the underground penstock.

Figure 5: A survey of the existing and a proposed penstock routes



Consultation with the Samoa Land Corporation

45. The new penstock will pass through the Faleata Golf Course. The original penstock was in existence when the golf course was established. The golf course and the land are managed by the Samoa Land Corporation Department (a Government Agency). The EPC has consulted the Corporation on a number of occasions and has received verbal consent that it agrees in principle to the construction of an underground penstock traversing the golf course.

46. The consultation during the PPTA study in 2013, Ms. Tupa'ii and the Manager (at the time) of the golf course stated that they would like to have details of the proposal from EPC. A follow up meeting was held on 18 September 2014 with the current Chief Executive Officer, Ms. Peseta Tiotio and the plan of the proposed route (as indicated in Figure 5) was discussed with her.

47. Ms Tiotio requested that the old penstock route be used through the golf course to ensure that there would be the least amount of damage and disruption to the use of the golf

course. She was particularly concerned that there would be significant disruption to golfing activities. It was agreed that the route would follow the old route (indicated as red on the plan in Figure 5) to minimize the disruption. The route would then pick up from where it would be realigned through the Craig property.

48. The EPC agreed to further discussions with the Corporation when details of the design were finalized and when the construction methodology was known. The nature of the disruption, the likely duration of the construction of the penstock, and how the Corporation will be compensated for the loss of revenue would be confirmed at that stage. Since the affected party is a government corporation, it will be coordinated with the Ministry of Finance in terms of specific mode of payment. Email correspondence (dated 18 September 2014) between Ms Caroline van Halderen of MWH and Ms Tiotio confirm these discussions.

Consultation with the Samoa Water Authority

49. The Tafeamaalii Philip Kerslake, Manager, Technical Division of the Samoa Water Authority (SWA) was consulted previously and was concerned about whether rehabilitation of the dam and other facilities would inconvenience the water supply system during the Commonwealth Youth Olympics in 2015 at the Tuanaimato Sports Complex. The SWA wanted to be assured that the constant and reliable water supply to the facilities during the games would not be compromised. The SWA requested that EPC coordinate with SWA on the rehabilitation schedule of the dam and the penstock so that there is no disruption to the water supply. The EPC agreed that the rehabilitation of the existing dam will be managed in close consultation with SWA to avoid or minimize disruption to the water supply of SWA. It is noted that water from the dam is supplementary to the SWA main supply of water from their spring intake upstream of the dam.

50. The SWA mentioned that the existing water facility installation may not be affected, unless the water mains from the intake need future repairs. The SWA will require access to their intake, which currently runs through the connection of the two streams. The SWA water mains are currently located underground of the existing access road and precautions will be taken with the laying of the underground penstock. The EPC will work closely with SWA in preparing a schedule for the refurbishment of the Fuluasou dam, in the design of the access to the water intake, and with the construction of the new underground penstock.

Further Consultations for Updating the RP

51. A series of consultations with affected people and agencies will take place in updating the RP during the detailed design and will be continued throughout the project implementation phase. Consultations will be scheduled and take place in venues in a manner that will facilitate the participation of affected parties. The consultations will also be conducted in the Samoan language where appropriate.

52. The concerns of affected persons will be taken into consideration for the detail design. The consultation for updating the RP will essentially involve explaining the project in detail such as the technical components of the proposed SHP scheme and its impact on land, crops, topography etc. Both permanent and temporary impacts, mitigation measures, grievance procedures, development benefits, opportunities and the project implementation schedule will also be discussed. The consultation with affected households, both men and women, will also include explanations of their participation in the measurement survey, and the inventory of loss

and benefits for calculating actual loss of their land and assets if any. During disclosure of the RP, the entitlement matrix, the principles for calculation of compensations, processes and arrangements for the payment of compensation and for lodging grievances etc. will be explained in details in the Samoan language.

53. The active participation of affected persons during the detailed design phase of the SHP, socio-economic survey and the disclosure of the RP will be pursued as an effective mechanism to discuss and agree on the proposed compensation measures and to address any concerns and resolve any problems in a meaningful way. The consultation process will also help to gain endorsement of the project from those affected. Any affected people expressing disagreement at this point over entitlements will be advised to follow the grievance procedures for lodging complaints.

54. Table 4 summarizes the community consultation and participation activities and roles of affected people in updating and implementing the RP.

Table 4: Community Consultation and Participation for the RP Update and Implementation

Consultation Activities	Subject of Consultation	Role of Affected People	Objective
Pre-Implementation			
Consultations during detail design	Understanding the project and mitigation/compensation measures	<ul style="list-style-type: none"> • Participate in project disclosure, meetings and consultations. • Discuss project design and express views regarding the appropriateness of the design, and whether or not they will be adversely impacted. 	<ul style="list-style-type: none"> • Ensure that all affected persons including women and youth fully understand the proposed project and its benefits to the community. • Promote an informed and inclusive resettlement planning and project design process.
Consultations for updating the RP	Land acquisition and compensation	<ul style="list-style-type: none"> • Negotiate/Agree on land acquisition and compensation strategies; agreeing on the results of detail measurement survey and inventory of loss. 	<ul style="list-style-type: none"> • Ensure affected persons have an opportunity to comment on the project's land acquisition and compensation. • Generate a sense of local ownership of the project.
Formulating compensation and entitlement packages for affected persons	Compensation and entitlement packages	<ul style="list-style-type: none"> • Negotiate/Agree on the compensation and entitlement packages for affected persons. 	<ul style="list-style-type: none"> • These measures will lessen conflicts and disruption during project implementation and will facilitate support for the project. <p>Ensure affected persons are as well off or better off after the project.</p>
Disclosure meeting on the contents of the RP	Explaining the contents of the RP	<ul style="list-style-type: none"> • Avail opportunity to comment on the contents of the RP before submission to ADB. 	To confirm affected persons participation in the development of the RP and their agreement to its contents.
Implementation			
Information dissemination on project employment	Employment in the project site if feasible	<ul style="list-style-type: none"> • Affected persons and the local community will get information about employment opportunities during implementation of the project. 	<ul style="list-style-type: none"> • Generate interest in and support for the project during implementation, and provide an opportunity to enhance income.
Information dissemination on grievance redress mechanism	Grievance redress mechanism	<ul style="list-style-type: none"> • Affected persons understanding on the grievance procedure. 	<ul style="list-style-type: none"> • Ensure that problems are addressed within reasonable time.
Post-Implementation			

Consultations on monitoring and evaluation of implementation of the RP	Monitoring and evaluation system; participatory monitoring involving affected persons	• Provide inputs to monitoring and evaluation.	To capture any lessons learned that may be helpful in shaping future activities.
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Institutional Responsibilities for Public Consultations and the RP Update

Electric Power Corporation (EPC)

EPC will have the following responsibilities:

- Coordinate the public consultations and disclosure for the RP.
- Ensure prior notification by public media of consultations dates and venues (including reaching out to NGOs, women and church groups) to maximize participation.
- Consult with affected persons and MNRE to finalize the location of subproject facilities to avoid or minimize IR impacts.
- Cause boundary surveys for all affected land to be carried out.
- Carry out socio-economic survey, census of affected people and Inventory of Loss (IOL) for Fuluasou SHP.

Ministry of Natural Resources and Environment (MNRE)

MNRE will have the following responsibilities:

- Provide EPC with land registration records to ascertain land ownership and land descriptions that will be presented in the consultations.
- Determine the land acquisition and compensation measures to guide project design.
- Assist EPC by clarifying all government requirements on land acquisition and compensation that the project design should comply with.
- Assist EPC with cadastral surveys of affected land boundaries, including ascertaining rightful owners of affected land and resolving any conflicts or grievances.
- Assist EPC in updating and disclosing the updated RP in consultation with affected landowners.

Division of Internal Affairs, Ministry of Women and Social Development

55. This Division will work closely with EPC to liaise with affected land owners through the pulenuu and or Sui-o-le-Malo for updating the RP.

56. Organize and lead consultations with affected people to discuss and explain the draft RP. Prepare the updated RP once affected persons are finalized.

Disclosure of the draft RP

57. The draft RP will be endorsed by EPC, distributed locally and submitted for ADB's review and approval. It will then be uploaded to the ADB website before ADB's additional

financing project approval.

G. Consultation and Negotiation on Compensation Package

58. Affected persons will be consulted during assessment of losses with the final compensation amount to be determined through negotiation with the affected persons. The key principles to be followed are: (i) affected persons will be fully informed of and meaningfully consulted on assessment of impacts and valuation; (ii) negotiations to agree on compensation will be conducted in good faith, free of intimidation and equal footing and affected persons will not be forced; (iii) negotiated compensation will provide fair price for affected land and assets to affected persons; and (iv) the outcome of the negotiation will be verified and included in the updated RP. In this regard, the EPC will adhere to the following steps:

- a. **Appointment of a land negotiation team.** The EPC will coordinate with MNRE and other relevant government agencies and appoint a team to negotiate with affected persons and undertake land acquisition and resettlement activities, including purchase or lease of non-state land.
- b. **Identification of land requirement and survey:** In coordination with MNRE, the EPC will identify the land requirement based on the detail engineering design, undertake a topographical survey of land and other properties required for the SHP, and consult with local stakeholders.
- c. **Consultation and Negotiation with landowners/occupiers:** The EPC, (in association with MNRE and Office of the Attorney General) through its land negotiation team will identify landowners/occupiers and their representatives. The EPC will inform landowners/occupiers about land requirements and impacts for the SHP. If the landowners/occupiers require or ask for an external legal expert to ensure that they have equal powers as a negotiating partner in the negotiation and settlement process, the EPC will provide services of such an expert (e.g. private valuer). The negotiation team will obtain views of the landowners/occupiers as to whether they support the SHP and are willing to provide or vacate the land. In cases where the landowners/occupiers are willing to discuss further, the team will document the considerations requested by the landowners/occupiers. The team will negotiate an agreeable compensation package. The team will discuss the method in which payment will be made to landowners/occupiers.
- d. **Publication of notice:** Public notices will be publicly disclosed through publication in newspaper or announcement on radios and be made known to the landowners/occupiers. The public notice will document: (i) the objectives of the overall project; (ii) the nature, scope, and timeframe of the SHP (including a map if applicable); (iii) a list of the landowners/occupiers as identified; (iv) proposed mode of land acquisition; and (v) types of compensation or assistance being considered in return for the non-state land or vacating state land. In the event that additional landowners/occupiers come forward, their validity as landowners/occupiers will be verified, and if they are found to be landowners/occupiers, they will participate in the process. Responses to any written or verbal comments on the public notices, if required, will be made by the EPC.
- e. **Memorandum of Agreement (MOA):** After the public notices have been published, the negotiation team will prepare a valuation report and a draft agreement on land use (lease or purchase) or vacating land. Discussions will be held with the landowners/occupiers about

whether the transaction will be through lease arrangements or registration of easements. Once agreed, a MOA will be signed by all the parties: the landowners/occupiers and representatives of the government (the EPC and the MNRE to decide). The MOA will establish obligations of each party to the agreement.

- f. **Documentation:** The project's safeguards specialist(s) will document the consultations and agreements reached.
- g. **Third-party Validation.** In case of any acquisition of non-state land through negotiated settlement, 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 have agreed on the project and are willing to provide land to the SHP; and (iii) the compensation for land and other improvements have been agreed to by the land owners/occupiers. 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 all meeting minutes and documentation of the consultation process leading up to the signing of the MOAs;
 - Validation that consultations with landowners/occupiers have been undertaken and that they were provided with relevant information, how this land will be used, risks and benefits involved;
 - Validation that the agreement is voluntary, that landowners/occupiers have understood arrangements including their roles and responsibility and agreed to the terms and conditions;
 - Verification that the provision of the land to the project will not cause undue hardship to any individual;
 - Validation that any losses or damages to individuals or third-parties have been identified and sufficiently compensated for;
 - Validation that compensation for loss of customary land being provided by the EPC to the landowners/occupiers represent a fair and reasonable replacement value for the affected land; and
 - Documentation of the foregoing in a short report.
- h. **Report on Negotiated Settlement/ Compensation Package:** The EPC will prepare the report on a negotiated settlement/compensation package summarizing the process and outcome of the process mentioned above. The EPC will submit such report together with its validation by a third-party, as relevant, to Ministry of Finance and ADB for approval. The EPC will provide an agreed compensation package to affected people before awarding the civil works contracts for the SHP.

H. Grievance Redress Mechanism

59. Members of the public will have rights to make grievances known to the EPC and for them to be addressed, to the extent practicable and reasonable as per the country laws and ADB SPS. During project construction, an EPC PMU Project Engineer and Social and Resettlement Specialist who are members of the PMU team will be assigned the role of liaison for the project (Liaison team). The EPC Liaison team will hear grievances and initiate appropriate remedial action.

60. For complaints over major issues, such as lower compensation, damage to property, or occupation of land during construction without due agreement, the matter will be brought to the attention of the PMU Project Manager who will consult the EPC General Manager before responding to the concern within a week. A meeting will be arranged with appropriate personnel including the Project Manager, a MNRE representative and a representative of the Ministry of Women and Community Affairs to hear the complaint. If a solution, agreeable to all parties, is not reached within a period of seven days, the complainant may file the grievance with the CEO of EPC, who will hear his/her grievance to arrive at a solution.

61. In this process, EPC will coordinate with relevant agencies and stakeholders. If the complainant remains dissatisfied with the corrective action proposed or at any other times, he/she may take his/her complaint to the Magistrate's Court. The Magistrate Court has a complement of over 50 Court staff including 5 Magistrates. It is not anticipated that the level of complaints from the project will be significantly high to as such that current resources of the Court will be stretched. However, should this situation arise, the Court will appoint a Magistrate to deal specifically with Project related cases, to avoid lengthy delays. A register of complaints will be maintained by the EPC-PMU Liaison team, recording dates, name of complainants (men or women), action taken and personnel involved. A summary on grievances and their status will be reported through regular progress reports and safeguard monitoring reports.

I. Legal Framework

Samoa's Legal Framework on Land Acquisition

62. The country's Constitution has salient provisions that can be cited as being the foundation of the basic legal framework on land acquisition. These are presented below:

Section 13: Rights regarding freedom of speech, assembly, association and residence

- (1) All citizens of Samoa shall have the right to:
 - (a) freedom of speech and expression;
 - (b) assemble peaceably and without arms;
 - (c) form associations or unions; and
 - (d) move freely throughout Samoa and to reside in any part thereof.

Section 14: Rights regarding property -

- (1) No property shall be taken possession compulsorily, and no right over or interest in any property shall be acquired compulsorily, except under the law which, of itself or when read with any other law –
 - (a) Requires the payment within a reasonable time of adequate compensation therefore;
 - (b) Gives to any person claiming that compensation a right of access, for the determination of his interest in the property and the amount of compensation, to the Supreme Court.

Section 101: Land in Samoa –

- (1) All land in Samoa is customary land, freehold land or public land.
- (2) Customary land means land held in Samoa in accordance with Samoan custom and usage and with the law relating to Samoan custom and usage.
- (3) Freehold land means land held in Samoa for an estate in fee simple.

- (4) Public land means land vested in Samoa being land that is free from customary title and from any estate in fee simple.

Section 102: No alienation of customary land – It shall not be lawful or competent for any person to make any alienation or disposition of customary land or of any interest in customary land, whether by way of sale, mortgage or otherwise howsoever, nor shall any customary land or any interest therein be capable of being taken in execution or be assets for the payment of the debts of any person on his decease or insolvency:

Provided that an Act of Parliament may authorize –

- (a) The granting of a lease or license of any customary land or of any interest therein;
- (b) The taking of any customary land or any interest for public purposes.

63. Based on the above provisions, several laws and statutes were legislated and enacted by the GoS to govern its lands, where several provisions of which can be applied on land acquisition under the Project, such as: (a) The Taking of Land Act 1964; (b) The Alienation of Customary Land Act 1965; and (c) The Land and Titles Act 1981. The important features of these laws are as follows:

The Taking of Land Act 1964

64. This Act sets out the implementing rules and regulations for taking land. It provides for the compulsory taking by government of customary land and freehold land for public purposes in return for a fair and just compensation. Public purposes include: aerodromes, public health, education, public recreation, graveyard, forestry, production and distribution of electricity, provision of postal, telegraph, and telephone services, the control of coast and rivers, the safeguarding of water, soil, and forest resources, water supply, drainage, lighting, defense, the provision of public buildings, the provision of sites for townships, the provision of reserves for erosion control and water catchment, the provision of roads, wharves, harbours, and all lawful purposes and functions of the Government of Samoa. Per Public Purposes Order 1969/9, the list can also be expanded by the Head of the State, upon the advice of the Cabinet. Other provisions allow the Government to take water for public purposes from any lake or stream, and stone and gravel. Where there is a building, yard, cemetery or burial ground on the land, or it is an ornamental park or a pleasure ground, the consent of the Cabinet is required.

65. The Government can seek to enter into voluntary arrangements with holders of customary and freehold land under the Alienation of Customary Land Act 1965, the Alienation of Freehold Land Act 1972, or the Land, Survey and Environment (LSE) Act. But if voluntary negotiations fail, the Head of the State, acting on the advice of the Minister of Lands², Survey and Environment can make the decision to take customary or freehold land compulsorily for public purposes, after paying compensation. But if agreement on compensation cannot be reached, the Supreme Court will determine what is fair and just compensation.

² This Ministry is now known as the Ministry of Natural Resources, Environment and Meteorology (MNRE)

The Alienation of Customary Land Act 1965

66. In Section 4, the Minister may lease or license customary land for an authorized purpose such as a public purpose, agricultural, forestry, forest produce, hotel, industrial, commercial or business purpose; as trustee for the beneficial owners. "Beneficial owner" includes any Samoan who is entitled in equity to occupy the customary land or to share in the occupation thereof or to have the income thereof or a share in the income paid to or held in trust for him, or who is entitled in equity to any such benefit contingently or in reversion; and does not include any Samoan who holds any such land or interest only by way of trust, mortgage or charge.

The Alienation of Freehold Land Act 1972

67. In Section 3, the Director of the Department of Lands and Survey shall administer the sale or transfer of any freehold estate or interest in freehold land under the control of the Minister of Lands. Included under such administration is the leasing of any freehold land, whether legal or equitable, for a term of more than 20 years. Alienation of the freehold land is prohibited unless there is a written consent of the Head of the State.

The Land and Titles Act 1981

68. It establishes the Land and Titles Court with exclusive jurisdiction to deal with all matters pertaining to Samoan titles and Samoan customary land;

69. Part of the Act deals with customary land. Section 8 defines customary land as: (a) Samoan freehold land (within the meaning of Section 13 of Samoa Land and Titles Protection Ordinance [SLTPO]) declared by the Court pursuant to Section 16 of the SLTPO to be held in accordance with the customs and usages of the Samoan people; (b) Samoan freehold land (within the meaning of Section 13 of SLTPO further to Section 17 thereof), there has been a recital or declaration made pursuant to a Government or other grant, will, conveyance, lease, assurance or other deed of document that such land to be held in accordance with the customs and usages of the Samoan people; and (c) Any land ordered by the Court to be customary land under Section 9 of this Act; In Section 9, an Order of the Court made with the consent of all the parties declaring such land to be customary land;

70. Section 10 provides for the survey of customary land as required by the Registrar to define any land or boundary the subject of a petition or in respect of an application for a pulefaamau (authority to own).

71. Sections 11 to 13 provide for the registration of customary land. Section 11 requires the Registrar of the Court to transmit to the Land registrar every judgment of the Court concerning the title or status of any customary land; and every Order or Declaration made under Sections 8 and 9. In Section 12, the Land Registrar is required to register every judgment, order or declaration received under Section 11; and to enter a memorial in the Land Register to that effect.

The Institutional Framework for Land Acquisition

72. Important to the implementation of the said laws is the institutional framework defined by various legislation. Samoa's political structure is unique in the way its Parliamentary system of Government integrates the Westminster model of parliamentary democracy with its own cultural and traditional chiefly system or the matai system.

73. The national government comprises of the Executive, a legislative body and the Judiciary. At the village level, Village Fonos or Councils of Chiefs are functioning entities with decision-making powers that are recognized by the Court. These councils allocate common village resources including land, implement community projects and maintain peace and order within their respective boundaries. The powers of the Fonos are embodied in the Village Fono Act 1990. The Fonos serve as the local government in Samoa. In the Internal Affairs Act 1995, "Local Government" is defined as including the Government (referring to the national government) and administration of a village by its Fono³.

74. In the socio-cultural and economic context in Samoa, land ownership is a very sensitive issue. While the legislated process for taking of lands for public purposes reflect the principle in practice, customary land can only be successfully acquired for public purposes via a protracted process of consultations preferably resulting in the full consent and support of the Council of Chiefs of villages concerned. In the context of this Project, the responsibility for consultations with villages on behalf of the GOS lies with the EPC and its duly authorized representatives.

(a) The Electric Power Corporation

75. The EPC is a statutory authority empowered to generate, manage, distribute and maintain electricity and electricity facilities and retail electricity in the country. As the first step, the authorization to initiate consultations and negotiations with villages and land owners for land acquisition comes from the EPC Board of Directors, who is chaired by the Minister for EPC (this is currently being changed to replace the Minister from being a member and Chairman of the Board). The Minister provides the link with Cabinet, the supreme authority for the approval of development initiatives and the allocation of public funds in the country.

76. The Minister could also facilitate coordination with the Water Authority which is charged with regulating the production, distribution and use of portable water in Samoa, given the nature of the Project.

(b) Ministry of Natural Resources, Environment and Meteorology

77. The Ministry of Natural Resources, Environment and Meteorology (MNRE) is important for EPC because it has direct supervision over the Department of Lands, Survey and Environment (DLSE). The DLSE is responsible for the administration of the implementing rules and regulations of the following laws: (a) The Taking of Land Act 1964, (b) The Alienation of Customary Land Act 1965, and (c) The Alienation of Freehold Land Act 1972. The DLSE is also in charge of setting up a Commission for investigating the authenticity of land titles being claimed for certain lands as embodied in The Land Titles Investigation Act 1966. The Department can provide legal advice to EPC on the procedures for land acquisition. The

³ D. Farrier & R. Lussick; "Working Paper No.1: Report on Legislative and Institutional Arrangements Relating to Land Use Planning in Samoa", TA No. 3566-SAM: Capacity Building for Urban Planning and Management–Samoa; July 2001

Ministry also administers the Water Resources Act 2008 which stipulates the setting aside of an 'environmental flow' when water is diverted for hydroelectric power generation, to protect downstream biodiversity values.

78. An integral part of the MNRE is the Division of Land and Surveys. This division maintains land registries and is the authoritative source of information for clarifying rightful ownership of land(s) that are to be subject to acquisition. Where land requires proper survey and registration, DLS provides this service or otherwise can outsource the cadastral survey tasks to a private surveying company.

(c) *Lands and Titles Court, Ministry of Justice*

79. Under the Ministry of Justice, the Department of Land and Titles was created through The Land and Titles Act 1981. The Act provides for the Land and Titles Court to hear disputes and/or misrepresentation as the rightful person for claiming for the title on lands. It plays an integral role in any grievance redress mechanism for land related disputes arising from this Project.

(d) *Department for Internal Affairs, Ministry of Women and Social Development*

80. The Department of Internal Affairs (DIA) provides guidance, advice and assistance to the Village Fonos or Councils as defined in the Internal Affairs Act 1995. It is charged with the responsibilities of explaining the need for, and acting as an advocate for, local government. Among the specific functions of DIA are to: (a) draft local government by-laws proposed by the Village Fonos, and (b) formulate policies and guidelines for social and economic development. The DIA is also responsible for the processing of requests by the Village Fonos for development projects, and (c) coordinate consultations with Villages.

81. The Minister appoints a Council of Chiefs or Pulenu'u, now changed to a Sui-ole-Malo to act as a go-between the Village and the National Government. The former is nominated by a village for appointment by the Minister, while the latter is appointed by the Minister as a representative by the Government to cover areas where a customary village does not exist. Their duties cover the maintenance of law and order, health, village cleanliness and ensuring the free-flow of communication between the Village Fono and the National Government. Given the nature of the Project, the EPC will have to work closely with the Ministry vis-à-vis liaising with Pulenu'u or a Sui-ole-Malo as well as the Council of Chiefs, for the Project.

(e) *The Matais*

82. The matais are the family heads (chiefs) of land owners of customary lands in Samoa. Within each village, some customary lands are owned collectively by the Council of Chiefs or 'Alii ma Faipule' until the Council allocates them to specific matais on behalf of their extended families. The 'matais' are therefore the trustee of aigas (extended families) for their family lands. In all customary land matters, every matai represents the interest and acts on behalf of his or her aiga, through a consensus. Any decision involving the use of or taking of customary lands pertaining to a specific extended family go through the family matai. The matai's consent reflects also the consensus of his extended family.

(f) *Non-Government Organizations*

83. EPC will consult with or engage, as relevant, non-government organizations (NGOs) in

monitoring RP implementation. The Samoa Umbrella NGO (SUNGO) is an appropriate body to coordinate with NGOs. Other local NGOs also may be active in the project areas and it will be useful to consult with them as well.

Comparison of ADB SPS and Samoa Laws on Land Acquisition

84. The table below summarizes the comparison of the ADB SPS requirements and Samoa's law and necessary gap filling measures for the project.

Table 5: Comparison of the ADB SPS requirements and Samoa's law

ADB SPS Requirements on Involuntary Resettlement	Samoa's Law on Taking/Acquisition of Land	Gaps and Consistencies between the Samoa Laws and ADB SPS Requirements	Gap-filling Measures under the Project
Avoid involuntary resettlement wherever possible. Minimize involuntary resettlement by exploring project and design alternatives.	In Part IIA of the Taking of Land Act 1964, Section 24F states that: "In the exercise of the powers conferred by this Part of this Act the Minister or his officers, workmen or others by his direction shall do as little damage as may be;..."	The meaning of the Act is consistent with the objective of ADB SPS.	It is stated in the RP that the project avoids and minimizes impacts by exploring alternatives.
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.	While there is no provision for livelihood restoration in the Act, Part III of the Taking of Land Act 1964 provides for the following: <i>Section–25. Persons entitled to compensation, and for what payable –</i> (1) Every person having any estate or interest in any land taken under this Act for any public purpose, or injuriously affected thereby, or suffering any damage from the exercise of any powers given by this Act, shall be entitled to a full and just compensation for the same from the Minister.	The law requires just compensation for land acquired or any damages. However, it has no clear provisions for livelihood restoration or improvement.	The RP includes measures to restore livelihood of all affected persons and improve living standards.

ADB SPS Requirements on Involuntary Resettlement	Samoa's Law on Taking/Acquisition of Land	Gaps and Consistencies between the Samoa Laws and ADB SPS Requirements	Gap-filling Measures under the Project
<p>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.</p>		<p>The Act does not require detailed assessment of impacts and resettlement planning.</p>	<p>The project components have been screened for their potential impacts and a draft RP has been prepared based on available information. A detailed measurement survey including the census and inventory of losses will be undertaken during detailed design to update the RP.</p>
<p>Carry out meaningful consultations with affected persons, 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, 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</p>	<p><i>Section 14.</i> Surveys, plans, and objections in respect of freehold land – Whenever it is proposed to take freehold land for any public purpose, the Minister shall: (c) Cause a notice to be publicly notified and to be sent to each owner, occupier and person having an interest in the land, or the agent of any of them, whose name and address are readily ascertainable, stating the Government's proposal to take the land, the public purpose for which it is wanted, that the plan thereof may be inspected in the said office in ordinary office hours, and that any persons affected may give written notice of objection with reasons to the Director within 28 days of the first publication of the</p>	<p>The provisions in Section 14 and 14A are closely consistent with the ADB SPS requirements. It has the following elements:</p> <p>(a) public notice; (b) presentation of the project plan; (c) provision for consultation; and (d) opportunity for complaint or objection. It also provides for claim by vulnerable persons, e.g mentally defective, through their trustees. In case of freehold land, the owners are compensated for their land and affected properties.</p> <p>In the case of customary land, there are two layers of compensation; i.e., the <i>matais</i> for the affected customary land while the <i>aigas</i> for their directly affected</p>	<p>Measures on consultation and participation of affected persons in the project cycle and grievance redress mechanism have been included in the RP. The project does not involve highly complex/sensitive issues, so it does not require measures on a separate social preparation phase.</p>

ADB SPS Requirements on Involuntary Resettlement	Samoa's Law on Taking/Acquisition of Land	Gaps and Consistencies between the Samoa Laws and ADB SPS Requirements	Gap-filling Measures under the Project
facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.	<p>notice.</p> <p>The same provision is written in Section 14A covering customary land in which the notice is written in <i>Savali</i>.</p>	<p>structures, trees and crops. But this type of compensation should be cleared with the <i>matais</i>.</p> <p>The law however does not explicitly require: (i) participation of APs particularly vulnerable groups in implementation and monitoring; (ii) establishing project-specific grievance redress mechanism, (iii) supporting social and cultural institutional of displaced persons; and (iv) a social preparation phase before resettlement phase.</p>	
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	<p>Part III of the Taking of Land Act 1964, covering Sections 25 and 26 provides for the following:</p> <p><i>Section–25. Persons entitled to compensation, and for what payable –</i></p> <p>(1) Every person having any estate or interest in any land taken under this Act for any public purpose, or injuriously affected thereby, or suffering any damage from the exercise of any powers given by this Act, shall be entitled to a full and just compensation for the same from the Minister.</p> <p>(1A) Notwithstanding</p>	<p>The Act is consistent on the principle of replacement cost. However, gap noted in the Act is the absence of the provisions for (i) land-based resettlement strategies; and (ii) additional revenues and services through benefit sharing schemes.</p>	<p>The provisions of the land-for-land compensation option and measures on sharing of project benefits have been included in the RP.</p>

ADB SPS Requirements on Involuntary Resettlement	Samoa's Law on Taking/Acquisition of Land	Gaps and Consistencies between the Samoa Laws and ADB SPS Requirements	Gap-filling Measures under the Project
benefit sharing schemes where possible.	<p>subsection (1) of this section, where it is customary land which has been taken under this Act for any public purpose, or injuriously affected thereby, or suffering any damage from the exercise of any of the powers given by this Act, the Minister and the Court shall be entitled to proceed as if the <i>matai</i> who had the <i>pule</i> (power) over that land at the relevant date is the only person so entitled to a full and just compensation from the Minister and to be paid that compensation.</p> <p><i>Section 26. How compensation ascertained – (1) As soon as reasonably possible after the Minister is satisfied:</i></p> <p>a) That compensation has become payable under this Act; and</p> <p>(b)As to the person entitled to such compensation, by reason, if the land taken or affected or suffering is customary land, of the <i>matai</i> having the <i>pule</i> thereover at the relevant date having been determined by an order of the Samoan Land and Titles Court – the Minister shall offer such sum as he thinks</p>		

ADB SPS Requirements on Involuntary Resettlement	Samoa's Law on Taking/Acquisition of Land	Gaps and Consistencies between the Samoa Laws and ADB SPS Requirements	Gap-filling Measures under the Project
	<p>fit as compensation to that person, and that person may agree with the Minister as to the compensation payable by the Minister.</p> <p>(2) Any such agreement between the Minister and such a <i>matai</i> shall be binding on any other person claiming an interest in that land under Samoan custom and usage.</p>		
<p>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 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,</p>		<p>The Act does not have equivalent provisions on this aspect.</p>	<p>The provision on relocation, transitional allowance, and employment opportunities for APs in project construction has been included in the RP.</p>

ADB SPS Requirements on Involuntary Resettlement	Samoa's Law on Taking/Acquisition of Land	Gaps and Consistencies between the Samoa Laws and ADB SPS Requirements	Gap-filling Measures under the Project
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 Act does not have specific requirement on improving living standards of displaced poor and other vulnerable groups.	Measures on identification of vulnerable households during DMS and providing additional allowances and priority employment to such households have been included in the RP.
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.	The Government can enter into voluntary arrangements with holders of customary and freehold land under the <i>Alienation of Customary Land Act 1965</i> , the <i>Alienation of Freehold Land Act 1972</i> .	The law provides for voluntary arrangement, but is less prescriptive on procedures and outcome.	Measures on negotiated settlement are included in the RP.
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.		The Act recognizes customary rights, but does not require compensation for other non-titleholders such as squatters.	Non-titled APs identified as of the cut-off-date will be eligible for assistance and compensation for loss of non-land assets under the RP.
Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and		The Act does not require preparation of such RP.	A draft RP has been prepared and this will be updated during the detailed design.

ADB SPS Requirements on Involuntary Resettlement	Samoa's Law on Taking/Acquisition of Land	Gaps and Consistencies between the Samoa Laws and ADB SPS Requirements	Gap-filling Measures under the Project
livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.			
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.		The Act does not have a provision on this.	A draft RP will be disclosed before the project approval. A final RP will be disclosed once updated during the detailed design.
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.		The Act does not have a provision on this.	The resettlement will be executed as part of the project. The resettlement cost will be included in the project cost. As the project doesn't involve significant resettlement impact, there is no need for implementation of resettlement as a stand-alone operation.
Pay compensation and provide other		The Act does not have a provision on this.	The provision of compensation before

ADB SPS Requirements on Involuntary Resettlement	Samoa's Law on Taking/Acquisition of Land	Gaps and Consistencies between the Samoa Laws and ADB SPS Requirements	Gap-filling Measures under the Project
resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.			displacement is included in the RP.
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.		The Act does not have a provision on this.	The provisions of monitoring and preparation of monitoring reports have been included in the RP.

Project's Policies on Land Acquisition and Resettlement

85. The following project-specific policies or measures will be used by the EPC for land acquisition and resettlement under the project. These policies and measures also include gap-filling measures that have been identified above, so that the project will be implemented consistent with the ADB SPS requirements, with due consideration given to Samoa's existing local customs and traditions.

- (a) Acquisition of customary and/or freehold lands and resettlement of people will be avoided, as much as possible.
- (b) Where land acquisition and population displacement is unavoidable, it will be minimized by exploring alternative options. Livelihoods of all affected persons (APs) will be restored and living standards of poor and vulnerable APs improved. A social impact assessment will be undertaken and necessary measures included in the resettlement plan (RP).
- (c) The *matais* will be systematically informed and consulted on the acquisition and compensation of customary lands, while their affected *aigas* (*men and women from the family*) will be informed and consulted on their affected assets, the rights and options available to them and the proposed mitigating measures, and they will also be involved in resettlement plan implementation. The same shall

- be accorded to other affected persons.
- (d) In the consultation process, the EPC will also include the representatives of the Village *Fonos*, men and women, elderly, poor, community leaders and civil society organizations like non-government organizations (NGOs) where the Project is located.
 - (d) The customs and traditions as well as the religious practices and observances of all people will be respected and preserved.
 - (f) The affected persons have been identified and their affected properties will be completely recorded with active participation of men and women from the affected households in a census and an inventory of losses (IOL) to be carried out by the EPC during the detailed design. The last day of the census represents the cut-off date for eligibility. Eligible persons are entitled to compensation and rehabilitation measures sufficient to assist them to improve or at least maintain their pre- project living standards, income earning capacity and production levels. The compensation and rehabilitation measures to APs are:
 - Cash compensation at replacement cost of houses and other structures without deduction for depreciation or the remaining salvage values of materials. If the affected person is shifting to another location, then transportation and food allowance will be given to his/her family;
 - Replacement of non-state land with equal productive capacity acceptable to the affected persons. Or, cash compensation at replacement cost if land-for-land is not possible or preferred by affected persons; and
 - Additional rehabilitation measures to restore affected persons livelihoods, if relevant.
 - (g) Lack of formal legal rights to assets lost will not deprive any affected persons from receiving compensation, entitlement and rehabilitation measures. Non-titled affected persons identified as of the cut-off-date will be eligible for assistance and compensation for loss of non-land assets.
 - (h) Compensation rates for physical assets, i.e. house, building and other structures, and non- physical assets like lost income from productive assets or jobs shall be calculated at replacement cost based on current market rates in the Project area at the time of compensation.
 - (i) Affected persons that stand to lose only part of their physical assets will not be left with a proportion inadequate to sustain their current standard of living; such a minimum size will be identified and agreed upon during the resettlement planning process.
 - (j) Particular attention will be provided to the socially and economically vulnerable groups like the women-headed households, children, the landless, pastoralists and the elderly people without support structures and people living in extreme hardships during the resettlement plan implementation process. Vulnerable households will be identified during census and survey.
 - (k) The previous level of community services and resources accessible to affected persons will be provided after resettlement.
 - (l) A proper mechanism for hearing and resolving grievances and complaints associated with the Project during the implementation of the project and resettlement plan will be established by the EPC and will include representatives of the Village *Fonos*, EPC and the contractors.

- (m) Whenever necessary, the EPC will arrange for the assistance of relevant government agencies and institutions for the effective consultation, implementation of land acquisition, resettlement plan, and compensation and rehabilitation program.
- (n) The *matais* and the men and women from the affected families will be involved in decision making related to land acquisition and resettlement and they will be assisted by the EPC to mitigate the adverse impacts of resettlement.
- (o) Acquisition of land through negotiated settlement will be conducted in a transparent, fair and equitable manner.
- (p) The full cost of land acquisition and resettlement will be included in the project cost and benefits and adequate budgetary support will be committed and made available by the EPC during implementation.
- (q) Appropriate reporting (including auditing and redress functions), monitoring and evaluation mechanisms will be established by the EPC as part of the resettlement management system.
- (r) Land acquisition, compensation, resettlement and rehabilitation activities will be satisfactorily completed and the Project areas are cleared of all obstructions before the start of civil works.
- (s) The draft RP will be disclosed before the project approval and the final RP once updated after the detailed design in project areas.

J. Eligibility Criteria and Entitlement for Affected Persons

86. The cut-off date after which affected persons eligibility for compensation will cease will coincide with the final date for the census of affected persons and inventory of losses (IOL) for the proposed SHP. The cut-off date will discourage parties from taking advantage of the opportunity for compensation. All structures and crops/trees constructed and planted after the cut-off date are not eligible to receive compensation.

87. The following categories of persons are expected to be affected by land acquisition:

- a. Category 1: Rightful owners whose land are either acquired permanently or used temporarily by the Project; and
- b. Category 2: Occupants of affected lands whose structures, crops and or trees are affected irrespective of whether or not they have titles to the land.

88. The compensation and entitlements for APs are described in detail in the Entitlement Matrix below. This will be updated when losses are confirmed.

Table 6: Entitlement Matrix*

Type of loss	Application	Entitled Person	Compensation/Entitlement Policy	Implementation issues
Loss of land	Homestead land, agricultural land, or vacant plot	Owner(s) with legal title	<p>a) Compensation at replacement cost or land-for-land where feasible. If the replacement cost is more than the government compensation rate, as determined by EPC, then the difference is to be paid by the project in the form of "assistance."</p> <p>b) Provision of stamp duty, land registration fee, capital gains tax, and value added tax incurred for replacement land.</p> <p>c) Option to be compensated if remaining land is no longer viable</p>	Vulnerable households to be identified during detailed measurement surveys conducted as part of updating resettlement plan.
Loss of land	Homestead land, agricultural land, or vacant plot	Tenant(s) and or leaseholders	<p>a) Compensation equivalent to up to 3 months of rental.</p> <p>b) For agricultural lands, 60 days' notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</p> <p>c) Additional compensation for vulnerable households.</p>	<p>a) Landowners will reimburse tenants and leaseholders land rental deposit or unexpired lease.</p> <p>b) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan update.</p>
Loss of land	Homestead land, agricultural land or vacant plot	Affected persons (Aps) without legal titles	<p>a) 60 days advance notice to shift from occupied land.</p> <p>b) Resettlement assistance (land, other assets, cash, employment, etc.) in lieu of compensation for the land they occupy.</p> <p>c) Additional compensation for vulnerable households.</p>	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan update.

Type of loss	Application	Entitled Person	Compensation/Entitlement Policy	Implementation issues
Loss of structure	house and other structures/assets	Owners, tenants and/or leaseholders	a) Cash compensation equivalent to replacement cost of structure (or part of structure) constructed by the AP b) Rights to salvage materials from structure c) Provision of all taxes, registration costs, and other fees incurred for replacement structure. d) Transfer and subsistence allowance. e) Lease /rental agreements to be continued after the reconstruction of the structure. f) Additional compensation for vulnerable households	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan. b) Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.
Loss of structure	House and other structures/assets	AP(s) without legal titles	a) Cash compensation equivalent to replacement cost of structure (or part of structure) constructed by the AP. b) Rights to salvage materials from structure. c) Provision of all taxes, registration costs, and other fees incurred for replacement structure. d) Transfer and subsistence allowance. e) Additional compensation for vulnerable households.	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan update.
Impacts on Vulnerable APs	All Impacts	Vulnerable APs	a) Additional allowance for loss of land or structure. b) Vulnerable households will be prioritized in any employment required for the Project.	a) Vulnerable households to be identified during detailed measurement surveys conducted as part of the resettlement plan update.
Temporary loss of land	Land temporarily acquired for the Project	Owner/s with legal title, tenant/s leaseholder/s, APs without legal title	a) Temporary use will happen only with agreement with APs/landowners. b) 60 days advance notice. c) Provision of land rental value during the duration of temporary acquisition. d) Restoration of affected land.	

Type of loss	Application	Entitled Person	Compensation/Entitlement Policy	Implementation issues
Temporary loss of access	Temporary loss of access to land, structure utilities, common property resource	Owner/s with legal title, tenant/s, leaseholder/s, APs without legal title	a) 60 days advance notice. b) Provision of temporary access where possible. c) Restoration/enhancement of affected land, structure, utilities, common property resource.	
Temporary loss of source of income	Temporary loss of source of income	Business owner/s, tenant/s, leaseholder/s, employee/s, agricultural worker(s), hawker(s)/vendor(s), APs without legal title	a) 30 days advance notice regarding construction activities, including duration and type of duration. b) Contractors action to ensure there is no income/access loss through provision of access etc. c) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. d) For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater. e) Restoration of affected land, structure, utilities, common property resource.	
Any other loss not identified			Unanticipated involuntary impacts shall be documented and mitigated based on the principles provided in the RP and ADB SPS.	

* A compensation package for vulnerable households (legal and non-title holders) will be substantiated once details on property boundaries of the affected areas become known.

89. Land acquisition/resettlement impacts will be compensated in accordance with the provisions of the Entitlement Matrix. Compensation for loss of land and assets will be determined on the basis of replacement costs based on current market values. Compensation will be paid to all affected people both men and women in the household before taking possession of land/properties and prior to the start of civil works. The updated RP will include necessary income restoration program and special measures for vulnerable households (poor men and women, disabled men and women), if any. Besides direct compensation, such income restoration measures for the affected people may include employment in project construction, skill training etc. to be specified in the updated RP.

90. The affected people will hand over the land to Government and properties acquired free from all encumbrances such as mortgage and debt.

91. In addition to direct compensation or entitlements, there will be opportunities for nearby villages and communities to derive several benefits from the project. The indicative description of such benefits, which will be further updated and finalized during the detailed design, is as follows:

- a. Employment opportunities in project construction and related works; and
- b. Access to supply of reliable electricity and its productive use.

K. Resettlement Budget and Financing Plan

92. Estimate for the RP is presented below. However, during preparation of the updated RP, the detailed budget will be updated and finalized. It will include (i) costs of compensation for required land, loss of crops, structure, etc., as relevant; (ii) costs for necessary safeguard capacity for survey, implementation and monitoring; (iii) sources of funding and arrangements for approval, (iv) the flow of funds, and (iv) contingency arrangements. Table 7 below gives a broad estimate of resettlement costs anticipated.

Table 7: Estimate of Resettlement Costs

Components and Activities	Indicative Budget (US\$) by Source	
	GoS counterpart	ADB loan
1. Resettlement Plan Update & Compensation		
1.1 Specialists for updating, implementing and monitoring the RP		To be included in the consultancy package
1.2 Preparation of census of affected people and inventory of losses (IOL) and socio-economic survey of affected communities.		20,000
1.3 Public/village consultations		20,000
1.4 Compensation for affected land and assets.	142,222*	
1.6 Land surveying	20,000	
2. Administrative costs		
2.1 Transport, accommodation, materials, operation staff,	30,000	
2.2 Grievance redress	10,000	
3. Third-party validation		10,000
4. Contingencies	36,000	
5. TOTAL	238,222	50,000
Grand total	288,222	

*Data from Table 3 - WST320, 000=US\$142,222

L. Institutional Arrangement

93. The Ministry of Finance (MOF) is the Executing Agency (EA) for the Project. The EPC is the Implementing Agency (IA). As the IA, EPC will have overall responsibility for updating and implementing the RP with the assistance and support of MNRE and other relevant agencies. The EPC has a Project Management Unit (PMU) staffed with a Manager, several engineers,

environmental, land resettlement and community liaison specialists. The PMU will have overall responsibility for updating the RP and submitting to ADB for review and approval. The PMU is also responsible for implementation of the RP and for reporting to ADB. The PMU will also be assisted by consultants who will be placed in the EPC and funded under the Project. For RP planning and implementation, one international Resettlement Specialist (1.5 person months) and one national Resettlement Specialist (6 person months) will be assigned safeguards responsibility. The international Resettlement Specialist will do overall coordination for resettlement planning and implementation. The national resettlement specialist will assist the international Resettlement Specialist in updating and implementation of the RP. In addition to Resettlement Specialists, an Asset Valuation Specialist and a Land Surveyor will be included in the Resettlement Team.

94. The International Resettlement Specialist will be responsible for the following tasks:

- Coordinate overall planning, data collection, detail measurement survey (DMS), inventory of loss (IOL), socio-economic survey for updating the RP;
- Supervise the work of national Resettlement Specialist and land surveyor, for survey and preparation of census of affected people, DMS, IOL and socio-economic survey of the affected people; Supervise work of valuation specialist for assessment of price for land, crops, trees, structure, etc.
- Coordinate the hiring of surveyors, to undertake any land survey and measurements necessary to derive legal descriptions for affected land and for calculation of compensation payments; coordinate hiring of valuation officer to calculate actual value of land, asset, crops, tree etc.;
- Ensure that gender issues are addressed in data collection, inclusion of women during DMS and IOL; Ensure entitlement matrix and compensation plan address gender issues such as the compensation plan includes both men and women's names;
- Prepare the updated RP based on this RP as well as information from census of displaced people, DMS and IOL;
- After the draft updated RP is formulated, carry out consultations with all affected persons to discuss the updated or final compensation and entitlement matrix and to explain how compensations were derived. In these consultations, also explain the grievances and redress procedures. Coordinate public disclosure process and consultations for updated RP;
- Oversee RP implementation and ensure that compensation is paid to both men and women from the affected households;
- Monitor RP implementation to ensure that it is implemented fully, and that all affected people eligible for compensation and other entitlements do receive their compensation.
- Compile and submit to ADB progress reports on RP implementation, during and at the end of project implementation. Prepare and submit semi-annual monitoring reports.
- Attend consultations and negotiations between the affected persons and the EPC on compensation package and ensure consultation and negotiation is conducted in an atmosphere free of intimidation or coercion; ADB's process policies, and laws that are applicable in the negotiation settlement is applied; Keep record of all consultations and report to ADB.

95. The role of the national Resettlement Specialist is to conduct all resettlement related

surveys, socio-economic surveys and assist the international Resettlement Specialist.

96. The MNRE's Department of Lands will have the following tasks:

- Provide information on the legal status of all lands affected by the Project;
- Provide technical support to EPC for surveying land boundaries and preparing plans where no private surveyors are available;
- As required, provide assistance to EPC in clarifying land legislation for the redressing of any land grievances that may arise.
- Assist EPC in updating and implementing the RP.

Organizational Procedures for Delivering Entitlements

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

98. The EPC will announce over the radio and the local newspaper the date, times and place for compensation payments, and requirements for verifying identification.

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

M. Implementation Schedule

100. The following table presents the schedule for updating the RP and its implementation.

Table 8: Schedule for RP Updating and Implementation

#	Activity	Agencies	Timelines
A	Updating of RP for selected SHPs		
1	Conduct consultations with affected communities and stakeholders.	EPC with support from Division of Internal Affairs, MWSD.	Month 1 and continue throughout the project cycle
2	Finalize design for the SHP.	EPC-PMU with design consultants	Months 1-3
3	Confirm status of affected land and conduct land boundary surveys of land.	EPC-PMU and hire surveyors or MNRE	Month 2
4	Conduct census of affected persons and Inventory of losses (IOL), and socio economic survey of affected communities.	EPC-PMU	Months –3-4
4.1	Undertake valuation and negotiation on compensation package.	EPC-PMU through the negotiation team	Months 4-5

#	Activity	Agencies	Timelines
5	Mobilize Grievance and Redress mechanism to address grievances and disputes as they arise.	EPC-PMU and Land Board	Month 4-5 and continue throughout project cycle
6	Prepare updated RP using census and inventory data and confirmed rates for compensation.	EPC-PMU	Month 4
7	Conduct consultation with affected people & agencies on updated RP.	EPC-PMU	Month 5
8	Finalize updated RP, endorse by EA and seek ADB approval.	EPC-PMU	Month 5
B	RP Implementation		
1	Verification of Affected households	EPC/MNRE	Month 6
2	Approval and release of funds/compensation	EPC-PMU/MOF	Month 6
3	Internal monitoring of RP	EPC-PMU	Month 6 & six-monthly
4	Grievance and Redress	EPC-PMU	Regularly
5.	Completion of land acquisition and compensation	EPC-PMU	Month 7
6.	Submit land acquisition completion reports to ADB	EPC-PMU	Month 7
7.	Submit semi-annual monitoring reports	EPC-PMU	Month 7 & semi-annually thereafter
C	Construction Stage		
1	Confirm 'No Objection' for the award of civil works	ADB	Month 8
2	Tendering and award of civil works	EPC-PMU	Month 5-8
3	Hiring of APs and community members whenever feasible and mobilization of labor force.	Civil works contractor	during construction
4	Compensation for any land temporarily used by contractor	Civil works contractor	during implementation
5	SHP construction	Civil contractor	Months 9 onwards
D	Post Construction	MPWU	
1	Restoration and return of temporarily affected lands	Civil works contractor	As per agreement with landowners

101. Implementation of most RP activities will precede and will not overlap with the activities in construction of the project. Exceptions are compensations for damages or temporary usage of land during construction. EPC-PMU will satisfactorily complete the payment of all compensation and the land will be free of all obstructions and encumbrances before civil works begin.

N. Monitoring and Reporting

102. EPC-PMU will monitor preparation of updated RP and RP implementation on an on-going basis and submit monitoring reports to ADB on a semi-annual basis. The monitoring report will include a list of all affected households, their entitlements and the status of delivery of cash compensation. It will use the following indicators to gauge progress in RP implementation.

- (a) Budget and timeframe:

- Evidence of resettlement staff being mobilized for field and office work.
 - Reports of land ownership review, census of affected persons and inventory of losses.
 - Record of resettlement funds being received, indicating date of receipt.
- (b) Delivery of entitlements to affected people:
- Compensation Form (showing affected people's names (men and women); amount of land, asset, tree, crops, structure etc., date, time, amount of compensation received and signature).
- (c) Consultations, grievances and special issues:
- Reports of all consultations held; listing names of participants, summary of views expressed and photographs of meetings (including number of men and women participating).
 - Copies of PIB in English and Samoan. Evidence of disclosure to affected persons of the draft and updated RP
 - Record of all affected persons who lodged complaints, nature of complaints and outcomes.

103. At the completion of RP implementation, EPC-PMU will report to the ADB that it has complied fully with all the requirements of the RP. The monitoring report will confirm that the following documents are available at EPC-PMU and include a summary status on the same.

- Completed Compensation Forms
- Copy of PIBs in English and Samoan
- Record of consultations with affected persons
- Minutes of consultations with women (if a separate consultation is conducted)
- Minutes of consultations on the disclosure of the RP
- Individual agreement on compensation reached with affected persons, where appropriate
- Evidence of transfer of titles of acquired lands, where appropriate
- Journal voucher(s) or equivalent document(s) showing payment for compensation and entitlements to affected persons.

104. Civil works will commence once the RP has been satisfactorily completed and all affected people and parties are fully compensated at full replacement cost.

Appendix 1: Socio-economic Household Survey Form

The following census survey form will be used to collect data for the preparation of updating RP.

A. SOCIO-ECONOMIC AND CENSUS/INVENTORY QUESTIONNAIRE

Samoa : Renewable Energy Project									
Name of Subproject:									
Census of Displaced Persons and Inventory of Losses									
Village:						Street Name: (where appropriate)			
Name of Head of Household:									
Introduction: The purpose of this census and inventory is to identify and list the names of all affected persons the assets that will be affected as a result of the Samoa Renewable Energy Development and Power Sector Project The Implementing Agency for the Project is the Electric Power Corporation (EPC) The EPC_PMU is undertaking survey.									
DEMOGRAPHIC AND SOCIO-ECONOMIC CHARACTERISTICS									
A	A1	Name of Respondent:							
	2	Age:		3	a. Gender:	Male	Female		
	4	Civil Status:			a. Married	d. Single			
						b. Widower/Widow	c. Divorced		
	5	Occupation:							
	6	Education:		a. Primary			b. Secondary		c. Tertiary
	7	Monthly Income:							
	A2	Name of Spouse:							
		1	Age:	2	Occupation:				
		3	Education:	a. Primary			b. Secondary		c. Tertiary
		4	d. Monthly Income:						
A 3 Type of Tenure		Landowner		Leaseholder		Non-title holder			

A 4	Members of the Family:			Sex or Gender			Occupation/ Type of Work	Monthly Income
	Name	Age	Relationship	Male	Female	Total		

B. LAND ACQUISITION

Cadastral Lot No. _____	(this number should be obtained from the Land Registry)
1.Land Ownership/ Land Status	
a. How much total land that the family is allocated as per customary law? Land Amount _____	

Acres b. How much free hold land is owned by the family? Amount _____ Acres c. How much customary land is owned by the family? d. Other land _____ Specify (Acres)			
2. Temporary Land Acquisition		1. Private Customary Land	2. Government leased land
Use of Land	Total Size of land in sq. meters	To be Acquired	
		Area in m2	% of total size of land
a. Residential			
b. Commercial			
c. Water Reserve			
d. Agriculture land (garden land); plantation; family plot for agriculture;			
e. Forest land			
f. The temporarily affected land is under lease: i.. YES		b. NO	
g. If the temporary affected land is customary land? Yes		ii. No	
h. If the temporary affected land is leased then how long is the period of the lease?			
i. Amount of the lease: \$		6. Periodic payment of lease?	
j. Is the lease of land mortgaged to a financial institution? a. YES _____ b. NO _____			
3. Permanent Acquisition of Land/User Rights			
a. Cadastral Lot No.		(this number should be obtained from the Land Registry)	
Use of Land	Total Size of land in sq. meters	To be Acquired/Used for Project	
		Area in m2	% of total size of land
a. Residential			
b. Commercial			
c. Water Reserve			
d. Agriculture land (garden land); plantation; family plot for agriculture;			
e. Forest land			
a. Grazing land			
f. Land Status: Is this permanently affected land is customary land ? i.YES _____ ii. No _____			
g. The land to be acquired is under lease: . YES _____ b. NO _____			
h. If YES, how long is the period of the lease?			
i. Amount of the lease: \$ _____		11. Periodic payment of lease? _____	
k. Is the lease of land mortgaged to a financial institution? a. YES _____ b. NO _____			
4. IMPACTS OF LAND ACQUISITION			
Impacts mean the adverse effects to the objects presently established on the affected lands, whether the acquisition is temporary or permanent.			

Names of Affected Trees & Plants	Number	Unit cost	Total Replacement Cost
a. Coconut Tree			
Fruit bearing			
Non-bearing with trunk			
Non-bearing without trunk			
b. Breadfruit tree			
Fruit bearing			
Non bearing			
Newly planted			
c. Nonu tree			
Fruit bearing			
Non bearing			
Newly planted			
d. Bananas tree			
Fruit bearing			
Non bearing			
Non bearing without trunk			
e. Papaya tree			
Fruit bearing			
Non bearing and above 3 feet high			
f. Taro			
Planted corms (> 5 months)			
Newly planted (<5 months)			
g. Mangoes			
Fruit bearing			
h. Non-fruit bearing			
i. Newly planted			
j. Citrus Plants			
k. Fruit bearing			
l. Non fruit bearing			

l. Yams			
Old crops (>12 months)			

m. Forest timber and pole trees			
> 25cm DBH			
< 25cm > 10cm DBH			
n. Buildings (house, kitchen, other structures, far house);			
Name of Permanent structures (sq meter)			
Name of Semi-permanent structures (sq meter)			
Other building (per sq meter)			
Ponds			
Farm house			

b. Water source			
River/stream			
Use of river/stream for bathing			
Use of river/stream for fishing			
Use of river/stream for washing cloths only			
Other use of river/stream			

5. Gender Division of Labor

Tasks (Agriculture)	Women	Men	
a. Clear the land			
b. Preparation of the land			
c. Sowing/planting			
d. Weeding			
e. harvesting			
f. Marketing			
g. Preservation of seeds			
Task: Livestock			
Fodder collection/feeding the animal			
Taking care of the animal			
Marketing of livestock			
Task: Fuel wood collection			
6. Assessment of the APs			
a. An elderly (i.e. 65 yrs and older)	YES	NO	
b. Heads very poor family	YES	NO	Use level of income and state of dwelling as indicators.
c. Has physical disability	YES	NO	If yes, indicate disability
d. A woman who is separated from her husband and head the family	YES	NO	
e. A woman who is a widow and head the family.	Yes	NO	
Interviewer		Date	

Appendix 2: Consultation with Affected Parties and Documents viewed

List of People Consulted

- Ms. Filisitalkenasio-Heather, Assistant Chief Executive Officer, Land Management Division, Ministry Of Natural Resource & Environment (MNRE)
- Samoa Land Corporation, Manager Golf Course Management, Ms. Peseta Tiotio;
- Tafeamaalii Philip Kerslake – Manager – Technical Division, Samoa Water Authority (SWA) (consulted previously in 2013)
- Mr. Fonoti Perelini S. Perelini, Project Manager of EPC PMU Team
- MWH Consultant Team, Samoa Renewable Energy Development and Power Rehabilitation Project
- Mr Francis Craig, landowner
- Mr Kin Tonia Tuitele of Faumuina Family (consulted previously in 2013)
- Mr Vaitagutu Faumuina
- Mr Matalau Soialo (consulted previously in 2013)
- Mr Lemi Johnson (consulted previously in 2013)
- Seumanutafa Tiavolo
- Fa'amausili Malietoa

Documents, Minutes, Correspondence and Land Plans viewed during consultation

- Feasibility Studies undertaken by Posch and Partners (2013)
- Asian Development Bank, Safeguard Policy Statement, 2009, Manual
- Government Stakeholder meeting Minutes, dated 5 July 2013
- Consultation Minutes with Mr Francis Craig, dated 17 September 2014
- Consultation Minutes with Seumanutafa, dated 7 October 2014
- Consultation Minutes with Faamausili Malietoa, dated 8 October 2014
- Letter from EPC to Mr Francis Craig, dated 18 September 2014
- Email from Caroline van Halderen to Afioga Peseta Atiotio, dated 18 September 2014
- The Land for Water Supply Purposes Ordinance 1921, Western Samoa. No. 18, 1921
- The Samoa National Urban Policy, Planning and Urban Management Agency, Ministry of Natural Resources and Environment (October 2013)
- Survey Plan – penstock & power station site – Land acquired 1947 – 1949 for the old penstock route and the old power site
- Survey Plan 2178 – penstock & road – Land acquired 1947 – 1949 (Fuluasou old penstock and road route survey plan)
- Survey Plan 2179 – penstock & road – Land acquired 1947 – 1949 (Fuluasou old penstock and road route survey plan)
- Survey Plan 2218 – penstock, road & catchment reserved – Land acquired 1947 – 1949 (Fuluasou old penstock, road route and dam site survey plan)

Appendix 3: PROJECT INFORMATION BOOKLET: SAMOA RENEWABLE ENERGY DEVELOPMENT AND POWER SECTOR REHABILITATION PROJECT

Vaega 3 - FA'AMATALAGA O POLOKETI ATINAE MALOSIAGA FAAAUU MA FAALELEI O MASINI ELETISE VAI

1. **The Samoa Renewable Energy Development and Power Sector Rehabilitation Project.** The Government of Samoa has received approval for financial assistance from the Asian Development Bank (ADB) to finance the Samoa Renewable Energy Development and Power Sector Rehabilitation Project. Additional funding has been pledged by European Union and NZ Government. The Project involves 8 small hydropower plants (SHPs): rehabilitation of 3 existing SHPs and construction of 5 new SHPs. The new SHPs are Faleata in Savaii and Faleseela, Tafitoala, Fuluasou in Upolu. The 3 SHPs to be rehabilitated are Samasoni, Alaoa, and Fale ole Fee.

1. Atinae ole malosiaga faaauu ma le faalelei o masini eletise vai

Ua pasia ele Faletupe Atinae o Asia fesoasoani tau tupe mo Samoa mo lena galuega. Atoa ma seisi tupe faaopoopo ma i malo o Europa ma le malo o Niu Sila. E 8 fale eletise laiti olea fausia i lena poloketi, 3 o fale eletise na faaleagaina ile afa ma le 5 fale eletise fou e gaosi mai ai eletise i vaitafe. O le fale eletise na faaleagaina ole a toe faalelei e iai, Samasoni, Fale ole Fee ma Alaoa.

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

2. Manatu autu o lena faatalanoaga faalauitele olenei poloketi

Muamua ina ia fa'alauiloa lena poloketi ile lautele ole atunuu ile fausia o le malosiaga faaauu ma le faalelei o fale eletise na faaleagaina. Lona lua ia maua ai ele lautele ole atunuu le avanoa e faaleo ai ni o latou manatu i aafiaga o nei galuega fou. Oni manatu olea maua mai inea faatalanoga e aoga mo le tapenaina ma le fuafuaina o nei galuega fou.

3. ***What constitutes the Project works?*** The Project works are the construction and rehabilitation of hydropower schemes. Construction work depends on the final design of the schemes but will include construction of intakes, renovation of existing dam, head ponds, powerhouses, headrace canals, and the laying of penstocks to convey water from rivers to powerhouses, access road and powerlines.

3. Oa vaega o galuega nei

E aafia ai le fausia o alavai i vaitafe e pue ai le vai, faalelei faatanoa vai, fale eletise, alavai sima, poo ni paipa e tai atu ai le vai ma ile vaitafe e oo atu ile fale eletise, auala and laina eletise e tai mai ai le eletise.

4. ***Why is this Project needed?*** About 70% of Samoa electricity is generated from imported diesel fuel. Oil is expensive and oil price is expected to continue to increase over the coming years. Samoa's economy is highly vulnerable to oil prices fluctuations as well, diesel generated electricity is costly for the final consumer. Hydropower represents an option that will reduce Samoa's vulnerability to imported fossil fuel. It is renewable, clean and less expensive for the final consumer.

4. O manaoga ole poloketi

70% ole eletise I Samoa o loo gaosia mai ile kiso e faatau mai I fafo. E taugata lenei kiso atoa ai ma le faasolosolo pea I luga lona tau. O le faamoemoe pea ile kiso mo le gaosia mai ai le eletise i Samoa olea aafia ai le atinae o Samoa nei ma aso oi luma. O lea avea la ma luitau i atinae i Samoa faapea le lautele ole atunuu ona ole taugata ole eletise e gaosia mai ile kiso.

5. ***What benefits will the Project generate?*** The Project will contribute to stability and lower price for electricity for businesses, government, and domestic customers. The Project will also promote renewable energy use that emits little or no carbon dioxide to the atmosphere, and contributes to fulfilling Samoa's obligation as a party to the Framework Convention on Climate Change.

5. Faamanuiaga ona o lenei poloketi

(i) Faaititia le tau ole eletise ile agai I luma I le lautele, pisinisi, ofisa ole malo a isi faalapotopotoga (ii) faaititia le kasa oona mai fale eletise e faaoga ai le kiso. (iii) faateleina ai le sao o Samoa I aafiaga o suiga ole tau.

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

6. E aafia tagata i nuu ile fuafuaina ma tapenaga o nei galuega fou?

loe. Ua maea faatalanoaga muamua ma nuu ma tagata e aafia ai. Manaomia e faauai faatalanoaga ma tagata e aafia. Olea sutesue lelei poo tonu tagata e ona fanua ole aafia ile nei galuega.

7. ***Will the Project require land Acquisition?*** The Project will require the use of some government and customary land where intakes/dams and power houses, penstock/pipes, will be located. Land will also be required for access roads to these facilities. Some land will be temporarily occupied or use during construction by contractors for site camps and parking and storage of machinery and equipment.

7. E manaonia e nei galuega fou fanua?

loe. E aafia fanua ole malo faapea fanua o tagata lautele customary land) ma fanua tumaoti (freehold land). E manaonia nei fanua mo fausia o faatanoa e tau atu le vai, alavai, auala, fale eletise, laina eletise ma faatanoa vai.

8. ***What direct impacts will the Project have on people of the affected sites?*** In the long term: Land will be taken that may have been used by some households for cultivation. Where the penstock is above ground, it may restrict access of vehicles to some areas. Crops and trees of value will be lost where land is taken for intakes/dams, powerhouses, penstock and headraces, and access roads.

8. Oa ni aafiaga i tagata lautele o nei polokei?

(i) olea avea fanua e fausia ai nei galuega fou. (ii) o paipa tetele I luga o lea le faigofie ai ona feoai tagata lautele, (iii) faaleagaina mea toto ma faatoaga, (iv) olea le mafai ona faaagaina e

tagata o latou fanua mo atinae ma faatoaga.

During construction phase:

- Some areas next to project sites may be used temporarily by the contractors for access, to store or park heavy machinery and to establish facilities.
- Noise will increase during working hours.
- Dust may escape from project sites and become a hazard to nearby households. Access into some private properties will be temporarily disrupted.
 - Access to common resources or parts thereof may be temporarily restricted when drilling work for the ocean outfall pipe gets under way.
 - Construction of projects will provide a certain amount of employment for local people.
 - Families and villages will benefit from being compensated for use of such materials like aggregate, rocks, etc. that will be used for construction.
 - Construction will improve plantation roads in villages as well as making electricity available to families without power if powerlines are extended to construction sites, like intakes, dams, and powerhouse.

Ile taimi e amata ai galuega

- (i) Fanua e lalata I mea fai ai galuega olea faaaogaina e konekarate e tau ai mea ma masini e faaaogaina.
- (ii) Olea tele le pao atu o masini I aiga lalata ae.
- (iii) Tele le pefu e tupu mai ile feoai o misini ma aafia le soifuamaloloina o tagata lalata ae.
- (iv) Ole a le mafai ona toe uia nei fanua e tagata ona ua amataina galuega.
- (v) Tele tagata o nuu ole faafaigalueina ai I nei galuega fou.
- (vi) Maua e tagata e ona fanua tau tupe ona olefaaaogaina o o latou fanua, poo nei ma'ama'a ma isi mea o maua i totonu o o latou fanua.
- (vii) O nei galuega olea faalelei ai auala I faatoaga faapea le tai atu ole eletise ie e nonofo i faatoaga.

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

- Rightful owners of customary land in the selected SHP areas will be compensated for the use of that land.
- Agricultural crops, fruit trees or timber and pole trees that will be removed or damaged will be compensated. Compensation will be payable to the present occupant of the land.
- Other land that will be required temporarily for the Project or disturbed as a result of the Project will be paid compensation and the land will be returned to their original condition or better.
- For land that will be used as temporary work stations or storage of construction materials, there will be payment of rent to the owners by the construction contractor.

9. E maua e tagata e aafia i nei galuega se tau tupe?

loe. O le maua e tagata aaifa tupe i auala nei –

- (i) Lisina poo le aveina o fanua mo faatuina i o fale eletise, paipa vai, faatanoa, auala,

- ma isi mea.
- (ii) Tauai tupe o laau aina toto poo laua aoga o loo i totonu o o latou fanua.
 - (iii) Lisiina mo se vaitaimi puupuu o fanua e faaaogaina e konokarate mo ofisa, fale e teu ai totoga ma masini, ma isi mea.

10. ***What is the basis of compensation for affected land and assets?*** Compensation for affected assets such as land and crops will be at replacement cost based on the prevailing land valuation set by government. Compensation will be paid to owners of lands involved as of the date of completion of the census and inventory of losses. Crops or structures planted or constructed on the acquired land after this cut-off date will not receive compensation. Beside land ownership, village council will also receive a certain amount of compensation for providing security of project and help resolve disputes between families before matters are referred to land and title court.

10. Oa ni mafuaga olea maua ai e tagata e aafia ni tauai tupe?

11. ***Who will pay the compensation?*** The EPC.

11. O ai e totogia nei tauai tupe? Ole EPC.

12. ***If there are disputes or grievances associated with the Project, how will they be addressed? If dispute related owners of land, matter will be referred to land and title court to result it. MNRE has a process to resolve land issues.*** The PMU will ensure that all grievances or complaints from affected person will be solved quickly and to the satisfaction of all parties.

12. Fofoina o ni fa'afitauli e fa'asino i fanua e a'afia i le poloketi.

O le matafaioi a le Malo, e iai le EPC, MNRE, ma isi matagaluega e fofoina uma nei fa'afitauli. Ua faatulagaina foi auala e fofo ai faafitauli fa'apenei ina ia maua ai se maliliea ae le'i oo atu ile fa'amasinoga.

13. ***What if the compensation is refused?*** Disputes that do not get resolved by the EPC and Govt will ultimately be referred to the Land and title court for resolution as long as project is not held up.

13. Faafitauli e ona tutupu mai pea le maua se maliliea a itu uma i le aofai o tauai tau tupe e ona o'o atu i le fa'amasinoga e finauina ai ma maua se tonu maumaututu. Aepeitai tele lava o faafitauli faapenei e maua lava fofo ae lei oo atu ile faamasinoga.

14. ***How does the Project determine assets for compensation?*** A census of affected persons (APs) and inventory of all assets that are affected will be conducted. Before the census is conducted, EPC will work closely with local communities and landowners to conduct detailed measurement survey of lands affected. The census/inventory will use a questionnaire format to record all APs and their affected assets. The assets recorded in the questionnaire will form the basis for calculating compensation.

14. E faafefea ona suesueina e le EPC aseta uma a tagata e aafia ile poloketi mo se tauai aofai? E su'esu'e ma faitau uma aseta e iai fanua, laau toto, fale, ma isi mea e matagaluega a le Malo e iai nei poto fa'apitoa (valuer) ma fesoasoani iai tagata ma nu'u e aafia a latou mea totino i nei poloketi.

15. ***When will surveys and inventory of assets be conducted?*** The measurement survey and inventory of affected assets will be carried out during the detailed design.

15. O le taimi e susesueina ai aseta uma e aafia e faia lea ile taimi o tapega e le EPC ata aua le fausiaina o nei fale eletise fou.

16. ***Will there be further consultations for the Project?*** YES. There will be direct consultations with villages involved and affected landowners during the conduct of surveys and inventories. During these consultations, affected peoples will be explained of how compensations are determined and calculated.

16. E toe iai nisi feutagaiga a le EPC ma e e a'afia a latou fanua ma mea totino ile poloketi?

loe. E faia ile taimi e susesue ai ma fuaina aseta e aafia. E fa'aaoga foi e le EPC lea taimi e fa'amalamalama ai i nu'u ma e e ona fanua auala o le su'eina o tau aofai o tau tupe o a latou aseta e a'afia i le poloketi.

17. ***What is a Resettlement Plan?*** The project has prepared a draft Resettlement Plan (RP) which will be updated during the detailed design. The RP will include detail land acquisition and compensation measures. The RP will identify all affected people, their affected assets, how much compensation they will be paid, and how that compensation was calculated and arrived at. It will also define how any grievances arising out of the Project will be resolved. The aim of the RP is to ensure that impacts of the Project are minimized if they cannot be avoided, and that any affected persons and their assets are properly compensated and assisted.

17. Fuafuaga ole toe Fa'ato'a

O le fuafuaga o le toe fa'atoaina o e ua a'afia i nei poloketi olea toe faafouina I le taimi e tusia ai ata ma fuafua le fausiaina o nei poloketi. O lea maua ai foi ma e uma e ona fanua atoa ai ma a latou mea totino ole aafia. Ina maua ai se tau aofai o nei aseta aua le totogiina atu ele EPC ma le Malo. O le aoga o le Fuafuaga ole toe Fa'atoa ina ia faaitiitia aafiaga ole faatinoina o nei poloketi taua ia'i latou uma ma nuu e aafia a latou fanua ma mea totino i le fausiaina o nei poloketi. I totonu foi o lenei fuafuaga le fa'atulaga lelei a tau talafeagai e tau ai latou uma o aafia ile poloketi.

18. ***Will the Resettlement Plan be accessible to the public?*** These documents will be uploaded by ADB on their respective websites. The Government of Samoa will also make these documents available at the EPC, and the project village level. The EPC will ensure that the Project takes into account stakeholders' feedback during implementation and that relevant information about any major changes to project scope is also shared with the affected persons and other stakeholders.

18. E ona fa'alauiloa le Fuafuaga ole toe Fa'atoa ile lautele ole atunuu?

O lea fa'alauiloa lenei Fuafuaga ole toe Fa'atoa i luga o upega fai i lagi (websites) a le Faletupe o Asia, EPC, fa'apea totonu lava ole matagaluega a Sui o Nu'u e oo lava i nuu ma alalafaga e fausia ai nei atinae o le eletise. O le matafaioi tonu foi a le EPC le tauologologo o nuu ma e uma e a'afia i nei poloketi ina ia leai se le malamalamaaga i vaega uma o lenei poloketi.

19. ***How will the Project ensures that it is complying with the requirements for compensation of the resettlement plan?*** The EPC assisted by the project's safeguard

specialists will monitor the implementation of the RP ensuring full compliance with the approved RP and ADB safeguard policy. The EPC will submit regular monitoring reports to ADB with evidence that it is complying fully with the requirements of the RP.

19. E fa'afefea ona mautinoa o tausisi le fa'afitoina ole Poloketi i tuutuuga ole Fuafuaga ole toe Fa'atoaina?

O lea va'aia lelei nei tulaga uma e le EPC, isi matagaluega a le Malo, ma tagata tomai fa'apitoa a le Faletupe o Atina'e o Asia ina ia mulimulitai le faatinoga o nei poloketi i aiaiga (policies) tusitusia ma fuafuaga fa'ataatitia a le Faletupe o Asia ma le Malo mo atinae fa'apenei.

Appendix 4: Due Diligence/Social Compliance Audit Report on Existing Facilities

Samoa Renewable Energy Development and Power Sector Rehabilitation Project for Fuluasou Small Hydropower Plant

1 Introduction

The Renewable Energy Development and Power Sector Rehabilitation Project in Samoa under Grant 0370/0371/0373-SAM was approved by the Asian Development Bank (ADB) Board of Directors on 15 November 2013 and became effective on May 2014. One additional small hydropower plant (SHP) site is included to be co-financed by the European Union (EU) and the Government of New Zealand (NZ).

The due diligence/social compliance audit report (DD/SCAR) has been prepared following ADB's Safeguard Policy Statement (SPS) to screen existing facilities that will be rehabilitated and expanded under the project. The screening was undertaken to examine land ownership status and to identify any outstanding safeguard compliance issues from land acquisition in the past. A separate draft resettlement plan (RP) has been prepared to manage new impacts of the project components on land acquisition and resettlement.

The Ministry of Finance (MOF) will be the Executing Agency (EA) for the project and the Samoa Electric Power Corporation (EPC) will be the implementing agency of the project.

One small hydropower scheme (SHP) will be developed south of Apia, Samoa's capital city under the additional financing. The Fuluasou SHP will involve part rehabilitation of the existing SHP and part new construction, and will be undertaken on the Fuluasou River.

The Project will assist the Government of Samoa's efforts to reduce the country's heavy reliance on imported fossil fuels for power generation. The impact of the project will be increased energy security. The outcome will be that customers have access to a higher share of electricity generated by hydropower.

The due diligence/social audit report is prepared for the existing facilities for the Fuluasou SHP to screen for land ownership status and to identify any outstanding safeguard compliance issues from land acquisition in the past based on any changes to the project.

2 Methodology

The preparation of the DD/SCAR involved discussions in September 2014 with the Project Management Unit (PMU) at EPC, and MWH Ltd to identify potential project components, the layout of the SHP, and review available documents to examine the land status, land acquisition, and resettlement impacts. In addition meetings were held with the Ministry of Environment and Natural Resources (MNRE) and affected landowners to discuss the effects of the SHP. Discussions were also held in July 2013 by PPTA Engineering Team with affected landowners and the Samoan Water Authority (SWA), and outcomes of these discussions are included in this report.

3 Project Components and Screening of Resettlement Impacts

The Fuluasou SHP is located 5km south-west of the capital city, Apia, close to the outskirts of the town and in the vicinity of Tuaefu and Ululoloa villages.

The Fuluasou SHP is an existing plant that was commissioned in 1951 and upgraded in 1985. The plant has been out of service since May 1988 when the penstock was corroded and needed to be replaced. Further damage was caused in 1990 when part of the penstock was washed away during another cyclone.

The plant consists of a concrete dam forming a storage reservoir, a 2.5km long above-ground, damaged and fully corroded penstock and a derelict power house building. The penstock was damaged mainly from fallen trees as it runs mostly through forest and given the damage over the entire length of the penstock, re-using the pipes is not possible.

The Fuluasou SHP project will involve part rehabilitation and part new construction of the existing SHP. During the MWH Inception Visit in August 2014, it was recommended that the new penstock will be laid underground to avoid future damages. It is proposed to use the existing penstock route, except for a section through private property where a building encroaches over the existing easement. Along this section the route will be realigned to accommodate the building concerned.

The dam will be rehabilitated and refurbished. There are no plans to increase the height of the dam wall and therefore there will be no loss of land, as was considered previously. The powerhouse will be located in the vicinity of the old powerhouse in an area where the impact of flooding can be mitigated.

The works at Fuluasou SHP will be undertaken within the existing government land and largely within the existing easement, and it will not require land acquisition. Impacts on households that are encroaching on the current legal easement of the penstock route will be minimized, and there are measures that will be introduced to reduce impacts. These impacts are addressed under the project's draft RP.

The components of the proposed Fuluasou SHP are shown in Figure 1.

The map illustrates the HPP Fuluasou project location in Tuvalu. Key features include:

- Powerhouse at ~57 m.a.s.l.**: Located near the intersection of the main road and the coastline.
- Grid connection point: Sub Station Fuluasou, ~200m**: Located near the powerhouse.
- new Penstock, ~2.5km**: A line connecting the powerhouse to the dam site.
- Rehabilitation of existing dam**: Located on the coast.
- Excavation of existing reservoir, at ~108 m.a.s.l. storage capacity ~ 14,000m³, area ~4,500m²**: Located inland from the dam site.

The map also shows various landmarks and infrastructure, including the University of the South Pacific, the Ministry of Education, and the Ministry of Health.

Following field visits conducted to the SHP area, meeting with the affected households and a review of the layout of the SHP, the potential impact and land area for the components of the hydropower scheme has been estimated.

A total of three families and two government agencies (Samoa Land Corporation and Samoa Water Authority) will be affected by the Fuluasou SHP. The existing components of the SHP fall within government land, and largely with the existing legal easement. The rehabilitation and reconstruction of the SHP will mainly follow the existing route.

The survey map of Ministry of Natural Resource and Environment (MNRE) for the existing components of the Fuluasou SHP shows that 44 acres of land was acquired in the present reservoir area by the colonial administrator, Government of New Zealand, between 1947 and 1949.

During the field visit conducted in July 2013 it was found that three households are encroaching on the existing legal easement. Two of the families have built houses by the existing penstock – the one family has built the main house and kitchen within half a meter of the penstock, and the other family has built a kitchen and cultivated a garden close to the penstock. With the construction of the new penstock, the houses may be affected but will be accommodated where possible. Details of the effects on the houses will only be known when details of the design and construction methodology are finalized.

The Craig Family Construction Company, located next to the Faleata Golf Course, built an apartment complex in 2011 which encroaches over the existing easement of the old penstock.

The old penstock route also traverses the Faleata Golf Course. The golf course is managed by the Samoa Land Corporation Ltd, a government entity. The new penstock will follow the existing

route through the golf course.

The objective of the social compliance audit was to see whether there are any concerns in the past and present and resettlement related impacts and whether actions were in accordance with ADB's safeguard principles and requirements.

Potential Risks:

Given that the land was acquired between 1947 and 1949 and the record of compensation is not available, it is difficult to measure whether the actions were in compliance with ADB's Safeguard Policy. According to EPC, compensation was paid by the Government. However, there was not much information and records available during the social compliance audit from EPC and MNRE. Impacts of the project's new construction have been addressed in the RP.

5 Consultations, Disclosure and Redress Grievances

Fuluasou SHP

All the affected parties were consulted in 2013 and follow up meetings were held in September and October 2014.

At the meeting held with Mr Craig on 17 September 2014, it was agreed that the penstock would follow the existing legal easement from the dam to the powerhouse except for a slight realignment inside his property where a house and a new apartment were encroaching over the existing easement. The EPC agreed to resurvey the realignment to accommodate these buildings, and also to ensure that the proposed penstock would be 2 meters away from the corner of a warehouse located on his property. EPC will register the new realignment of the legal easement on Mr Craig's property in exchange for the original legal easement at no cost.

The old penstock is currently above ground and it was explained that the new penstock would be placed underground. Mr Craig had concerns that his property could be damaged by the construction works and requested that there be minimal damage and disruption during civil works.

Correspondence between EPC to Mr Craig and meeting minutes are attached in the Annexes of the draft RP. A Memorandum of Agreement has been prepared outlining the agreement.

The new penstock will pass through the Faleata Golf Course and follow the old penstock route. The golf course and the land are managed by the Samoa Land Corporation Department (a Government Agency). The EPC has consulted the Corporation on a number of occasions and has received verbal consent that it agrees in principle to the construction of an underground penstock traversing the golf course. A follow up meeting was held on 18 September 2014 with the current General Manager, Ms. Peseta Tiotio and the plan of the proposed route was discussed with her.

Ms Tiotio requested that the old penstock route be used through the golf course to ensure that there would be the least amount of damage and disruption to the golf course. She was concerned that there would be significant disruption to the golfing activities. It was agreed that the route would follow the old route to minimize the disruption. The route would pick up from where it would be realigned through the Craig property.

The EPC agreed to further discussions with the Corporation when details of the design were finalized and when the construction methodology was known. The nature of the disruption, the likely duration of the construction of the penstock and how the Corporation will be compensated for the loss of revenue would be confirmed at that stage. Email correspondence (dated 18 September 2014) between Ms Caroline van Halderen of MWH and Ms Tiotio confirm these discussions. A copy is attached in the Annexes of the draft RP.

The Tafeamaalii Philip Kerslake, Manager, Technical Division of the Samoa Water Authority (SWA) was consulted in July 2013 and was concerned about whether rehabilitation of the dam and other facilities would create an inconvenience to the water supply system during the Commonwealth Youth Olympics in 2015 at the Tuanaimato Sports Complex. The SWA would want a constant and reliable water supply to the facilities during the games. The SWA requested that EPC coordinate with SWA on the construction schedule of the dam and the penstock so that there is no disruption to the water supply. The EPC is of the opinion that the rehabilitation of the existing dam is likely to disrupt water supply of SWA but this will be managed in close consultation with SWA.

The SWA mentioned that the existing water facility installation may not be affected, unless the water mains from the intake need future repairs. The SWA will require access to their intake, which currently runs through the connection of the two streams. The SWA water mains are currently located underground of the existing access road and precautions will be required with the laying of the underground penstock. The EPC will work closely with SWA in preparing a schedule for the refurbishment of the Fuluasou dam, in the design of the access to the water intake, and with the construction of new underground penstock.

The project will establish a grievance redress mechanism (GRM). The GRM is described in the resettlement plan.

In compliance with ADB requirements, EPC will publicly disclose the draft and the final due diligence compliance audit report as part of the RP and it will be also disclosed on the ADB website upon submission by EPC.

6 Follow up Action

The EPC will follow up with the affected households, SWA and Samoa Land Corporation when details of the design and construction have been finalized. Given that no land acquisition is required with the rehabilitation of the Fuluasou SHP, further consultation will focus on compensation and assurances around the construction management. Arrangements around access and construction management will be communicated to the affected parties prior to construction taking place.

7 Implementation Arrangement

The EPC, as the Implementing Agency of the project will have overall responsibility of planning, implementation and monitoring of activities related to the construction issues during the rehabilitation and construction of the Fuluasou SHP. The EPC has the responsibility of day to day activities related to the project.

Implementation of project activities will be added to the existing Project Management Unit that

was established for Power Sector Expansion Project within EPC. The EPC will provide full time EPC staff to implement the project activities. The project will finance a consultant team to support PMU to implement the project activities. The consultant team includes international and national resettlement specialists, and land surveyors who will update the Resettlement Plan.

8 Monitoring and Reporting

The EPC will monitor project activities and report on the follow up actions with the affected households, SWA and Samoa Land Corporation.

Appendix 1: List of People Met and Reviewed Documents

List of People Consulted:

- Ms. Filisitalkenasio-Heather, Assistant Chief Executive Officer, Land Management Division, Ministry Of Natural Resource & Environment (MNRE);
- Samoa Land Corporation, Manager Golf Course Management, Ms. Peseta Tiotio;
- Tafeamaalii Philip Kerslake – Manager –Technical Division, Samoa Water Authority (SWA);
- Mr. Fonoti Perelini S. Perelini, Project Manager of EPC PMU Team
- MWH Consultant Team, Samoa Renewable Energy Development and Power Rehabilitation Project;
- Mr Francis Craig, landowner
- Seumanutafa Tiavolo
- Fa'amausili Malietoa

List of Documents Reviewed during September 2014 mission:

- Feasibility Studies undertaken by Posch and Partners (2013)
- Asian Development Bank, Safeguard Policy Statement, 2009, Manual;
- Government Stakeholder meeting Minutes, dated 5 July 2013
- Consultation Minutes with Mr Francis Craig, dated 17 September 2014
- Consultation Minutes with Seumanutafa, dated 7 October 2014
- Consultation Minutes with Faamausili Malietoa, dated 8 October 2014
- Letter from EPC to Mr Francis Craig, dated 18 September 2014
- Email from Caroline van Halderen to Afioga Peseta Atiotio, dated 18 September 2014
- The Land for Water Supply Purposes Ordinance 1921, Western Samoa. No. 18, 1921
- The Samoa National Urban Policy, Planning and Urban Management Agency, Ministry of Natural Resources and Environment (October 2013)
- Survey Plan – penstock & power station site – Land acquired 1947 – 1949 for the old penstock route and the old power site
- Survey Plan 2178 – penstock & road– Land acquired 1947 – 1949 (Fuluasou old penstock and road route survey plan)
- Survey Plan 2179 – penstock & road– Land acquired 1947 – 1949 (Fuluasou old penstock and road route survey plan)
- Survey Plan 2218 – penstock, road & catchment reserved– Land acquired 1947 – 1949 (Fuluasou old penstock, road route and dam site survey plan)